

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

August 10, 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 Home Living, LLC (c/o Gene & Deb McElhinny) to vacate a utility easement as originally dedicated for the use of vacated 12th Street from the East right-of-way line of Avenue D to the West right-of-way line of Avenue E, as the same abuts the South line of Lots 3 and 4, Block One and the North line of Lot 1, Block Two in Hisey Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska and the North line of the East Half of Lot 1772, Original Town Kearney Junction, now the City of Kearney, Buffalo County, Nebraska, EXCEPT the East 10.00 feet of the West Half of vacated 12th Street and the West 10.00 feet of the East Half of vacated 12th Street; to release the retention of easements for right of ingress and egress to all existing utilities (North of 11th Street, South of 13th Street, East of Avenue D and West of Avenue E) and consider Ordinance No. 8506.
2. Conduct a public hearing on the Application submitted by Miller & Associates for RK Development, LLC, a Nebraska Limited Liability Company to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) for property described as a tract of land being part of the East Half of the Southwest Quarter of Section 16, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (40th Avenue, North of 70th Street) and consider Ordinance No. 8507.
3. Conduct a public hearing on the Application submitted by Miller & Associates for RK Development, LLC, a Nebraska Limited Liability Company for the Final Plat and Subdivision Agreement for North Pointe Second, a subdivision being part of the East Half of the Southwest Quarter of Section 16, Township 9 North, Range 16 West of the 6th P.M., Buffalo

County, Nebraska for property described as a tract of land being part of the East Half of the Southwest Quarter of Section 16, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (40th Avenue, North of 70th Street) and consider Resolution No. 2021-131.

4. Conduct a public hearing on the Applications submitted by Buffalo Surveying Corp. for West Town Homeowners Association, Inc. (c/o Bahensky Investments, L.L.C.; Betsy Turk; Molly Oertwig; James and Thao Cook; Thomas and Rebecca Hilsabeck; SRM, LLC and West Town Homeowners Association, Inc. c/o Mary Eileen Rainey) to 1) vacate Tract A, Tract B, Tract C, Tract D, Tract E, Tract F and Tract G, Westtown Subdivision to the City of Kearney, Buffalo County, Nebraska, being a replat of Lot One, of Faden's Addition, a replat of Lot 72, Fairacres 2nd, a subdivision to the City of Kearney, Buffalo County, Nebraska; AND Lot 1, of Faden's Addition, a replat of Lot 72, Fairacres 2nd, a subdivision to the City of Kearney, Buffalo County, Nebraska; AND part of Lot 72, Fairacres 2nd, a subdivision to the City of Kearney, Buffalo County, Nebraska, with that part of Lot 72, Fairacres 2nd, being part of the Southwest Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8508; and 2) the Final Plat for Westtown Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as Tract A, Tract B, Tract C, Tract D, Tract E, Tract F and Tract G, Westtown Subdivision to the City of Kearney, Buffalo County, Nebraska, being a replat of Lot One, of Faden's Addition, a replat of Lot 72, Fairacres 2nd, a subdivision to the City of Kearney, Buffalo County, Nebraska, with said Tract A, Tract B, Tract C, Tract D, Tract E, Tract F and Tract G, Westtown Subdivision, Lot One, Faden's Addition, and part of Lot 72, Fairacres 2nd, all to be vacated and being part of the Southwest Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of 40th Street and West of Fairacres Road) and consider Resolution No. 2021-132.
5. Conduct a public hearing on the Application submitted by Buffalo Surveying Corp. for West Town Homeowners Association, Inc. (c/o Bahensky Investments, L.L.C.; Betsy Turk; Molly Oertwig; James and Thao Cook; Thomas and Rebecca Hilsabeck; SRM, LLC and Mary Eileen Rainey) for a Revised Planned District Development Plan Approval for an existing townhome site with plan to divide off excess land for construction of one (1) duplex lot to the east on property to zoned District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as Westtown Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska (North of 40th Street and West of Fairacres Road) and consider Resolution No. 2021-133.
6. Conduct a public hearing on the Application submitted by Danny Starostka for Starostka Group Unlimited for a Revised Planned District Development Plan Approval for an amendment requesting a reduction in the rear yard setback from 25-feet to 21-feet on proposed duplex lots on property zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as Lot 17, Block One, Lots 1, 15, 16, 17, Block Two, Lot 2, Block Three, all in Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (South of 39th Street, West of Avenue X, North of 37th Street) and consider Resolution No. 2021-134.
7. Conduct a public hearing on the Application submitted by Danny Starostka for Starostka Group Unlimited for the Revised Final Plat for Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land

located in part of the Northwest Quarter of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; specifically being Lot 17, Block One, Lots 1, 15, 16, 17, Block Two, Lot 2, Block Three, all in Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (South of 39th Street, West of Avenue X, North of 37th Street) and consider Resolution No. 2021-135.

8. Conduct a public hearing on the Application submitted by Danny Starostka for Starostka Group Unlimited for a Revised Planned District Development Plan Approval for an amendment requesting a reduction in the rear yard setback from 25-feet to 21-feet on a proposed duplex lot on property zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as Lot 3, Block Two, Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (South of 39th Street, East of Avenue W, North of Grand Avenue) and consider Resolution No. 2021-136.
9. Conduct a public hearing on the Application submitted by Danny Starostka for Starostka Group Unlimited for the Revised Final Plat 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; specifically being Lot 3, Block Two, Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (South of 39th Street, East of Avenue W, North of Grand Avenue) and consider Resolution No. 2021-137.
10. Conduct a public hearing on the Application submitted by Olsson for Starostka Group Unlimited to vacate a 20-foot wide sanitary sewer easement on the centerline and consisting of part of 35th Street Drive Right-of-Way, part of Lot 1, Block 1, and part of Lots 5 and 6, all in Block 3, all in Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (South of 39th Street, East of Avenue W, North of Grand Avenue) and consider Ordinance No. 8509.
11. Conduct a public hearing to consider Resolution No. 2021-138 submitting the following question to the qualified electors of the City of Kearney at a Special Election scheduled for December 14, 2021:

“Shall the City of Kearney issue general obligation bonds of said City in the principal amount not to exceed \$34,000,000 for the purpose of constructing a sports complex together with the facilities and improvements related thereto, said bonds to bear interest at a rate or rates as shall be determined by the Mayor and Council of the City and to become due at such time or times as may be fixed by the Mayor and Council, and shall there be provided annually for the payment of the interest and principal of said bonds as and when such interest and principal become due (1) amounts from funds appropriated annually from occupation taxes, other available receipts and (2) after application of any such appropriated funds, amounts from taxes levied on all the taxable property within the City sufficient in rate and amount to pay such principal and interest?”

“Shall the termination date of the existing one percent restaurant and drinking place occupation tax that was approved on November 4, 2014 by Kearney

voters in said City be extended from January 31, 2025 to December 31, 2042 to pay the interest and principal of said bonds as the same become due?"

IV. CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held July 27, 2021.
2. Approve the Claims.
3. Adopt Resolution No. 2021-139 approving Amendment No. 1 to the Consultant Agreement between Alfred Benesch and Company and the City of Kearney for Airport Improvement Program in connection with the Terminal Building Expansion project at the Kearney Regional Airport (AIP/CARES Act Project No. 3-31-0045-036) adding final design and bidding phase services.
4. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Krystal Carter submitted by Casey's Retail Company dba Casey's General Store for their store locations and in connection with their liquor licenses as follows:
 - Casey's Store #1735 located at 1308 East 39th Street (D-122342);
 - Casey's Store #2711 located at 607 West 39th Street (D-122826);
 - Casey's Store #2717 located at 705 2nd Avenue (B-071401);
 - Casey's Store #2038 located at 2710 West 24th Street (D-124250);
 - Casey's Store #2884 located at 115 East 25th Street (B-086848);
 - Casey's Store #3298 located at 112 West Talmadge Road (D-106697); and
 - Casey's Store #3997 located at 1107 2nd Avenue (D-124269).
5. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Laura Hodgkin submitted by Blazin Wings, Inc. dba Buffalo Wild Wings #584 located at 5208 North 2nd Avenue in connection with their I-112992 liquor license.
6. Adopt Resolution No. 2021-140 approving the Kearney Indoor Sports Complex project description, project cost estimate and project commencement date as required by Nebraska Revised State Statutes 13-3102(5) and 13-3104(1).
7. Approve the Plans and Specifications for the 2021 Part 5 Improvements; Extension of Talmadge Street and set the bid opening date for September 7, 2021 at 2:00 p.m.
8. Adopt Resolution No. 2021-141 approving the corrected legal description to allow for the filing of the Subdivision Agreement for Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, at the Buffalo County Register of Deeds Office.
9. Adopt Resolution No. 2021-142 approving T-Hangar B-05 Lease Agreement at the Kearney Regional Airport between the City of Kearney and Nebraska Generator Service c/o Dustin Brumood.

- 10. Approve the Agreement for Termination of Lease for Hangar T-913 and renewal of the Agreements for Hangar T-926 and Hangar T-927 between the City of Kearney and Kearney Aviation Center for Fixed Base Operations and storage at the Kearney Regional Airport and adopt Resolution No. 2021-143.
- 11. Accept the bids received for the 2021 Part 4 Improvements; Traffic Signal at Intersection of 15th Avenue and 11th Street and adopt Resolution No. 2021-144 awarding the bid to Ensley Electrical Services in the amount of \$231,276.

* *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 *

VI. REGULAR AGENDA

- 1. Open Account Claim to NPPD - \$108,773.33.

VII. REPORTS

VIII. ADJOURN

Mayor Stanley Clouse
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The Mayor and City Council reserve the right to adjourn into executive session as per Section 84-1410 of the Nebraska Revised Statutes. 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