

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

April 12, 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 ON MARCH 8, 2022. REQUEST TO FURTHER POSTPONE TO APRIL 26, 2022.** Conduct a public hearing on the Application submitted by Olsson for TFD Investments, LLC, a Nebraska Limited Liability Company (c/o Tom Fuller) to rezone from District M-1, Limited Industrial District to District C-3, General Commercial District for property described as Lots 11 and 12, Whiteaker and North's Place, an addition to the City of Kearney, Buffalo County, Nebraska (1100 East 25th Street) and consider Ordinance No. 8557.
2. **REQUEST TO POSTPONE TO APRIL 26, 2022.** Conduct a public hearing on the Applications submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) to 1) vacate Lot 1, Fountain Hills Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8565; and 2) an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Low Density Residential and Medium Density Residential to Low Density Residential for property described as Lot 1, Fountain Hills Ninth Addition, an addition to the City of Kearney, Nebraska (to be vacated) and further described a tract of land being a 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 (West of 11th Avenue between 50th Street and 52nd Street) and consider Resolution No. 2022-76.
3. **REQUEST TO POSTPONE TO APRIL 26, 2022.** Conduct a public hearing on the Application submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) to rezone from District AG, Agricultural District to

District R-2, Urban Residential Mixed-Density District for property described as a tract of land being a part of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 11th Avenue between 50th Street and 52nd Street) and consider Ordinance No. 8566.

4. **REQUEST TO POSTPONE TO APRIL 26, 2022.** Conduct a public hearing on the Application submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) for the Final Plat and Subdivision Agreement for Fountain Hills Fifteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being Lot 1, Fountain Hills Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated), and part the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 11th Avenue between 50th Street and 52nd Street) and consider Resolution No. 2022-77.
5. **REQUEST TO POSTPONE TO APRIL 26, 2022.** Conduct a public hearing on the Application submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) for the annexation of Fountain Hills Fifteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being Lot 1, Fountain Hills Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated), and part the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 11th Avenue between 50th Street and 52nd Street) and consider Resolution No. 2022-78.

IV. CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held March 22, 2022.
2. Approve the Claims.
3. Adopt Resolution No. 2022-79 authorizing the City Manager, Director(s) of Finance, and City Clerk to sign checks, drafts or other withdrawal orders issued against the funds of the City on deposit with designated depositories.
4. Adopt Resolution No. 2022-80 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement for Waggoner Investments, LLC for the construction of a water main and sanitary sewer main for part of Lots 4 and 5, Tract G, all located in Section 34, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska.
5. Accept the bids received for 2022 Part 3 Improvements; 11th Street from A Avenue to F Avenue and adopt Resolution No. 2022-81 awarding the bid to Nielsen Contracting, LLC in the amount of \$1,920,274.00.
6. Accept the bids received for 2022 Part 4 Improvements; 31st Street from G Avenue to N Avenue and adopt Resolution No. 2022-82 awarding the bid to Dan Roeder Concrete in the amount of \$1,781,753.00.

7. Adopt Resolution No. 2022-83 approving Application and Certificate for Payment No. 1 in the amount of \$40,761.00 submitted by RMV Construction and approved by Wilkins ADP for the Harmon Park Sonatorium Restoration.
8. Reject the bids received for the 2020 Part 3 Improvements; 2nd Avenue Overpass Repairs.
9. Authorize the disposing of a 2016 Aljon Landfill Compactor as a surplus item that is longer useful to the City and authorize the City Manager to sell or dispose of such item by any method which is most advantageous to the City.
10. Accept the bids received for the purchase of a pre-owned truck mounted boom crane to be used in the Utilities Department and award the bid to Crane Sales & Service in the amount of \$110,000.00.
11. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class CK-124836 liquor license application and manager application for Michael Anderson submitted by Fyre, Inc dba Fyre Modern Grill located at 707 Talmadge Street.
12. Adopt Resolution No. 2022-84 approving Application and Certificate for Payment No. 2 in the amount of \$35,219.70 submitted by Duncan Theis Construction, Inc. and approved by Olsson for Yanney Park Maintenance Building.
13. Approve the Plans and Specifications for the Yanney Heritage Park Pavilion and Parking Lot and set the bid opening date for May 3, 2022 at 2:00 p.m.
14. Approve the Plans and Specifications for the 2022 Part 2 Improvements; 56th Street and Avenue N Turning Lanes and set the bid opening date for May 3, 2022 at 2:00 p.m.
15. Approve the Plans and Specifications for the WWTP Phase II Improvements; Water Resource Recovery Facility and set the bid opening date for June 7, 2022 at 2:00 p.m.
16. Approve the Plans and Specifications for the 2020 Part 3 Improvements; 2nd Avenue Overpass Extension Joint Repair and set the bid opening date for May 3, 2022 at 2:00 p.m.
17. Adopt Resolution No. 2022-85 approving Change Order No. 1 showing an increase in the amount of \$3,114.82 and Application and Certificate for Payment No. 3 in the amount of \$18,342.00 submitted by Blessing, LLC and approved by Miller & Associates for 2021 Part 5 Improvements; Extension of Talmadge Street (Bid B, Paving and Storm Sewer).
18. Adopt Resolution No. 2022-86 approving Amendment No. AJW-FN-CSA-22-CE-005091 to the Non-Federal Reimbursable Agreement between the City of Kearney and the Federal Aviation Administration for Mobile Remote Transmitter Receiver Facility during the terminal expansion project impacting FAA NAS facilities including the Automated Weather Observing System, Radio Communications Outlet, FAA Telecommunications Infrastructure circuits and FAA cabling and infrastructure at the Kearney Regional Airport.

* ***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. 8567 authorizing the issuance of a Combined Utilities Revenue Bond of the City of Kearney, Nebraska, in the principal amount of up to \$34,000,000 for the purpose of paying the costs of improvements at the City's Wastewater Treatment Facility; authorizing the issuance of said bond in the form of a promissory note to evidence a loan and related amendment to loan agreement from the Nebraska Department of Environment and Energy; approving the execution and delivery of an amendment to loan agreement with the Nebraska Department of Environment and Energy; approving related documents with respect to said loan; prescribing the form, terms and details of said bond and related amendment to loan agreement; pledging and hypothecating the revenue and earnings of the waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system of said city for the payment of said bond and interest thereon; providing for the collection, segregation and application of the revenues of the City's waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system; approving execution of related documents; entering into a contract on behalf of the city with the holder of said bond; determining that interest on said bond shall not be excludable from gross income for purposes of federal income taxation; and providing for publication of this ordinance in pamphlet form.

2. Approve Ordinance No. 8568 repealing Ordinance No. 8563 and amend the Salary Ordinance reflecting changes of certain positions.

VI. REGULAR AGENDA

1. Informational presentation from Buffalo County Planning Commission regarding the new Comprehensive Plan Survey.

2. Staff update on the Kearney Public Library.

3. Update from Public Works Director, Andrew Harter, on the evaluation of replacing the bricks at the intersection of 21st Street and A Avenue with concrete.

4. Open Account Claim to NPPD - \$6,011.99.

VII. REPORTS

VIII. ADJOURN

Mayor Stanley Clouse
 4907 Linden Drive Place
 627-6730 cell
 238-5210 office
mayor@kearneygov.org

Vice-President Randy Buschkoetter
 1110 13th Avenue
 234-5553 home
 440-0358 cell
citycouncil@kearneygov.org

Council Member Bruce Lear
 4803 Avenue L Place
 234-5354 home
 308-389-8770 office
citycouncil@kearneygov.org

Council Member Tami James Moore
 704 10th Avenue
 440-6992 cell
citycouncil@kearneygov.org

Council Member Jonathan Nikkila
 4 Regency Place
 224-4309 cell
citycouncil@kearneygov.org

City Manager Michael Morgan
 18 East 22nd Street
 233-3214 office
mmorgan@kearneygov.org

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