

# **KEARNEY CITY COUNCIL**

## **AGENDA**

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

**Tuesday, June 13, 2017**

**5:30 p.m.**

### **I. ROUTINE BUSINESS**

1. Invocation by Pastor Kent Sundberg.
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. REMOVE FROM TABLE. Conduct a public hearing on the Applications submitted by Miller & Associates for MFP Mid-America Shopping Centers, LLC to (1) vacate Lot 1, Hilltop Mall Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8144; and (2) the Final Plat for Hilltop Mall Second, an addition to the City of Kearney, Buffalo County, Nebraska, for a tract of land being Lot 1 (to be vacated), Hilltop Mall Subdivision, a subdivision to the City of Kearney in the Southwest Quarter of the Northwest Quarter of Section 25, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (4915 2nd Avenue) and consider Resolution No. 2017-72.
2. REMOVE FROM TABLE. Conduct a public hearing on the Application submitted by Miller & Associates for MFP Mid-America Shopping Centers, LLC for Planned District Development Plan Approval for the construction of a commercial building on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as proposed Lot 3, Hilltop Mall Second, an addition to the City of Kearney, Buffalo County, Nebraska (northeast of 2nd Avenue and 48th Street, west of Herbergers) and consider Resolution No. 2017-73.
3. Conduct a public hearing on the Applications submitted by Miller & Associates for Crossroad Center and Directed Services, Inc. to (1) vacate Lot 1 and part of Lot 2, Grandview Estates Eighth Addition, and Lot 1, Casey's Addition, all in the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8146; and (2) the Final Plat for Grandview Estates Twelfth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being all of Lot 1 (to be vacated) and

part of Lot 2 (to be vacated) of Grandview Estates Eighth Addition, and Lot 1 (to be vacated) of Casey's Addition, all in the City of Kearney, Buffalo County, Nebraska (1404 East 39th Street and 4115 Avenue N) and consider Resolution No. 2017-94.

4. Conduct a public hearing on the Application submitted by Buffalo Surveying for L & P Investments, LLC, for the Final Plat and Subdivision Agreement for L & P Commercial Park, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land 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) and consider Resolution No. 2017-95.
5. Conduct a public hearing on the Applications submitted by Buffalo Surveying for Michael and Patrese O'Brien to (1) vacate Lot 6, Block 2 and Lot 1, Block 3, Trail Ridge Country Estates and consider Ordinance No. 8147; and (2) to 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 West Half of the East Half of the Southwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (northeast of the 53rd Avenue and 62nd Street Intersection) and consider Ordinance No. 8148.
6. Conduct a public hearing on the Application submitted by Buffalo Surveying for Michael and Patrese O'Brien for the Final Plat for O'Brien Country Estates, a subdivision in the West Half of the Southeast Quarter and the East Half of the Southwest Quarter and part of the West Half of the East Half of the Southwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (northeast of the 53rd Avenue and 62nd Street Intersection) and consider Resolution No. 2017-96.
7. Conduct a public hearing on the Application submitted by Buffalo Surveying for VSL Kearney, LLC to rezone from District AG, Agricultural District to District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District property described as a tract of land being part of the Southeast Quarter of the Southwest Quarter and part of the Southwest Quarter of the Southeast Quarter of Section 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (northeast of the 27th Avenue and 11th Street Intersection) and consider Ordinance No. 8149.
8. Conduct a public hearing on the Application submitted by Buffalo Surveying for VSL Kearney, LLC for the Final Plat and Subdivision Agreement for Brookestone Gardens Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Southeast Quarter of the Southwest Quarter and part of the Southwest Quarter of the Southeast Quarter of Section 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (northeast of the 27th Avenue and 11th Street Intersection) and consider Resolution No. 2017-97.
9. Conduct a public hearing on the Application submitted by Buffalo Surveying for VSL Kearney, LLC for the annexation of Brookestone Gardens Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Southeast Quarter of the Southwest Quarter and part of the Southwest Quarter of the Southeast Quarter of Section 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (northeast of the 27th Avenue and 11th Street Intersection) and consider Resolution No. 2017-98.

10. Conduct a public hearing on the Application submitted by Brungardt Engineering, LLC for Vetter Senior Living for Planned District Development Plan Approval for construction of a skilled nursing facility and an apartment assisted living facility on property to be zoned District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as a tract of land being part of the Southeast Quarter of the Southwest Quarter and part of the Southwest Quarter of the Southeast Quarter of Section 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (northeast of the 27th Avenue and 11th Street Intersection) and consider Resolution No. 2017-99.

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

1. Approve Minutes of Regular Meeting held May 23, 2017.
2. Approve the Claims.
3. Approve the appointment of Lauren Brandt as the City Clerk.
4. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Applications as follows:
  - a) Mike Swenke to close 1 to 3 parking stalls each day along the west side of Central Avenue from 23rd Street to 24th Street and the south side of 24th Street from the alley located between Central Avenue and 1st Avenue to Central Avenue through July 4, 2017.
  - b) Kirk Melson to close parking stalls along both the east and west sides of Central Avenue from 23rd Street to 24th Street and the south side of 24th Street from the alley located between Central Avenue and 1st Avenue to Central Avenue on June 17, 2017.
  - c) Jason Volquardsen to close the four parking stalls located directly in front of The World Theatre on July 8, 2017.
5. Adopt Resolution No. 2017-100 approving the Developer Constructed Infrastructure Agreement between the City of Kearney and Paul Jackson and Tamara Jackson for Jackson Riverside Addition.
6. Adopt Resolution No. 2017-101 approving the Municipality Program Agreement for State Project XL1710 (Project No. NH-80-6[112]) between the City of Kearney and the Department of Roads for improvements to a portion of I-80 at the Kearney Interchange Ramps.
7. Repeal Resolution No. 2010-139 and adopt Resolution No. 2017-102 correcting the legal description pertaining to the redevelopment project (Younes Conference Center) in Redevelopment Areas #2 and #8 for an area described as Lot 2, Younes Center Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska.
8. Repeal Resolution No. 2010-127 and adopt Resolution No. 2017-103 correcting the legal description pertaining to the redevelopment project (Fairfield Inn) in Redevelopment Area #8 for an area described as Lot 3, Younes Center Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

9. Approve setting June 27, 2017 at 5:30 p.m. as the time and date to meet as the Board of Equalization to assess costs in connection with Paving Improvement District Nos. 2015-976, 2015-977, 2015-978, 2015-979, 2015-980; Water District Nos. 2015-579, 2015-580, 2015-581, 2015-582; Sanitary Sewer District Nos. 2015-516, 2015-517, 2015-518, 2015-519.
10. Approve the recommendation from the Development Services Division on extending the current licenses for East Lawn Mobile Homes Estates, 2900 and 3010 Grand Avenue an additional 60 days to correct the deficiencies and L & M Mobile Home Park, 1110 Central Avenue an additional 30 days to correct the deficiencies.
11. Adopt Resolution No. 2017-104 approving Change Order No. 1 showing a decrease in the amount of \$3,883.68, Application and Certificate for Payment No. 3-Final in the amount of \$89,405.22, and accept the Certificate of Substantial Completion submitted by Prairie Land Construction, Inc. and approved by Miller & Associates for the Archway Trail; Phase III from Sweetwater Avenue to Fort Kearny Trailhead.
12. Adopt Resolution No. 2017-105 approving the Developer Constructed Infrastructure Agreement between the City of Kearney and Starostka Group, Unlimited Inc., for L & P Commercial Park, an addition to the City of Kearney, Buffalo County, Nebraska.
13. Adopt Resolution No. 2017-106 approving Application and Certificate for Payment No. 2 in the amount of \$6,852.60 submitted by Blessing, LLC and approved by Miller & Associates for the 2016 Part 3 Improvements for 56th Street from 4th Avenue to 19th Avenue and 17th Avenue from 50th Street to west City limits; AND 2013 Part 10 Improvements for Talmadge Street from 2nd Avenue to 4th Avenue.
14. Adopt Resolution No. 2017-107 approving the Agreement for Aspen Meadows Third Addition between the City of Kearney and Twin Falls L.L.C.
15. Adopt Resolution No. 2017-108 approving the Property Maintenance and Lease Agreement between the City of Kearney and Greg Dollman for a 40-acre detention cell located in northeast Kearney.
16. Approve the applications 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 as follows:
  - a) Inside Brookdale Kearney Northridge located at 5410 17th Avenue on Thursday, June 29, 2017 from 4:00 p.m. until 10:00 p.m. for Business After Hours.
  - b) Inside the Expo Building and an outdoor 100'x50' fenced area adjacent to the Expo Building, located at the Buffalo County Fairgrounds, 3807 Avenue N, on Tuesday, July 4, 2017 from 3:00 p.m. until 1:00 a.m. for a customer appreciation event.
  - c) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, July 8, 2017 from 3:00 p.m. until 1:00 a.m. for a reception.
  - d) Inside the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Friday, July 14, 2017 from 3:00 p.m. until 1:00 a.m. for a car show.
  - e) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, July 15, 2017 from 3:00 p.m. until 1:00 a.m. for a reception.
  - f) Inside the Expo Building and an outdoor area measuring 25'x50' and an outdoor

area measuring 100'x50' adjacent to the building as shown on the diagrams all located at the Buffalo County Fairgrounds, 3807 Avenue N on July 26, 27, 28, 29, 31, 2017 from 3:00 p.m. until 1:00 a.m. and July 30, 2017 from 3:00 p.m. until 12:00 a.m. for the Buffalo County Fair.

- g) Inside an outdoor area measuring 1000'x180' and designated as the Outdoor Arena adjacent to the Expo Building as shown on the diagram at the Buffalo County Fairgrounds, 3807 Avenue N on Sunday, July 30, 2017 from 1:00 p.m. until 11:00 p.m. for the Buffalo County Fair Demo Derby.

17. Adopt Resolution 2017-109 approving the Purchase Agreement between Arram Equities, Inc. and the City of Kearney for the purchase of Lots 1 through 12, SunRise Estates.
18. Adopt Resolution No. 2017-110 approving the Developer Constructed Infrastructure Agreement for Brookstone Gardens Addition between the City of Kearney and VSL Kearney, LLC and Vetter Holdings, Inc.

\* *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. 8150 amending Article 29 "Itinerant Merchants, Peddlers & Solicitors" of Chapter 3 "Business Regulations" of the City Code as follows: amend Section 3-2902 "Definitions" to change the definition of Food Truck Vendor; amend Section 3-2903.01 "Food Truck Permit" to remove the attainment requirement of an itinerant merchant permit; amend Section 3-2904 "Exemptions from Article" to include the reference of sales within specific events; amend Section 3-2907 "Fees" to include the reference of Food Truck Vendors; and amend Section 3-2908 "Sales; Restrictions" to clarify the definitions of sales restrictions.
2. Approve Ordinance No. 8151 creating Paving Improvement District No. 2017-985 for 11th Avenue from the southwesterly line of Lot 4, Block Two thence northwesterly to the north line of Outlot B, Block One, all in Fountain Hills Eighth Addition.
3. Approve Ordinance No. 8152 creating Water District No. 2017-585 for 11th Avenue from the southwesterly line of Lot 4, Block Two thence northwesterly to the north line of Outlot B, Block One, all in Fountain Hills Eighth Addition.
4. Approve Ordinance No. 8153 creating Sanitary Sewer Improvement District No. 2017-522 for 11th Avenue from the southwesterly line of Lot 4, Block Two thence northwesterly to the north line of Outlot B, Block One, all in Fountain Hills Eighth Addition.
5. Approve Ordinance No. 8154 creating Paving Improvement District No. 2017-986 for Country Club Lane from 39th Street south to the south lot line of Lot 3, Block 1, Aspen Meadows Third Addition.
6. Approve Ordinance No. 8155 creating Water District No. 2017-586 for Country Club Lane from 39th Street south to the south lot line of Lot 3, Block 1, Aspen Meadows Third Addition.

7. Amend Ordinance No. 8142 and adopt Ordinance No. 8142A correcting the legal description pertaining to the vacation of Lot 1 Regency Acres, an addition to the City of Kearney, and Lot 1, Regency Acres Second, an addition to the City of Kearney, all in Buffalo County, Nebraska.

## VI. REGULAR AGENDA

## VII. REPORTS

## VIII. ADJOURN

Mayor Stanley Clouse  
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Vice-President Randy Buschkoetter  
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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)