

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

December 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 Derek Luke.
 - b) Oath of Office to Police Officers Louis Arevalo and Atalia Najera.

II. UNFINISHED BUSINESS

III. PUBLIC HEARINGS

1. Conduct a public hearing on the Application submitted by Tanner Brandt for Essam Arram to rezone from District R-1, Urban Residential Single-Family District (Low Density) to District C-2, Community Commercial District for property described as part of the North Half of the Northeast Quarter of Section 35, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska being formerly known as the West 100.0 feet of the South 119.5 feet of Lot 2, Perkins and Harford's Second Addition to the City of Kearney, (now vacated as shown in Journal Entry recorded June 13, 1957 in Misc. Book 32, Page 403 in the office of the Buffalo County Register of Deeds), Buffalo County, Nebraska (3802 2nd Avenue) and consider Ordinance No. 8528.
2. **REQUEST TO WITHDRAW.** Conduct a public hearing on the Applications submitted by Miller & Associates for the City of Kearney and M.J. and Janis Shultz to 1) vacate all of 48th Street lying east of the east right-of-way line of Avenue "N" in the City of Kearney, Buffalo County, Nebraska, as dedicated in Younes Addition, a subdivision being part of the West Half of the Northwest Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County Nebraska, as recorded in Microfilm Roll 87, pages 4753 thru 4757, filed in the Buffalo County Register of Deeds Office, EXCEPT the West 10.00 feet thereof, all in Buffalo County, Nebraska and consider Ordinance No. 8529; 2) vacate all of 47th Street Place lying east of the east right-of-way line of Avenue "N" in the City of Kearney, Buffalo County, Nebraska as dedicated in SunRise Estates, an addition to the City of

Kearney, Buffalo County Nebraska as recorded on Inst. 2014-1193, filed in the Buffalo County Register of Deeds Office and consider Ordinance No. 8530; 3) vacate Lot 2, Younes Addition, a subdivision being part of the West Half of the Northwest Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8531; 4) vacate Lots 1 through 12, inclusive, SunRise Estates, an addition to the City of Kearney, Buffalo County Nebraska and consider Ordinance No. 8532; and 5) rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) for property described as part of the Northwest Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Southeast corner of Avenue N and 48th Street) and consider Ordinance No. 8533.

3. **REQUEST TO WITHDRAW.** Conduct a public hearing on the Application submitted by Miller & Associates for the City of Kearney and M.J. and Janis Shultz for the Final Plat and Subdivision Agreement for Northeast Public Service Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Southwest Quarter of the Northwest Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, said tract of land being all of SunRise Estates, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated) and Lot 2, Younes Addition, a subdivision being part of the West Half of the Northwest Quarter of Section 30, Township 9 North, Range 15 West of the 6th P. M., Buffalo County, Nebraska (to be vacated) (Southeast corner of Avenue N and 48th Street) and consider Resolution No. 2021-230.
4. **REQUEST TO WITHDRAW.** Conduct a public hearing on the Application submitted by Miller & Associates for the City of Kearney and M.J. and Janis Shultz for the annexation of Northeast Public Service Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Southwest Quarter of the Northwest Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Southeast corner of Avenue N and 48th Street) and consider Resolution No. 2021-231.
5. Conduct a public hearing on the Applications submitted by Miller & Associates for Eagle Gate Partners, LLC, a Delaware Limited Liability Company, as Trustee of the EGC 1 Trust to 1) vacate all of 52nd Street lying East of the West line of said Fountain Hills Thirteenth Addition, also being the East right of way line of 11th Avenue to the East line of said Fountain Hills Thirteenth Addition, all in Buffalo County, Nebraska and consider Ordinance No. 8534; 2) vacate Lot 1 and Lot 2, Block One and Lot 1, Block Two, Fountain Hills Thirteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8535; and 3) the Final Plat and Subdivision Agreement for Fountain Hills Fourteenth 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. 2021-232.
6. Conduct a public hearing on the Application submitted by Miller & Associates for Eagle Gate Partners, LLC, a Delaware Limited Liability Company, as Trustee of the EGC 1 Trust, for a Revised Planned District Development Plan Approval for the proposed construction of an apartment and townhome development on property zoned District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and

described as Lot 1, Block One and Lot 1, Block Two, all in Fountain Hills Fourteenth 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. 2021-233.

7. Conduct a public hearing on the Applications submitted by Buffalo Surveying Corp. for David and Denise Hainault, David Nienaber and Derald Nienaber to 1) vacate a tract of land being part of Lots numbered 1 and 2 of Wood River Subdivision, a subdivision being part of the Northwest Quarter of the Southwest Quarter, of Section 8, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8536; and 2) rezone from District RR-1, Rural Residential District (Rural Standards) to District RR-2, Rural Residential District (Intermediate Standards) for property described as a tract of land being part of Lots 1 and 2, Wood River Subdivision, a subdivision being part of the Northwest Quarter of the Southwest Quarter of Section 8, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (1,100 feet South of 92nd Street on the East side of Antelope Avenue) and consider Ordinance No. 8537.
8. Conduct a public hearing on the Application submitted by Buffalo Surveying Corp. for David and Denise Hainault, David Nienaber and Derald Nienaber, for the Final Plat for Nienaber Subdivision, a subdivision being part of the Northwest Quarter of the Southwest Quarter of Section 8, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, for property described as a tract of land being part of the Northwest Quarter of the Southwest Quarter of Section 8, Township 9 North, Range 15 West of the 6th P.M., Buffalo County Nebraska, with said tract of land being inclusive of part of Lots 1 and 2 (to be vacated), Wood River Subdivision, a subdivision being part of the Northwest Quarter of the Southwest Quarter, of Section 8, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, with that part of Lots 1 and 2 (to be vacated), Wood River Subdivision, all in Buffalo County, Nebraska (1,100 feet South of 92nd Street on the East side of Antelope Avenue) and consider Resolution No. 2021-234.
9. Conduct a public hearing on the Application submitted by Buffalo Surveying Corp. for Kdiver, LLC, a Nebraska Limited Liability Company for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Rural Estates and Agriculture to Low Density Residential for property described a tract of land being a part of the Northeast Quarter of the Northeast Quarter, part of Government Lots 1 and 2, part of accretion lands deriving from and adjacent to Government Lots 1 and 2, all located in Section 13, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, said tract also being a part of accretion lands deriving from and adjacent to Government Lot 2 located in Section 18, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Ontario Road and Tahoe Drive, Southwest of Avenue M and East 1st Street) and consider Resolution No. 2021-235.
10. Conduct a public hearing on the Application submitted by Buffalo Surveying Corp. for Kdiver, LLC, a Nebraska Limited Liability Company to rezone from District R-1, Urban Residential Single-Family District (Low Density) to District AG, Agricultural District for property described as a tract of land being a part of the Northeast Quarter of the Northeast Quarter, part of Government Lots 1 and 2, part of accretion lands deriving from and adjacent to Government Lots 1 and 2, all located in Section 13, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, said tract also being a part of accretion lands deriving from and adjacent to Government Lot 2 located in Section 18, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Ontario Road and Tahoe

Drive, Southwest of Avenue M and East 1st Street) and consider Ordinance No. 8538.

11. Conduct a public hearing on the Application submitted by Buffalo Surveying Corp. for Kdiver, LLC, a Nebraska Limited Liability Company for a Conditional Use Permit for a resource extraction operation on property to be zoned District AG, Agricultural District and described as a tract of land being a part of the Northeast Quarter of the Northeast Quarter, part of Government Lots 1 and 2, part of accretion lands deriving from and adjacent to Government Lots 1 and 2, all located in Section 13, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, said tract also being a part of accretion lands deriving from and adjacent to Government Lot 2 located in Section 18, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Ontario Road and Tahoe Drive, Southwest of Avenue M and East 1st Street) and consider Ordinance No. 8539.

IV. CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held November 23, 2021.
2. Approve the Claims.
3. Adopt Resolution No. 2021-236 approving the following Agricultural Leases at the Kearney Regional Airport from January 1, 2022 until December 31, 2022: B & B Bendfeldt Farms and Brenda Bendfeldt (176.6 irrigated acres, 30.6 dry land soybean/corn acres, 21 gravity irrigated acres, 27.5 dry land acres); B & B Bendfeldt Farms and Brett Bendfeldt (159.12 acres of gravity irrigated cropland and 60 acres of center pivot irrigated cropland); Don Hendrickson (193.5 irrigated acres and 57 gravity irrigated acres); Ron Hendrickson (75 acres of other hayland), Lee Potter (62 irrigated acres), and David Fleming (364.36 non-irrigated acres).
4. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Paul Klein submitted by Sodexo America, LLC dba Nebraska Student Center located at 1013 West 27th Street in connection with their IK-123719 liquor license.
5. Adopt Resolution No. 2021-237 establishing a retirement health saving plan for City of Kearney Fire Engineers, the Fire Administrator and the Fire Inspector.
6. Adopt Resolution No. 2021-238 appointing the fulfillment of the term vacated by Linda Muhlback on the Downtown Improvement Board.
7. Adopt Resolution No. 2021-239 setting the interest rate, providing equal annual installments, providing the interest rate for delinquent installments for special assessments for 2022 with regard to the creation of paving, water and sanitary sewer districts; and to establish a policy on reimbursing developers for infrastructure costs for Developer Constructed Infrastructure Agreements.
8. Adopt Resolution No. 2021-240 approving Amendment Nos. 2 and 3 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) by adding additional

final design for Reimbursable Agreement NAVAIDs Relocation Design and Loose Furniture, Fixtures, & Equipment (FFE) Program.

9. Adopt Resolution No. 2021-241 approving the Standard Form of Agreement between Owner and Architect with Wilkins Architecture Design Planning LLC for design, construction documents/administration for the development of an indoor pavilion and associated parking lot at Yanney Park.
10. Adopt Resolution No. 2021-242 approving the Agreement for the Provision of Limited Professional Services between the City of Kearney and Miller & Associates for development of construction documents for drainage, hardscapes, and lighting for Phase II of The Gardens at Yanney Park.
11. Adopt Resolution No. 2021-243 approving Application and Certificate for Payment No. 12 in the amount of \$444,880.23 submitted by Brown Construction and approved by RDG Planning & Design for the construction of the Community Tennis Facility.
12. Accept the bids received for the Patriot Boulevard Water Main Extension and adopt Resolution No. 2021-244 awarding the bid to Midlands Contracting Inc. in the amount of \$176,035.
13. Approve the purchase of a 2023 Western Star 47X with a 10-Yard Dump Body, Henke Snow Plow and Plow Hitch in the amount of \$214,519.00 submitted by Truck Center Companies under the Nebraska State Bid program to be used in the Public Works Department.
14. Adopt Resolution No. 2021-245 approving Application and Certificate for Payment No. 2 in the amount of \$37,322.90 submitted by Tri-City Concrete, LLC and approved by Miller & Associates for the Landfill Bypass Road Improvements.
15. Adopt Resolution No. 2021-246 approving Application and Certificate for Payment No. 3 in the amount of \$245,350.68 submitted by Midlands Contracting Inc. and approved by Miller & Associates for 2021 Part 5 Improvements; Extension of Talmadge Street (Bid A, Sanitary Sewer and Water).
16. Adopt Resolution No. 2021-247 approving Application and Certificate for Payment No. 1 in the amount of \$25,389 submitted by Blessing, LLC and approved by Miller & Associates for 2021 Part 5 Improvements; Extension of Talmadge Street (Bid B, Paving and Storm Sewer).

* *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

VII. REPORTS

VIII. ADJOURN

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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