

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

February 12, 2019

5:30 p.m.

I. ROUTINE BUSINESS

1. Invocation by Pastor Adrian Boykin.
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 Nick Johnson for CGW, LLC and Johnson Imperial to rezone from District C-2/PD, Community Commercial/Planned Development Overlay District to District C-2, Community Commercial District for property described as Lot 3 and Lot 4, Eagles Nest Addition, an addition to the City of Kearney, Buffalo County, Nebraska (504 and 514 West 42nd Street) and consider Ordinance No. 8317.
2. Conduct a public hearing on the application submitted by Miller & Associates for Fox Creek Development, LLC to vacate the 10 foot wide utility easement shown on Fox Creek, an addition to the City of Kearney, Buffalo County, Nebraska, described as follows: the south 5 feet of Lot 3, except the east 5 feet thereof, and the north 5 feet of Lot 4, except the east 5 feet thereof, in Block Three, of Fox Creek, an addition to the City of Kearney, Buffalo County, Nebraska (south of 11th Street and East of 9th Avenue) and consider Ordinance No. 8318.
3. Conduct a public hearing on the application submitted by Buffalo Surveying Corp. for TS Development, LLC to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) for property described as the East Half of the Northwest Quarter, the Northeast Quarter of the Southwest Quarter and part of the North Half of the Southeast Quarter of Section 21, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, with that part of the North Half of the Southeast Quarter of Section 21, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (3760 West 70th Street) and consider Ordinance No. 8319.
4. Conduct a public hearing on the application submitted by Buffalo Surveying Corp. for

Buffalo County School District 10 0007-000 (Kearney Public School) to (1) vacate Lot 10, Grandview Estates Tenth, an Addition to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8320; and (2) the Final Plat and Subdivision Agreement for Grandview Estates Thirteenth, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as Lot 10 (to be vacated), Grandview Estates Tenth, an addition to the City of Kearney, Buffalo County, Nebraska, and located in the North Half of the Southwest Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Northwest of the Intersection of 45th Street and Avenue R) and consider Resolution No. 2019-39.

5. Conduct a public hearing on the proposed amendments to the following chapters/sections of the City Code as follows: (a) Section 13-104 "Residential Use Types" of Chapter 13 "Use Types" to remove 'or more' from the use type definition; (b) Section 13-105 "W" "Civic Use Types" of Chapter 13 "Use Types" to add administrative offices and fellowship social hall, and remove exclusions and property tax exemption statement for the use type definition; (c) Section 46-104 "Supplemental Use Regulations: Civic Uses" of Chapter 46 "Supplemental Use Regulations" to add Accessory Uses and floor area percentage permitted with a Religious Assembly Use Type to Supplemental Use Regulations; (d) Table 14-1 "Use Matrix" of Chapter 14 "Zoning District Regulations" "Civic Use Types" to add Section 46-104 D. to the Supplemental Regulations column in the Religious Assembly row in Table 14-1; (e) Section 15-102 "Site Development Regulations" of Chapter 15 "District AG, Agricultural District" to remove non-active regulators; reduce lot area and width; modify minimum yards; increase maximum height for other permitted uses; modify regulator reference from notes; (f) Section 16-101 "Purpose" of Chapter 16 "District RR-1, Rural Residential District (Rural Standards)" to remove unnecessary statements; (g) Section 16-102 "Site Development Regulations" of Chapter 16 "District RR-1, Rural Residential District (Rural Standards)" to remove non-active regulators; increase lot area; reduce lot width; add note regarding wellhead protection area; (h) Section 18-101 "Purpose" of Chapter 18 "District RR-2, Rural Residential District (Intermediate Standards)" to remove development limitation text; add clarification language; (i) Section 18-102 "Site Development Regulations" of Chapter 18 "District RR-2, Rural Residential District (Intermediate Standards)" to remove non-active regulators; increase lot area; modify minimum yards; add note regarding wellhead protection area and NDEQ approval note and consider Ordinance No. 8321.

IV. CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held January 22, 2019.
2. Approve the Claims.
3. Approve canceling assessed connection fees levied against certain lots and lands and to remove the said records and assessment schedules from the active files of the City of Kearney and approve Resolution No. 2019-40.
4. Approve the recommendation to purchase a new Dump Truck with a 16 Foot Dump Box to be used at the Wastewater Treatment Plant for the Utilities Department and award the bid to Wick's Sterling Trucks, Inc. in the amount of \$130,401.00.

5. Adopt Resolution No. 2019-41 approving the Developer Constructed Infrastructure Agreement for Grandview Estates Thirteenth between the City of Kearney and Buffalo County School District 10-0007-000, School District #7, Buffalo County, Nebraska, a/k/a Kearney Public Schools, a/k/a the School District of the City of Kearney, a Nebraska corporation, a/k/a the School District of the City of Kearney, Buffalo County, Nebraska, a Body Corporate, by and through Alex Straatmann, President of the Board of Education, for the construction of sanitary sewer main for Grandview Estates Thirteenth, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as Lot 10 (to be vacated), Grandview Estates Tenth, an addition to the City of Kearney, Buffalo County, Nebraska, and located in the North Half of the Southwest Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska.
6. 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 UNK Health and Sports Center located at, 2501 15th Avenue, on Thursday, February 28, 2019 from 4:00 p.m. to 10:00 p.m., for a business event;
 - b) Inside the Extension Building located at the Buffalo County Fairgrounds, 1400 E 34th Street, on Saturday, March 2, 2019 from 3:00 p.m. until 12:00 a.m. for a Quinceanera; and
 - c) Inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on March 8, 2019 from 4:00 p.m. to 10:00 p.m.; March 9, 2019 from 10:00 a.m. to 8:00 p.m.; March 10, 2019 from 11:00 a.m. until 6:00 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. Approve Ordinance No. 8322 authorizing the issuance of a Combined Utilities Revenue Bonds of the City of Kearney, Nebraska in the principal amount of up to \$2,620,000 for the purpose of paying the costs of an extension of the City's sanitary sewer collection system and the City's water system; authorizing the issuance of said bonds in the form of promissory notes to evidence loans from the Nebraska Department of Environmental Quality; approving the execution and delivery of loan agreements with the Nebraska Department of Environmental Quality; approving related documents with respect to said loans; prescribing the form, terms and details of said bonds; pledging and hypothecating the revenue and earnings of the waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system of said City for the payment of said bonds and interest thereon; providing for the collection, segregation and application of the revenues of the City's waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system; approving execution of related documents; entering into contracts on behalf of the City with the holder of said bonds; determining that interest on said bonds shall not be excludable from gross income for purposes of federal income taxation.
2. Approve Ordinance No. 8323 amending several sections of Article 10 "Plumbing Code" of Chapter 9 "Public Works" of the City Code including revisions to Division I "Uniform Plumbing Code" (a) Section 9-1016 "Uniform Plumbing Code; Adopted" to remove

language and clarify appendices that are adopted and appendices that are not adopted; (b) Section 9-1017 "Amendments to Uniform Plumbing Code, 2015 Edition" to clarify cleanout heights, add language for piping of a dishwasher waste line, drinking fountain alternatives and bonding exception for CSST gas piping; (c) Section 9-1018 "Septic Systems and Leach Fields" to clarify enforcement for Septic Systems and Leach Fields and clarify that all permits, inspections, and registrations are done through the Nebraska Department of Environmental Quality (NDEQ); (d) Section 9-1020 "Oil Interceptors for Service Facilities and Manufacturing Processes" to remove language to better align with state statutes; revisions to Division II "Plumbing Permits" (e) Section 9-1035 "Plumbing Permit Fees" to remove language to better align with state statutes; revisions to Division III "Licensing and Regulation of Plumbers" (f) Section 9-1041 "Classification of Licenses" to amend language for clarification of Master Plumbing license submittal requirements; (g) Section 9-1048 "Examination and Licensing Requirements" to remove language to better align with state statutes; (h) Section 9-1049 "Issuance of License" to amend language to reflect the NITC Plumbing Exam Agreement; (i) Section 9-1051 "Renewal of Licenses" to amend language to better align with state statutes and add the exception for reciprocity of other equivalent national tests and certifications; (j) Section 9-1052 "Revocation of License" to amend language for clarification purposes; (k) Section 9-1053 "Permitting Others to Use License" to amend language for clarification purposes; and (l) Section 9-1055 "Licenses; Reciprocity" to amend language to better align with state statutes.

3. Approve Ordinance No. 8324 amending Section 1-210 "Meetings" of Article 2 "City Council of Chapter 1 "Administration" to add language stating that the regular City Council meetings for the month of December are to be rescheduled annually to occur on the second (2nd) and third (3rd) Tuesday.
4. Approve Ordinance No. 8325 creating Paving Improvement District No. 2019-998 for Patriot Industrial Park.
5. Approve Ordinance No. 8326 repealing Ordinance No. 8296 and amend the Salary Ordinance reflecting recommended classification changes.

VI. REGULAR AGENDA

1. Receive and accept the City of Kearney Annual Financial Report prepared by the accounting firm of KSO CPAs + Advisors.
2. Adopt Resolution No. 2019-42 approving the revised City of Kearney Special Event Permit Application.
3. Review the One & Six Year Street Improvement Plan and set the public hearing for February 26, 2019 to adopt the One and Six Year Street Improvement Plan.
4. Approve the grant application on the Community Tennis Project in partnership with the University of Nebraska at Kearney.
5. Open Account Claim to NPPD - \$4,520.43.

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