

# **KEARNEY CITY COUNCIL**

## **AGENDA**

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

**April 24, 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 Werner Construction, Inc. for Kappas Enterprises for a Conditional Use Permit to operate a sand and gravel pumping operation and temporary batch plant on property zoned District AG, Agricultural District and described as Government Lots 1, 2, 3, 4 in Section 9, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (335 Cherry Avenue) and to consider Ordinance No. 8242.
2. POSTPONED SINCE APRIL 10, 2018. 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 April 10, 2018.
2. Approve the Claims.
3. Receive recommendations of Planning Commission and set May 8, 2018 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class DK-122421 liquor license application and manager application for Carrie Halligan submitted by The Cup n' Cork LLC dba The Cup n' Cork located at 3811 Central Avenue, Suite G.
5. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class C-122435 liquor license application and manager application for Tara Johnson submitted by The Thirsty Travelers LLC dba McCue's Nebraska Taproom located at 2008 A Avenue.
6. Approve setting May 8, 2018 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. 2014-970, 2014-971 and 2016-982.
7. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Applications as follows:
  - a) Sprocket's Hog Dogs to use three parking stalls in front of 2202 Central Avenue on Saturday, April 28, 2018 for the Super Hero Day event sponsored by WeeCycle.
  - b) Community Olympiad 5K Run/Walk to use A Avenue, 27th Street, I Avenue, 35th Street, Tabor Place, 34th Street, G Avenue, 33rd Street and H Avenue on Saturday, June 25, 2018 from 7:30 a.m. until 9:00 a.m.
  - c) Grand Lodge of Nebraska for the Masonic Band marching practice and marching parade to use University Drive, 29th Street and 5th Avenue on May 29, May 30, May 31, June 1 and June 2, 2018.
  - d) UNK Destination Downtown to temporarily close Central Avenue from 21st Street to the middle of 24th Street on Thursday, August 23, 2018.
8. Approve the Plans and Specifications for the 2018 Part 2 Improvements for 11th Avenue Extension consisting of Paving Improvement District No. 2018-990 and Water Connection District No. 2018-1 and set the bid opening date for May 29, 2018 at 2:00 p.m.
9. Adopt Resolution No. 2018-50 approving Application and Certificate for Payment No. 4-Final in the amount of \$15,450.00 and accepting the Certificate of Substantial Completion submitted by Ensley Electric and approved by Miller & Associates for the Harvey Park Ballfield Lighting.
10. Adopt Resolution No. 2018-51 approving the Proposal for Design Development and

Permitting Services with S2O Design and Engineering for the continuation of Phase II Enhancements of the Kearney Water Trail.

11. Accept the Proposals received for the surface preparation and painting of the Harmon Park Pool and award the Proposal submitted by Jameson Painting, Inc. in the amount of \$69,500.00.
12. Adopt Resolution No. 2018-52 approving the Lease Agreement between the City of Kearney and Kearney Raceway Park for property located at the Kearney Regional Airport.
13. Adopt Resolution No. 2018-53 approving Change Order No. 1 showing an increase in the amount of \$6,535.13, Application and Certificate for Payment No. 2 in the amount of \$97,264.09 submitted by Blessing, LLC and approved by Miller & Associates for the 2017 Part 2 Improvements consisting of Paving Improvement District No. 2017-986 and 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.
14. Approve the applications for a Special Designated License submitted by Kearney Area Chamber of Commerce to cater and dispense alcoholic liquor as follows:
  - a) Inside Divas Floral located at 2223 1st Avenue on Thursday, May 24, 2018 from 4:00 p.m. until 9:00 p.m. for a business after hours event; and
  - b) Inside Bow & Arrow Boutique located at 2112 Central Avenue on Thursday, May 24, 2018 from 4:00 p.m. until 9:00 p.m. for a business after hours event.
15. 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 Younes Pavilion located at 604 West Talmadge Street on Friday, May 11, 2018 from 3:00 p.m. until 1:00 a.m. for a rehearsal dinner;
  - b) Inside the Extension Building located at 1400 East 34th Street on Saturday, May 19, 2018 from 3:00 p.m. until 1:00 a.m. for a reception;
  - c) Inside First National Bank located at 3807 Avenue N on Tuesday, May 22, 2018 from 4:00 p.m. until 10:00 p.m. for a business after hours event; and
  - d) Inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Thursday, May 31, 2018 from 3:00 p.m. until 1:00 a.m. for a charity event.
16. Adopt Resolution No. 2018-54 approving the Developer Constructed Infrastructure Agreement; Construction Rental Development, between the City of Kearney and Construction Rental, Inc., for improvements to serve a parcel of land being a portion of Blocks 58, 59 and 60, and portions of vacated Twenty-Sixth Street and "O" Avenue, Midway Land Company's First East Lawn Addition to the City of Kearney, Buffalo County, Nebraska.
17. Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropico 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, June 16, 2018 from 6:00 p.m. until 1:00 a.m. for a dance.
18. Adopt Resolution No. 2018-55 approving the Interlocal Agreement between the City of Kearney and Buffalo County, Nebraska pertaining to the asphalt resurfacing construction

of 30th Avenue paving from 600 feet north of 39th Street to 48th Street.

- \* ***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. POSTPONED SINCE APRIL 10, 2018. 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. POSTPONED SINCE APRIL 10, 2018. 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. POSTPONED SINCE APRIL 10, 2018. 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. POSTPONED SINCE APRIL 10, 2018. 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. POSTPONED SINCE APRIL 10, 2018. Approve Ordinance No. 8237 repealing Ordinance No. 8205 and amend the Salary Ordinance reflecting the reclassification of an Evidence Technician position.
7. POSTPONED SINCE APRIL 10, 2018. 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. POSTPONED SINCE APRIL 10, 2018. 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. POSTPONED SINCE APRIL 10, 2018. 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.
2. POSTPONED SINCE APRIL 10, 2018. 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.
3. POSTPONED SINCE APRIL 10, 2018. 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.
4. POSTPONED SINCE APRIL 10, 2018. 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.
5. POSTPONED SINCE APRIL 10, 2018. 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.
6. Open Account Claim to NPPD - \$96,868.69.

## 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)