

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

November 08, 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. Conduct a public hearing on the applications submitted by Miller & Associates for DT Development, Inc., a Nebraska Corporation, to 1) vacate a tract of land being Lot 2, Block 2, and the dedicated temporary cul-de-sac all in Prairie Meadows Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated) and consider Ordinance No. 8604; 2) vacate the East 65.00 feet of Lot 2, Spruce Hollow Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and being a part of the Southeast Quarter of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8605 and 3) the Final Plat and Subdivision Agreement for Prairie Meadows Second Addition, an Addition to the City of Kearney, Buffalo County, Nebraska (between 56th Street and 57th Street, East of 10th Avenue) and consider Resolution No. 2022-238.
2. Conduct a public hearing on the applications submitted by Miller & Associates for Turkey Creek Properties, LLC, a Nebraska Limited Liability Company to 1) vacate Lots 8, 9, and 10, Block 1 and Lots 5, 6, and 7, Block 2, and all dedicated easements, all located in Turkey Creek Second Subdivision, part of Government Lot 6, 7, 9, and accretions abutting said Lots, Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8606; to 2) vacate Turkey Creek Lane as it abuts Lots 8, 9, and 10, Block 1 on the West and as it abuts part of Lots 5, and 6, Block 2 on the East located in Turkey Creek Second Subdivision, part of Government Lot 6, 7, 9, and accretions abutting said Lots, Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8607 and to 3) rezone from District RR-1/PD, Rural Residential District (Rural Standards)/ Planned Development Overlay

District to District RR-2, Rural Residential District (Intermediate Standards) for property described as part of Lots 8, 9, and 10, Block 1 and Lots 5, 6, 7, Block 2 and part of Turkey Creek Lane, Turkey Creek Second Subdivision (to be vacated), being part of Government Lot 6, 7, 9, and accretions abutting said Lots, Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West end Turkey Creek Lane, North of Talmadge Street) and consider Ordinance No. 8608.

3. Conduct a public hearing on the application submitted by Miller & Associates for Turkey Creek Properties, LLC, a Nebraska Limited Liability Company for the Final Plat and Subdivision Agreement for Turkey Creek Fourth Subdivision, a Subdivision being part of Government Lot 6, 7, and 9 and accretions abutting said Lots, Section 10, Township 8 North, Range 16 West of the 6th P.M. Buffalo County, Nebraska (West end Turkey Creek Lane, North of Talmadge Street) and consider Resolution No. 2022-239.

IV. CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held October 25, 2022.
2. Approve the Claims.
3. Adopt Resolution No. 2022-240 certifying the annual appointment of City employee Brandon Shafto (License No. S-1572, Class A), served as the City Street Superintendent from January 1, 2022 through December 31, 2022, 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.
4. Authorize the City Clerk to send a letter of approval to the Nebraska Liquor Control Commission for an Addition to Liquor License submitted by B & B Research and Investments, LLC dba The Cup 1919 located at 12 East 21st Street in connection with their Class CK-124010 liquor license.
5. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Kathleen Dillon submitted by VFW Post 759 dba VFW Post 759 located at 2215 1st Avenue in connection with their Class C-009025 liquor license.
6. Adopt Resolution No. 2022-241 approving Change Order No. 2 showing a change in Shelter Manufacturer and Change Order No. 3 showing an increase in the amount of \$3,400 submitted by Fry & Associates, Inc. in connection with the Lighthouse Point Park Shelter Structure and Playground project.
7. Accept the Bids received for the Harmon Park Bathhouse Renovation and award the Bid submitted by Duncan Theis Construction, Inc. in the amount of \$233,400.
8. Adopt Resolution No. 2022-242 approving Application and Certificate for Payment No. 5 in the amount of \$386,982 submitted by Nielsen Contracting, LLC and approved by Miller & Associates for the 2022 Part 3 Improvements; 11th Street from A Avenue to F Avenue.

9. Adopt Resolution No. 2022-243 approving Application and Certificate for Payment No. 6 in the amount of \$207,546.66 submitted by Caldwell Tank and approved by Miller & Associates for the 2.0 MG Elevated Water Tower.
10. Adopt Resolution No. 2022-244 approving Application and Certificate for Payment No. 2 in the amount of \$30,693.23 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.
11. Adopt Resolution No. 2022-245 approving Application and Certificate for Payment No. 1 in the amount of \$147,664.02 submitted by Midlands Contracting, Inc. and approved by Miller & Associates for the Booster Pump Stations, Renovations and Associated Improvements.
12. 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 December 6, 2022 at 2:00 p.m.
13. Adopt Resolution No. 2022-246 approving Application and Certificate for Payment No. 12 in the amount of \$384,146.33 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. 2022-247 approving Application and Certificate for Payment No. 7 in the amount of \$472,993.79 submitted by Blessing, LLC and approved by Miller & Associates for 2021 Part 5 Improvements; Extension of Talmadge Street (Bid B, Paving and Storm Sewer).
15. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class D-125329 liquor license application and manager application for David Sims submitted by Sims Enterprises Ltd. dba Sims Shop EZ located at 102 East 25th Street.
16. Adopt Resolution No. 2022-248 approving Application and Certificate for Payment No. 5 in the amount of \$139,717.72 submitted by Wilke Contracting Corp. and approved by Oak Creek Engineering for the 2020 Part 3 Improvements; 2nd Avenue Overpass Extension Joint Repair.
17. Adopt Resolution 2022-249 approving the Development Agreement for a tract of land referred to as the "Project Area" consisting of approximately 29.01 acres between the City of Kearney, a Nebraska Municipal Corporation and Talmadge JAM, LLC, a Nebraska Limited Liability Company for the indoor sports complex.
18. Adopt Resolution 2022-250 approving the Development Agreement that defines the terms between the City of Kearney, a Municipal Corporation and the Kearney Visitor's Bureau, a Nebraska Non-Profit Corporation pertaining to the development of the indoor sports complex.
19. Approve the Application for Special Assessment for Agricultural Deferral submitted by KPT&G, LLC with regard to Paving Improvement District No. 2020-002; Water District No. 2020-592 and Sanitary Sewer District No. 2020-528 for a tract of land located in part of

Government Lot 3 in Section 10, Township 8 North, Range 16 West of the 6th P.M. in Buffalo County, Nebraska (south of 6th Street and west of Yanney Avenue).

20. Approve the Application for Special Assessment for Agricultural Deferral submitted by KPT&G, LLC with regard to Paving Improvement District No. 2020-003 and Water District No. 2020-593 for a tract of land located in part of Government Lot 3 in Section 10, Township 8 North, Range 16 West of the 6th P.M. in Buffalo County, Nebraska (Centerline of 6th Street Northerly on 22nd Avenue to the South line of Lot 1, Western Nebraska Property Development Second Addition).
21. Adopt Resolution No. 2022-251 approving the Agreement for Management Services between the City of Kearney and the Great Platte River Road Memorial Foundation allowing the City to continue providing management services at The Archway.
22. Consider the Agreement for Services between the City of Kearney and the Kearney Visitors Bureau and approve Resolution No. 2022-252.

* *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. 8609 authorizing the deed of sale for Lot 5 and Lot 10, Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska, together with the 30-foot wide vacated Alley in Block 1 as shown and dedicated on Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska, from the East right-of-way line of Piper Avenue, abutting Lot 5, Block 1, of said Patriot Industrial Park on the North and abutting Lot 10, Block 1, of said Patriot Industrial Park on the South to Burmood Investments, LLC, a Nebraska Limited Liability Company.

VI. REGULAR AGENDA

1. Approve Ordinance No. 8610 authorizing the issuance of General Obligation Various Purpose Bonds, Series 2022, of the City of Kearney, Nebraska, in the principal amount of not to exceed three million one hundred thousand dollars (\$3,100,000) for the purpose of paying the costs of constructing street improvements in Paving Improvement District No. 2020-004 of said City, including payment of interim financing related to said street improvements; directing the application of the proceeds of said Bonds; prescribing the form of said Bonds; providing for the levy and collection of taxes to pay the same; authorizing officers of the City to make arrangements for the sale of the Bonds and to designate the final terms, rates and maturity schedule for said Bonds within stated parameters; authorizing the delivery of the Bonds to the purchaser.
2. Presentation providing an update on the first phase of NPPD potential line segments for an upcoming 115kV transmission line project in the Kearney area.

VII. REPORTS

VIII. ADJOURN

Mayor Stanley Clouse
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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