

# **KEARNEY CITY COUNCIL**

## **AGENDA**

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

**June 22, 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. POSTPONED SINCE JUNE 8, 2021. REMOVE FROM TABLE. Conduct a public hearing on the Application submitted by Danny Starostka for Starostka Group Unlimited to rezone from District AG, Agricultural District and District R-1, Urban Residential Single-Family District (Low Density) to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District for property described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, East of Avenue W, North of Grand Avenue) and consider Ordinance No. 8496.
2. POSTPONED SINCE JUNE 8, 2021. REMOVE FROM TABLE. Conduct a public hearing on the Application submitted by Danny Starostka for Starostka Group Unlimited for the Final Plat and Subdivision Agreement for Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, East of Avenue W, North of Grand Avenue) and consider Resolution No. 2021-92.
3. POSTPONED SINCE JUNE 8, 2021. REMOVE FROM TABLE. Conduct a public hearing on the Application submitted by Danny Starostka for Starostka Group Unlimited for the annexation of Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, East of Avenue W, North of Grand Avenue) and consider

Resolution No. 2021-93.

4. POSTPONED SINCE JUNE 8, 2021. REMOVE FROM TABLE. Conduct a public hearing on the Application submitted by Danny Starostka for Starostka Group Unlimited for Planned District Development Plan Approval for the proposed construction of a subdivision on property to be zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, East of Avenue W, North of Grand Avenue) and consider Resolution No. 2021-94.

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

1. Approve Minutes of Regular Meeting held June 8, 2021.
2. Approve the Claims.
3. Receive recommendations of Planning Commission and set July 13, 2021 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Andrew Guenther submitted by STL of Nebraska, Inc dba Target Store T-0857 located at 4800 3rd Avenue in connection with their Class DK-077550 liquor license.
5. Authorize the disposing of five (5) items including a car, refuse trucks, shed and pick up as surplus items that are no longer useful to the City and authorize the City Manager to sell or disposal of such items by any method which is most advantageous to the City.
6. Accept the bid received for the sale of property being Lot 1, Lake Villa Estates 3rd Addition and award the bid to Daniel Roeder in the amount of \$28,234.00.
7. Accept the bid received for the sale of property being Lot 2, Lake Villa Estates 3rd Addition and award the bid to Daniel Roeder in the amount of \$28,234.00.
8. Accept the bid received for the sale of property being Lot 3, Lake Villa Estates 3rd Addition and award the bid to Daniel Roeder in the amount of \$28,234.00.
9. Accept the bid received for the sale of property being Lot 4, Lake Villa Estates 3rd Addition and award the bid to Dan Roeder in the amount of \$28,234.00.
10. POSTPONED SINCE JUNE 8, 2021. Adopt Resolution No. 2021-102 approving the Developer Constructed Infrastructure Agreement for Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska 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 main improvements to serve Millennial Estates Fifth Addition.

11. Adopt Resolution No. 2021-107 approving the Developer Constructed Infrastructure Agreement for Butler Addition, an addition to the City of Kearney, Buffalo County, Nebraska between the City of Kearney and Chris Gay, CFO of Butler Machinery Company, Inc. a North Dakota Corporation for the construction of paving, water main, sanitary sewer main and storm sewer improvements to serve Butler Addition.
12. Approve the application submitted by Daniel Buller from Crossroad Center (formerly Jerry Bumgardners from Crossroads Center Rescue Mission), to extend Conditional Use Permit No. 2011-05 to operate a homeless shelter located at 1404 East 39th Street for a period of five years.
13. Adopt Resolution No. 2021-108 approving Application and Certificate for Payment No. 6 in the amount of \$1,132,982.58 submitted by Brown Construction and approved by RDG Planning & Design for the construction of the Community Tennis Facility.
14. Accept the bids received for the Landfill Bypass Road Improvements and adopt Resolution No. 2021-109 awarding the bid to Tri-City Concrete, LLC the amount of \$82,625.00.
15. Adopt Resolution No. 2021-110 approving Application and Certificate for Payment No. 1 in the amount of \$205,242.30 submitted by RMV Construction and approved by Miller & Associates for the Wastewater Treatment Plant Phase II; Vehicle Storage Building.

\* *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. 8499 selling Lot 1, Lake Villa Estates 3rd Addition to the City of Kearney, Buffalo County, Nebraska to Daniel Roeder.
2. Approve Ordinance No. 8500 selling Lot 2, Lake Villa Estates 3rd Addition to the City of Kearney, Buffalo County, Nebraska to Daniel Roeder.
3. Approve Ordinance No. 8501 selling Lot 3, Lake Villa Estates 3rd Addition to the City of Kearney, Buffalo County, Nebraska to Daniel Roeder.
4. Approve Ordinance No. 8502 selling Lot 4, Lake Villa Estates 3rd Addition to the City of Kearney, Buffalo County, Nebraska to Daniel Roeder.

## **VI. REGULAR AGENDA**

1. Consider Ordinance No. 8498 granting a non-exclusive franchise to ALLO Kearney, LLC, a Nebraska Limited Liability Company to construct, install, operate, maintain or otherwise locate cable and telecommunication facilities in public ways within the City of Kearney.
2. Consider Resolution No. 2021-111 approving a Cable and Telecommunication Franchise Agreement to ALLO Kearney, LLC, a Nebraska Limited Liability Company to construct, install, operate, maintain or otherwise locate cable and telecommunication facilities in public ways within the City of Kearney.

- 3. Consider Ordinance No. 8503 amending Section 3-1304 “Alcoholic Beverages; Hours of Operation” of Article 13 “Alcohol Beverages” of Chapter 3 “Business Regulations” of the City Code to delete sub items B and C regarding the sale of alcoholic beverages, including beer and wine, being sold at retail and dispensed between the hours of 1:00 a.m. and 11:00 a.m. on Sunday and the sale of alcoholic beverages, including beer and wine, being sold at retail and dispensed from 11:00 a.m. until 12:00 a.m. (midnight) on Sunday; and to delete in its entirety Section 3-1306 “Alcoholic Beverages; Hours of Sale; New Year’s Eve and St. Patrick’s Day” of Article 13 “Alcohol Beverages” of Chapter 3 “Business Regulations”.
- 4. Open Account Claim to NPPD - \$98,037.83.
- 5. City staff presentation on the 2021-2022 Project Overview.

**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)