

# **KEARNEY CITY COUNCIL**

## **AMENDED AGENDA**

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

**May 14, 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:
  - a) Proclamation for National Police Week.

### **II. UNFINISHED BUSINESS**

### **III. PUBLIC HEARINGS**

1. Conduct a public hearing on the Application submitted by Gamma Purchasing, L.L.C. for SBA Communications Corp. for a Conditional Use Permit as provided in Paragraph H of Section 46-110 "Telecommunications Towers" of Chapter 46 "Supplemental Use Regulations" of the City Code to co-locate telecommunications equipment for wireless communications on property zoned District R-1, Urban Residential Single-Family District (Low Density) and described as a tract of land in the Southwest Quarter of the Northwest Quarter of Section 35, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (3406 Lakeview Drive) and consider Ordinance No. 8339.
2. Conduct a public hearing on the Application submitted by Evan Hughes, SBA Communications Corp. for SBA Towers IV, LLC for a Conditional Use Permit as provided in Paragraph H of Section 46-110 "Telecommunications Towers" of Chapter 46 "Supplemental Use Regulations" of the City Code to co-locate telecommunications equipment for wireless communications on property zoned District R-1, Urban Residential Single-Family District (Low Density) and described as a tract of land in the Southwest Quarter of the Northwest Quarter of Section 35, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (3406 Lakeview Drive) and consider Ordinance No. 8340.

3. Conduct a public hearing on the Application submitted by Farm Credit Services of America, FLCA for Planned District Development Plan Approval for the proposed construction of professional office building and parking lot on property zoned District BP/PD, Business Park/Planned Development Overlay District and described as a Lot 1, BT Acres Subdivision, a subdivision being part of the Southeast Quarter of the Southeast Quarter of Section 20, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (4070 East 56th Street) and consider Resolution No. 2019-75.
4. Conduct a public hearing on the Application submitted by Danny Starostka for Starostka Group Unlimited to rezone from District AG, Agricultural District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District for property described as a tract of land located in part of the North Half of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue V, West of Avenue X, North of 36th Street) and consider Ordinance No. 8341.
5. Conduct a public hearing on the Application submitted by Danny Starostka for Starostka Group Unlimited for the Final Plat and Subdivision Agreement for Millennial Estates Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land located in part of the North Half of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue V, West of Avenue X, North of 36th Street) and consider Resolution No. 2019-76.
6. Conduct a public hearing on the Application submitted by Danny Starostka for Starostka Group Unlimited for the annexation of Millennial Estates Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land located in part of the North Half of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue V, West of Avenue X, North of 36th Street) and consider Resolution No. 2019-77.
7. Conduct a public hearing on the Application submitted by Danny Starostka for Starostka Group Unlimited for Planned District Development Plan Approval for construction of a subdivision on property to be zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a tract of land located in part of the North Half of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue V, West of Avenue X, North of 36th Street) and consider Resolution No. 2019-78.
8. Conduct a public hearing on the proposed acquisition for a Permanent Roadway, Sewer and Water Main Easement granted by Excalibur Enterprises, Inc. for an area of land being part of Government Lot 7, Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2019-79.

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

1. Approve Minutes of Regular Meeting held April 23, 2019.
2. Approve the Claims.

3. Approve the Special Event Permit Applications as follows:
  - a) Nebraska Kidney Association on behalf of 2019 Kidney Walk 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, June 8, 2019 from 8:00 a.m. to 12:00 p.m.;
  - b) Amended event date for the Kearney Police Department to temporarily close Avenue B from Railroad Street to 22nd Street from on Saturday, June 15, 2019 (originally approved for June 1, 2019) to conduct the annual spring police auction;
  - c) Shrine Bowl Parade to temporarily close Central Avenue from 25th Street to North Railroad Street, 1st Avenue from 25th Street to North Railroad Street, Avenue A from Railroad Street to 20th Street, 3rd Avenue and 4th Avenue from North Railroad Street to 20th Street, North Railroad Street from Central Avenue to Avenue E, Avenues A, B, C, and D from Railroad Street to 22nd Street on June 1, 2019 beginning at 9:00 a.m. Parking on these streets will be prohibited beginning at 6:00 a.m.;
  - d) Kearney BBQ on the Bricks to temporarily close 24th Street from Avenue A to Central Avenue and 24th Street from Central Avenue to 1st Avenue on August 16 and 17, 2019;
  - e) Mikaela Richmond on behalf of the KHS Bearcat Marching Band Festival for the temporary closure of 30th Avenue from 11th Street to the southern end of Kearney High School on Saturday, September 21, 2019;
  - f) Tim Danube on behalf of UNK-LPAC Homecoming for the temporary closing of 3rd Avenue from Railroad Street to 21st Street; 8th Avenue from 20th Street to 21st Street; 20th Street from 8th Avenue to 9th Avenue; 21st Street from 3rd Avenue to 8th Avenue; 23rd Street from Avenue A to Avenue E; 24th Street from Avenue A to Avenue E; Central Avenue from 25th Street to Railroad Street; Railroad Street from Central Avenue to 3rd Avenue; Avenue B from 22nd Street to 24th Street; Avenue C from Railroad Street to 22nd Street; Avenue C from 22nd Street to 25th Street; Avenue D from Railroad Street to 22nd Street; Avenue D from 22nd Street to 25th Street and the parking lot located north of MONA on Saturday, October 5, 2019 for the UNK Homecoming Parade;
  - g) Cheryl Willis on behalf of Awaken the Dawn Kearney to temporarily close the north half of the MONA parking lot on Thursday, October 17, 2019 through Saturday, October 19, 2019; and
  - h) Mikaela Richmond on behalf of the Nebraska State Marching Band Festival for the temporary closure of 30th Avenue from 11th Street to the southern end of Kearney High School on Saturday, October 26, 2019.
4. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class I-123047 liquor license application and manager application for Kim Rodgers submitted by U Med Spa, a Wellness Collective, LLC dba U Med Spa located at 610 Talmadge Street, Suite B.
5. Approve the application for a Special Designated License submitted by Dady Inc. dba Dad's Tavern in connection with their Class C-009081 liquor license to dispense alcoholic liquor in an outdoor 25 feet x 30 feet fenced area in the rear parking area (connected to the west side of building) of Dad's Tavern, located at 1910 Central Avenue on May 31, 2019 and June 1, 2019 from 2:00 p.m. until 1:00 a.m., both days, for a birthday party open house.

6. Approve the application for Special Designated Licenses submitted by The World Theatre Foundation in connection with their Class I-100700 liquor license to dispense alcoholic liquor inside an outdoor 231 feet x 95 feet fenced and blocked area located on Central Avenue from the north end of 24th Street to the north end of 23rd Street and includes sidewalks abutting businesses on the east and west side of Central Avenue on June 6, 20, July 18, August 1, 2019 from 6:30 p.m. until 10:00 p.m. for a Downtown Kearney Outdoor Concert Series.
7. Adopt Resolution No. 2019-80 approving the Agreement for Acquisition of Permanent Road Right-of-Way, Sewer and Water Main Easement between the City of Kearney and Excalibur Enterprises, Inc. for the acquisition of a sidewalk easement on their property as it runs along 10th Avenue and Talmadge Street.
8. Accept the bids received for the Citywide Storage Facility South Wall Replacement on the Kearney Regional Airport South Hangar and adopt Resolution No. 2019-81 awarding the bid to TL Sund Constructors Inc. in the amount of \$113,230.00.
9. Approve the applications for a Special Designated License submitted by Miretta Vineyards & Winery Inc., dba Miletta Vista Winery in connection with their YK-077615 liquor license to cater and dispense alcoholic liquors as follows:
  - a) Inside the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, October 26, 2019 from 9:00 a.m. until 4:00 p.m. for a craft fair; and
  - b) Inside the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, November 9, 2019 from 9:00 a.m. until 4:00 p.m. for a craft fair.
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 the Nebraska Museum of Nebraska Art (MONA) located at 2401 Central Avenue, on Saturday, June 1, 2019 from 3:00 p.m. to 12:00 a.m., for a UNK event;
  - b) Inside the Extension Building located at the Buffalo County Fairgrounds, 1400 E 34th Street, on Saturday, June 1, 2019 from 3:00 p.m. until 12:00 a.m. for a reception;
  - c) Inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, June 8, 2019 from 3:00 p.m. until 12:00 a.m. for a reception;
  - d) Inside the Extension Building located at the Buffalo County Fairgrounds, 1400 E 34th Street, on Saturday, June 15, 2019 from 3:00 p.m. until 12:00 a.m. for a reception;
  - e) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, June 22, 2019 from 3:00 p.m. until 12:00 a.m. for a reception;
  - f) Inside the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, June 29, 2019 from 3:00 p.m. until 12:00 a.m. for a monster truck event;
  - g) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, July 13, 2019 from 3:00 p.m. until 12:00 a.m. for a reception; and
  - h) Inside the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Friday, July 19, 2019 from 3:00 p.m. until 12:00 a.m. for a classic car event.

\* ***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. 8342 amending two sections under Article 29 "Itinerant Merchants, Peddlers, and Solicitors" of Chapter 3 "Business Regulations" of the City Code including Section 3-2902 "Definitions" to remove the definition of food truck vendor and Section 3-2907 "Fees" to remove the reference of food truck vendor.
2. Approve Ordinance No. 8343 to repeal in its entirety two sections under Article 29 "Itinerant Merchants, Peddlers, and Solicitors" of Chapter 3 "Business Regulations" of the City Code including Section 3-2903.1 "Food Truck Permit" and Section 3-2903.02 "Food Truck Permit Rules".
3. Approve Ordinance No. 8344 amending the Kearney City Code by adding a new Article 31 entitled "Food Trucks" to Chapter 3 "Business Regulations" by removing language referencing food trucks previously found in Article 29 of Chapter 3 "Business Regulations" and clarifying the permit application for food trucks operating on City owned property.
4. Approve Ordinance No. 8345 amending Section 9-1032 "Installations by Owner" of Division II "Plumbing Permits" of Article 10 "Plumbing Code" of Chapter 9 "Public Works" of the City Code to amend the section title by adding minor and add language regulating allowable number of fixtures at the discretion of the Authority Having Jurisdiction.

## **VI. REGULAR AGENDA**

1. Consider adoption of Resolution No. 2019-82 calling for the redemption of General Obligation Various Purpose Bonds, Series 2014, in the principal amount of \$1,310,000.00.
2. Consider approval of Ordinance No. 8346 authorizing the issuance of General Obligation Refunding Bonds, Series 2019, of the City of Kearney, Nebraska, in the principal amount of two million six hundred thirty thousand dollars (\$2,630,000) for the purpose of paying the costs of constructing street improvements in Paving Improvement District No. 2017-987 of said City, including payment of interim financing related to said street improvements and for refunding certain outstanding Bonds of the City; directing the application of the proceeds of said Bonds; prescribing the form of said Bonds; providing for the levy and collection of taxes to pay the same; providing for the sale of the Bonds; authorizing the delivery of the Bonds to the purchaser; and providing for publication of this Ordinance in pamphlet form.
3. Consider approval of Ordinance No. 8347 authorizing the issuance and sale of bond anticipation notes of the City of Kearney, Nebraska, in the principal amount of one million one hundred thirty thousand dollars (\$1,130,000) for the purpose of providing interim financing for the costs of constructing street improvements in Paving Improvement District No. 2019-998 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.
4. REVISED CLAIM AMOUNT TO NPPD. Open Account Claims to NPPD - \$3,384.62 and

Jonathan Nikkila - \$613.64.

## 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)