

# **KEARNEY CITY COUNCIL**

## **AGENDA**

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

**December 12, 2017**

**5:30 p.m.**

### **I. ROUTINE BUSINESS**

1. Invocation by Pastor John Watson.
2. Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Oral Communication/Recognitions:
  - (a) Presentation of Kearney Volunteer Fire Department Service Awards: Delbert Bickford Jr., Jeremy Feusner, Anthony Hill, Kasey Potter, Robin Reeder, Dan Tenorio, Kortni Thompson and Eric VanHorn for 5 years of service; Shawn Munster and Terry Seals for 15 years of service; Terry Eirich for 30 years of service; and Gene Beerbohm and Jim Downing for 40 years of service.
  - (b) Presentation of Firefighter Certificates of Training for completing 2017 Firefighter I Class: Josiah Gillming, Kevin Kalkowski, Bill Schaffnitt and Kyle Smith.

### **II. UNFINISHED BUSINESS**

### **III. PUBLIC HEARINGS**

1. Conduct a public hearing on the Application submitted by S & J Rentals, Inc. dba S & J Construction for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Medium Density Residential to Office/Comm. Retail Mixed Uses property described as the North Half of Lot 8, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska (2314 Avenue H) and consider Resolution No. 2017-201.
2. Conduct a public hearing on the Application submitted by S & J Rentals, Inc. dba S & J Construction to rezone from District R-3, Urban Residential Multi-Family District (Medium Density) to District C-3, General Commercial District property described as the North Half of Lot 8, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska (2314 Avenue H) and consider Ordinance No. 8199.
3. Conduct a public hearing on the Applications submitted by Buffalo Surveying Corporation for NP Land Development, Inc. to (1) vacate Lot 1, Block Two, Northridge Retirement Subdivision and consider Ordinance No. 8200; and (2) to rezone from District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District to

District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and District R-1, Urban Residential Single-Family District (Low Density) property described as a tract of land being part of Lot 1, Block Two, to be vacated, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 17th Avenue and South of 54th Street) and consider Ordinance No. 8201.

4. Conduct a public hearing on the Application submitted by Buffalo Surveying Corporation for NP Land Development, Inc. for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Medium Density Residential to Low Density Residential property described as a tract of land being part of Lot 1, Block Two, to be vacated, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 17th Avenue and South of 54th Street) and consider Resolution No. 2017-202.
5. Conduct a public hearing on the Application submitted by Buffalo Surveying Corporation for NP Land Development, Inc. for the Final Plat and Subdivision Agreement for Northridge Estates of Kearney, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being Lot 1, Block Two, to be vacated, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 17th Avenue and South of 54th Street) and consider Resolution No. 2017-203.
6. Conduct a public hearing on the Application submitted by Miller & Associates for Grand West, LLC to rezone from District AG, Agricultural District to District C-2, Community Commercial District property described as a tract of land being part of the Northwest Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Southwest corner of 56th Street and 15th Avenue) and consider Ordinance No. 8202.
7. Conduct a public hearing on the Application submitted by Miller & Associates for Grand West, LLC for the Final Plat for Silverton Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Northwest Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Southwest corner of 56th Street and 15th Avenue) and consider Resolution No. 2017-204.
8. Conduct a public hearing on the Application submitted by Miller & Associates for Grand West, LLC for the annexation of Silverton Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Northwest Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Southwest corner of 56th Street and 15th Avenue) and consider Resolution No. 2017-205.
9. Conduct a public hearing on the Proposed amendments to the following chapters/sections of the City Code as follows: (a) Section 48-105 "Bufferyard Provisions" of Chapter 48 "Landscaping and Screening Standards" to add language to sub-item A requiring

bufferyards be free of paved areas, access ways, storage, or other disturbances; remove current sub-item B language on landscaping in the bufferyard; update sub-item C to amend and remove language regarding bufferyards incorporating into other areas on property; add sub-item 3 language on requirements of bufferyard landscaping; add language on the appropriate site design and criteria for bufferyards; add language on the incorporation of stormwater detention and utility easements into bufferyards; (b) Section 48-106 "Screening Standards" of Chapter 48 "Landscaping and Screening Standards" to remove the entire current Section 48-106 and combine with Section 48-105 "Bufferyard Provisions" and to add language on appropriate site design and criteria; the incorporation of stormwater detention and utility easements into screening areas; (c) Section 48-107 "Parking Lot Landscaping" of Chapter 48 "Landscaping and Screening Standards" and all corresponding sub-items replaced as Section 48-106 "Parking Lot Landscaping"; (d) Section 48-108 "Tree Plantings" of Chapter 48 "Landscaping and Screening Standards" and all corresponding sub-items replaced as Section 48-107 "Tree Plantings"; and (e) Section 48-109 "General Provisions" of Chapter 48 "Landscaping and Screening Standards" and all corresponding sub-items replaced as Section 48-108 "General Provisions" and consider Ordinance No. 8203.

10. Conduct a public hearing on the proposed acquisition for a Permanent Water Main Easement and a Permanent Sanitary Sewer Main Easement on property described as a strip of land 20.0 feet in width being part of Lot 5, Ingersoll Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2017-206.

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

1. Approve Minutes of Regular Meeting held November 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 Class IK-122176 liquor license application and manager application for James Boland submitted by WRG-Cellar, LLC, dba The Cellar Restaurant located at 3901 North 2nd Avenue.
4. Adopt Resolution No. 2017-207 approving Change Order No. 1 for a decrease in the amount of \$10,956.00, Application and Certificate for Payment No. 2-Final in the amount of \$129,944.10 and accept the Certificate of Substantial Completion submitted by Wilke Contracting Corp. and approved by Oak Creek Engineering for the construction of the 2016 Part 4 Improvements; Avenue M Hike/Bike Trail (Bid A; Pedestrian Bridge).
5. Adopt Resolution No. 2017-208 accepting the water and sanitary sewer improvements constructed under a Developer Constructed Infrastructure Agreement for Lot 5, Ingersoll Subdivision between the City of Kearney and WeisCo Properties, LLC.
6. Adopt Resolution No. 2017-209 approving the following Agricultural Leases at the Kearney Regional Airport from January 1, 2018 until December 31, 2018: B & B Bendfeldt Farms and Brenda Bendfeldt (176.6 irrigated acres and 50 dry land soybean acres); Kirk Potter and Jason Potter (40.8 irrigated acres); Don Hendrickson (193.5 irrigated acres); Gary Henderson (38 irrigated acres); Lee Potter (62 irrigated acres); Ron Hendrickson (75

dry land hay acres); and David Fleming (364.36 non-irrigated acres, 216 irrigated acres and 60 acres pivot irrigated acres).

7. Approve the recommendation from the Park & Recreation Department requesting the Advisory Board of Park and Recreation Commissioner be forwarded a naming request for the east side of the Harmon Park Rock Garden submitted by the Kearney Public Schools Foundation.
  8. Adopt Resolution No. 2017-210 repealing Resolution No. 2017-159 and adopt the 2017-2018 Comprehensive Fee Schedule amending the utility rates for outside of city limit connection services beginning January 1, 2018.
  9. Adopt Resolution No. 2017-211 to remove parking on both sides of: 35th Street from 17th Avenue west a distance of 415 feet AND 17th Avenue north from 35th Street a distance of 310 feet.
  10. Adopt Resolution No. 2017-212 approving Change Order No. 1 showing a decrease in the amount of \$13,714.54, Application and Certificate for Payment No. 4-Final in the amount of \$225,876.10, and accept the Certificate of Substantial Completion submitted by BSB Construction, Inc. and approved by Miller & Associates for the construction of Landfill Expansion, Cell 8 at the Kearney Area Solid Waste Landfill.
  11. Adopt Resolution No. 2017-213 approving Change Order No. 2 showing an increase in the amount of \$4,858.37 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.
- \* *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. 8204 amending Section 8-804 "Specific Limits" of Article 8 "Speed Limitations" of Chapter 8 "Police" of the Code of the City of Kearney to adjust the various speed limits on U.S. Highway 30 24th/25th Street, 48th Street, 56th Street and 17th Avenue and adding new distance locations on U.S. Highway 30 24th/25th Street, 56th Street and 17th Avenue.

## **VI. REGULAR AGENDA**

1. Open Account Claim to NPPD - \$81,204.32.

## **VII. REPORTS**

## **VIII. ADJOURN**

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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)