

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

October 13, 2020

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 Proposed amendments to the following chapters/sections of the City Code as follows: a) Section 30-101 "Purpose" of Chapter 30 "District BP, Business Park District" to add and remove language to provide clarification to align with the purpose of the Business Park zoning district including the removal of extensive and abundant and the inclusion of pedestrian and the typical district location along the Kearney East Expressway and other developing highway and major arterial corridors; b) Section 30-102 "Site Development Regulations" of Chapter 30 "District BP, Business Park District" to add and remove language found in the table which will update setbacks with new Kearney East Expressway, increase maximum building coverage percentage, remove unused site development regulation qualifiers and set a minimum lot size for Planned Development District requirements; c) Section 46-105 "Supplemental Use Regulations: Commercial Uses" of Chapter 46 "Supplemental Use Regulations" to add sub-section L titled Agricultural Sales and Services pertaining to the added supplemental use regulations for the use type of agricultural sales and services; d) Section 48-103 "Landscaping Requirements" of Chapter 48 "Landscaping and Screening Standards" to add language to sub-section A setting 20-feet for any zoning district as the depth of landscaping requirements along the Kearney East Expressway and add sub-section B setting requirements for additional landscape area in the Business Park (BP) zoning district; e) Section 48-105 "Bufferyard and Screening Provisions" of Chapter 48 "Landscaping and Screening Standards" to add notes to clarify screening requirements in the M-1 and M-2 zoning districts and allow for 10-foot opaque barrier for screening along the Kearney East Expressway; f) Section 48-107 "Tree Plantings" of Chapter 48 "Landscaping and Screening Standards" to modify requirements for number of trees required to align with street frontage versus square feet of bufferyard;

g) Section 48-108 "General Provisions" of Chapter 48 "Landscaping and Screening Standards" to add requirements for maintenance of required landscape areas and allowed gravel areas; clarification provided for irrigation requirements; h) Section 49-106 "Off-Street Parking Design Standards" of Chapter 49 "Off-Street Parking" to add regulations for allowed gravel areas in the Business Park (BP) zoning district; and i) Table 14-1 "Use Matrix" of Chapter 14 "Zoning District Regulations" to include the following amendments: under "Civic Use Types" column titled BP to amend Clubs (Recreational) and Public Assembly from Permitted by Conditional Use Permit to Permitted by right or by right subject to supplemental regulations, under Group Care Facility (Limited) under column titled BP amend from Planned Development Required to Permitted by Conditional Use Permit; under "Office Use Types" columns titled C-3 & BP to amend Corporate Offices from Planned Development Required to Permitted by right or by right subject to supplemental regulations; under "Commercial Use Types" column titled BP to add Permitted by right or by right subject to supplemental regulations to Ag Sales/Service, Equip Rental/Sales and Equipment Repair; under Business/Trade School to amend from Planned Development Required to Permitted by Conditional Use Permit; under Supplemental Regulations for Ag Sales/Service add reference to 46-105L; under Restricted Adult Entertainment Business amend the Supplemental Regulation from 46-105J to 46-105K; under "Parking and Transportation Use Types" column titled BP to amend Truck Terminal from Planned Development Required to Permitted by right or by right subject to supplemental regulations; under "Industrial Use Types" column titled BP to amend Light Industry from Permitted by Conditional Use Permit to Permitted by right or by right subject to supplemental regulations; under "Miscellaneous Uses" column titled BP to amend LWECs from Planned Development Required to Permitted by Conditional Use Permit and add entire title to LWECA and SWECs and consider Ordinance No. 8443

2. Conduct a public hearing on the Application submitted by Miller & Associates for Two Sisters' Farm, Inc. and Gary and Mary Henderson for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Commercial Mixed Use to Business Park for property described as a tract of land being part of the Southeast Quarter of the Northeast Quarter and part of the Northeast Quarter of the Southeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Northwest Corner of 47th Street and Kearney East Expressway) and consider Resolution No. 2020-152.
3. Conduct a public hearing on the Application submitted by Miller & Associates for Two Sisters' Farm, Inc. and Gary and Mary Henderson to rezone from District AG, Agricultural District to District BP, Business Park District for property described as a tract of land being part of the Southeast Quarter of the Northeast Quarter and part of the Northeast Quarter of the Southeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Northwest Corner of 47th Street and Kearney East Expressway) and consider Ordinance No. 8444.
4. Conduct a public hearing on the Application submitted by Miller & Associates for Two Sisters' Farm, Inc. and Gary and Mary Henderson for the Subdivision Agreement and Final Plat for Butler Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Southeast Quarter of the Northeast Quarter and part of the Northeast Quarter of the Southeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (West of Kearney East Expressway, between 56th Street and 47th Street) and consider Resolution No. 2020-153.

5. Conduct a public hearing on the Application submitted by Miller & Associates for Two Sisters' Farm, Inc. and Gary and Mary Henderson for the annexation of Butler Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Southeast Quarter of the Northeast Quarter and part of the Northeast Quarter of the Southeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (West of Cherry between 56th Street and 47th Street to include adjacent right-of-way) and consider Resolution No. 2020-154.
6. REQUEST TO POSTPONE TO OCTOBER 27, 2020. Conduct a public hearing on the Applications submitted by Miller & Associates for the City of Kearney and Compute North NE05, LLC to 1) vacate Lot 2, Tech One Second Subdivision, a subdivision being part of the Northeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8445 and 2) rezone from District M-1, Limited Industrial District and District BP/PD, Business Park/Planned Development Overlay District to District BP, Business Park District for property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (3215 Global Drive Place) and consider Ordinance No. 8446.
7. REQUEST TO POSTPONE TO OCTOBER 27, 2020. Conduct a public hearing on the Application submitted by Miller & Associates for the City of Kearney and Compute North NE05, LLC for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Business Park and Light Industrial to Business Park for property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (3215 Global Drive Place) and consider Resolution No. 2020-155.
8. REQUEST TO POSTPONE TO OCTOBER 27, 2020. Conduct a public hearing on the Application submitted by Miller & Associates for the City of Kearney and Compute North NE05, LLC for the Subdivision Agreement and Final Plat for Tech One Third Subdivision, a subdivision being part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 29, 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 Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (3215 Global Drive Place) and consider Resolution No. 2020-156.

IV. CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held September 22, 2020.
2. Approve the Claims.
3. Accept the bids received for the 2020 Part 6 Improvements for 22nd Avenue and 6th Street in connection with Paving Improvement District Nos. 2020-002 and 2020-003 (Bid B, Paving), Water District Nos. 2020-592 and 2020-593 and Sanitary Sewer Improvement District No. 2020-528 (Bid A, Water/Sewer) and adopt Resolution No. 2020-157 awarding Bid A (Water/Sewer) to Midlands Contracting in the amount of \$331,180.00 and awarding Bid B (Paving) to Nielsen Contracting in the amount of \$379,418.50.

4. Adopt Resolution No. 2020-158 approving the following T-Hangar Lease Agreements at the Kearney Regional Airport: Buck Enterprises dba Thrifty Car Rental, Roger Carlson, Randal Klinginsmith, Kent Orr, Harold Sindt, Ed Spillman and Acme Aero, Inc.
5. Approve the Plans and Specifications for the 2020 Part 3 Improvements; 2nd Avenue Overpass Repairs and set the bid opening date for November 17, 2020 at 2:00 p.m.
6. Approve the Plans and Specifications for the 2020 Part 1 Improvements for the removal and replacement of N Avenue from 28th Street to 39th Street in connection with Paving Improvement District No. 2020-004 and set the bid opening date for November 3, 2020 at 2:00 p.m.
7. Approve the Plans and Specifications for the construction of the Community Tennis Facility and set the bid opening date for November 10, 2020 at 2:00 p.m.
8. Adopt Resolution No. 2020-159 to remove parking on both sides of 48th Street from 11th Avenue east to 10th Avenue on the north side and from 11th Avenue east a distance of 437 feet on the south side.
9. Adopt Resolution No. 2020-160 authorizing the City Manager, Director of Finance, Assistant Director of Finance and City Clerk to sign checks, drafts or other withdrawal orders issued against the funds of the City on deposit with designated depositories.
10. Adopt Resolution No. 2020-161 approving the Use and Operations Agreement for Annex B in Hangar T-926 located at the Kearney Regional Airport between the City of Kearney and Li'l Red Aero, Inc.
11. Adopt Resolution No. 2020-162 approving the Development Agreement between Butler Machinery Company, Economic Development Council of Buffalo County, Inc. and the City of Kearney establishing the terms and conditions to be complied with as part of the development of property located at the Southwest corner of 56th Street and Kearney East Expressway.
12. Adopt Resolution No. 2020-163 approving Application for Payment No. 2 in the amount of \$290,411.53 submitted by J.I.L. Asphalt Paving Company and approved by Miller & Associates for 2020 Part 4 Improvements for the removal and replacement of asphalt roadway of 20th Street/Q Avenue/Coal Chute Road from M Avenue east to the City limit.
13. Adopt Resolution No. 2020-164 approving Application for Payment No. 1 in the amount of \$314,059.07 submitted by Blessing Construction and approved by Miller & Associates for the 2020 Part 7 Improvements; Downtown Asphalt project.
14. Adopt Resolution No. 2020-165 approving the Agreements between the City of Kearney and Aurora Cooperative Elevator Company, dba Buffalo Air Service for T-100, T-708 and T-932 for the operation of a crop spraying service, office area, storage area, loading dock and Aeronautical Services for aerial applicator services, all located at the Kearney Regional Airport.

15. Approve the purchase of a Caterpillar 938M Series Wheel Loader in the amount of \$220,770.00 submitted by Nebraska Machinery under the Sourcewell Cooperative Purchasing Contract program to be used in the Public Works Department.

* *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. 8447 creating Paving Improvement District No. 2020-004 for the South right-of-way line of 28th Street and the centerline Avenue N; thence North along the centerline of Avenue N including all of Avenue N right-of-way to a point 36 feet South of the North line of Lot 5, Fairview Subdivision, a subdivision to the City of Kearney, Nebraska, and including all lots and lands abutting thereon, all in the City of Kearney, Buffalo County, Nebraska.
2. Approve Ordinance No. 8448 amending Section 8-912 "Parking Rules" of Article 9 "Stopping, Standing and Parking" of Chapter 8 "Police" of the Code of the City of Kearney to add where parking is prohibited along 48th Street (both sides) from 11th Avenue to 10th Avenue on the north side and a distance of 437 feet on the south side.
3. Approve Ordinance No. 8449 amending Section 1-1510 "Miscellaneous Expenditures" of Article 15 "Purchasing" of Chapter 1 "Administration" of the Code of the City of Kearney to remove employee requirements for annual recognition dinner and amend the table outlining the dollar amount associated with plaques, certificates of achievement, or items of value awarded to elected or appointed officials, employees, or volunteers.

VI. REGULAR AGENDA

1. Consider Resolution No. 2020-166 on the intent to annex the following: a tract of land being part of the South Half of the Southwest Quarter of Section 21, part of the Northwest Quarter and part of the West Half of the Northeast Quarter of Section 28, part of the East Half of the Northeast Quarter of Section 29, all in Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, Lots 1 and 2, Patriot First Subdivision, a Subdivision being part of the East Half of the Northwest Quarter and part of the West Half of the Northeast Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and including all of those parts of Cherry Avenue, Avenue A (aka Airport Road), Avenue B (aka Piper Avenue) and 56th Street, lying within the above described lands all in Buffalo County, Nebraska (located South of 56th Street between the Kearney East Expressway and Airport Road, West of Airport Road, North and West of Cessna Street, West of Piper Avenue, North of Patriot Boulevard, East of Cherry Avenue and Kearney East Expressway) and to set the public hearing date for October 27, 2020 at 5:30 p.m.
2. Consider Resolution No. 2020-167 approving the COVID-19 Community Betterment Grant Program to be used for community betterment purposes as outlined by state law.
3. POSTPONED FROM SEPTEMBER 22, 2020. Open Account Claim to NPPD - \$126,359.36.

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