

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

January 11, 2022

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 TO JANUARY 25, 2022.** 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.
2. **POSTPONED TO JANUARY 25, 2022.** 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.

3. **POSTPONED TO JANUARY 25, 2022.** 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.
4. Conduct a public hearing on the Application submitted by John Krotz for Larry Kinkade Jr. and Mike Kinkade to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) for property described as a tract of land located in the Northwest Quarter of Section 15 and in the Southwest Quarter of Section 10, being part of Tax Lot 9 in said Section 15 and Tax Lot 7 in Section 10, all in Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (75 Sweetwater Avenue) and Ordinance No. 8541.
5. Conduct a public hearing on the Application submitted by John Krotz for Larry Kinkade Jr. and Mike Kinkade for the Final Plat and Subdivision Agreement for Buffalo Island Subdivision, a subdivision being part of the Northwest Quarter of Section 15 and part of the Southwest Quarter of Section 10, all in Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, for property described as a tract of land located in the Northwest Quarter of Section 15 and in the Southwest Quarter of Section 10, being part of Tax Lot 9 in said Section 15 and Tax Lot 7 in Section 10, all in Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (75 Sweetwater Avenue) and consider Resolution No. 2022-1.
6. Conduct a public hearing on the Applications submitted by Trenton Snow for Grace Fellowship / 1st Church of God to 1) vacate Lot 1, Grace Fellowship Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8542; and 2) the Final Plat and Subdivision Agreement for Grace Fellowship Second, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as Lot 1 (to be vacated), Grace Fellowship Addition, an addition to the City of Kearney, Buffalo County, Nebraska, and part of the Northeast Quarter of the Southeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (South of Richard Young Behavioral Health, between 17th Avenue and 19th Avenue) and consider Resolution No. 2022-2.
7. Conduct a public hearing on the Application submitted by Trenton Snow for Grace Fellowship / 1st Church of God to rezone from District R-1, Urban Residential Single-Family District (Low Density) and District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District to District R-1, Urban Residential Single-Family District (Low Density) for property described as Lot 2, Grace Fellowship Second, an addition to the City of Kearney, Buffalo County, Nebraska, TOGETHER WITH the west 40.0 feet of 17th Avenue abutting said lot on the east, all in Buffalo County, Nebraska. (South of Richard Young Behavioral Health, between 17th Avenue and 19th Avenue) and consider Ordinance No. 8543.

8. Conduct a public hearing on the proposed amendments to the following chapters/sections of the City Code as follows: (a) Table 14-1 "Use Matrix" of Chapter 14 "Zoning District Regulations" to: add the permitted use of Permitted by right or by right subject to supplemental regulations to Commercial Rec (Outdoor) (AG District) under Commercial Use Types; and to add Section 46-105, M to the Supplemental Regulations for Commercial Rec (Outdoor) under Commercial Use Types; and (b) Section 46-105 "Supplemental Use Regulations: Commercial Uses" of Chapter 46 "Supplemental Use Regulations" to add new regulations for Commercial Recreation (Outdoor) and consider Ordinance No. 8544.
9. Conduct a public hearing on the proposed acquisition for a 10.00-foot Wide Drainage Easement granted by Talmadge Jam, L.L.C., a Nebraska Limited Liability Company for a tract of land being part of Government Lot 7 and accretions in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Drainage Easement purposes and consider Resolution No. 2022-3.
10. Conduct a public hearing on the proposed acquisition for a 10.00-foot Wide Drainage Easement granted by Talmadge Jam, L.L.C., a Nebraska Limited Liability Company for a tract of land being part of Government Lot 7 and accretions in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Drainage Easement purposes and consider Resolution No. 2022-4.
11. Conduct a public hearing on the proposed acquisition for a 10.00-foot Wide Drainage Easement granted by Talmadge Jam, L.L.C., a Nebraska Limited Liability Company and YB Investments, L.L.C., a Nebraska Limited Liability Company for a tract of land being part of Government Lot 8, Government Lot 9, and accretions in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, dedicated for Drainage Easement purposes and consider Resolution No. 2022-5.
12. Conduct a public hearing on the proposed acquisition for a 10.00-foot Wide Drainage Easement granted by Turkey Creek Properties, L.L.C., a Nebraska Limited Liability Company for a tract of land being part of Government Lot 5 and accretions in Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Drainage Easement purposes and consider Resolution No. 2022-6.
13. Conduct a public hearing on the proposed acquisition for a Permanent Right of Way and Utility Easement granted by Paul J. Younes and Linda M. Younes, Husband and Wife for a tract of land being part of Government Lot 7, Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Permanent Right of Way and Utility Easement purposes and consider Resolution No. 2022-7.
14. Conduct a public hearing on the proposed acquisition for a Permanent Right of Way and Utility Easement granted by YB Investments, L.L.C., a Nebraska Limited Liability Company for a tract of land being part of Government Lot 7, Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Permanent Right of Way and Utility Easement purposes and consider Resolution No. 2022-8.
15. Conduct a public hearing on the proposed acquisition for a Permanent Right of Way and Utility Easement granted by Turkey Creek Properties, L.L.C., a Nebraska Limited Liability Company for a tract of land being part of Government Lot 5 in Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Permanent Right

of Way and Utility Easement purposes and consider Resolution No. 2022-9.

16. Conduct a public hearing on the proposed acquisition for a Permanent Right of Way and Utility Easement granted by Talmadge Jam, L.L.C., a Nebraska Limited Liability Company for a tract of land being part of Government Lots 7 and 8 in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Permanent Right of Way and Utility Easement purposes and consider Resolution No. 2022-10.
17. 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. 8545; 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. 8546; 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. 8547; 4) vacate Lots 1 through 12, inclusive, SunRise Estates, an addition to the City of Kearney, Buffalo County Nebraska and consider Ordinance No. 8548; 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. 8549.
18. 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. 2022-11.
19. 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 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. 2022-12.

IV. CONSENT AGENDA *

1. Approve Minutes of Regular Meetings held December 14 and December 21, 2021.
2. Approve the Claims.
3. Appointment of Jonathan Nikkila to serve on the Kearney Visitors Bureau, the appointment of Stanley Clouse and Bruce Lear to serve on the Buffalo County Economic Development Council, and the appointment of Jonathan Nikkila, Tami James Moore and Chuck Ogle to serve on the Joint Airport Zoning Board.
4. Adopt Resolution No. 2022-13 appointing City employee Brandon Shafto (License No. S-1572, Class A) to serve as the City Street Superintendent during January 1 thru December 31, 2022, with regard to requirements and duties with the Nebraska Department of Transportation as he has served in this capacity since November 6, 2015 and for the purpose of the 2022 calendar year Highway Incentive Payment, to be issued to the City of Kearney by the Nebraska Department of Transportation, in February 2023.
5. Adopt Resolution No. 2022-14 approving the Land Lease Agreement for between the City of Kearney and Air Methods Corporation authorizing the placement of a modular building for crew quarters on property located at 4851 Airport Road.
6. Adopt Resolution No. 2022-15 approving Change Order No. 3 showing an increase in the amount of \$30,863.00, Application and Certificate for Payment No. 3-Final in the amount of \$109,818.47 and accept the Certificate of Substantial Completion submitted by Dan Roeder Concrete and approved by Olsson for the 2020 Part 2 Improvements; 31st Street from D Avenue to G Avenue.
7. Accept the Bids received for the purchase of a new Armored Rescue/Tactical Vehicle used by the Kearney/Buffalo County Emergency Services Unit and award the Bid submitted by Lenco Industries, Inc. in the amount of \$331,190.
8. Adopt Resolution No. 2022-16 approving Application and Certificate for Payment No. 3 in the amount of \$29,790.50 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.
9. Adopt Resolution No. 2022-17 approving Change Order No. 2 showing an increase in the amount of \$15,314.25, Application and Certificate for Payment No. 2-Final in the amount of \$170,867.75 and accept the Certificate of Substantial Completion submitted by Dan Roeder Concrete and approved by Olsson for 2021 Part 2 Improvements; Pony Express Road.
10. Adopt Resolution No. 2022-18 approving Application and Certificate for Payment No. 1 in the amount of \$60,396.97 submitted by Dan Roeder Concrete and approved by Miller & Associates for 2022 Part 1 Improvements; 48th Street.

11. Adopt Resolution No. 2022-19 approving Change Order No. 2 showing a decrease in the amount of \$2,970.75, Application and Certificate for Payment No. 6-Final in the amount of \$30,444.07 and accept the Certificate of Substantial Completion submitted by Blessing Construction and approved by Miller & Associates for the 2020 Part 7 Improvements; Downtown Asphalt project.
12. Adopt Resolution No. 2022-20 approving Application and Certificate for Payment Nos. 6 and 7 in the amounts of \$141,892.95 and \$380,108.30 submitted by RMV Construction and approved by Miller & Associates for the Wastewater Treatment Plant Phase II; Vehicle Storage Building.
13. Adopt Resolution No. 2022-21 approving Application and Certificate for Payment No. 4 in the amount of \$220,747.55 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).
14. Adopt Resolution No. 2022-22 approving Change Order No. 1 showing a decrease in the amount of \$1,761.00 and accept the Certificate of Substantial Completion submitted by Tri-City Concrete, LLC and approved by Miller & Associates for the Landfill Bypass Road Improvements.
15. Adopt Resolution No. 2022-23 approving Change Order No. 2 showing a decrease in the amount of \$1,498.00, Application and Certificate for Payment No. 1-Final in the amount of \$139,062.00 and accept the Certificate of Substantial Completion submitted by Midlands Contracting, Inc. and approved by Miller & Associates for the 2021 Cemetery North Addition; Phase I (Bid B, Storm Sewer).
16. Adopt Resolution No. 2022-24 approving Change Order No. 5 showing an increase in the amount of \$62,196.09 and Application and Certificate for Payment No. 13 in the amount of \$527,589.12 submitted by Brown Construction and approved by RDG Planning & Design for the construction of the Community Tennis Facility.
17. Adopt Resolution No. 2022-25 approving the Agreement to Purchase Building between Gary and Mary McGee, husband and wife, and the City of Kearney for the purchase of a building located at 4595 Airport Road as building is currently leased on City owned property.
18. Adopt Resolution No. 2022-26 approving the Standard Form of Agreement between Owner and Architect with RDG Planning & Design Inc. for design and construction engineering of the City of Kearney Indoor Sports Complex.

* *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. 8550 amending Section 8-919 "Parking Limited for Nonmotorized Vehicle" of Article 9 "Stopping, Standing and Parking" of Chapter 8 "Police" of the City Code to add definitions for a nonmotorized vehicle and a recreational vehicle and to add recreational vehicles under subsection B as a vehicle that is prohibited from parking on a

public street for a period in excess of twenty-four (24) hours or for any other period of time in excess of permitted or authorized parking as specified by a posted sign and only for the purposes of loading and unloading.

- 2. Approve Ordinance No. 8551 amending the Code of the City of Kearney adding a new section entitled Section 1-1520 "Political Subdivision Construction Alternatives Act" to Article 15 "Purchasing" of Chapter 1 "Administration".

VI. REGULAR AGENDA

- 1. Presentation from City staff of 2022 projects.
- 2. Open Account Claim to NPPD - \$8,560.99.

VII. REPORTS

VIII. ADJOURN

Mayor Stanley Clouse
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mayor@kearneygov.org

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