

# **KEARNEY CITY COUNCIL**

## **AGENDA**

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

**July 8, 2014**

**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**

None.

### **III PUBLIC HEARINGS**

1. Conduct a public hearing on the Application for Catering to Liquor License submitted by Sozo American Cuisine, LLC, dba Sozo American Cuisine in connection with their Class I-101648 liquor license located at 110 South 2nd Avenue and to consider **Resolution No. 2014-128**.
2. Conduct a public hearing on the Application submitted by NE Colorado Cellular, Inc., dba Viaero Wireless and Arram Equities, Inc. and Arram Ventures, Inc. for a Conditional Use Permit to locate a rooftop cell site for wireless communications on property zoned District C-2, Community Commercial District and described as Lot 3, Archway Village, an addition to the City of Kearney, Buffalo County, Nebraska (214 West 42nd Street, Suite A) and to consider **Ordinance No. 7907**.
3. Conduct a public hearing on the Application submitted by Miller & Associates for Aaron Broadfoot and Austin Broadfoot to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) property described as a tract of land being located 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 West 68th Street and east of future 8th Avenue) and to consider **Ordinance No. 7908**.
4. Conduct a public hearing on the Application submitted by Miller & Associates for Aaron Broadfoot and Austin Broadfoot for the Final Plat for Austin Estates Sixth Subdivision, Buffalo County, Nebraska, for property described as a tract of land being located 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 West 68th Street and east of future 8th Avenue) and to consider **Resolution No. 2014-129**.

5. Conduct a public hearing on the Application submitted by Verizon Wireless and Kearney Cinema, LLC for a Conditional Use Permit to locate a telecommunications facility on property zoned District M-1, Limited Industrial District and District C-2, Community Commercial District and described as Lot 1, Ess of Kay Addition, an addition to the City of Kearney, Buffalo County, Nebraska (230 3rd Avenue) and to consider **Ordinance No. 7909**.
6. Conduct a public hearing on the Application submitted by Duncan Theis Construction, Inc. for D & M Cowpoke, Inc., a Nebraska Corporation for Revised Planned District Development Plan Approval to construct a building addition and minor renovation on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 1, Elken Subdivision in Buffalo County, Nebraska (7310 2nd Avenue) and to consider **Resolution No. 2014-130**.
7. Conduct a public hearing on the proposed amendments to Table 14-1 "Use Matrix of Chapter 14 "Zoning District Regulations" of the City Code to allow Retail Services (Medium) being permitted in District CBD, Kearney Center Mixed Use District and that planned development is required for Retail Services (Large) in District CBD, Kearney Center Mixed Use District AND proposed amendments to the following sections located in Chapter 28, "District CBD, Kearney Center Mixed Use District" of the City Code": Section 28-102 "Site Development Regulations" to change the site area per housing unit, minimum lot area, maximum floor area ratio, the rear yard requirements, and the project size requiring a planned development in District CBD, Kearney Center Mixed Use District; and Section 28-103 "Special Regulations and Standards" providing the following: (1) all street facing building facades shall have a minimum transparency of 75 percent on the storefront or ground floor and a minimum transparency of 40 percent on upper floors; (2) simulated building stone is not an acceptable masonry material for street facing facades; (3) mechanical equipment shall not be visible from the street; and (4) roofs shall be flat, or slope concealed from street view by parapet cap, cornice or other measure and to consider **Ordinance No. 7910**.
8. Conduct a public hearing for the Council to meet as the Board of Equalization to assess costs in connection with Paving Improvement District Nos. 2012-953, 2012-954, 2012-955A, 2013-961; Water District Nos. 2012-565, 2012-566, 2012-567; and Sewer District Nos. 2012-505A, 2012-506 and to consider **Resolution No. 2014-131**.

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

1. Approve Minutes of Regular Meeting held June 24, 2014.
2. Approve the Claims.
3. Approve the application for a Special Designated License submitted by Kearney Steak company dba Whiskey Creek in connection with their Class IK-035628 liquor license to dispense beer, wine and distilled spirits inside The Archway located at 3060 East 1st Street on August 5, 2014 from 7:00 p.m. until 9:00 p.m. for a convention.

4. Approve the Application for deferral of special assessments submitted by Notz Farms, LLC with regard to Water District No. 2014-574 and Sanitary Sewer District No. 2014-512 in 27th Avenue from 11th Street south 850 feet.
5. Approve the Applications for Special Assessment for Agricultural Deferral of submitted by Berean Fundamental Church and Jeffery and Lisa Overturf with regard to Water District No. 2014-575 and Sanitary Sewer District No. 2014-513 in 30th Avenue from 11th Street south 1,500 feet.
6. Adopt **Resolution No. 2014-132** approving the Employment Agreement between the City of Kearney and Michael Morgan.
7. Approve the recommendation from the Development Services Division on the annual renewal of the following manufactured home court licenses until May 31, 2015:  
Cornhusker Mobile Home Park, 1115 Avenue C  
Merriweather Mobile Home Village, 914 West 17th Street
8. Adopt **Resolution No. 2014-133** authorizing the sale of the house located at the Kearney Cemetery.
9. Adopt **Resolution No. 2014-134** approving Change Order No. 1 showing a decrease in the amount of \$62,564.00, Application and Certificate for Payment No. 3-Final in the amount of \$102,032.52 and accepting the Certificate of Substantial Completion submitted by Midlands Contracting and approved by Brungardt Engineering for the 2013 Part 3 Improvements – Bid A consisting of Water District No. 2012-568 in Emerald Drive and its extension beginning at the East line of Winnipeg Road and terminating at a point 250 feet East of the centerline line of Ontario Road, and all of Ontario Road beginning at the south line of Emerald Drive and terminating at the north line of Huron Drive; Sanitary Sewer District No. 2012-507 in Emerald Drive and its extension beginning at the west line of Winnipeg Road and terminating at a point 250 feet east of the of the centerline of Ontario Road, and all of Ontario Road beginning at the south line of Emerald Drive and terminating 349 feet southerly.
10. Approve the Plans and Specifications for 2014 Part 8 Improvements consisting of Water District No. 2014-574 and Sanitary Sewer District No. 2014-512 in 27th Avenue from 11th Street south 850 feet; and Water District No. 2014-575 and Sanitary Sewer District No. 2014-513 in 30th Avenue from 11th Street south 1,500 feet and set bid date for August 5, 2014 at 2:00 p.m.
11. Accept the bids received for the Aircraft Rescue & Fire Fighting (ARFF) Vehicle Acquisition (AIP-3-31-0045-029) for the Kearney Regional Airport and adopt **Resolution No. 2014-135** awarding the bid to Danko Emergency Equipment from Snyder, Nebraska in the amount of \$267,970.00.
12. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine and distilled spirits inside the Ag Pavilion

located at the Buffalo County Fairgrounds, 3807 Avenue N, on August 9, 2014 from 3:00 p.m. until 1:00 a.m. for a reception.

- \* *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. Consider **Ordinance No. 7911** authorizing the issuance of a Combined Utilities Revenue Bond in the principal amount of \$427,000 for the purpose of paying the costs of improvements to the City's water system; authorizing the issuance of said bond in the form of a promissory note to evidence a loan from the Nebraska Department of Environmental Quality; approving the execution and delivery of a loan contract with the Nebraska Department of Environmental Quality; approving related documents with respect to said loan; prescribing the form, terms and details of said bond; pledging and hypothecating the revenue and earnings of the waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system of said City for the payment of said bond and interest thereon; providing for the collection, segregation and application of the revenues of the City's waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system; approving execution of related documents; entering into a contract on behalf of the City with the holder of said bond; determining that interest on said bond shall not be excludable from gross income for purposes of federal income taxation.
2. Consider **Ordinance No. 7912** authorizing the issuance of a Combined Utilities Revenue Bond in the principal amount of \$4,705,000 for the purpose of paying the costs of improvements to the City's sanitary sewer system; authorizing the issuance of said bond in the form of a promissory note to evidence a loan from the Nebraska Department of Environmental Quality; approving the execution and delivery of a loan contract with the Nebraska Department of Environmental Quality; approving related documents with respect to said loan; prescribing the form, terms and details of said bond; pledging and hypothecating the revenue and earnings of the waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system of said City for the payment of said bond and interest thereon; providing for the collection, segregation and application of the revenues of the City's waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system; approving execution of related documents; entering into a contract on behalf of the City with the holder of said bond; determining that interest on said bond shall not be excludable from gross income for purposes of federal income taxation.
3. Adopt **Ordinance No. 7913** amending Section 3-1403 "Conditions of Permit" of Article 14 "Amusements" of Chapter 3 "Business Regulations" of the City Code to remove the language prohibiting overnight camping at the location of the carnival and not more than one camper or recreational vehicle may be parked at the site of the carnival; any campers or recreational vehicles used for overnight camping will only be parked at a campground.
4. Adopt **Ordinance No. 7914** amending the following sections of Article 29 "Itinerant Merchant, Peddlers & Solicitors" of Chapter 3 "Business Regulations" of the City Code to remove the reference of City Clerk and replace with Chief of Police in Section 3-2903 "Registration Permit Required"; Section 3-2905 "Application"; Section 3-2906

“Investigation and Issuance”; Section 3-2907 “Fees”; Section 3-2911 “Registration Permit; To Be Posted”; and to amend Section 3-2915 “Registration Permit; Appeal of Denial, Revocation” to provide any person aggrieved by the decision of the City Manager or the Chief of Police shall have the right to appeal to the City Council.

## VI REGULAR AGENDA

1. Consider **Ordinance No. 7915** authorizing the issuance and sale of Bond Anticipation Notes of the City of Kearney, Nebraska, in the principal amount of \$1,490,000 for the purpose of providing interim financing for the costs of constructing street improvements in Paving Improvement District No. 2014-964 of said City pending the issuance of permanent General Obligation Various Purpose Bonds of the City; prescribing the form of said notes; agreeing to issue the City's General Obligation Various Purpose Bonds to pay the notes at maturity or to pay the notes from other available funds; and entering into a contract on behalf of the city with the holders of said notes.
2. Consider the manager application for Daniel Glatter submitted by CMO Inc., dba Knights of Columbus 1728 in connection with their Class I-027979 liquor license and located at 1900 Central Avenue.
3. Consider the manager application for Kathleen Dornhoff submitted by American Legion Post 52 in connection with their Class C-009067 liquor license and located at 1223 Central Avenue.
4. No Open Account Claims.

## VII REPORTS

## VIII ADJOURN

Mayor Stanley Clouse  
4907 Linden Drive Place  
627-6730 cell  
238-5210 office  
[mayor@kearneygov.org](mailto:mayor@kearneygov.org)

Vice-President Randy Buschkoetter  
1110 13th Avenue  
234-5553 home  
440-0358 cell  
[citycouncil@kearneygov.org](mailto:citycouncil@kearneygov.org)

Council Member Bruce Lear  
4803 Avenue L Place  
234-5354 home  
237-2724 office  
[citycouncil@kearneygov.org](mailto:citycouncil@kearneygov.org)

Council Member Bob Lammers  
8 Crestview Place  
236-5273 home  
234-2577 office  
[citycouncil@kearneygov.org](mailto:citycouncil@kearneygov.org)

Council Member Jonathan Nikkila  
4 Regency Place  
224-4309 cell  
[citycouncil@kearneygov.org](mailto:citycouncil@kearneygov.org)

City Manager Michael Morgan  
18 East 22nd Street  
233-3214 office  
[mmorgan@kearneygov.org](mailto:mmorgan@kearneygov.org)

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)