

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

April 10, 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.
 - a) Proclamation for National Crime Victims' Right Week.

II. UNFINISHED BUSINESS

III. PUBLIC HEARINGS

1. Conduct a public hearing on the Application submitted by Morton Buildings, Inc. for Ken and Linda Anderson for Planned District Development Plan Approval for the proposed construction of a heated warehouse on property zoned District C-3/PD, General Commercial/Planned Development Overlay District and described as Lot 2, Frederick's Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska (1206 M Avenue) and consider Resolution No. 2018-43.
2. Conduct a public hearing on the Proposed amendments to the following chapters/sections of the City Code as follows: (a) Section 21-103 "Additional Requirements" of Chapter 21 "District R-3, Urban Residential Multi-Family District (Medium-Density)" to remove the current language of additional requirements and replace with language of notification of additional accessory building and group residential; (b) Section 22-103 "Additional Requirements" of Chapter 22 "District R-4, Urban Residential Multi-Family District (High-Density)" to add language of notification of additional accessory building requirements; (c) Section 47-104 "Setback Adjustments" of Chapter 47 "Supplemental Development Regulations" to add language pertaining to the placement of the UDLO swimming pool setback requirements together with the addition of swimming pool setbacks in complexes of more than six residential units following sub-item B-6; (d) Section 47-105 "Accessory Buildings" of Chapter 47 "Supplemental Development Regulations" to add language pertaining to additional requirements involving the addition of the UDLO parking area, accessory buildings, and garage setback requirements regarding complexes of more than six residential units; and (e) Section 49-109 "Stacking Requirements for Drive-Through Services" of Chapter 49 "Off-Street

Parking” to create a new sub-item B and add language pertaining to alternative runaround access for drive-through lanes and exceptions and consider Ordinance No. 8232.

IV. CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held March 27, 2018.
2. Approve the Claims.
3. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Applications as follows:
 - a) Kearney BBQ on the Bricks to temporarily close Central Avenue from 25th Street to 23rd Street, 24th Street from 1st Avenue to Avenue A, 23rd Street from Central Avenue to 1st Avenue, 1st Avenue from 23rd Street to 24th Street, and the parking lot located north of the Museum of Nebraska Art on August 24 and 25, 2018;
 - b) Special Olympics for the Law Enforcement Torch Run to temporarily close the eastbound lane of 37th Street from 2nd Avenue to Avenue A, the southbound lane of Avenue A from 37th Street to 31st Street, 31st Street from Avenue A to Central Avenue, and Central Avenue and the north half of the MONA parking lot on May 15, 2018; and
 - c) Buffalo County Stampede 5K, 10K & Half Marathon to temporarily close portions of 11th Street, Kea West Avenue, 16th Avenue, 8th Street, 6th Avenue, Central Avenue, 16th Street, H Avenue, 22nd Street, and North Railroad Street on June 10, 2018.
4. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Application to conduct the Senior Games Cycling to temporarily close portions of East 1st Street from the Archway to Avenue M, north on Avenue M to 11th Street, east on 11th Street to Kearney East Expressway, south on Kearney East Expressway to East 1st Street to the Archway on August 4 and 5, 2018 and adopt Resolution No. 2018-44 making application to the Nebraska Department of Roads for a Permit to use the west southbound lane of Kearney East Expressway.
5. Approve the application for a Special Designated License submitted by Hi-Brand Kearney LLC dba Old Chicago in connection with their IK-066969 liquor license to cater and dispense alcoholic liquors inside The Archway located at 3060 East 1st Street on Saturday, April 28, 2018 from 5:00 p.m. until 12:00 a.m. for a wedding reception.
6. Adopt Resolution No. 2018-45 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement for 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.
7. Adopt Resolution No. 2018-46 approving the Agreement between the City of Kearney and KSO CPAs + Advisors for auditing services.
8. Adopt Resolution No. 2018-47 to remove bus parking on the west side of C Avenue,

north of East 35th Street a distance of 536 feet.

9. Adopt Resolution No. 2018-48 approving the Developer Constructed Infrastructure Agreement; Benchmark Development Phase II of Lot 5, Ingersoll Subdivision between the City of Kearney and WeisCo Properties, LLC by and through Brett Weis to construct public improvements for a sanitary sewer main to serve Lot 5, Ingersoll Subdivision.
10. Approve the Plans and Specifications for the 2018 Archway Trail Improvements and set the bid opening date for May 1, 2018 at 2:00 p.m.
11. 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 Ellerbrock-Norris Insurance at 4004 6th Avenue on Thursday, April 26, 2018 from 4:00 p.m. until 10:00 p.m. for a business after hours event; and
 - b) Inside the Extension Building located at 1400 East 34th Street on Saturday, May 26, 2018 from 3:00 p.m. until 1:00 a.m. for a reception.
12. Accept the bids received for the sale of property located at 1100 Block East 16th Street and award the bid to Glen and Diane Miller in the amount of \$28,900.00.
13. Accept the bids received for the sale of property located at 1200 Block Avenue A and award the bid to Reed Miller in the amount of \$64,350.00.
14. Accept the bids received for the sale of property located at 1200 Block East 18th Street and award the bid to Glen and Diane Miller in the amount of \$28,900.00.
15. Accept the bids received for the sale of property located at 1600 Block Central Avenue and award the bid to Glen and Diane Miller in the amount of \$23,000.00.
16. Accept the Deed of Dedication received from the Good Samaritan Hospital Foundation acquiring right-of-way access for a tract of land being part of the Northeast Quarter of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska.

* *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 MARCH 27, 2018. Approve Ordinance No. 8231 selling a 35 foot parcel of land described as the East 35 feet of Lot 7, Block 27, Kearney Land and Investment Company's First Addition to the City of Kearney, Buffalo County, Nebraska to Patricia Misener.
2. Approve Ordinance No. 8233 selling an 80 foot by 126 foot parcel of land described as all of vacated Avenue L from the South right-of-way line of 16th Street to the North right-of-way line of 15th Street, TOGETHER WITH the South 7 feet of 16th Street abutting said vacated West half of Avenue L on the North, EXCEPT the West half of the South 180.75

feet of vacated Avenue "L" lying between 15th Street and 16th Street abutting part of Lot 3 and all of Lots 4, 5 and 6, Warwick Place, a subdivision of Lot 1358, in the Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska, on the East, now platted as Lot 1, Rice Addition, an addition to the City of Kearney, Buffalo County, Nebraska to Glen and Diane Miller.

3. Approve Ordinance No. 8234 selling a 90 foot by 130 foot parcel of land described as the Lot 6, Block 5, Roe's Subdivision to the City of Kearney, Buffalo County, Nebraska, TOGETHER WITH the North half of vacated 12th Street as it abuts said Lot on the South AND TOGETHER WITH the vacated West 17 feet of Avenue A abutting said Lot and abutting said portion of vacated 12th Street on the East, all in Buffalo County, Nebraska to Reed Miller.
4. Approve Ordinance No. 8235 selling a 80 foot by 100 foot parcel of land described as all of Vacated Avenue "L" as it abuts Lot 5 and Lot 6, Henthorn's Subdivision to the City of Kearney, Buffalo County, Nebraska on the East and as it abuts the South 100 feet of Lot 1010, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska on the West, now platted as Lot 1, Pump House 20 Addition, an addition to the City of Kearney, Buffalo County, Nebraska to Glen and Diane Miller.
5. Approve Ordinance No. 8236 selling a 50 foot by 130 foot parcel of land described as Lot 1245, in the Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska to Glen and Diane Miller.
6. Approve Ordinance No. 8237 repealing Ordinance No. 8205 and amend the Salary Ordinance reflecting the reclassification of an Evidence Technician position.
7. Amend Ordinance No. 8221 and adopt Ordinance No. 8221A clarifying the legal description pertaining to Paving Improvement District No. 2018-990 for 11th Avenue from the southwesterly line of Lot 1, Fountain Hills Tenth Addition, northwesterly to the northwesterly line of Lot 1, Fountain Hills Tenth Addition for recording purposes at the Buffalo County Register of Deeds Office.
8. Amend Ordinance No. 8222 and adopt Ordinance No. 8222A clarifying the legal description pertaining to Water Connection District No. 2018-1 for 11th Avenue from the southwesterly line of Lot 1, Fountain Hills Tenth Addition, northwesterly to the northwesterly line of Lot 1, Fountain Hills Tenth Addition for recording purposes at the Buffalo County Register of Deeds Office.

VI. REGULAR AGENDA

1. Consider the Application for Addition to Liquor License submitted by Los Magueyes LLC, dba Los Magueyes in connection with their Class I-118141 liquor license located at 320 3rd Avenue.
2. Consider approval of Ordinance No. 8238 authorizing the issuance and sale of bond anticipation notes of the City of Kearney, Nebraska, in the principal amount of \$1,270,000 for the purpose of providing interim financing for the costs of constructing street improvements in Paving Improvement District No. 2017-987 of said City pending the

issuance of permanent General Obligation Various Purpose Bonds of the City; prescribing the form of said notes; agreeing to issue the City's general obligation various purpose bonds to pay the notes at maturity or to pay the notes from other available funds; entering into a contract on behalf of the City with the holders of said notes.

3. Consider the split recommendation from the Park & Recreation Advisory Board for the proposed creation and naming of Recognition Falls in the Harmon Park Rock Garden and approve Resolution No. 2018-49 recommending the creation of a steering committee to evaluate the Recognition Falls project.
4. Accept the report from the City Clerk on the sufficiency of objection/protest filed in connection with Ordinance No. 8226 creating Paving Improvement District No. 2018-989, Ordinance No. 8227 creating Water District No. 2018-588, Ordinance No. 8228 creating Sanitary Sewer Improvement District No. 2018-524 for all of 16th Street from the east lot line of Lot 7, Block 2, Marlatt Third Addition, thence westerly to a point 38.92 feet west of the east lot line of Lot 12, Block Three, Marlatt Addition.
5. Approve Ordinance No. 8239 repealing Ordinance No. 8226 creating Paving Improvement District No. 2018-989 for all of 16th Street from the east lot line of Lot 7, Block 2, Marlatt Third Addition, thence westerly to a point 38.92 feet west of the east lot line of Lot 12, Block Three, Marlatt Addition.
6. Approve Ordinance No. 8240 repealing Ordinance No. 8227 creating Water District No. 2018-588 for all of 16th Street from the east lot line of Lot 7, Block 2, Marlatt Third Addition, thence westerly to a point 38.92 feet west of the east lot line of Lot 12, Block Three, Marlatt Addition.
7. Approve Ordinance No. 8241 repealing Ordinance No. 8228 creating Sanitary Sewer District No. 2018-524 for all of 16th Street from the east lot line of Lot 7, Block 2, Marlatt Third Addition, thence westerly to a point 38.92 feet west of the east lot line of Lot 12, Block Three, Marlatt Addition.

VII. REPORTS

VIII. ADJOURN

Mayor Stanley Clouse
4907 Linden Drive Place
627-6730 cell
238-5210 office
mayor@kearneygov.org

Vice-President Randy Buschkoetter
1110 13th Avenue
234-5553 home
440-0358 cell
citycouncil@kearneygov.org

Council Member Bruce Lear
4803 Avenue L Place
234-5354 home
237-2724 office
citycouncil@kearneygov.org

Council Member Bob Lammers
8 Crestview Place
236-5273 home
citycouncil@kearneygov.org

Council Member Jonathan Nikkila
4 Regency Place
224-4309 cell
citycouncil@kearneygov.org

City Manager Michael Morgan
18 East 22nd Street
233-3214 office
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