

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

March 12, 2013

7:00 p.m.

I ROUTINE BUSINESS

1. Invocation by Pastor Steve Loveless from Church of Jesus Christ.
2. Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Oral Communication – Recognition of visitors.

II UNFINISHED BUSINESS

None.

III PUBLIC HEARINGS

1. Conduct a public hearing on the Application submitted by Buffalo Surveying Corp. (Applicant) for Nancy Norwood (Owner) to rezone from District R-2, Urban Residential Mixed-Density District to District UC, Mixed Use Urban Corridor District property described as Lots 1, 2, 3, 4 of Block 29, Perkins & Harfords Addition to the City of Kearney, Buffalo County, Nebraska, excepting that part of said Lot 1 deeded to the State of Nebraska Department of Roads (202, 206, 208, 210 West 29th Street and 2824 2nd Avenue) and consider **Ordinance No. 7787**.
2. Conduct a public hearing on the Applications submitted by Buffalo Surveying Corp. (Applicant) for TWL, LLC (Owner) for (1) to vacate Lots 6 through 17 inclusive, Avenue L Place, a street in the City of Kearney, Nebraska located south of 67th Street In Block Three, Bel Air Third Addition to the City of Kearney, Buffalo County, Nebraska and consider **Ordinance No. 7788**; and (2) the Final Plat and Subdivision Agreement for Remington Heights Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as Lots 6 through 17 inclusive, Avenue L Place, a street in the City of Kearney, Nebraska located south of 67th Street (to be vacated) all in Block Three, Bel Air Third Addition to the City of Kearney, Buffalo County, Nebraska (south of 67th Street and Avenue L, west of Avenue N) and consider **Resolution No. 2013-29**.
3. Conduct a public hearing on the Applications submitted by Buffalo Surveying Corp. (Applicant) for The Gary Family Trust (Owner) for (1) to vacate Lot 1, Gary Addition and consider **Ordinance No. 7789**; and (2) rezone from District RR-1, Rural Residential

District (Rural Standards) to District R-1, Urban Residential Single-Family District (Low Density) property described as Lot 1, Gary Addition, a subdivision being part of the Southwest Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east of the intersection of Avenue N and 65th Street) and consider **Ordinance No. 7790**.

4. Conduct a public hearing on the Application submitted by Buffalo Surveying Corp. (Applicant) for The Gary Family Trust (Owner) for the Final Plat and Subdivision Agreement for Starostka Estates Addition to the City of Kearney, Buffalo County, Nebraska for property described as Lot 1, Gary Addition, a subdivision being part of the Southwest Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east of the intersection of Avenue N and 65th Street) and consider **Resolution No. 2013-30**.
5. Conduct a public hearing on the Application submitted by Buffalo Surveying Corp. (Applicant) for The Gary Family Trust (Owner) for the annexation of Starostka Estates Addition to the City of Kearney, Buffalo County, Nebraska for property described as Lot 1, Gary Addition, a subdivision being part of the Southwest Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east of the intersection of Avenue N and 65th Street) and consider **Resolution No. 2013-31**.
6. Conduct a public hearing on the Application submitted by Miller & Associates (Applicant) for Aaron and Austin Broadfoot (Owner) to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) property described as a tract of land being in part of the Northeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (north of 66th Street and west of 2nd Avenue) and consider **Ordinance No. 7791**.
7. Conduct a public hearing on the Application submitted by Miller & Associates (Applicant) for Aaron and Austin Broadfoot (Owner) for the Final Plat and Subdivision Agreement for Austin Estates Fifth Subdivision, Buffalo County, Nebraska for property described as a tract of land being in part of the Northeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (north of 66th Street and west of 2nd Avenue) and consider **Resolution No. 2013-32**.
8. Conduct a public hearing on the Application submitted by Good Samaritan Hospital (Owner) and NE Colorado Cellular, Inc., dba Viaero Wireless (Applicant) 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 consisting of the Viaero equipment cabinet, a point to point antenna, three exterior sections, two interior sections and two repeaters at the Good Samaritan Hospital on property zoned District C-O/PD, Office/Planned Development Overlay District and described as Lot 1 of Block 1, Good Samaritan Fourth Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska (10 East 31st Street, 111 and 123 West 31st Street, 104 West 33rd Street, 3320 Avenue A) and consider **Ordinance No. 7792**.
9. Conduct a public hearing on the proposed amendments to the following sections of the City Code and to consider **Ordinance No. 7793**: amending Section 46-102 "Supplemental Use

Regulations: Agricultural Uses” of Chapter 46 “Supplemental Use Regulations” to delete the language regulating Animal Production in the RR-1 and RR-2 Districts in Paragraph B and replace with regulating of Keeping Animals in Residential Zoning Districts; to delete the requirement of separation from residential uses for animal production use types in Paragraph C and to regulate the disposal of waste for animal production to be conducted for premises outside the corporate limits of the City; to amend Section 47-105 “Accessory Buildings” of Chapter 47 “Supplement Development Regulations” to delete in its entirety the language entitled *Animal Production in the RR-1 and RR-2 Districts and to reference the regulations set forth in Section 46-102 of the City Code; to amend Section 8-1301 “Definitions” of Article 13 “Animals Generally” of Chapter 8 “Police” to define domestic animals, fowl, household pets, large animal pets, and livestock; to amend Section 8-1302 “Enforcement” of Article 13 “Animals Generally” of Chapter 8 “Police” to provide regulations for the keeping of animals in residential zones as listed in Section 46-102; to amend Section 8-1309 “Horses, Cattle, etc. at Large or Tethered” of Article 13 “Animals Generally” of Chapter 8 “Police” to rename the section to “Wild Animals Prohibited Within the City Limits”; to amend Section 8-1310 “Hitching, etc. Animals Near Trees” of Article 13 “Animals Generally” of Chapter 8 “Police” to rename the section to “Large Animal Pets, Livestock, and Fowl Prohibited Within the City Limits” and to provide clarifications; to delete in its entirety Section 8-1311 “Fowl at Large” of Article 13 “Animals Generally” of Chapter 8 “Police”; to delete in its entirety Section 8-1435 “Keeping Wild Animals” of Article 14 “Pets” of Chapter 8 “Police”; to delete in its entirety Section 8-1436 “Minimum Areas for Enclosures” of Article 14 “Pets” of Chapter 8 “Police”; to delete in its entirety Section 8-1437 “Shelter Required; Permitted Locations” of Article 14 “Pets” of Chapter 8 “Police”; to amend Section 8-1438 “Sanitary Regulations” of Article 14 “Pets” of Chapter 8 “Police” to remove the reference animals or fowl and replace with household pets; and to rename Article 14 “Pets” to “Household Pets” of Chapter 8 “Police” all in the Code of the City of Kearney.

10. Conduct a public hearing on the automatic renewal of the liquor license held by Mongolian Grill of Omaha, LLC, dba Mongolian Grill in connection with their Class A-85854 liquor license located at 5012 23rd Avenue, Suite 178 and consider **Resolution No. 2013-33**.

IV CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held February 26, 2013.
2. Approve the Claims.
3. Adopt **Resolution No. 2013-34** approving the recommendation submitted by the Fire Chief to include the following as members of the Kearney Volunteer Fire Department: Jon Blaha and Tim Nickerson.
4. Approve the application for a Special Designated License submitted by Thunderhead Brewing Co. in connection with their Class LK-47920 catering liquor license to dispense beer and wine inside an enclosed 120' x 210' tent and fenced area located in the parking lot located north of the Museum of Nebraska Art, 2401 Central Avenue on May 17, 2013 from 5:00 p.m. until 11:00 p.m. and on May 18, 2013 from 3:00 p.m. until 11:00 p.m. for the Wine & Jazz Festival.

5. Approve the Plans and Specifications for the 2013 Part 6 Improvements; Cemetery Paving and set the bid opening date for April 2, 2013 at 2:30 p.m.
6. Approve the Plans and Specifications for the 2012 Part 9 Improvements; Sidewalks/Ramps and set the bid opening date for April 2, 2013 at 2:30 p.m.
7. Adopt **Resolution No. 2013-35** accepting the bids received for the 2013 Part 5 Improvements; Interior Renovations at the City of Kearney/Buffalo County Law Enforcement Center and award the bid to RMV Construction from Kearney, Nebraska in the amount of \$301,200.00.
8. Adopt **Resolution No. 2013-36** recognizing and certifying Residential Assistance to Families in Transition (RAFT) as an approved non-profit transitional housing organization.
9. Adopt **Resolution No. 2013-37** recognizing and certifying the SAFE Center as an approved non-profit emergency shelter organization.
10. Adopt **Resolution No. 2013-38** approving Change Order No. 2 showing an increase in the amount of \$1,810.00 submitted by Sutphen Corporation in connection with the purchase of a custom fire aerial apparatus to be used by the Kearney Volunteer Fire Department.
11. Approve the application for a Special Designated License submitted by Richard Kohmetscher, dba Dick's Place in connection with their Class CK-00528 catering liquor license to dispense beer, wine and distilled spirits in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N on May 4, 2013 from 3:00 p.m. until 1:00 a.m. for a dance/reception.
12. Approve the application for a Special Designated License submitted by Kearney Shooters Inc., dba Shooters in connection with their Class CK-67029 catering liquor license to dispense beer, wine, and distilled spirits inside The Krave located at the Kaufmann Center, 2202 Central Avenue on March 30, 2013 from 6:00 p.m. to 1:00 a.m. for a dance subject to submitting a Certificate of Insurance.

* *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. 7794** amending Section 9-204 "Advisory Note" of Article 2 "Building Code Generally" of Chapter 9 "Public Works" of the Code of the City of Kearney, Nebraska to adopt the International Residential Code, 2012 Edition and the International Building Code, 2012 Edition; to amend Section 9-210 "International Building Code; Adoption" of Article 2 "Building Code Generally" of Chapter 9 "Public Works" of the Code of the City of Kearney, Nebraska to adopt the International Residential Code, 2012 Edition and the International Building Code, 2012 Edition; to amend Section 9-211 "International Property Maintenance Code; Adopted" of Article 2 "Building Code Generally" of Chapter 9 "Public Works" of the Code of the City of Kearney, Nebraska to adopt the International Property Maintenance Code, 2012 Edition; to amend Section 9-302 "International Residential Code; Amendments" of Article 3 "Amendments" of Chapter 9 "Public Works" of

the Code of the City of Kearney, Nebraska to adopt and make amendments to the International Residential Code, 2012 Edition; to amend Section 9-1016 “Uniform Plumbing Code” of Article 10 “Plumbing Code” of Chapter 9 “Public Works” to adopt the Uniform Plumbing Code, 2012 Edition; to amend Section 9-1017 “Amendments to Uniform Plumbing Code” of Article 10 “Plumbing Code” of Chapter 9 “Public Works” to adopt and made amendments to the Uniform Plumbing Code, 2012 Edition; to amend Section 9-1018 “Septic Systems and Leach Fields” of Article 10 “Plumbing Code” of Chapter 9 “Public Works” to adopt the Uniform Plumbing Code, 2012 Edition.

VI REGULAR AGENDA

1. Open Account Claims: **NPPD - \$75,689.03; Jonathan Nikkila - \$167.38.**

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