

# **KEARNEY CITY COUNCIL**

## **AGENDA**

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

**September 14, 2021**

**5:30 p.m.**

### **I. ROUTINE BUSINESS**

1. Invocation/Moment of Silence.
2. Presentation of Colors by the Kearney Police Department Honor Guard and Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Oral Communication; Recognition of visitors.
  - a) Recognition Ceremony for Promotion of Police Lieutenant Gabe Kowalek.

### **II. UNFINISHED BUSINESS**

### **III. PUBLIC HEARINGS**

1. Conduct a public hearing on the Applications submitted by Buffalo Surveying Corp. for Joel and Kimberly Atchison and Merlin and Chere Wehling to 1) vacate Lot 1, O'Brien Country Estates, a subdivision being part of the West Half of the East Half of the Southwest Quarter and part of the East Half of the East Half of the Southwest Quarter or Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8511 and 2) 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 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 (adjacent to rear yard of 5455 62nd Street) and consider Ordinance No. 8512.
2. Conduct a public hearing on the Application submitted by Buffalo Surveying Corp. for Joel and Kimberly Atchison and Merlin and Chere Wehling for the Final Plat for Atchison Country Estates, a subdivision being part of the West Half of the East Half of the Southwest Quarter and part of the East 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 a tract of land comprising of Lot 1, O'Brien Country Estates, a subdivision being part of the West Half of the East Half of the Southwest Quarter and part of the East 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 said tract 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, with said Lot 1, O'Brien Country Estates to be vacated, all in Buffalo County, Nebraska (5455 62nd Street) and consider Resolution No. 2021-160.

3. Conduct a public hearing on the Application submitted by Buffalo Surveying Corp. for Midwest Elite Contracting, LLC to rezone from District AG, Agricultural District to District BP, Business Park District and District C-3/PD, General Commercial/Planned Development Overlay District for property described as a tract of land being part of Government Lot 8, located in the Northeast Quarter of Fractional Section 5, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, such tract of land also described as being part of the Northeast Quarter of the Northeast Quarter of said Section 5; AND a tract of land being part of Government Lot 8, located in the Northeast Quarter of Fractional Section 5, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, such tract of land also described as being part of the Northeast Quarter of the Northeast Quarter of said Section 5, all in Buffalo County, Nebraska (East of the Kearney East Expressway and South of Coal Chute Road) and consider Ordinance No. 8513.
4. Conduct a public hearing on the Application submitted by Buffalo Surveying Corp. for Midwest Elite Contracting, LLC for the Final Plat and Subdivision Agreement for Midwest Elite Subdivision, a subdivision being part of Government Lot 8 located in the Northeast Quarter of Fractional Section 5, 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 Government Lot 8, located in the Northeast Quarter of Fractional Section 5, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, such tract of land also described as being part of the Northeast Quarter of the Northeast Quarter of said Section 5, all in Buffalo County, Nebraska (East of the Kearney East Expressway and South of Coal Chute Road) and consider Resolution No. 2021-161.
5. Conduct a public hearing on the Application submitted by Buffalo Surveying Corp. for Midwest Elite Contracting, LLC for a Planned District Development Plan Approval for the proposed construction of a storage unit development on property to be zoned District C-3/PD, General Commercial/Planned Development Overlay District and described as Lot 1, Midwest Elite Subdivision, a subdivision being part of Government Lot 8 located in the Northeast Quarter of Fractional Section 5, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of the Kearney East Expressway and South of Coal Chute Road) and consider Resolution No. 2021-162.
6. Conduct a public hearing on the Application submitted by Miller & Associates for Randys Classics, LLC to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) and District RR-2, Rural Residential District (Intermediate Standards) for property described as a tract of land located in the East Half of Section 10, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; AND a tract of land located in the East Half of Section 10, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of Highway 40, Northwest of 17th Avenue and Highway 40) and consider Ordinance No. 8514.
7. Conduct a public hearing on the Application submitted by Miller & Associates for Randys Classics, LLC for the Final Plat and Subdivision Agreement for Wood River Valley Estates, a subdivision being part of the Southeast Quarter of Section 10, 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 East Half of Section 10, Township 9 North, Range 16 West of the 6th P.M.,

Buffalo County, Nebraska (North of Highway 40, Northwest of 17th Avenue and Highway 40) and consider Resolution No. 2021-163.

8. Conduct a public hearing on the adoption of the One & Six Year Street Improvement Plan and consider Resolution No. 2021-164.

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

1. Approve Minutes of Regular Meeting held August 24, 2021.
2. Approve the Claims.
3. Approve the recommendation submitted by the Keno Committee on the allocation of non-departmental keno funds designed for outside agencies.
4. Adopt Resolution No. 2021-165 allowing the City of Kearney to increase its "Budget Authority" by an additional one percent or \$158,896.18 which will be carried over to the 2022-2023 Budget as "Unused Budget Authority".
5. Adopt Resolution No. 2021-166 repealing Resolution No. 2020-139 and adopt the 2021-2022 Comprehensive Fee Schedule setting forth the fees for items and services to be provided by the City during the 2021-2022 year.
6. Adopt Resolution No. 2021-167 approving Application and Certificate for Payment No. 2 in the amount of \$100,400.13 submitted by Ensley Electrical Services and approved by Olsson for the Pedestrian Hybrid Beacons involving work associated with the construction of three (3) Pedestrian Hybrid Beacon's (PHB) at 4-lane trail crossings at 11th Street, 30th Avenue, & 17th Avenue.
7. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class D-124460 liquor license application and manager application for Krystal Carter submitted by Casey's Retail Company, dba Casey's General Store #2717 located at 705 2nd Avenue.
8. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class D-124461 liquor license application and manager application for Krystal Carter submitted by Casey's Retail Company dba Casey's General Store #2884 located at 115 East 25th Street.
9. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class C-124431 liquor license application and manager application for Lonnie Lindner submitted by B & T Golf Guys LLC dba Birdies & Brews located at 5915 2nd Avenue, Suite 4.
10. Adopt Resolution No. 2021-168 authorizing the Mayor to sign the certification of the Municipal Annual Certification of Program Compliance Form 2021 to Nebraska Board of Public Roads Classifications and Standards as required by the Nebraska Department of Transportation.

11. Adopt Resolution No. 2021-169 setting the 2021 City of Kearney property tax levy at a different amount than the preliminary property tax levy set for the City of Kearney by the Buffalo County Clerk.
12. Approve the City of Kearney Offstreet Parking District No. 1 Budget for the 2021-2022 Fiscal Year and approve the budget statement as the Annual Appropriation Bill and adopt Resolution No. 2021-170.
13. Adopt Resolution No. 2021-171 approving the Kearney Area Solid Waste Agency Budget for the 2021-2022 Fiscal Year.
14. Adopt Resolution No. 2021-172 continuing the Agreement between the City of Kearney and the Tye & Rowling, PC, LLO for legal services as City Attorney.
15. Adopt Resolution No. 2021-173 approving a Cable Franchise Agreement to Great Plains Communications, LLC, a Nebraska Limited Liability Company to construct, install, operate, maintain a cable system in public ways and easements within the City of Kearney.
16. Adopt Resolution No. 2021-174 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement for Jackson Riverside Addition, an addition to the City of Kearney, Buffalo County, Nebraska.
17. Approve the Plans and Specifications for the 2022 Part 1 Improvements; 48th Street and set the bid opening date for October 19, 2021 at 2:00 p.m.
18. Adopt Resolution No. 2021-175 approving Change Order No. 1 showing an extension of 30 days to the dates of Substantial and Final Completion submitted by Dan Roeder Concrete and approved by Olsson for 2021 Part 2 Improvements; Pony Express Road.
19. Adopt Resolution No. 2021-176 approving Change Order No. 2 showing an extension of 30 days to the dates of Substantial and Final Completion submitted by Dan Roeder Concrete and approved by Olsson for 2020 Part 2 Improvements; 31st Street from D Avenue to G Avenue.
20. Adopt Resolution No. 2021-177 approving the Joint Agreement on Aerial Photography and GIS between Buffalo County, Nebraska and the City of Kearney to contract with Pictometry International Corporation to provide aerial photography and other services related to the City and County GIS Systems.
21. Adopt Resolution No. 2021-178 approving Application and Certificate for Payment No. 9 in the amount of \$737,818.61 submitted by Brown Construction and approved by RDG Planning & Design for the construction of the Community Tennis Facility.
22. Approve the Plans and Specifications for the 1.5 MG & 2 MG Elevated Water Storage Facility Paint Restoration and set the bid opening date for October 19, 2021 at 2:00 p.m.
23. Approve the Plans and Specifications for the Yanney Park Maintenance Building and set the bid opening date for October 5, 2021 at 2:00 p.m.

24. Accept the bids received for the 2021 Part 5 Improvements; Extension of Talmadge Street and adopt Resolution No. 2021-179 awarding Bid A (Sanitary Sewer and Water) to Midlands Contracting in the amount of \$2,343,960.00 and awarding Bid B-Alternate (Paving and Storm Sewer) to Blessing, LLC in the amount of \$1,616,081.00.
25. Adopt Resolution No. 2021-180 approving Application for Payment No. 3 in the amount of \$647,762.00 submitted by Blessing Construction and approved by Miller & Associates for the 2020 Part 1 Improvements for the removal and replacement of N Avenue from 28th Street to 39th Street in connection with Paving Improvement District No. 2020-004.
26. Adopt Resolution No. 2021-181 approving Change Order No. 1 showing an increase in the amount of \$6,340.00, Application and Certificate for Payment No. 5-Final in the amount of \$11,635.17 and accept the Certificate of Substantial Completion submitted by Nielsen Contracting and approved by Miller & Associates for 2020 Part 6 Improvements for 22nd Avenue and 6th Street in connection with Paving Improvement District Nos. 2020-002 and 2020-003 (Bid B, Paving).

\* *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. 8515 adopting the City of Kearney Budget for the 2021-2022 Fiscal Year and approving the budget statement as the Annual Appropriation Bill.
2. Approve Ordinance No. 8516 granting a non-exclusive franchise ordinance to Great Plains Communications, LLC, a Nebraska Limited Liability Company to construct, install, operate, maintain a cable system in public ways and easements within the City of Kearney.
3. Approve Ordinance No. 8517 repealing Ordinance No. 8481 and classify the officers and employees of the City; fix the ranges of compensation of such officers and employees; establish the hours and work period for overtime eligibility; provide for payments of clothing and/or uniform allowances; provide for payment of vehicle allowance; and provide for payment of health and dental benefits for active full-time employees; to provide for payment of health benefits for early retiree employees pursuant to Resolution No. 2019-68A.

## **VI. REGULAR AGENDA**

1. Open Account Claim to Stanley Clouse - \$369.63.

## **VII. REPORTS**

## **VIII. ADJOURN**

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Vice-President Randy Buschkoetter  
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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](http://www.cityofkearney.org)