

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

March 9, 2021

5:30 p.m.

I. ROUTINE BUSINESS

1. Invocation/Moment of Silence.
2. Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Oral Communication; Recognition of visitors.

II. UNFINISHED BUSINESS

III. PUBLIC HEARINGS

1. Conduct a public hearing on the Application submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Neighborhood Mixed Use and Low Density Residential to Medium Density Residential property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (East of 11th Avenue between 50th Street and 55th Street) and consider Resolution No. 2021-31.
2. Conduct a public hearing on the Application submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) to rezone from District AG, Agricultural District to District R-3, Urban Residential Multi-Family District (Medium Density) for property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (East of 11th Avenue between 50th Street and 55th Street) and consider Ordinance No. 8469.

IV. CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held February 23, 2021.
2. Approve the Claims.

3. Approve the Application for Special Assessment for Agricultural Deferral submitted by KPT&G, LLC with regard to Paving Improvement District No. 2001-865 for a tract of land located in part of Government Lot 3 and accretions thereto in Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 6th Street and west of Yanney Avenue).
4. Accept the bids received for the 2021 Part 2 Improvements; Pony Express Road and adopt Resolution No. 2021-32 awarding the bid to Dan Roeder Concrete in the amount of \$294,626.00.
5. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class A-124136 liquor license application and manager application for Eric Christensen submitted by Axe Holes II, LLC dba Axe Holes located at 5012 3rd Avenue, Suite 150.
6. Authorize the Mayor to execute the amendments to Loan Agreements between the Nebraska Department of Environment and Energy (NDEE) and the City of Kearney Amendment No. 01 for NDEE Project Nos: C317789, C317865, C317961, C318010, C318020 and Amendment No. 02 for NDEE Project No. C317956 pertaining to changes in the interest rate and administrative fee for each project and adopt Resolution No. 2021-33.
7. Adopt Resolution No. 2021-34 approving Change Order No. 1 showing an extension to the the Date of Substantial Completion to July 2, 2021 submitted by Crouch Recreation and approved by City staff for the new splash pad equipment, surfacing and installation at Collins Park.
8. Approve the Developer Agreement for Marlatt Addition Lot 12, Block 3; Marlatt Third Addition Lot 7, Block 2; & Marlatt Third Addition Lot 5, Block 3 between the City of Kearney and Paul Bartlett, as President of the Kearney Area Habitat for Humanity, Inc., a Nebraska Non-Profit Corporation in connection with future assessment costs for paving, storm sewer, water, and sanitary sewer infrastructure extensions of 16th Street that would specifically benefit Lot 12, Block Three, Marlatt Addition; Lot 5, Block 3, Marlatt Third Addition; and Lot 7, Block 2, Marlatt Third Addition and adopt Resolution No. 2021-35.
9. Adopt Resolution No. 2021-36 approving Change Order No. 1 showing an increase in the amount of \$8,788.00 by Creative Sites, LLC and approved by City staff for the Collins Park playground structure.

* *Any item listed on the Consent Agenda may, by the request of any single Council member, be considered as a separate item under the Regular Agenda Section of the Agenda.*

V. CONSENT AGENDA ORDINANCES *

1. Approve Ordinance No. 8470 authorizing the deed of sale for a tract of land being part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West, of the 6th P.M., Buffalo County, Nebraska (to be known as Lot 1, Tech One Third Subdivision, a subdivision being part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West, of the 6th P.M.,

Buffalo County, Nebraska), subject to approval and recording of the final plat for Tech One Third Subdivision, a subdivision being part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West, of the 6th P.M., Buffalo County, Nebraska to Economic Development Council of Buffalo County, Inc., a Nebraska Non-Profit Corporation.

2. Approve Ordinance No. 8471 amending several Sections of Chapter 9 “Public Works” of the City Code including: (a) Section 9-1551 “Right of Entry” of Division IV “Inspection and Monitoring” of Article 15 “City of Kearney Illicit Discharge Detection and Elimination Code” to remove the reference of City Engineer and replace with Director of Public Works or his/her duly appointed representative; (b) Section 9-1561 “Notice of Violation” of Division V “Enforcement” of Article 15 “City of Kearney Illicit Discharge Detection and Elimination Code” to remove the reference of City Engineer and replace with Director of Public Works or his/her duly appointed representative and update the amount of allowable days to act or request a hearing with the City following notification of an abatement of a violation and/or restoration of affected property; (c) Section 9-1562 “Appeal” of Division V “Enforcement” of Article 15 “City of Kearney Illicit Discharge Detection and Elimination Code” to remove the reference of City Engineer and replace with Director of Public Works or his/her duly appointed representative; (d) Section 9-1563 “Abatement by City” of Division V “Enforcement” of Article 15 “City of Kearney Illicit Discharge Detection and Elimination Code” to remove the reference of City Engineer; (e) Section 9-1616 “General Requirements for Construction Activities” of Division II “Construction” of Article 16 “Construction and Post-Construction Stormwater Code” to remove the reference of NDEQ and replace with NDEE; (f) Section 9-1628 “Ongoing Inspection and Maintenance of Permanent BMPs” of Division III “Post-Construction” of Article 16 “Construction and Post-Construction Stormwater Code” to add sub-item C describing the City process if the owner, or responsible party fails, neglects, or refuses to perform maintenance, within five (5) days after receipt of notice, or request a hearing with the City, the City may have such work done, the costs and expenses of any such work shall be paid by the owner.

VI. REGULAR AGENDA

1. Staff presentation on proposed Nebraska Legislative Bill 408 to Adopt the Property Tax Request Act.
2. Open Account Claim to NPPD - \$85,744.96.

VII. REPORTS

VIII. ADJOURN

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A current agenda is on file at the Office of the City Clerk at City Hall, 18 East 22nd Street, Kearney, Nebraska. For more information, call 233-3216 or visit our website at www.cityofkearney.org