

# **KEARNEY CITY COUNCIL**

## **AMENDED AGENDA**

**City Council Chambers, 18 East 22nd Street**

**May 11, 2021**

**5:30 p.m.**

### **I. ROUTINE BUSINESS**

1. Invocation/Moment of Silence.
2. Presentation of Colors by the Kearney Volunteer Fire Department Color Guard and Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Oral Communication; Recognition of visitors.
  - a) Presentation of Kearney Volunteer Fire Department Service Awards: Matthew Begnoche and Tyler Vlasin for 5 years of service; Aaron Jameson, Shane Johnston, Dave Krueger and Lonny Reeder for 10 years of service; Jerry Folck and Ric Pulliam for 15 years of service; Jason Whalen for 20 years of service; Todd Walton for 25 years of service; and Gisel Krueger, Tim Pratt and Jerry Thompson for 30 years of service.
  - b) Presentation of National Police Week 2021 Proclamation to the Kearney Police Department.

### **II. UNFINISHED BUSINESS**

### **III. PUBLIC HEARINGS**

1. REQUEST TO POSTPONE TO MAY 25, 2021. Conduct a public hearing on the Application submitted by Buffalo Surveying Corp. for Joni Fenwick and Jennifer Henricksen, Successor Co-Trustees to rezone from District AG, Agricultural District to District RR-2, Rural Residential District (Intermediate Standards) for property described as a tract of land being part of the Southeast Quarter of the Northeast Quarter of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (1910 Antelope Avenue) and consider Ordinance No. 8485.
2. REQUEST TO POSTPONE TO MAY 25, 2021. Conduct a public hearing on the Application submitted by Buffalo Surveying Corp. for Joni Fenwick and Jennifer Henricksen, Successor Co-Trustees for the Final Plat for Fenwick Subdivision, a subdivision being part of the Southeast Quarter of the Northeast Quarter of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska for property described as a tract of land being part of the Southeast Quarter of the Northeast Quarter of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (1910 Antelope Avenue) and

consider Resolution No. 2021-69.

3. REQUEST TO POSTPONE TO MAY 25, 2021. Conduct a public hearing on the Applications submitted by Trenton Snow for Timothy and Lauren O'Brien to 1) vacate Lot 1, Block One, Erin's Valley Subdivision, a subdivision being part of the West Half of the East Half of the Southwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8486; and 2) the Final Plat for Erin's Valley Second, a subdivision being part of the West Half of the East Half of the Southwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska for property described as (to be vacated) Lot 1, Block One, Erin's Valley Subdivision, a subdivision being part of the West Half of the East Half of the Southwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (5455 West 60th Street) and consider Resolution No. 2021-70.
4. REQUEST TO POSTPONE TO MAY 25, 2021. Conduct a public hearing on the Application submitted by Trenton Snow for Pamela Radtke and Rhonda Artrup to rezone from District AG, Agricultural District to District RR-2, Rural Residential District (Intermediate Standards) for property described as a tract of land located in the Northwest Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (5145 Cottonmill Avenue) and consider Ordinance No. 8487.
5. REQUEST TO POSTPONE TO MAY 25, 2021. Conduct a public hearing on the Application submitted by Trenton Snow for Pamela Radtke and Rhonda Artrup for the Final Plat for Radtke Artrup Subdivision, a subdivision being part of the Northwest Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska for property described as a tract of land located in the Northwest Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (5145 Cottonmill Avenue) and consider Resolution No. 2021-71.
6. REQUEST TO POSTPONE TO MAY 25, 2021. 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 R-3, Urban Residential Multi-Family District (Medium Density) to District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District for property described as a tract of land being a 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. 8488.
7. REQUEST TO POSTPONE TO MAY 25, 2021. 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 the Final Plat and Subdivision Agreement for Fountain Hills Thirteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being a 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. 2021-72.
8. REQUEST TO POSTPONE TO MAY 25, 2021. 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 the annexation of Fountain Hills Thirteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being a 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. 2021-73.

9. REQUEST TO POSTPONE TO MAY 25, 2021. 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 Planned District Development Plan Approval for the proposed construction of an apartment development on property to be zoned District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as Lots 1 and 2, Block One and Lot 1, Block Two, all in Fountain Hills Thirteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (East of 11th Avenue between 50th Street and 55th Street) and consider Resolution No. 2021-74.

#### **IV. CONSENT AGENDA \***

1. Approve Minutes of Regular Meeting held April 27, 2021.
2. Approve the Claims.
3. Adopt Resolution No. 2021-75 approving Change Order No. 1 showing a decrease in the amount of \$38,835.38, Application for Payment No. 5-Final in the amount of \$32,740.80 and accept the Certificate of Substantial Completion submitted by The Diamond Engineering Company and approved by Oak Creek Engineering for the Cherry Avenue Pedestrian Bridge Replacement.
4. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class D-124269 liquor license application and manager application for Tina Stone submitted by Casey's Retail Company dba Casey's General Store 3997 located at 1107 2nd Avenue.
5. Adopt Resolution No. 2021-76 approving the Agency Agreement between the City of Kearney and Nebraska Department of Transportation (NDOT), Aeronautics Division for Project No. 3-31-0045-034-2021 (in connection with the Parking Lot Expansion project at the Kearney Regional Airport) allowing the NDOT, Aeronautics Division to act as the City's agent for the project.
6. Adopt Resolution No. 2021-77 approving the Agency Agreement between the City of Kearney and Nebraska Department of Transportation (NDOT), Aeronautics Division for Project No. 3-31-0045-035-2021 (in connection with the Terminal Building Expansion project at the Kearney Regional Airport) allowing the NDOT, Aeronautics Division to act as the City's agent for the project.
7. Approve the Interlocal Cooperation Agreement for Kearney Police/Buffalo County Emergency Services Unit and Crisis Negotiation Unit between the City of Kearney and Buffalo County to form the Kearney Police/Buffalo County Emergency Services Unit (ESU) and Crisis Negotiation Unit (CNU) and define the roles and responsibilities of each

department and adopt Resolution No. 2021-78.

8. Accept the bids received for Phase II Enhancements of the Kearney Water Trail known as Kearney Whitewater Park and adopt Resolution No. 2021-79 awarding the bid to Whinnery Construction in the amount of \$583,917.50.
9. Adopt Resolution No. 2021-80 approving the Memorandum of Understanding for University Village Utility Infrastructure between the Board of Regents of the University of Nebraska, the University Village Development Corporation of Kearney and the City of Kearney detailing the responsibilities for the construction of the water main and sanitary sewer main to serve University Village.
10. Adopt Resolution No. 2021-81 approving the Peterson Senior Activity Center Annual Nutrition Service Contract between the City of Kearney and Community Action Partnership of Mid-Nebraska.
11. Adopt Resolution No. 2021-82 approving the Memorandum of Understanding between U.S. Immigration and Customs Enforcement Homeland Security Investigations (HSI) and the Kearney, Nebraska Police Department (KPD) to participate in the Homeland Security Highway Interdiction Task Force and allow KPD to assign select police officers as credentialed HSI Taskforce Officers and access to federal funds for overtime and selective enforcement operations.
12. Adopt Resolution No. 2021-83 approving the Memorandum of Understanding between U.S. Immigration and Customs Enforcement (ICE), SAC Kansas City and the Kearney, Nebraska Police Department (KPD) for the purpose of the reimbursement of costs incurred by the Kearney Police Department in providing resources to joint operations/task forces.

\* *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. REQUEST TO POSTPONE TO MAY 25, 2021. Approve Ordinance No. 8489 amending two (2) Sections of Article 2 “Fire Department” of Chapter 4 “Fire Regulations” of the City Code specifically being Section 4-203 “Officers Generally” to amend and update the created offices; and Section 4-210 “Duties of Assistant Chief” to amend and update the title of Assistant Chief to Deputy Chief and Battalion Chiefs.
2. REQUEST TO POSTPONE TO MAY 25, 2021. Approve Ordinance No. 8490 amending Section 8-617 “Chemical Tests; Refusal; Penalties” of Article 6 “Operation of Vehicles” of Chapter 8 “Police” of the City Code to amend language to align with Nebraska Revised Statute.

## **VI. REGULAR AGENDA**

1. Consider Resolution No. 2021-84 approving the redevelopment project submitted by TSB Enterprises, LLC – Kearney Storage for Redevelopment Area #5 for an area described as Lot 2, Block 1, Fuller and Daley Second Addition, an addition to the City of Kearney, Buffalo

County, Nebraska (Northwest of 17th Street Place and West of 14th Avenue).

2. Open Account Claim to NPPD - \$5,639.89.

## VII. REPORTS

## VIII. ADJOURN

Mayor Stanley Clouse  
4907 Linden Drive Place  
627-6730 cell  
238-5210 office  
[mayor@kearneygov.org](mailto:mayor@kearneygov.org)

Vice-President Randy Buschkoetter  
1110 13th Avenue  
234-5553 home  
440-0358 cell  
[citycouncil@kearneygov.org](mailto:citycouncil@kearneygov.org)

Council Member Bruce Lear  
4803 Avenue L Place  
234-5354 home  
308-389-8770 office  
[citycouncil@kearneygov.org](mailto:citycouncil@kearneygov.org)

Council Member Tami James  
Moore  
704 10th Avenue  
440-6992 cell  
[citycouncil@kearneygov.org](mailto:citycouncil@kearneygov.org)

Council Member Jonathan Nikkila  
4 Regency Place  
224-4309 cell  
[citycouncil@kearneygov.org](mailto:citycouncil@kearneygov.org)

City Manager Michael Morgan  
18 East 22nd Street  
233-3214 office  
[mmorgan@kearneygov.org](mailto:mmorgan@kearneygov.org)

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](http://www.cityofkearney.org)