

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

April 26, 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.
 - a) Presentation of Youth Week Proclamation to Kearney Elks Lodge #984.
 - b) Oath of Office to Police Officer Justin McCoy.

II. UNFINISHED BUSINESS

III. PUBLIC HEARINGS

1. **POSTPONED ON MARCH 8, 2022. REMOVE FROM TABLE.** 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. **POSTPONED ON APRIL 12, 2022. REQUEST TO FURTHER POSTPONE TO MAY 10, 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. POSTPONED ON APRIL 12, 2022. REQUEST TO FURTHER POSTPONE TO MAY 10, 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. POSTPONED ON APRIL 12, 2022. REQUEST TO FURTHER POSTPONE TO MAY 10, 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. POSTPONED ON APRIL 12, 2022. REQUEST TO FURTHER POSTPONE TO MAY 10, 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.
- 6.** Conduct a public hearing on the proposed acquisition for a 50.00-foot wide Temporary Construction Easement granted by Archview L.L.C., a Nebraska Limited Liability Company by and through Steve Mercer, Manager for a tract of land being part of accretions to Government Lot 6, Section 8, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2022-87.
- 7.** Conduct a public hearing on the proposed acquisition for a 20.00-foot wide Access and Utility Easement granted by Archview L.L.C., a Nebraska Limited Liability Company by and through Steve Mercer, Manager for a tract of land being part of accretions to Government Lot 6, Section 8, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2022-88.
- 8.** Conduct a public hearing on the proposed acquisition for a 70.00-foot wide Temporary Construction Easement granted by Archview L.L.C., a Nebraska Limited Liability Company by and through Steve Mercer, Manager for a tract of land being part Government Lot 6 and accretions, Section 8, Township 8 North, Range 15 West of the 6th P.M. Buffalo County, Nebraska and consider Resolution No. 2022-89.
- 9.** Conduct a public hearing on the proposed acquisition for a 30.00-foot wide Sanitary Sewer Easement granted by Archview L.L.C., a Nebraska Limited Liability Company by and through Steve Mercer, Manager for a tract of land being part Government Lot 6 and accretions, Section 8, Township 8 North, Range 15 West of the 6th P.M. Buffalo County,

Nebraska and consider Resolution No. 2022-90.

IV. CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held April 12, 2022.
2. Approve the Claims.
3. Receive recommendations of Planning Commission and set May 10, 2022 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Approve the application for a Special Designated License Farmers Market Endorsement Permit submitted by Long Dogs Distilling LLC dba Long Dogs Distilling in connection with their Class Z-124083 liquor license and Special Designated License Endorsement to serve and sell at the Kearney Area Farmers located at the Hilltop Mall, 4915 2nd Avenue, beginning May 1, 2022 through April 30, 2023.
5. Adopt Resolution No. 2022-91 approving Application and Certificate for Payment No. 3-Final in the amount of \$305,603.01 submitted by Whinnery Construction, Inc. and approved by S2O Design and Engineering, Inc. for Phase II Enhancements of the Kearney Water Trail known as Kearney Whitewater Park.
6. Adopt Resolution No. 2022-92 approving Application and Certificate for Payment No. 16 in the amount of \$382,534.13 submitted by Brown Construction and approved by RDG Planning & Design for the construction of the Community Tennis Facility.
7. Accept the bids received for the 2022 City of Kearney Trail Projects; Lighthouse Point Trail, 19th Avenue Trail and Hillside Estates Trail and adopt Resolution No. 2022-93 awarding the bid to Precision Foundations, Inc. the amount of \$175,675.24.

* ***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. 8569 amending several Sections of Article 2 “Advisory Board of Park and Recreation Commissioners” of Chapter 7 “Park and Recreation” of the City Code; specifically being a) Section 7-203 “Composition” to replace the composition of the Board from six (6) resident freeholders to five (5) resident freeholders and to update the Buffalo County Board of Supervisors to the Buffalo County Board of Commissioners; b) Section 7-204 “Appointment” to replace the appointment of the Board from six (6) members to five (5) members and to update the Buffalo County Board of Supervisors to the Buffalo County Board of Commissioners; c) Section 7-206 “Filling Vacancies” to replace six (6) members to five (5) members and to update the Buffalo County Board of Supervisors to the Buffalo County Board of Commissioners; and d) Section 7-207 “Ex Officio Members” to update the Buffalo County Board of Supervisors to the Buffalo County Board of Commissioners.
2. Approve Ordinance No. 8570 to amend a format error in Table 14-1 “Use Matrix” of Chapter 14 “Zoning District Regulations” of the Code of the City of Kearney, Nebraska to remove

46-105, M from Commercial Rec (Outdoor) Use Type CO under Commercial Use Types and added back to the Supplemental Regulations for Commercial Rec (Outdoor) under Commercial Use Types as originally intended to be placed.

VI. REGULAR AGENDA

1. Introductions of Finance Director, Kayla James and Downtown Coordinator, Kelsey Anderson.
2. Open Account Claims to NPPD - \$6,011.99 and \$87,829.57.

VII. REPORTS

VIII. ADJOURN

Mayor Stanley Clouse
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City Manager Michael Morgan
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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