

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

June 12, 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 Applications submitted by Miller & Associates for First Firefly, LLC and Equestrian Hills Homeowners Subdivision, Inc. to (1) vacate Lot 1 and Lot 2, Equestrian Hills Fifth of Crest Valley Ranch AND Lot 2, Lot 4, Lot 5 and Commons Area, Haflinger Estates, all in Equestrian Hills Third of Crest Valley Ranch and consider Ordinance No. 8248; and (2) rezone from District RR-2/PD, Rural Residential (Intermediate Standards)/Planned Development Overlay District to District AG, Agricultural District property described as Lot 1 and Lot 2, Equestrian Hills Fifth of Crest Valley Ranch, part of the West Half of Section 33, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; AND Lot 2, Lot 4, Lot 5 and Commons Area, Haflinger Estates, all in Equestrian Hills Third of Crest Valley Ranch, a subdivision being Lot 1, Equestrian Hills of Crest Valley Ranch (now vacated) and part of the West Half of Section 33, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of Rolling Hills Road and Clydesdale Circle) and consider Ordinance No. 8249.
2. Conduct a public hearing on the Application submitted by Miller & Associates for Buffalo Properties, LLC, a Nebraska Limited Liability Company to rezone from District R-3, Urban Residential Multi-Family District (Medium Density) to District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District property described as the West 84.25 feet of Lot 2, Marianne Hunt Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska; TOGETHER WITH the North 125.0 feet of Lot 1, Howland Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska, AND Lot 1, EXCEPTING HOWEVER, the North 125.0 feet of said Lot, and ALL of Lot 2, Howland Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska (715 Avenue D) and consider Ordinance No. 8250.

3. Conduct a public hearing on the Application submitted by Miller & Associates for Buffalo Properties, LLC, a Nebraska Limited Liability Company for Planned District Development Plan Approval for the construction of a two-story apartment building on property to be zoned District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as the West 84.25 feet of Lot 2, Marianne Hunt Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska; TOGETHER WITH the North 125.0 feet of Lot 1, Howland Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska, AND Lot 1, EXCEPTING HOWEVER, the North 125.0 feet of said Lot, and ALL of Lot 2, Howland Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska (715 Avenue D) and consider Resolution No. 2018-78.
4. Conduct a public hearing on the Applications submitted by Miller & Associates for Fred E. Hammer, Trustee of the Fred E. Hammer Living Trust and Fox Creek Development, LLC to (1) vacate Lots 1 through 5, inclusive, Block Five, Fox Creek and consider Ordinance No. 8251; and (2) for the Final Plat for Fox Creek Second, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of Government Lot 3 and accretions abutting said Lot 3, all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (South of 4th Street at 8th Avenue and 9th Avenue intersection) and consider Resolution No. 2018-79.
5. Conduct a public hearing on the Application submitted by Miller & Associates for Fred E. Hammer, Trustee of the Fred E. Hammer Living Trust and Fox Creek Development, LLC to rezone from District R-1, Urban Residential Single-Family District (Low Density), District R-2, Urban Residential Mixed-Density District and District MU, Mixed Use District to District R-2, Urban Residential Mixed-Density District and District MU, Mixed Use District property described as Lots 1, 2, 3, 4, 5 and 6, Fox Creek Second, an addition to the City of Kearney, Buffalo County, Nebraska (South of 4th Street at 8th Avenue and 9th Avenue intersection) and consider Ordinance No. 8252.
6. Conduct a public hearing on the Application submitted by Miller & Associates for Fox Creek Development, LLC for Planned District Development Plan Approval for construction of a storage unit building on property to be zoned District MU, Mixed Use District and described as Lot 2, Fox Creek Second, an addition to the City of Kearney, Buffalo County, Nebraska (South of 4th Street at 8th Avenue and 9th Avenue intersection) and consider Resolution No. 2018-80.
7. Conduct a public hearing on the proposed adoption of Future Street Map to the 2016 Comprehensive Development Plan for the City of Kearney and consider Resolution No. 2018-81.

IV. CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held May 22, 2018.
2. Approve the Claims.
3. Approve the recommendation from the Development Services Division on extending the

current license for East Lawn Mobile Homes Estates, 2900 and 3010 Grand Avenue an additional 30 days to correct the deficiencies.

4. Approve the City of Kearney Annexation, Creation of Districts and Ag Deferral Policies and adopt Resolution No. 2018-82.
5. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Applications as follows:
 - a) Savannah Lyon on behalf of Compass for the Superhero Dash to temporarily close the northbound lane of East 1st Street from Avenue M to The Archway Parking Lot on June 30, 2018; and
 - b) Kimberly Ryan on behalf of PFLAG Kearney to temporarily close the parking lot located north of the Museum of Nebraska Art from 2:00 p.m. until 10:00 p.m. on September 16, 2018.
6. Adopt Resolution No. 2018-83 to remove parking on East 1st Street, beginning 150 feet west and 150 feet east of the crosswalk to the pedestrian bridge on The Archway campus.
7. Approve the application for a Special Designated License submitted by Kearney BBQ Co., dba Skeeter Barnes in connection with their Class I-055865 liquor license to cater and dispense alcoholic liquors inside The Archway, located at 3060 East 1st Street, on Friday, July 20, 2018 from 6:00 p.m. until 9:00 p.m. for a rehearsal dinner.
8. Approve the application for a Special Designated License submitted by Alley Rose Inc. of Kearney NE, dba Alley Rose in connection with their Class IK-021763 liquor license to cater and dispense alcoholic liquors inside The Archway, located at 3060 East 1st Street, on Sunday, July 29, 2018 from 6:00 p.m. until 9:00 p.m. for a reception.
9. Adopt Resolution 2018-84 approving the Purchase Agreement between Kappas Enterprises, LLC and the City of Kearney for the purchase of a tract of land being the North Half of the Northwest Quarter, Government Lot 3, Government Lot 4, and accretions of said government lots in Section 10, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; EXCEPTING THEREFROM a tract of land located in said Government Lot 3 containing 6.87 acres, more or less; AND EXCEPTING THEREFROM a tract of land being part of Government Lot 3 located in said Section 10, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; AND ALSO EXCEPTING THEREFROM a tract of land being the North Half of the Northwest Quarter and part of Government Lot 3 and part of Government Lot 4 and accretions in said Section 10, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska.
10. 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 an outdoor fenced area measuring 120'x200' at Viaero Center located at 609 Platte Road, on Tuesday, July 3, 2018 from 3:00 p.m. until 11:30 p.m. for the United Way Freedom Fest.
 - b) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, July 7, 2018 from 3:00 p.m. until 1:00 a.m. for a reception;
 - c) Inside the Classic Car Collection Museum, 3600 East Highway 30, on Friday, July 13, 2018 from 3:00 p.m. until 11:00 p.m. for a class reunion;

- d) Inside Kearney Crossfit and inside an outdoor area measuring 200'x85' located directed outside of Kearney Crossfit located at 2810 West 24th Street on Saturday, July 14, 2018 from 3:00 p.m. to 1:00 a.m. for a crossfit competition;
 - e) Inside the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Friday, July 20, 2018 from 3:00 p.m. until 1:00 p.m. for a car show;
 - f) Inside the Expo Building and inside an outdoor area measuring 120'x60' adjacent to the Expo Building as shown on the diagram, both located at the Buffalo County Fairgrounds, 3807 Avenue N, on July 25, 26, 27, 28, 2018 from 3:00 p.m. until 1:00 a.m. each day for the Buffalo County Fair; and
 - g) Inside an outdoor area measuring 220'x85' and designated as the Outdoor Arena adjacent to the Expo Building as shown on the diagram, located at the Buffalo County Fairgrounds, 3807 Avenue N on Sunday, July 29, 2018 from 3:00 p.m. until 11:30 p.m. for the Buffalo County Fair Demo Derby.
- 11.** Approve the recommendation from the Development Services Division on the annual renewal for manufactured home court license to L & M Mobile Home Park, 1110 Central Avenue until May 31, 2019.
- 12.** Adopt Resolution No. 2018-85 approving the Annexation Agreement between the City of Kearney and State of Nebraska for a tract of land being part of Government Lot 4 in Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; AND a tract of land being part of Government Lot 3 in Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; AND Slaughter Addition, a subdivision being part of the Northeast Quarter of the Northeast Quarter of Section 32, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; TOGETHER WITH a tract of land being part of the Northeast Quarter of Section 32, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; AND a tract of land located in Tract A Midway Industrial District and Kearney Airfield in Section 33, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (West of Cherry Avenue, East of Kearney East Expressway, approximately 654 feet North of Highway 30, South of 39th Street including a portion North of 39th Street and a portion East of Cherry Avenue).
- 13.** Adopt Resolution No. 2018-86 approving the Developer Constructed Infrastructure Agreement for Eastbrooke Gardens between the City of Kearney and Eastbrooke Gardens, LP, a Nebraska Corporation, by and through its President, Matt Thomas, for the construction of a water main and sanitary sewer main for Lot 1, Block Seven, Eastbrooke Eighth, an addition to the City of Kearney, Buffalo County, Nebraska.
- 14.** Approve the Plans and Specifications for the Accessible Sports Field at Patriot Park and set the bid opening date for July 3, 2018 at 2:00 p.m.
- 15.** Adopt Resolution No. 2018-87 approving the naming of the Accessible Sports Field at Patriot Park to Brad Bowman Accessible Sports Field.
- 16.** Adopt Resolution No. 2018-88 approving the renewal of the Property Maintenance and Lease Agreement between the City of Kearney and Greg Dollman for a 40-acre detention cell located in northeast Kearney.

17. Adopt Resolution No. 2018-89 approving Change Order No. 1 showing a decrease in the amount of \$56,537.00 and Application and Certificate for Payment No. 1 in the amount of \$180,288.90 submitted by Vessco, Inc. and approved by Miller & Associates for the Solids Dewatering Equipment Facility for the Utilities Department.
18. Approve the Plans and Specifications for the construction of the Solids Handling Building at the Wastewater Treatment Facility and set the bid opening date for July 17, 2018 at 2:00 p.m.
19. Accept the Proposals received for the purchase and installation of a multi-material recycling baler at the Kearney Area Recycling Center and award the Proposal submitted by Excel Manufacturing in the amount of \$263,695.00.
20. Adopt Resolution No. 2018-90 approving Change Order No. 3 showing an increase the amount of \$2,033.00 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.
21. Accept the bids received 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 adopt Resolution No. 2018-91 awarding Bid A (Water) to Midlands Contracting, Inc. in the amount of \$39,110.00 and awarding Bid B (Paving and Storm Sewer) to Dan Roeder Concrete in the amount of \$233,415.00.
22. Adopt Resolution No. 2018-92 approving the Developer Constructed Infrastructure Agreement for Fox Creek Addition, Phase 2 between the City of Kearney and Fox Creek Development, LLC, a Nebraska Corporation, by and through its Member, Timothy J. Norwood, Owner and Developer, for the construction of public improvements including a water main, a sewer main, paving and storm sewer for Lots 2 through 7, Block Two, Lots 2 through 8, Block Three, Lot 7, Block Four, Lots 1 through 5, Block Five, all in Fox Creek, an addition to the City of Kearney, Buffalo County, Nebraska.
23. Approve the application submitted by Broadfoot Sand & Gravel to extend Conditional Use Permit No. 2000-07 to operate a clay extraction operation at 70th Street and 30th Avenue for a period of two years.

* *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 *

VI. REGULAR AGENDA

1. Approve Ordinance No. 8253 amending two sections within Chapter 8, "Police", Article 19 "Offenses Against Public Health and Safety" of the City Code to include: Section 8-1902 "Discharge of Air Guns, Etc." to specify "exceptions when provided" to the current language and Section 8-1903 "Firearms; Discharge in City" to add exception language for approved indoor shooting range designed to U.S. Department of Energy, Office of Health,

Safety, and Security Standards, such installation shall be certified by a design professional.

2. Open Account Claim to NPPD – \$79,428.22.

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