

# **KEARNEY CITY COUNCIL**

## **AGENDA**

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

**August 13, 2019**

**5:30 p.m.**

### **I. ROUTINE BUSINESS**

1. Invocation by Pastor Kris Pfeil.
2. Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Oral Communication; Recognition of visitors.
  - a) Proclamation and Recognition of Mercedes Phillips, winner of America's National Teenage Scholarship Organization Jr. National Teenager 2019; and
  - b) Oath of Office to Police K-9 Officer, Bane.

### **II. UNFINISHED BUSINESS**

### **III. PUBLIC HEARINGS**

1. POSTPONED SINCE JULY 9, 2019. WITHDRAWN. Conduct a public hearing on the Application submitted by Olsson for Blessing Premier Property, LLC to vacate a tract of land being 17 feet in width, located along the west line of Central Avenue as originally platted at a width of 100 feet located in Government Lot 8, Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (approximately 200 feet north along the west side of Central Avenue from the intersection of East 1st Street and Central Avenue) and consider Ordinance No. 8352.
2. POSTPONED SINCE JULY 9, 2019. REMOVE FROM TABLE. Conduct a public hearing on the Application submitted by Buffalo Surveying Corp. for Douglas Trampe and Marla Trampe, husband and wife, to rezone from District AG, Agricultural District to District RR-2, Rural Residential District (Intermediate Standards) for property described as a tract of land being part of the East Half of the Northwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (6615 56th Avenue) and consider Ordinance No. 8354.
3. POSTPONED SINCE JULY 9, 2019. REMOVE FROM TABLE. Conduct a public hearing on the Application submitted by Buffalo Surveying Corp. for Douglas Trampe and Marla Trampe, husband and wife for the Final Plat for Trampe Estates, a subdivision being part of the East Half of the Northwest Quarter of Section 20, Township 9 North, Range 16

West of the 6th P.M., Buffalo County, Nebraska, for property described as a tract of land being part of the East Half of the Northwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (6615 56th Avenue) and consider Resolution No. 2019-106.

4. Conduct a public hearing on the proposed repealing of several sections in their entirety of Chapter 50 "Sign Regulations" of the Code of the City of Kearney to include: Section 50-101 "Purpose"; Section 50-102 "Definition of Terms"; Section 50-103 "General Sign and Street Graphics Regulations"; Section 50-104 "General Regulations: Basic Design Elements for Signs"; Section 50-105 "General Regulations: Other Design Elements"; Section 50-106 "Compliance and Amortization of Premise Identification Signs"; Section 50-107 "General Permit Procedures"; Section 50-108 "Method of Measurement for Regulators"; Section 50-109 "Permitted Sign Types by Zoning Districts"; Section 50-110 "Auxiliary Design Elements"; Section 50-111 "Maximum Permitted Sign Area"; Section 50-112 "Permitted Signs by Numbers, Dimensions, and Location"; Section 50-113 "Outdoor Advertising Signs"; Section 50-114 "Outdoor Advertising Signs; Regulations for New Installations"; Section 50-115 "Sign Master Plan for Large Projects"; Table 50-1 "Permitted Signs by Type and Zoning Districts"; Table 50-2 "Auxiliary Sign Elements"; Table 50-3 "Permitted Signs by Maximum Permitted Area and District"; Table 50-4 "Permitted Signs by Numbers, Dimensions, and Location"; all to become effective October 1, 2019 and consider Ordinance No. 8364.
5. Conduct a public hearing on the proposed addition of new sections to Chapter 50 "Sign Regulations" of the Code of the City of Kearney to include: Section 50-116 "Purpose and Intent"; Section 50-117 "Applicability, Interpretation, Severability, and Non-Commercial Speech Substitution"; Section 50-118 "Definition of Terms"; Section 50-119 "General Sign Regulations"; Section 50-120 "Prohibited and Exempt Signs"; Section 50-121 "Method of Measurement for Regulators"; Section 50-122 "Permitted Permanent Sign Type by Zoning District"; Section 50-123 "Illumination/Lighting Sign Elements"; Section 50-124 "Sign Type Supplemental Regulations: Permanent Signs"; Section 50-125 "Master Sign Plan; Permanent Signs"; Section 50-126 "Permitted Temporary Sign Type by Zoning District"; Section 50-127 "Sign Type Supplemental Regulations: Temporary Signs"; Section 50-128 "Outdoor Advertising Signs"; and Section 50-129 "Outdoor Advertising Signs; Regulations for New Installations"; all to become effective October 1, 2019 and consider Ordinance No. 8365.
6. Conduct a public hearing for the Council to meet as the Board of Equalization for the purpose of (1) equalizing and levying special assessments on the lots and parcels of land in connection with Paving Improvement District No. 2018-990 and consider Resolution 2019-127; and (2) to determine a connection fee in the amount of special benefits accruing to the property in Water Connection District No. 2018-1 and consider Resolution No. 2019-128.

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

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

3. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class C-123204 liquor license application and manager application for Jianduan Pan submitted by HJZ Food Kearney Inc. LLC dba Hunan's Chinese Restaurant located at 305 West 11th Street.
4. Approve the Application for Special Assessment for Agricultural Deferral submitted by KPT&G, LLC with regard to Paving Improvement District No. 2019-1000 for Yanney Avenue from the northwest corner of Lot 3, E.K. and Mary Yanney Heritage Park Second, thence easterly 250 feet to the northeast corner of Lot 3, thence southerly 248.84 feet to the South line of Lot 3, thence 598.54 feet westerly to the southwest corner of Government Lot 3 in Section 10, Township 8 North, Range 16 West, thence northerly 203.16 feet to the northwest corner of Government Lot 3, thence easterly 316 feet to the northwest corner of Lot 3, E.K. and Mary Yanney Heritage Park Second.
5. Adopt Resolution No. 2019-129 approving the Developer Constructed Infrastructure Agreement between the City of Kearney and Twin Hills, LLC, a Nebraska Corporation, by and through its Managing Member, Gene McElhinny, being Owner and the Developer, for the construction of paving, water main, sanitary sewer main and storm sewer for Hillside Estates, an addition to the City of Kearney, Buffalo County, Nebraska and Lots 1, 2, 3, 4, Block Two and Lots 5, 6, 7, 8, Block Three, Honey Hills Estates Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being Lots 1 through 4 inclusive, Block Two and Lots 5 through 8 inclusive, Block Three, Honey Hills Estates Addition, an addition to the City of Kearney, Buffalo County, Nebraska and Lots 1 through 9 inclusive, Hillside Estates, an addition to the City of Kearney, Buffalo County, Nebraska.
6. Adopt Resolution 2019-130 approving the Real Estate Purchase Agreement between Kash Plastics, LLC, a Nebraska Limited Liability Company and the City of Kearney for the purchase of a tract of land being all of Lot 6, the West 60.00 feet of Lot 7, and part of the North half of vacated 30.00 foot alley, Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska; AND a tract of land being all of Lot 9, the West 60.00 feet of Lot 8, and part of the South half of vacated 30.00 foot alley, Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska.
7. Adopt Resolution No. 2019-131 approving the Peterson Senior Activity Center Annual Nutrition Service Contract between the City of Kearney and Community Action Partnership of Mid-Nebraska.
8. Adopt Resolution No. 2019-132 approving the recommendation submitted by the Fire Chief to include the following as members of the Kearney Volunteer Fire Department: Joshua Geiselman, Tanner Lawson and Kailey Urban.
9. Adopt Resolution No. 2019-133 approving Change Order No. 1 showing an increase in the amount of \$273,047.50 (for the addition of paving and storm sewer infrastructure at TechOne Crossing) submitted by Dan Roeder Concrete, Inc. and approved by Miller & Associates for 2019 Part 1 Improvements; Younes Center Sixth in connection with Paving Improvement District Nos. 2019-996 and 2019-997 (Bid B).
10. Approve the agreement between the City of Kearney and the Kearney Area Animal Shelter for continued care of animals that are impounded by the City, setting forth the Shelter's obligations with reference to caring for these animals and adopt Resolution

2019-134.

11. Adopt Resolution No. 2019-135 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement for L & P Commercial Park between the City of Kearney and Starostka Group Unlimited Inc., a Nebraska Corporation.
12. Adopt Resolution No. 2019-136 approving the Developer Constructed Infrastructure Agreement between the City of Kearney and Fountain Hills Properties, LLC, a Nebraska Limited Liability Company, by and through its members, Steven Craig and Carol Craig, being an Owner and the Developer for the construction of paving, water main, sanitary sewer main and storm sewer for Lots 1 through 24, inclusive, Block One, Fountain Hills Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska.
13. Approve the License Agreement between the City of Kearney and the United Parcel Service for Temporary Use of the City's Right-of-Way near the UPS Depot located at 1120 B Avenue.

\* *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. 8366 repealing sections in their entirety of Article 1 "Signs" of Chapter 3 "Business Regulations" of the Code of the City of Kearney to include: Section 3-101 "Signs; Title"; Section 3-102 "Signs; Intent and Purpose"; and Section 3-103 "Signs; Definitions"; and repealing articles in their entirety of Chapter 3 "Business Regulations" of the Code of the City of Kearney to include: Article 2 "Posting", Article 4 "Permanent Signs", Article 5 "Permit", Article 6 "Signs Generally", Article 7 "Design and Construction", Article 8 "Projection and Clearance", Article 9 "Nonconforming Signs" and Article 10 "Temporary Signs"; all to become effective October 1, 2019.
2. Approve Ordinance No. 8367 amending Article 1 "Signs" of Chapter 3 "Business Regulations" of the Code of the City of Kearney as follows: amend Article 1 "Signs" to change article title to "Construction Sign Code"; add a new section entitled Section 3-104 "Intent and Purpose"; add a new section entitled Section 3-105 "Permanent Sign; Registration of Installers"; add a new section entitled Section 3-106 "Revocation of Registration; Sign Installers"; add a new section entitled Section 3-107 "Certificate of Insurance"; add a new section entitled Section 3-108 "Permit Procedures"; add a new section entitled Section 3-109 "Design Standards; Signs"; add a new section entitled Section 3-110 "Construction Standards; Signs"; add a new section entitled Section 3-111 "Maintenance and Alterations; Signs"; add a new section entitled Section 3-112 "Nonconformance; Signs"; and add a new section entitled Section 3-113 "Violations and Enforcement; Signs"; all to become effective October 1, 2019.
3. Approve Ordinance No. 8368 authorizing the deed of sale for a tract of land being all of Lot 6, the West 60.00 feet of Lot 7, and part of the North half of vacated 30.00 foot alley, Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska; AND a tract of land being all of Lot 9, the West 60.00 feet of Lot 8, and part of the South half of vacated 30.00 foot alley, Block 1, Patriot Industrial Park, an addition to

the City of Kearney, Buffalo County, Nebraska to Kash Plastics, LLC, a Nebraska Limited Liability Company.

- 4. Approve Ordinance No. 8369 amending Article 6 “Fireworks” of Chapter 4 “Fire Regulations” of the Code of the City of Kearney as follows: amend Section 4-609 “Discharging Fireworks; When Permissible” to change staff recipient of approved display permit from the State Fire Marshal; and add a new section entitled Section 4-617 “Flying Lantern-Type Device Prohibited”.
- 5. Approve Ordinance No. 8370 repealing Ordinance No. 8338 and amend the Salary Ordinance reflecting recommended classification changes.
- 6. Approve Ordinance No. 8371 amending Section 9-1017 “Amendments To Uniform Plumbing Code, 2015 Edition” of Division I “Uniform Plumbing Code” of Article 10 “Plumbing Code” of Chapter 9 “Public Works” to add language clarifying that removal and tampering of the shutoff valve is not acceptable.

### VI. REGULAR AGENDA

- 1. Open Account Claim to NPPD - \$106,926.20.

### VII. REPORTS

### VIII. ADJOURN

Mayor Stanley Clouse  
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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)