

# **KEARNEY CITY COUNCIL**

## **AGENDA**

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

**May 25, 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) Pinning Ceremony for the Kearney Volunteer Fire Department for Newly Elected Officers and Recognition of New Board Members.

### **II. UNFINISHED BUSINESS**

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

### **III. PUBLIC HEARINGS**

1. POSTPONED SINCE MAY 11, 2021. REMOVE FROM TABLE. 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. POSTPONED SINCE MAY 11, 2021. REMOVE FROM TABLE. 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. POSTPONED SINCE MAY 11, 2021. REMOVE FROM TABLE. 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. POSTPONED SINCE MAY 11, 2021. REMOVE FROM TABLE. 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. POSTPONED SINCE MAY 11, 2021. REMOVE FROM TABLE. 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. POSTPONED SINCE MAY 11, 2021. REMOVE FROM TABLE. 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. POSTPONED SINCE MAY 11, 2021. REMOVE FROM TABLE. 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. POSTPONED SINCE MAY 11, 2021. REMOVE FROM TABLE. 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. POSTPONED SINCE MAY 11, 2021. REMOVE FROM TABLE. 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 May 11, 2021.
2. Approve the Claims.
3. Receive recommendations of Planning Commission and set June 8, 2021 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Accept the report from the City Clerk on the sufficiency of objection/protest filed in connection with Paving Improvement District No. 2021-005 for an alley lying between 7th Avenue and 8th Avenue, running north to south from 23rd Street and to 22nd Street.
5. Approve the agreement with the City of Kearney and Tri-City Auction Center to provide auctioneering services for surplus City property to be sold at auction and adopt Resolution No. 2021-85.
6. Adopt Resolution No. 2021-86 approving the Standard Form of Agreement between Owner and Architect with Wilkins Architecture Design Planning LLC for design of the Harmon Park Sonatorium Restoration and addition of roof structure over the stage.
7. Approve the recommendation from the Development Services Division on the annual renewal of the following manufactured home court licenses until May 31, 2022: Restrictions Permit Applications as follows:
  - a) Countryside Mobile Park, 1920 15th Avenue;
  - b) Merriweather Mobile Home Village, 914 West 17th Street;
  - c) Rodeo Court, 2414 West 24th Street;
  - d) R-Villa East, 2500, 2719, 2803 West 24th Street;
  - e) R-Villa West, 2500, 2719, 2803 West 24th Street;
  - f) R-Villa South, 2500, 2719, 2803 West 24th Street;
  - g) Valley View Mobile Home Court, 2701 and 2801 Grand Avenue; and
  - h) Villa Park, 2703 West 24th Street.
8. Adopt Resolution No. 2021-87 approving the Developer Constructed Infrastructure Agreement for Millennial Estates Fourth Addition between the City of Kearney and Danny

Starostka, President of Starostka Group Unlimited, Inc., a Nebraska Corporation for the construction of paving, water main, sanitary sewer main and storm sewer improvements to serve Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

9. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the new Class I-124226 liquor license application and manager application for Jasmin McGinnis submitted by Jazzed Bean, LLC dba Barista's Daily Grind located at 1502 2nd Avenue.
10. Authorize the City Clerk to send a letter of approval to the Nebraska Liquor Control Commission for an Addition to Liquor License submitted by Apple Fun Center Inc dba Big Apple Fun Center located at 500 West 4th Street in connection with their Class C-024505 liquor license.
11. Accept the Proposals received for the Brick Paver Patching for the 2021 Construction Season and award the Proposal submitted by GD Concrete Construction Inc. in the amount of \$93,600.
12. Approve the purchase of a Caterpillar 950M Series Wheel Loader in the amount of \$325,395.00 submitted by Nebraska Machinery under the Sourcewell Cooperative Purchasing Contract program to be used at the Kearney Area Solid Waste Agency Landfill by the Utilities Department.
13. Adopt Resolution No. 2021-88 approving Application for Payment No. 5 in the amount of \$510,129.58 submitted by Brown Construction and approved by RDG Planning & Design for the construction of the Community Tennis Facility.
14. Adopt Resolution No. 2021-89 approving Change Order No. 1 showing an increase in the amount of \$3,610.00, Change Order No. 2 showing a decrease in the amount of \$1,490.40, Application for Payment No. 2-Final in the amount of \$28,066.15 and accept the Certificate of Substantial Completion submitted by Wilke Contracting and approved by Oak Creek Engineering for 2021 Part 1 Improvements; Rolling Hills Road Bridge Repairs.
15. Approve the Plans and Specifications for the Landfill Bypass Road Improvements and set the bid opening date for June 15, 2021 at 2:00 p.m.
16. Adopt Resolution No. 2021-90 approving Change Order No. 1 showing an increase in the amount of \$18,440.00 submitted by Dan Roeder Concrete and approved by Olsson for 2020 Part 2 Improvements; 31st Street from D Avenue to G Avenue.
17. Adopt Resolution No. 2021-91 approving Application for Payment No. 2 in the amount of \$303,594.36 submitted by Midlands Contracting Inc. and approved by Miller & Associates for the 2021 Part 3 Improvements; 56th Street/Cherry Avenue Sanitary Sewer Infrastructure in connection with Sanitary Sewer Connection District No. 2020-1.

\* ***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. POSTPONED SINCE MAY 11, 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. POSTPONED SINCE MAY 11, 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.
3. Approve Ordinance No. 8491 repealing Ordinance No. 8480 creating Paving Improvement District No. 2021-005 for an alley lying between 7th Avenue and 8th Avenue, running north to south from 23rd Street and to 22nd Street.
4. Approve Ordinance No. 8492 amending Section 4-601 “Fireworks; Definitions” of Article 6 “Fireworks” of Chapter 4 “Fire Regulations” of the City Code to amend language to align with Nebraska Revised Statute based on Legislative Bill 152; and to delete in its entirety Section 4-612 “Rockets Prohibited” of Article 6 “Fireworks” of Chapter 4 “Fire Regulations”.
5. Approve Ordinance No. 8493 amending Section 1-1519 “Surplus Stock” of Article 15 “Purchasing” of Chapter 1 “Administration” of the City Code to add the use of online auction as an authorized method to sell or dispose of surplus stock property; and Section 8-103 “Sale and Disposal of Abandoned, Impounded or Unclaimed Property” of Article 1 “General Provisions” of Chapter 8 “Police” of the City Code to add online auction as an authorized method of sale or sell of abandoned, recovered, confiscated, impounded or unclaimed property by the Kearney Police Department and to add the City of Kearney website as an additional location of notice allowable for publishing the notice of such sale, in a period of at least ten (10) days prior to sale.

## VI. REGULAR AGENDA

1. Open Account Claims to Goodwill Industries - \$10.59 and NPPD - \$84,234.23.

## VII. REPORTS

## VIII. ADJOURN

Mayor Stanley Clouse  
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Vice-President Randy Buschkoetter  
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Council Member Jonathan Nikkila  
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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](http://www.cityofkearney.org)