

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

May 10, 2022

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.
 - a) Presentation of National Police Week 2022 Proclamation to the Kearney Police Department.

II. UNFINISHED BUSINESS

III. PUBLIC HEARINGS

1. **POSTPONED ON APRIL 12, 2022. REMOVE FROM THE TABLE.** Conduct a public hearing on the Applications submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) to 1) vacate Lot 1, Fountain Hills Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8565; and 2) an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Low Density Residential and Medium Density Residential to Low Density Residential for property described as Lot 1, Fountain Hills Ninth Addition, an addition to the City of Kearney, Nebraska (to be vacated) and further described a tract of land being a part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 11th Avenue between 50th Street and 52nd Street) and consider Resolution No. 2022-76.
2. **POSTPONED ON APRIL 12, 2022. REMOVE FROM THE TABLE.** Conduct a public hearing on the Application submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) to rezone from District AG, Agricultural District to District R-2, Urban Residential Mixed-Density District for property described as a tract of land being a part of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 11th Avenue between 50th Street and 52nd Street) and consider Ordinance No. 8566.

3. **POSTPONED ON APRIL 12, 2022. REMOVE FROM THE TABLE.** Conduct a public hearing on the Application submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) for the Final Plat and Subdivision Agreement for Fountain Hills Fifteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being Lot 1, Fountain Hills Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated), and part the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 11th Avenue between 50th Street and 52nd Street) and consider Resolution No. 2022-77.
4. **POSTPONED ON APRIL 12, 2022. REMOVE FROM THE TABLE.** Conduct a public hearing on the Application submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) for the annexation of Fountain Hills Fifteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being Lot 1, Fountain Hills Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated), and part the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 11th Avenue between 50th Street and 52nd Street) and consider Resolution No. 2022-78.
5. Conduct a public hearing on the Application submitted by Miller & Associates for Weaver Properties, LLC, KRE2, LLC and Morton Buildings (c/o Marc Willis) to rezone from District C-2/PD, Community Commercial/Planned Development Overlay District to District C-3/PD, General Commercial/Planned Development Overlay District for property described as Lot 1, Block One, North Acre Fifth, an addition to the City of Kearney, Buffalo County, Nebraska (6020 2nd Avenue) and consider Ordinance No. 8571.
6. Conduct a public hearing on the Application submitted by Miller & Associates for Weaver Properties, LLC, KRE2, LLC and Morton Buildings (c/o Marc Willis) for Planned District Development Plan Approval for the proposed construction of an additional building and pavement on property to be zoned District C-3/PD, General Commercial/Planned Development Overlay District and described as Lot 1, Block One, North Acre Fifth, an addition to the City of Kearney, Buffalo County, Nebraska (6020 2nd Avenue) and consider Resolution No. 2022-94.
7. Conduct a public hearing on the Application submitted by Miller & Associates for Graczyk Properties and NP Self-Storage for the annexation of Lot 1, Knapp's Addition, a subdivision being part of the Northeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1700 30th Avenue) and consider Resolution No. 2022-95.
8. Conduct a public hearing on the Applications submitted by Miller & Associates for Graczyk Properties and NP Self-Storage to 1) vacate a 100-foot building setback located on the east side of Lot 1, Knapp's Addition, a subdivision being part of the Northeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8572 and 2) rezone from District RR-1, Rural Residential District (Rural Standards) to District C-3/PD, General Commercial/Planned Development Overlay District for property described as Lot 1, Knapp's Addition, a subdivision being part of the Northeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1700 30th

Avenue) and consider Ordinance No. 8573.

9. Conduct a public hearing on the Application submitted by Miller & Associates for Graczyk Properties and NP Self-Storage for Planned District Development Plan Approval for the proposed construction of storage units on property to be zoned District C-3/PD, General Commercial/Planned Development Overlay District and described as Lot 1, Knapp's Addition, a subdivision being part of the Northeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1700 30th Avenue) and consider Resolution No. 2022-96.
10. Conduct a public hearing on the Proposed amendments to the following Sections of Chapter 12 "Definitions" of the City Code as follows: (a) Section 12-106 "C" by adding a definition for Commercial Vehicles; (b) Section 12-107 "D" by amending the definition for Driveway and adding the definition for Driveway Approach; (c) Section 12-108 "E" by adding the definition for Enclosed Structure; (d) Section 12-111 "H" by adding the definition for Hauling Trailers (Commercial and Personal); (e) Section 12-119 "P" by adding the definitions for Parking Pad and Personal Vehicle; and (f) Section 12-121 "R" by amending the definition for Recreational Vehicle and consider Ordinance No. 8574.
11. Conduct a public hearing on the Proposed amendments to the following Sections of Chapter 49 "Off-Street Parking" of the City Code as follows: (a) Section 49-102 "General Applications" by adding, inserting and changing language pertaining to the applicability, exemptions and exceptions of off-street parking; (b) Section 49-103 "Schedule of Off-Street Parking Requirements" by adding, inserting and changing language pertaining to the schedule, computation and minimum requirements for off-street parking including Table 49-1: Minimum Off-Street Parking Requirements; (c) Section 49-104 "Parking Facility Location" by adding clarifying language to Subitem A; (d) Section 49-105 "Parking for People with Disabilities" by adding titles to Subitems A and B for parking requirements and design of parking for people with disabilities; (e) Section 49-106 "Off-Street Parking Design Standards" by clarifying the minimum width and feet for standard parking stalls, updating the section reference for Landscape and Screening Requirements and removing language found under Item 1 under Subitem E titled, Design and Pedestrian Access; (f) Section 49-109 "Stacking Requirements for Drive-Through Services" by adding a title, Stacking Requirements, to Subitem A; and (g) Section 49-110 "Parking for Personal and Recreational Vehicles in Residential Areas" by adding, inserting and changing language pertaining parking for personal vehicles, recreational vehicles and personal hauling trailers in residential areas and consider Ordinance No. 8575.
12. Conduct a public hearing on the Proposed amendments to the following Sections of Chapter 50 "Sign Regulations" of the City Code as follows: (a) Section 50-120 "Prohibited and Exempt Signs" by adding that no exempt signs shall be erected within the vision clearance triangle, be a minimum two (2) feet off of the property line, under Subitem B titled, Exempt Signs; (b) Section 50-121 "Method of Measurement for Regulators" by adding the MU, Mixed Use District zoning classification to Table 50-1: Permitted Permanent Sign Budget By District; (c) Section 50-122 "Permitted Permanent Sign Type by Zoning District" by adding the MU, Mixed Use District zoning classification and NRU(A) to Sign Type BP for Poles, to Table 50-2: Permitted Permanent Signs by Type and Zoning District; (d) Section 50-123 "Illumination/Lighting Sign Elements" by adding the MU, Mixed Use District zoning classification to Table 50-3: Permitted Illumination/Lighting Sign Elements by Zoning District; (e) Section 50-124 "Sign Type Supplemental Regulations: Permanent Signs" by

adding the MU, Mixed Use District zoning classification, amending from 200 sq. ft. to 150 sq. ft. to the Maximum Sign Area per Sign and N to 30 to Pole under the BP Zoning District, to Table 50-4: Permitted Site Development Standards for Detached Signs by Zoning Districts; adding the MU, Mixed Use District zoning classification to Table 50-5: Permitted Site Development Standards for Attached Signs by Zoning Districts; and to add regulations for Electronic Information Signs described under Subitem C titled Other Regulated Signs, Item 3f; (f) Section 50-125 "Master Sign Plan; Permanent Signs" by adding that a Master Sign Plan may be submitted to the City by the property owner(s) under Subitem A titled Purpose and amending language within Subitem D titled Review of Master Sign Plan; and (g) Section 50-126 "Permitted Temporary Sign Type By Zoning District" by adding the MU, Mixed Use District zoning classification to Table 50-6: Permitted Temporary Signs by Type and Zoning District and consider Ordinance No. 8576.

IV. CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held April 26, 2022.
2. Approve the Claims.
3. Adopt Resolution No. 2022-97 approving Change Order No. 2 showing an increase in the amount of \$27,437.50 and accept the Certificate of Substantial Completion submitted by Whinnery Construction, Inc. and approved by S2O Design and Engineering, Inc. for Phase II Enhancements of the Kearney Water Trail known as Kearney Whitewater Park.
4. Adopt Resolution No. 2022-98 approving Application and Certificate for Payment No. 3 in the amount of \$132,872.40 submitted by Duncan Theis Construction, Inc. and approved by Olsson for Yanney Park Maintenance Building.
5. Adopt Resolution No. 2022-99 approving Application and Certificate for Payment Nos. 8 and 9 in the amounts of \$97,399.57 and \$216,840.53 submitted by Midlands Contracting Inc. and approved by Miller & Associates for 2021 Part 5 Improvements; Extension of Talmadge Street (Bid A, Sanitary Sewer and Water).
6. Accept the bids received for the 2020 Part 3 Improvements; 2nd Avenue Overpass Extension Joint Repair and adopt Resolution No. 2022-100 awarding the bid to Wilke Contracting Corp. in the amount of \$915,169.05.
7. Reject the bids received for the 2022 Part 2 Improvements; 56th Street and Avenue N Turning Lanes.
8. Adopt Resolution No. 2022-101 approving the Developer Constructed Infrastructure Agreement for The Museum of Nebraska Art Sanitary Sewer Replacement between the City of Kearney and Nicole Herden, Executive Director, of The Museum of Nebraska Art, for the construction of a sanitary sewer main replacement to serve Lots 12 through 17, and Lots 68 through 72, all of Southwest Quarter School Section Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

* ***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. 8577 repealing Ordinance No. 8568 and amend the Salary Ordinance reflecting changes of certain positions.

VI. REGULAR AGENDA

1. Consider Resolution No. 2022-102 approving the redevelopment project submitted by Kruger Development for Redevelopment Area #5 for an area described as Lot 3, Fuller and Daley Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska (North of 16th Street between 11th Avenue and 12th Avenue).
2. Staff update on the opening of the Ernest Grundy Tennis Center.

VII. REPORTS

VIII. ADJOURN

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The Mayor and City Council reserve the right to adjourn into executive session as per Section 84-1410 of the Nebraska Revised Statutes. 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