

# **KEARNEY CITY COUNCIL**

## **AGENDA**

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

**October 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. **REQUEST TO FURTHER POSTPONE TO OCTOBER 25, 2022. POSTPONED SINCE SEPTEMBER 13, 2022.** Conduct a public hearing on the Application submitted by Buffalo Surveying Corp. for Jared and Mona Axmann, husband and wife, to 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 Southeast Quarter of Section 28, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (4140 30th Avenue) and consider Ordinance No. 8597.
2. **REQUEST TO FURTHER POSTPONE TO OCTOBER 25, 2022. POSTPONED SINCE SEPTEMBER 13, 2022.** Conduct a public hearing on the Application submitted by Buffalo Surveying Corp. for Jared and Mona Axmann, husband and wife, for the Final Plat and Subdivision Agreement for Freedom Hill Estates, a subdivision being part of the Southeast Quarter of Section 28, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, for property described as a tract of land being part of the South Half of the Southeast Quarter of Section 28, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (4140 30th Avenue) and consider Resolution No. 2022-176.
3. Conduct a public hearing on the Application submitted by Olsson for DROP-HT,LLC, (Robert Furley, Manager) to 1) vacate a tract of land located in Lot 2, Hilltop Mall Subdivision (to be vacated), to the City of Kearney and located in part of the Southwest Quarter of the Northwest Quarter of Section 25, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8601 and 2) the Final Plat for Hilltop Mall Third Subdivision, an addition to the City of Kearney, Buffalo County, Nebraska for property

described as a tract of land located in Lot 2, Hilltop Mall Subdivision, to the City of Kearney, Buffalo County, Nebraska (to be vacated) located in part of the Southwest Quarter of the Northwest Quarter of Section 25, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (5011 2nd Avenue) and consider Resolution No. 2022-213.

4. Conduct a public hearing on the Applications submitted by Miller & Associates for Dwayne Brown and Gaylene Aden to 1) vacate a tract of land located in Lot 1, Brown Transfer Addition, an addition to the City of Kearney, Buffalo County, Nebraska, being part of the Northeast Quarter of the Northeast Quarter of Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8602 and 2) the Final Plat and Subdivision Agreement for Brown Transfer Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as Lot 1, Brown Transfer Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated) (southwest corner of 11th Street and Avenue M) and consider Resolution No. 2022-214.
5. Conduct a public hearing on the proposed acquisition for a 60.00-Foot Permanent Right of Way and Utility Easement granted by Timothy J. Norwood Sr., Member of Fox Creek Development, LLC, a Nebraska Limited Liability Company for a tract of land 60.00 feet wide being part of the South Half of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (dedicated for Permanent Right of Way & Utility Easement purposes) and consider Resolution No. 2022-215.
6. Conduct a public hearing on the proposed acquisition for a Storm Water Detention Cell Easement granted by Timothy J. Norwood Sr., Member of Fox Creek Development, LLC, a Nebraska Limited Liability Company for a tract of land being part of the South Half of the Northwest Quarter of Section 19 Township 9 North, Range 15 West of the 6th P.M. Buffalo County, Nebraska, (dedicated for Storm Water Detention Cell Easement purposes) and consider Resolution No. 2022-216.
7. Conduct a public hearing on the proposed acquisition for a 30.00-Foot Water, Sanitary and Storm Easement granted by Timothy J. Norwood Sr., Member of Fox Creek Development, LLC, a Nebraska Limited Liability Company for a strip of land 30.00 feet wide being part of Government Lot 2 of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (dedicated for Water, Sanitary Sewer and Storm Sewer Easement purposes) and consider Resolution No. 2022-217.
8. Conduct a public hearing on the proposed acquisition for a 20.00-foot Wide Water Line Easement granted by Brent Kreutzer, HOA President of Eastbrooke Homeowners' Association, a Nebraska Nonprofit Corporation for a tract of land 20.00 feet wide being part of Outlot B, Eastbrooke Eighth, an addition to the City of Kearney, Buffalo County, Nebraska, (dedicated for Water Line Easement purposes) and consider Resolution No. 2022-218.
9. Conduct a public hearing on the proposed acquisition for Sanitary, Water and Storm Easement granted by Danny Starostka Owner/President of Starostka Group Unlimited, Inc., a Nebraska Corporation for a tract of land being part of Outlot B, in Starostka Estates Addition, to the City of Kearney, Buffalo County, Nebraska (dedicated for Sanitary, Water and Storm Easement purposes) and consider Resolution No. 2022-219.

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

1. Approve Minutes of Regular Meeting held September 27, 2022.
2. Approve the Claims.
3. Adopt Resolution No. 2022-220 approving the update to the City of Kearney City Council Agenda Submission Deadline Policy.
4. Adopt Resolution No. 2022-221 approving Change Order No. 3 showing an increase in the amount of \$395.00 and Application and Certificate for Payment No. 4 in the amount of \$514,180.80 submitted by RMV Construction and approved by Wilkins ADP for the Yanney Heritage Park Pavilion and Parking Lot.
5. Adopt Resolution No. 2022-222 approving Change Order No. 4 showing an increase in the amount of \$13,796.00 and Change Order No. 5 showing an increase in the amount of \$5,197.00 and Application and Certificate for Payment No. 4 in the amount of \$205,347.60 submitted by RMV Construction and approved by Wilkins ADP for the Harmon Park Sonatorium Restoration.
6. Approve the Plans and Specifications for Harmon Pool Bathhouse Modifications and set the bid opening date for November 1, 2022 at 2:00 p.m.
7. Adopt Resolution No. 2022-223 adopting the Central Platte Natural Resources District Multi-Jurisdiction Hazard Mitigation Plan Update.
8. Adopt Resolution No. 2022-224 authorizing the City Manager and Director(s) of Finance to sign checks, drafts or other withdrawal orders issued against the funds of the City on deposit with designated depositories.
9. Adopt Resolution No. 2022-225 approving the Agency Agreement between the City of Kearney and the Nebraska Department of Transportation (NDOT), Aeronautics Division for Project No. 3-31-0045-036-2022 (in connection with the Terminal Expansion project at the Kearney Regional Airport) allowing the NDOT, Aeronautics Division to act as the City's agent for the project.
10. Accept the bids received for the purchase of a Front Load Refuse Compactor Truck to be used in the Sanitation Division of the Utilities Department and award the bid to Elliott Sanitation Equipment Co. in the amount of \$303,226.52.
11. Adopt Resolution No. 2022-226 approving Application and Certificate for Payment No. 4 in the amount of \$117,208.17 submitted by Wilke Contracting Corp. and approved by Oak Creek Engineering for the 2020 Part 3 Improvements; 2nd Avenue Overpass Extension Joint Repair.
12. Adopt Resolution No. 2022-227 approving the Developer Constructed Infrastructure Agreement for Arbor View Second; 63rd Street between the City of Kearney and Timothy J. Norwood, Sr., Member of Fox Creek Development, LLC, a Nebraska Limited Liability Company for the construction of water, sanitary sewer, paving and storm sewer to serve

Arbor View Second; 63rd Street.

- 13. Accept the bids received for the 2022 Cemetery North Addition; Phase 2 and adopt Resolution No. 2022-228 awarding the bid to The Diamond Engineering Company in the amount of \$164,253.40.
- 14. Adopt Resolution No. 2022-229 approving the Consultant Agreement between Alfred Benesch and Company and the City of Kearney for a Box Hangar for the Kearney Regional Airport.
- 15. Adopt Resolution No. 2022-230 approving Application and Certificate for Payment No. 1 in the amount of \$60,571.12 submitted by Precision Foundations, Inc. and approved by Miller & Associates for the 2022 City of Kearney Trail Projects; Lighthouse Point Trail, 19th Avenue Trail and Hillside Estates Trail.
- 16. Adopt Resolution No. 2022-231 approving Change Order No. 1 showing a decrease in the amount of \$10,991.50 and Application and Certificate for Payment No. 5 in the amount of \$318,163.50 submitted by Caldwell Tank and approved by Miller & Associates for the 2MG Elevated Water Tower.
- 17. Adopt Resolution No. 2022-232 approving Change Order No. 2 in the amount of \$863,585.55 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 \***

- 1. Approve Ordinance No. 8603 authorizing the City of Kearney to enter into a Municipal Lease-Purchase Agreement with ARVEST Equipment Finance which will provide financing for a 2022 Caterpillar D6 for the Public Utilities Department.

**VI. REGULAR AGENDA**

- 1. Open Account Claim to NPPD - \$14,755.26 and Stanley Clouse - \$264.50.

**VII. REPORTS**

**VIII. ADJOURN**

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Vice-President Randy Buschkoetter  
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Council Member Tami James

Council Member Jonathan Nikkila

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](http://www.cityofkearney.org)