

# **KEARNEY CITY COUNCIL**

## **AGENDA**

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

**March 14, 2017**

**5:30 p.m.**

### **I. ROUTINE BUSINESS**

1. Invocation/provided by Pastor John Watson.
2. Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Oral Communication; Recognition of the Kearney Police Department Honor Guard members: Greg Benson, Dennis Byrne, Dan Lynch, Ryan Ohri, Jared Small and Tracy Suchsland.

### **II. UNFINISHED BUSINESS**

### **III. PUBLIC HEARINGS**

1. Conduct a public hearing on the Applications submitted by Buffalo Surveying for Martin and Barbara Tilley to (1) vacate Lots 1 and 2, Wise Estates and consider Ordinance No. 8128; and (2) rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) property described as a tract of land being part of the Northwest Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (3890 Cottonmill Avenue) and consider Ordinance No. 8129.
2. Conduct a public hearing on the Application submitted by Buffalo Surveying for Michael and Robyn Springer and Martin and Barbara Tilley for the Final Plat for Springer Estates, a subdivision being part of the North Half of the Northwest Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (3720 Cottonmill Avenue) and consider Resolution No. 2017-28.
3. Conduct a public hearing on the proposed amendments to the following chapters/sections of the City Code as follows: (a) Section 12-106 "C" of Chapter 12 "Definitions" to add a definition "Cargo Container – Farm" allowing for the storage and movement of materials and products within an intermodal freight transport system and repurposed for a Controlled Environment Agriculture (CEA) use; (b) Section 12-106 "C" of Chapter 12 "Definitions" to add a definition "Controlled Environment Agriculture (CEA) providing any agricultural technology that enables the grower to manipulate the environment to desired growing and/or cultivation conditions; (c) Section 12-111 "H" of Chapter 12 "Definitions" to

add a definition "Hydroponics and/or Aeroponics" providing the propagation of plants using a mechanical system designed to circulate a solution of minerals in water for home use or distribution to retailers, restaurants, and consumers; (d) Section 13-103 "Agricultural Use Types" of Chapter 13 "Use Types" to add Urban Farming allowing the use of property for the cultivation of food and/or horticultural crops such as hydroponics and/or aeroponics; (e) Table 14-1 "Use Matrix" of Chapter 14 "Zoning District Regulations" to add Urban Farming to Agricultural Uses; and (f) Section 46-102 "Supplemental Use Regulations: Agricultural Uses" of Chapter 46 "Supplemental Use Regulations" to add Urban Farming and to set forth the conditions and consider Ordinance No. 8130.

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

1. Approve Minutes of Regular Meeting held February 28, 2017.
2. Approve the Claims.
3. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Jessica Homann submitted by Kenlos, LLC, dba Nicks on the Brick located at 15 East 24th Street in connection with their Class C-113012 liquor license.
4. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Application and Agreement submitted by the Central Nebraska Auto Club to temporarily close Central Avenue from 25th Street to North Railroad Street, 24th Street from 1st Avenue to Avenue A, 23rd Street from 1st Avenue to Avenue A, 21st Street from 1st Avenue to Avenue A, the parking lot located west of Cunningham's Journal, the parking lot located behind City Hall, and the parking lot located north of MONA in conjunction with Cruise Nite 2017 scheduled for July 15, 2017. Parking on these public properties will be prohibited on July 15, 2017 beginning at 2:00 a.m. and adopt Resolution No. 2017-29 making application to the Nebraska Department of Roads for a Permit to use Highway 30 and Central Avenue.
5. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Application submitted by the 24th Street Night Market to temporarily close 24th Street from 2nd Avenue to A Avenue, 1st Avenue from 24th Street to 23rd Street from 6:30 p.m. until 10:00 p.m. on April 6, 20, May 4, 18, June 1, 15, July 6, 20, August 3, 21, 24, September 7, 21 and October 5.
6. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Application submitted by the Kearney Police Department to temporarily close Avenue B from Railroad Street to 21st Street from 7:30 a.m. until 5:00 p.m. on April 29.
7. Adopt Resolution No. 2017-30 approving the Professional Service Consultant Agreement between the City of Kearney and Miller & Associates for general administrative services for CD-Phase 1 (Pre-Development) 16-CD-003.

8. Adopt Resolution No. 2017-31 approving the Technical and Professional Services Contract between the City of Kearney and Miller & Associates as General Administrator for Downtown Revitalization Phase II-15-DTR-104.
9. Adopt Resolution No. 2017-32 approving the Agricultural Lease between the City of Kearney and B & B Bendfeldt Farms and Brenda Bendfeldt to lease 61.4 acres of dry land soybeans located on a tract of land being located in Sections 21, 22, and 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska.
10. Approve the Plans and Specifications for the construction of the 2016 Part 4 Improvements; Avenue M Hike/Bike Trail and set the bid opening date for April 5, 2017 at 2:00 p.m.
11. Approve the application for a Special Designated License submitted by Miretta Vineyards & Winery Inc., dba Miletta Vista Winery in connection with their Class YK-077615 liquor license to dispense alcoholic liquors inside the Exposition Building, located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, April 8, 2017 from 8:00 a.m. to 4:30 p.m. for sampling/tasting.
12. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Application submitted by PFLAG Pride 2017 March to temporarily close the parking lot located north of the Museum of Nebraska Art from 2:30 p.m. until 5:00 p.m. on May 13.
13. Accept the bids received for the purchase of a skid steer loader used in the Utilities Department and award the bid to Central Nebraska Bobcat in the amount of \$34,733.61.
14. Adopt Resolution No. 2017-33 approving the Amendment No. 3 to the Consultant Agreement with Alfred Benesch and Company for Project No. 3-31-0045-030 for the reconstruction.
15. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 liquor license to dispense alcoholic liquor inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Thursday, April 13, 2017 from 3:00 p.m. until 1:00 a.m. for a fundraiser.
16. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 liquor license to dispense alcoholic liquor In a 100' x 40' fenced area located south of Cope Stadium on UNK Campus located at 2708 12th Avenue, on Saturday, April 22, 2017 from 10:00 a.m. until 6:00 p.m. for a football tailgating event.
17. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 liquor license to dispense alcoholic liquor inside the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, May 6, 2017 from 3:00 p.m. until 12:00 a.m. for a car show.

18. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 liquor license to dispense alcoholic liquor inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, May 6, 2017 from 3:00 p.m. until 1:00 a.m. for a reception.
19. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 liquor license to dispense alcoholic liquor inside the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on May 12 and May 13, 2017 from 3:00 p.m. until 1:00 a.m. for a wine and jazz festival.
20. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 liquor license to dispense alcoholic liquor inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, May 13, 2017 from 3:00 p.m. until 1:00 a.m. for a reception.
21. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 liquor license to dispense alcoholic liquor inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, May 20, 2017 from 3:00 p.m. until 1:00 a.m. for a reception.
22. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 liquor license to dispense alcoholic liquor inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, May 20, 2017 from 3:00 p.m. until 1:00 a.m. for a reception.
23. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 liquor license to dispense alcoholic liquor inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, May 27, 2017 from 3:00 p.m. until 1:00 a.m. for a quinceanera.
24. Adopt Resolution No. 2017-34 approving the recommendation submitted by the Fire Chief to include Kyle Smith as a member of the Kearney Volunteer Fire Department.
25. Adopt Resolution No. 2017-35 approving the Developer Constructed Infrastructure Agreement; Marianne Hunt 2nd Addition between the City of Kearney and Gene and Deb McElhinney for improvements to serve Lots 1, 2, 3, 4, 6, 7, 10, 11, 14, 15 of Block One; Lots 1, 4, 5, 8, 9, 12, 13, 16 of Block Two; and Lots 2, 3, 4, 5, 6, 7 of Block Five, Marianne Hunt 2nd Addition.

\* ***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. 8131 amending several sections of Chapter 9 “Public Works” and Chapter 10 “Utilities” of the City Code to change the reference of storm water to stormwater, including definitions for involving the Post-Construction Stormwater Management Program, adding reference to the Post-Construction Stormwater Management Program for aid in standards/technical issues/design manuals, and replacing certain references of Best Management Practices (BMP) as it pertains to Post-Construction with Stormwater Treatment Facility (STF).
2. Approve Ordinance No. 8132 selling proposed Lot 2, Patriot First Subdivision to Midwest Partitions.

## VI. REGULAR AGENDA

1. Consider Resolution No. 2017-36 approving the redevelopment project submitted by L & P Investments, LLC for Redevelopment Area #5 for an area described as a tract of land located in the Southwest Quarter of the Southeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (2016 East Highway 30).
2. Consider Resolution No. 2017-37 approving the redevelopment project submitted by EKCEWEG, LLC for Redevelopment Area #5 for an area described as Lot 3, Great Western Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska (east of Avenue N and south of Levander’s Body Shop).

## VII. REPORTS

## VIII. ADJOURN

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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)