

# **KEARNEY CITY COUNCIL**

## **AGENDA**

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

**February 13, 2018**

**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 Application submitted by Diana Lind for Revised Planned District Development Plan Approval for the proposed construction of a surgical center addition on property zoned District C-O/PD, Office/Planned Development Overlay District and described as a Lot 1 and Lot 2, Windsor Estates Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (4107 7th Avenue) and consider Resolution No. 2018-19.
2. Conduct a public hearing on the Application submitted by Buffalo Surveying Corporation for James and Mary Beth Van Pool to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) property described as the South 234.0 feet of the North 267.0 feet of the East 299.5 feet of Government Lot 3 in Section 6, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (6970 West Highway 30) and consider Ordinance No. 8216.
3. Conduct a public hearing on the Application submitted by Buffalo Surveying Corporation for James and Mary Beth Van Pool for the Final Plat for Van Pool Subdivision, a subdivision being part of Government Lot 3 located in Fractional Section 6, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, a tract described as the South 234.0 feet of the North 267.0 feet of the East 299.5 feet of Government Lot 3 in Fractional Section 6, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (6970 West Highway 30) and consider Resolution No. 2018-20.
4. Conduct a public hearing on the Application submitted by Buffalo Surveying Corporation

for Janet Fox, Trustee, and Richard and Judith Tschirren, Cotrustees, for the Final Plat for Tschirren-Fox Subdivision, a subdivision being part of Government Lot 1, part of Government Lot 2 and part of Government Lot 3 located in Section 10, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, a tract of land being part of Government Lot 1, Government Lot 2 and Government Lot 3, all located in Fractional Section 10, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Sweetwater Avenue and South of East 11th Street) and consider Resolution No. 2018-21.

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

1. Approve Minutes of Regular Meeting held January 23, 2017.
2. Approve the Claims.
3. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Application to conduct the Shamrock Shuffle to temporarily close portions of 6th Avenue, West 46th Street, 10th Street, West 45th Street, 11th Avenue, 17th Avenue, 19th Avenue, West 50th Street, West 48th Street, 4th Avenue, West 42nd Street, 7th Avenue, and Country Club Lane on March 17, 2018.
4. Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropic in connection with their Class IBK-37623 catering liquor license to dispense alcoholic liquor in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, March 31, 2018 from 6:00 p.m. until 1:00 a.m. for a dance.
5. Accept the Proposals received for the construction of sidewalks and miscellaneous concrete work in City parks and award the Proposal submitted by S&J Construction in the amount of \$80,679.00.
6. Adopt Resolution No. 2018-22 disposing of seven vacant City Well House properties and authorizing the sale of each property.
7. Approve the application for a Special Designated License submitted by Miretta Vineyards & Winery Inc., dba Miletta Vista Winery in connection with their YK-077615 liquor license to cater and dispense alcoholic liquors inside the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, April 14, 2018 from 8:30 a.m. until 4:30 p.m. for a craft fair.
8. Accept the bids received for the 2017 Part 4 Improvements for the construction of raised left turn lane medians located at 56th Street at the intersection of 17th Avenue, 2nd Avenue at the intersection of 54th Street and to maximize the left turn lane stacking capabilities on 2nd Avenue at the 48th and 52nd Street intersections and adopt Resolution No. 2018-23 awarding the bid to GD Concrete Construction Inc. in the amount of \$322,222.00.
9. Adopt Resolution No. 2018-24 repealing Resolution No. 2017-210 and adopt the 2017-2018 Comprehensive Fee Schedule amending annual sign installer registration fee to a bi-annual registration fee and removing auctioneer licensing fees beginning February 28,

2018.

10. Approve the applications for a Special Designated License submitted by Kearney Investment Corporation, dba Holiday Inn in connection with their Class CK-017964 liquor license to cater and dispense alcoholic liquor as follows:
  - a) Inside the Museum of Nebraska Art (MONA) located at 2401 Central Avenue, on Saturday, April 7, 2018 from 5:00 p.m. until 11:00 p.m. for a spirit award reception; and
  - b) Inside Custer Federal State Bank located at 1305 East 56th Street on Thursday, April 12, 2018 from 4:00 p.m. until 8:00 p.m. for a business after hours event.
11. Accept the bids received for the 2017 Part 3 Improvements consisting of Paving Improvement District No. 2017-987 for 11th Street from the west right-of-way line of 14th Avenue to the west right-of-way line of 7th Avenue and adopt Resolution No. 2018-25 awarding the bid to The Diamond Engineering Co. in the amount of \$1,127,674.65.
12. Adopt Resolution No. 2018-26 on the intent to issue tax exempt bonds for the 2017 Part 3 Improvements consisting of Paving Improvement District No. 2017-987 for 11th Street from the west right-of-way line of 14th Avenue to the west right-of-way line of 7th Avenue.
13. Adopt Resolution No. 2018-27 repealing Resolution No. 2017-217 and approving the Technical and Professional Services Contract and the Construction Management Services Contract, both between the City of Kearney and Miller & Associates for the Community Development Block Grant Program for a Community Development Program (Grant No. 16-CD-103).
14. 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 cater and dispense alcoholic liquor as follows:
  - a) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, March 10, 2018 from 3:00 p.m. until 1:00 a.m. for a reception; and
  - b) Inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, March 10, 2018 from 10:00 a.m. until 10:00 p.m. and Sunday, March 11, 2018 from 11:00 a.m. until 8:00 p.m. for a motorcycle show.

\* ***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. POSTPONED SINCE JANUARY 23, 2018. Approve Ordinance No. 8214 amending Section 1-1506 "Informal Purchasing" of Article 15 "Purchasing" of Chapter 1 "Administration" of the City Code to increase the open market purchase amount from greater than \$2,000 for purchases acquired after solicitation of two quotations and to increase the allowable open market purchases via a purchase card to \$2,000 without the necessity of soliciting two quotations.
2. POSTPONED SINCE JANUARY 23, 2018. Approve Ordinance No. 8215 amending Section 3-1322 "Alcoholic Beverages; Special Designated Permits; Applicants to File

Liability Policy with City; Conditions” of Article 13 “Alcoholic Beverages” of Chapter 3 “Business Regulations” of the City Code to specify that a public liability policy must be submitted to the City Clerk’s Office for SDL applications involved only on City property.

3. Approve Ordinance No. 8217 to repeal in its entirety the following sections of Chapter 9 “Public Works” of the Code of the City of Kearney: Section 9-209 “Contractors; Certificate of Insurance” of Article 2 “Building Code Generally”; Section 9-721 “Electricians, Fire Alarm Installers; Certificate of Insurance” of Article 7 “Electricity”; and Section 9-1045 “Plumbers; Certificate of Insurance” of Division III “Licensing and Regulation of Plumbers” of Article 10 “Plumbing Code”.
4. Approve Ordinance No. 8218 on the following chapters/sections of the City Code as follows: (a) Section 3-401 “Permanent Signs; Registration of Installers” of Article 4 “Permanent Signs” of Chapter 3 “Business Regulations” to remove language requiring the annual sign installer registration fee, late registration fee and language detailing when fees are required in January of each year and replace with a two-year sign installer registration fee; (b) Section 3-405 “Certificate of Insurance” of Article 4 “Permanent Signs” of Chapter 3 “Business Regulations” to remove three hundred thousand dollar each accident requirement and replace with one million dollar each accident requirement; (c) Section 9-206 “Contractors; Registration Required” of Article 2 “Building Code Generally” of Chapter 9 “Public Works” to add language stating that homeowners working on their primary residence shall not be considered building contractors; and (d) Section 9-1044 “Application for Registration” of Division III “Licensing and Regulation of Plumbers” of Article 10 “Plumbing Code” of Chapter 9 “Public Works” to remove proof of insurance language noted in Section 9-1045 of Article 10.
5. Approve Ordinance No. 8219 to repeal in its entirety the following sections of Chapter 3 “Business Regulations” of the Code of the City of Kearney: Section 3-1509 “License; Required” of Article 15 “Auctions”; Section 3-1510 “License; Application” of Article 15 “Auctions”; Section 3-1511 “License; Investigation” of Article 15 “Auctions”; Section 3-1512 “License; Fee” of Article 15 “Auctions”; Section 3-1513 “License; Bond” of Article 15 “Auctions”; Section 3-1514 “License; Issuance” of Article 15 “Auctions”; Section 3-1515 “License; Grounds for Denial, Revocation” of Article 15 “Auctions”; Section 3-1516 “License; Notice of Hearing” of Article 15 “Auctions”; Section 3-1517 “License; Appeals” of Article 15 “Auctions”; and Section 3-1519 “Special Permit for Sales in Residential Areas; Issuance Restricted” of Article 15 “Auctions”.

## **VI. REGULAR AGENDA**

1. Receive and accept the City of Kearney Annual Financial Report prepared by the accounting firm of KSO CPAs + Advisors.
2. Review the One & Six Year Street Improvement Plan and set the public hearing for February 27, 2018 to adopt the One and Six Year Street Improvement Plan.
3. Open Account Claim to NPPD - \$86,499.02.

## VII. REPORTS

## VIII. ADJOURN

Mayor Stanley Clouse  
4907 Linden Drive Place  
627-6730 cell  
238-5210 office  
[mayor@kearneygov.org](mailto:mayor@kearneygov.org)

Vice-President Randy Buschkoetter  
1110 13th Avenue  
234-5553 home  
440-0358 cell  
[citycouncil@kearneygov.org](mailto:citycouncil@kearneygov.org)

Council Member Bruce Lear  
4803 Avenue L Place  
234-5354 home  
237-2724 office  
[citycouncil@kearneygov.org](mailto:citycouncil@kearneygov.org)

Council Member Bob Lammers  
8 Crestview Place  
236-5273 home  
[citycouncil@kearneygov.org](mailto:citycouncil@kearneygov.org)

Council Member Jonathan Nikkila  
4 Regency Place  
224-4309 cell  
[citycouncil@kearneygov.org](mailto:citycouncil@kearneygov.org)

City Manager Michael Morgan  
18 East 22nd Street  
233-3214 office  
[mmorgan@kearneygov.org](mailto:mmorgan@kearneygov.org)

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)