

# **KEARNEY CITY COUNCIL**

## **AMENDED AGENDA**

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

**April 9, 2019**

**5:30 p.m.**

### **I. ROUTINE BUSINESS**

1. Invocation by Pastor John Watson.
2. Presentation of Colors by the Kearney Police Department Honor Guard and Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Oral Communication; Recognition of visitors.
  - a) Recognition Ceremony for Promotions of Police Lieutenant Kevin Thompson and Police Lieutenant Dennis Byrne.

### **II. UNFINISHED BUSINESS**

### **III. PUBLIC HEARINGS**

1. Conduct a public hearing on the Application submitted by Brungardt Engineering, LLC for DevMad Properties, LLC for Revised Planned District Development Plan Approval for the proposed construction of an addition to the current business building on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as a Lot 6, Block Two, North Acre Fifth, an addition to the City of Kearney, Buffalo County, Nebraska, EXCEPTING THEREFROM the North 125 feet of Lot 6, AND EXCEPTING THEREFROM all that part of the aforescribed portion of said Lot 6 conveyed to the State of Nebraska for highway right-of-way purposes (5804 2nd Avenue) and consider Resolution No. 2019-66.
2. Conduct a public hearing on the Application submitted by Miller & Associates for DS Farms, a Nebraska Partnership to rezone from District AG, Agricultural District to District M-1, Limited Industrial District for property described as a tract of land being part of the Northwest Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Imperial Road and approximately 1,300 feet North of Highway 30) and consider Ordinance No. 8334.
3. Conduct a public hearing on the Application submitted by Miller & Associates for DS Farms, a Nebraska Partnership for the Final Plat and Subdivision Agreement for Dwayne Second Subdivision, a subdivision being part of the Northwest Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 15 West of the 6th P.M., Buffalo County,

Nebraska, for property described as a tract of land being part of the Northwest Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Imperial Road and approximately 1,300 feet North of Highway 30) and consider Resolution No. 2019-67.

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

1. Approve Minutes of Regular Meeting held March 26, 2019 and the Minutes of Special Meeting held March 27, 2019.
2. Approve the Claims.
3. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Cody Rutan submitted by Hi-Brand Kearney LLC dba Old Chicago located at 115 South 2nd Avenue in connection with their Class IK-066969 liquor license.
4. Approve the Special Event Permit Applications to conduct the following:
  - a) Nebraska Kidney Association on behalf of Share A Spare Color Run 2019 to temporarily close the northbound lane of East 1st Street from The Archway Parking Lot (located west of the building) to Avenue M and Avenue M from East 1st Street to the east Hike & Bike Trail entrance on Saturday, April 27, 2019 from 8:00 a.m. to 12:00 p.m.;
  - b) Special Olympics for the Law Enforcement Torch Run to temporarily close Central Avenue (northbound lane) from East 16th Street to the Museum of Nebraska Art parking lot entrance and the north half of the Museum of Nebraska Art parking lot on Monday, May 20, 2019 from 3:30 p.m. to 7:00 p.m.;
  - c) Rockin' on the Bricks Concert Series on behalf Downtown Kearney to temporarily close Central Avenue from the half block of Central Avenue between 25th Street and 24th Street to 23rd Street from 5:00 p.m. to 10:30 p.m. on June 6, June 20, July 18 and August 1, 2019 in conjunction with the Kearney Night Market;
  - d) Kearney Night Market to temporarily close 24th Street from 2nd Avenue to Central Avenue on June 6, 20; July 11, 18 and 25; August 1, 15 and 29, 2019 from 5:00 p.m. to 10:00 p.m.;
  - e) Buffalo County Stampede 5K, 10K & Half Marathon to temporarily close portions of 11th Street, Yanney Avenue, 15th Avenue, Central Avenue, 16th Street, H Avenue, 22nd Street, North Railroad Street and Plaza Boulevard on Sunday, June 9, 2019 from 5:00 a.m. until 12:00 p.m.;
  - f) Community Olympiad 5K Run/Walk to temporarily use portions of A Avenue, 27th Street, I Avenue, Tabor Place, 34th Street, G Avenue, 33rd Street and H Avenue on Saturday, June 29, 2019 from 7:30 a.m. until 9:30 a.m.; and
  - g) Amy Graham to temporarily close the alley connecting 5th Avenue to 6th Avenue between 26th Street and 27th Street on Saturday, September 7, 2019 from 4:00 p.m. to 9:00 p.m. for a wedding.
5. Approve the Plans and Specifications for the Citywide Storage Facility South Wall Replacement on the Kearney Regional Airport South Hangar and set the bid opening date for May 7, 2019 at 2:00 p.m.

6. Approve Resolution No. 2019-63 declaring all future special assessments of the following districts and tracts of land delinquent:
  - a) Virginia Huber (Paving District Nos. 2012-957, 2012-959, 2012-960) – Lots 1, 2, 3 and 4, Lake Villa Estates 3rd Addition to the City of Kearney, Buffalo County, Nebraska.
  - b) Sharon Schroeder, dba Platte Valley Glass (Paving District No. 2015-975) – Lots 42 and 43, Riverside Addition to the City of Kearney, Buffalo County, Nebraska.
7. ADDENDUM ITEM. Adopt Resolution No. 2019-68A authorizing the amendment to the Blue Cross Blue Shield administrative contract adding retiree health insurance coverage.
8. Adopt Resolution No. 2019-69 appointing the terms vacated by David Wright on the Kearney Housing Agency and Marty Madden on the Board of Adjustment.
9. Approve the applications for a Special Designated License submitted by Thirsty Travelers, LLC dba McCue's Nebraska Taproom in connection with their CG-122435 liquor license to dispense alcoholic liquor as follows:
  - a) Dispense non-wholesale alcoholic liquor inside McCue's Nebraska Taproom located at 2008 A Avenue on Wednesday, April 24, 2019 from 2:00 p.m. until 11:00 p.m. for a taproom takeover event; and
  - b) In an 400' x 175' outdoor fenced area located at University Village located at 2201 University Drive on Friday, April 26, 2019 from 3:00 p.m. to 11:00 p.m. for a University Event.
10. Approve the application submitted by Werner Construction, Inc. for Kappas Enterprises, to extend Conditional Use Permit No. 2018-02 to locate and operate a sand and gravel pumping operation and temporary batch plant located at 335 Cherry Avenue for a period of two years.
11. Accept the bids received for the 2019 Part 2 Improvements for construction of Patriot Industrial Park consisting of Paving Improvement District No. 2019-998 and adopt Resolution No. 2019-70 awarding the bid to Blessing, LLC the amount of \$1,203,346.00.
12. Adopt Resolution 2019-71 approving the Real Estate Purchase Agreement between Black Hills Gas Distribution, LLC, a Delaware Limited Liability Company and the City of Kearney for the purchase of a tract of land described as Lot 1, Block 3, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska.
13. Reject the bids received for 2019 Part 3 Improvements for reconstruction of A Avenue from 25th Street to 27th Street.
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, May 4, 2019 from 3:00 p.m. until 12:00 a.m. for a reception;
  - b) Inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, May 4, 2019 from 3:00 p.m. until 12:00 a.m. for a car 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. 8335 selling Lot 1, Block 3, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska to Black Hills Gas Distribution, LLC, a Delaware Limited Liability Company.
2. Approve Ordinance No. 8336 amending the Kearney City Code by adding a new Article 31 entitled "Small Cell Facilities" to Chapter 3 "Business Regulations" by outlining intent and purpose, definitions, siting and colocation criteria, permitting, design and aesthetic standards, permit conditions, and application fees and rates pertaining to small cell facility infrastructure.
3. Approve Ordinance No. 8337 amending Section 8-1515 "Tobacco; Possession by Minors; Unlawful" and Section 8-1516 "Tobacco; Possession by Minors; Penalty" of Article 15 "General Offenses" of Chapter 8 "Police" of the City Code to add language described in Nebraska Revised State Statutes 28-1418 and 28-1419.

**VI. REGULAR AGENDA**

1. Open Account Claim to Stanley Clouse - \$311.25.

**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)