

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

August 9, 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.

II. UNFINISHED BUSINESS

III. PUBLIC HEARINGS

1. Conduct a public hearing on the Application submitted by Trenton Snow for Avenue G Storage, LLC (c/o Mike Lewis) to vacate a portion of Avenue G from 20th Street to 19th Street for property described as the West 7.0 feet of Avenue G as the same abuts Lots 596 and 597, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska, Lot 10, Scott's Subdivision to the City of Kearney, Buffalo County, Nebraska AND the vacated alley abutting said Lot 10 on the south; AND the East 7.0 feet of Avenue G as the same abuts Lots 590 and 591, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska, Lot 11, Scott's Subdivision to the City of Kearney, Buffalo County, Nebraska AND the vacated alley abutting said Lot 11 on the south (Avenue G between 20th Street and 19th Street) and consider Ordinance No. 8583.
2. Conduct a public hearing on the Application submitted by Steve and Danielle Frank for a Conditional Use Permit to operate a childcare facility on property zoned District R-2, Urban Residential Mixed-Density District and described as Lot 9, Fountain Hills Fifteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (South of 52nd Street and West of 11th Avenue) and consider Ordinance No. 8584.
3. Conduct a public hearing on the Application submitted by Miller & Associates for Old Towne Enterprises, L.L.C., a Nebraska Limited Liability Company for a Conditional Use Permit for Warehousing (Open) on property zoned District M-1/PD, Limited Industrial/Planned Development Overlay District and described as Lot 2, Sun West Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and the North Tract, part of Lot 3, Sun West Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska,

EXCEPTING HOWEVER a part of Lot 3, Sun West Fourth Addition, an addition to the City of Kearney, Buffalo County (1619 17th Avenue) and consider Ordinance No. 8585.

4. Conduct a public hearing on the Application submitted by Miller & Associates for Talmadge JAM, LLC; MJ Developments, LLC; and Paul Younes to 1) vacate Lot 1, Block Two, and the dedicated temporary cul-de-sac, all in Interstate Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, being part of the Northeast Quarter of the Northeast Quarter of Section 14, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8586; 2) vacate a tract of land being part of Lot 6 and the dedicated temporary cul-de-sac, all in Younes Center Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8587; and 3) rezone from District AG, Agricultural District and District C-2/PD, Community Commercial/Planned Development Overlay District to District C-3, General Commercial District for property described as a tract of land being all of Lot 1, Block Two, Interstate Third Addition, an addition to the City of Kearney (to be vacated), part of Lot 6, Younes Center Fifth Addition, an addition to the City of Kearney (to be vacated), part of Government Lot 7 and part of Government Lot 8, Section 11 and part of the North Half of the Northeast Quarter and part of the North Half of the Northwest Quarter of Section 14, all in Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (between Talmadge Street and I-80 and between 2nd Avenue and 15th Avenue) and consider Ordinance No. 8588.
5. Conduct a public hearing on the Application submitted by Miller & Associates for Talmadge JAM, LLC; MJ Developments, LLC; and Paul Younes for the Final Plat and Subdivision Agreement for Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being all of Lot 1, Block Two, Interstate Third Addition, an addition to the City of Kearney (to be vacated), part of Lot 6, Younes Center Fifth Addition, an addition to the City of Kearney (to be vacated), part of Government Lot 7 and part of Government Lot 8, Section 11 and part of the North Half of the Northeast Quarter and part of the North Half of the Northwest Quarter of Section 14, all in Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (between Talmadge Street and I-80 and between 2nd Avenue and 15th Avenue) and consider Resolution No. 2022-154.
6. Conduct a public hearing on the Application submitted by Miller & Associates for Talmadge JAM, LLC; MJ Developments, LLC; and Paul Younes for the annexation of a tract of land being part of Government Lot 7 and part of Government Lot 8, Section 11, and part of the North Half of the Northwest Quarter of Section 14 and all located in Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (part of proposed Younes Center Seventh Addition between Talmadge Street and I-80 and between 2nd Avenue and 15th Avenue) and consider Resolution No. 2022-155.
7. Conduct a public hearing on the Application submitted by the City of Kearney, Nebraska, a Municipal Corporation to rezone from District M-1, Limited Industrial District to District BP, Business Park District for property described as a tract of land being part of the Southwest Quarter of the Northwest Quarter, part of the Southeast Quarter of the Northwest Quarter and Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; all of Lots 1 through 5, inclusive, Lots 10 through 14, inclusive, Block 1, and Lot 1, Block 2, located in Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska; parts of Cherry Avenue, Avenue B (aka Piper Avenue), Patriot Boulevard, and part of the vacated alley, all located in Patriot Industrial Park, an addition to

the City of Kearney, Buffalo County, Nebraska (East of Cherry Avenue, West of Airport Road, North of 45th Street, and approximately 1,200 feet South of East 56th Street) and consider Ordinance No. 8589.

8. Conduct a public hearing on the Proposed amendment to Section 20-102 "Site Development Regulations" of Chapter 20 "District R-2, Urban Residential Mixed-Density District" of the City Code by amending site development regulations to ensure consistency across notes and regulators for 1-Family Detached; 1-Family Attached; Duplex (Note 4 & 5); Town-house (Note 1); and Other Permitted Uses; Site Area per Housing Unit (sq ft); Minimum Lot Area; Minimum Lot Width (feet); Minimum Yards (feet); Maximum Building Coverage; Maximum Impervious Coverage; Floor Area Ratio; Maximum Amount of Total Parking Located In Street Yard; Project Size Requiring Planned Development District (PD), and Notes 1, 2, 3, 4, 5 and consider Ordinance No. 8590.
9. Conduct a public hearing on the Proposed amendment to Section 21-102 "Site Development Regulations" of Chapter 21 "District R-3, Urban Residential Multi-Family District (Medium-Density)" of the City Code by amending site development regulations to ensure consistency across notes and regulators for 1-Family Detached; 1-Family Attached; Duplex (Note 4); Townhouse (Note 1); Multi-Family and Other Permitted Uses; Site Area Per Housing Unit (sq ft); Minimum Lot Area; Minimum Lot Width (feet); Minimum Yards (feet); Maximum Building Coverage; Minimum street-facing facades utilizing a masonry material, including brick, split-faced concrete masonry units, building stone, or simulated building stone; Minimum off-set of building for every 100 feet of horizontal distance for building articulation (Note 1); Maximum Impervious Coverage; Floor Area Ratio; Maximum Amount of Total Parking Located in Street Yard; Project Size Requiring Planned Development District (PD); Minimum Bufferyard Adjacent to Residential Uses in R-1 and R-2 Districts (Note 1) and Notes 1, 2, 3, 4 and consider Ordinance No. 8591.
10. Conduct a public hearing on the Proposed amendment to Section 22-102 "Site Development Regulations" of Chapter 22 "District R-4, Urban Residential Multi-Family District (High-Density)" of the City Code by amending site development regulations to ensure consistency across notes and regulators for 1-Family Detached; 1-Family Attached; Duplex (Note 4); Townhouse (Note 1); Multi-Family and Other Permitted Uses; Site Area Per Housing Unit (sq ft); Minimum Lot Area; Minimum Lot Width (feet); Minimum Yards (feet); Minimum street-facing facades utilizing a masonry material, including brick, split-faced concrete masonry units, building stone, or simulated building stone; Minimum off-set of building for every 100 feet of horizontal distance for building articulation (Note 1); Floor Area Ratio; Maximum Amount of Total Parking Located in Street Yard; Project Size Requiring Planned Development District (PD); Minimum Bufferyard Adjacent to Residential Uses in R-1 and R-2 Districts (Note 1) and Notes 1, 2, 3, 4 and consider Ordinance No. 8592.

IV. CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held July 26, 2022.
2. Approve the Claims.
3. Approve the Plans and Specifications for the Kearney Regional Airport Terminal Expansion

and set the bid opening date for September 1, 2022 at 2:00 p.m.

4. Approve the Plans and Specifications for the Kearney Regional Airport Terminal Expansion Furniture, Fixtures and Equipment and set the bid opening date for September 1, 2022 at 2:00 p.m.
5. Adopt Resolution No. 2022-156 approving Application and Certificate for Payment No. 1 in the amount of \$36,295.20 and Application and Certificate for Payment No. 2 in the amount of \$170,079.30 submitted by RMV Construction LLC and approved by Wilkins ADP for the Yanney Heritage Park Pavilion and Parking Lot.
6. Adopt Resolution No. 2022-157 approving Application and Certificate for Payment No. 5 in the amount of \$61,504.20 submitted by Duncan Theis Construction, Inc. and approved by Olsson for the Yanney Park Maintenance Building.
7. Adopt Resolution No. 2022-158 approving Application and Certificate for Payment No. 18 in the amount of \$223,452.35 submitted by Brown Construction and approved by RDG Planning & Design for the construction of the Community Tennis Facility.

* *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. 8593 amending several sections of Article 2 “Building Code Generally”, Article 3 “Amendments”, and Article 10 “Plumbing Code” of Chapter 9 “Public Works” of the Code of the City of Kearney, Nebraska as follows: amend Section 9-204 “Advisory Note” to adopt the International Residential Code, 2021 Edition and the International Building Code, 2021 Edition; amend Section 9-210 “International Building Code; Adoption” to adopt the International Residential Code, 2021 Edition and the International Building Code, 2021 Edition; amend Section 9-211 “International Property Maintenance Code; Adopted” to adopt the International Property Maintenance Code, 2021 Edition; amend Section 9-301 “International Building Code; Amendments” to adopt and make amendments to the International Building Code, 2021 Edition; amend Section 9-302 “International Residential Code; Amendments” to adopt and make amendments to the International Residential Code, 2021 Edition; amend Section 9-1016 “Uniform Plumbing Code; Adopted” of Division I “Uniform Plumbing Code” to adopt the Uniform Plumbing Code, 2021 Edition; and amend Section 9-1017 “Amendments to Uniform Plumbing Code, 2015 Edition” of Division I “Uniform Plumbing Code” to adopt the Uniform Plumbing Code, 2021 Edition.

VI. REGULAR AGENDA

VII. REPORTS

VIII. ADJOURN

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City Manager Michael Morgan
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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