

KEARNEY CITY COUNCIL

AMENDED AGENDA

City Council Chambers, 18 East 22nd Street

June 9, 2015

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. **Postponed since April 28, 2015.** Conduct a public hearing on the Applications submitted by Miller & Associates for DT Development and First Baptist Church of Kearney: (1) to vacate part of Lot 1, Spruce Hollow Estates Fourth Addition, part of Outlot B, Lots 1 and 2 of Block Four, Spruce Hollow Estates Fifth Addition, additions to the City of Kearney, Buffalo County, Nebraska and consider **Ordinance No. 7989**; and vacate an easement being part of Lot 1, Spruce Hollow Estates Fourth Addition, part of Outlot B, part of Lots 1 and 2 of Block Four, Spruce Hollow Estates Fifth Addition, additions to the City of Kearney, Buffalo County, Nebraska and consider **Ordinance No. 7990**; (2) to rezone from District R-1, Urban Residential Single-Family District (Low Density) and District R-2, Urban Residential Mixed-Density District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District property described as a tract of land being Lot 1, Spruce Hollow Estates Fourth Addition to the City of Kearney, Buffalo County, Nebraska (east of 11th Avenue between West 57th Street Place and West 58th Street) and consider **Ordinance No. 7991**.
2. **Postponed since April 28, 2015.** Conduct a public hearing on the Application submitted by Miller & Associates for DT Development, Inc. for the Final Plat and Subdivision Agreement for Spruce Hollow Estates Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (east of 11th Avenue between West 57th Street Place and West 58th Street) and consider **Resolution No. 2015-82**.

3. **Postponed since April 28, 2015.** Conduct a public hearing on the Application submitted by Miller & Associates for DT Development, Inc. for Planned District Development Plan Approval to construct 15 single family condominium dwelling units on property to be zoned R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a tract of land being part of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (east of 11th Avenue between West 57th Street Place and west of 58th Street) and consider **Resolution No. 2015-83.**
4. Conduct a public hearing on the Application submitted by Buffalo Surveying for Sutton Rentals, LLC for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Agricultural/Open to Rural Estates property described as a tract of land being part of Government Lot 9 and part of Government Lot 10 located in the South Half of Section 6, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of UPRR tracks and west of 62nd Avenue) and consider **Resolution No. 2015-117.**
5. Conduct a public hearing on the Application submitted by Buffalo Surveying for Sutton Rentals, LLC to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) property described as a tract of land being part of Government Lot 9 and part of Government Lot 10 located in the South Half of Section 6, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of UPRR tracks and west of 62nd Avenue) and consider **Ordinance No. 8000.**
6. Conduct a public hearing on the Application submitted by Buffalo Surveying for Sutton Rentals, LLC for the Final Plat for Overturf Second Subdivision of Buffalo County, Nebraska, for property described as a tract of land being part of Government Lot 9 and part of Government Lot 10 located in the South Half of Section 6, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of UPRR tracks and west of 62nd Avenue) and consider **Resolution No. 2015-118.**
7. Conduct a public hearing on the Application submitted by Miller & Associates for Paul and Linda Younes for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from AG Preserve to Mixed Use 2 property described as a tract of land being part of Government Lots 5, 6 and 9 and accretions to Government Lots 5, 6 and 9 all located in the Southeast Quarter of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (adjacent to the north and south side of 3rd Street east of 6th Avenue) and consider **Resolution No. 2015-119.**
8. Conduct a public hearing on the Application submitted by Miller & Associates for Paul and Linda Younes to rezone from District M-1, Limited Industrial District to District C-2, Community Commercial District property described as a tract of land being part of Government Lots 5, 6 and 9 and accretions to Government Lots 5, 6 and 9 all located in the Southeast Quarter of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (adjacent to the north and south side of 3rd Street east of 6th Avenue) and consider **Ordinance No. 8001.**
9. Conduct a public hearing on the Application submitted by Miller & Associates for Paul and Linda Younes for the Final Plat for Younes Center Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part

of Government Lots 5, 6 and 9 and accretions to Government Lots 5, 6 and 9 all located in the Southeast Quarter of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (adjacent to the north and south side of 3rd Street east of 6th Avenue) and consider **Resolution No. 2015-120**.

10. Conduct a public hearing on the Application submitted by Miller & Associates for Paul and Linda Younes for the annexation of Younes Center Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of Government Lots 5, 6 and 9 and accretions to Government Lots 5, 6 and 9 all located in the Southeast Quarter of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (adjacent to the north and south side of 3rd Street east of 6th Avenue) and consider **Resolution No. 2015-121**.
11. Conduct a public hearing on the Application for a Class C liquor license submitted by Foodmart III, Inc., dba Boogaarts located at 1615 2nd Avenue, consider the manager application for Tony Seevers and consider **Resolution No. 2015-122**.
12. Conduct a public hearing on the Application for a Class I liquor license submitted by Rita Cantina, LLC, dba Rita Cantina located at 119 3rd Avenue, consider the manager application for Robert Fraser and consider **Resolution No. 2015-123**.

IV CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held May 26, 2015.
2. Approve the Claims.
3. Adopt **Resolution No. 2012-205A** amending original Resolution No. 2012-205 correcting the legal description for the redevelopment project for Redevelopment Area #9 described as a tract of land identified by the Buffalo County Assessor's Office as Parcel Nos. 608001000, 608001005 and 601676410 and legally described as follows: Lots 2 and 3, Getaway Bay Addition, an addition to the City of Kearney, Buffalo County, Nebraska and Lot 1, Bober Addition, an addition to the City of Kearney, Buffalo County, Nebraska (1140 East 1st Street, north of East 1st Street and west of Avenue M).
4. Approve the recommendation from the Development Services Division on the annual renewal of Valley View Mobile Home Court, 2701 Grand Avenue until May 31, 2016.
5. Approve the recommendation from the Development Services Division on extending the current licenses for an additional 60 days for the following manufactured home courts:
 Cornhusker Mobile Home Park, 1115 Avenue C
 L & M Properties, 1110 Central Avenue
 East Lawn Mobile Homes Estates, 2900, 3010 Grand Avenue
6. Approve the Plans and Specifications for the 2015 Part 7 Improvements; 3rd Street from 5th Avenue to Kea West Avenue and set the bid opening date for July 7, 2015 at 2:00 p.m.
7. Approve the Plans and Specifications for the 2015 Part 9 Improvements; Hike-Bike Trail Phase 1 and set the bid opening date for July 7, 2015 at 2:00 p.m.

8. Adopt **Resolution No. 2015-124** approving the Developer Constructed Infrastructure Agreement between the City of Kearney and Kearney Properties, LLC for Lot 1, Block Three Western Nebraska Property Development Addition and Lot 1, Western Nebraska Property Development Second Addition to construct paving, water, sanitary sewer and storm sewer improvements.
9. 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 in the Exposition Building and an outdoor area measuring 125' by 50' adjacent to the building as shown on the diagram all located at the Buffalo County Fairgrounds, 3807 Avenue N on July 4, 2015 from 3:00 p.m. until 1:00 a.m. for a reception.
10. 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 in the Exposition Building and an outdoor area measuring 125' by 50' adjacent to the building as shown on the diagram all located at the Buffalo County Fairgrounds, 3807 Avenue N on July 10, 2015 from 3:00 p.m. until 1:00 a.m. for a concert.
11. 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 in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N on July 11, 2015 from 3:00 p.m. until 1:00 a.m. for a fund raiser.
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 in the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on July 17, 2015 from 3:00 p.m. until 11:00 p.m. for a car show.
13. 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 in the Exposition Building and an outdoor area measuring 125' by 50' adjacent to the building as shown on the diagram all located at the Buffalo County Fairgrounds, 3807 Avenue N on July 22, 23, 24, 25, 2015 from 3:00 p.m. until 1:00 a.m. and July 26, 2015 from 3:00 p.m. until 12:00 a.m. for the Buffalo County Fair.
14. 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 outdoor area measuring 300' by 200' and designated as the Outdoor Arena adjacent to the Exposition Building at the Buffalo County Fairgrounds, 3807 Avenue N on July 26, 2015 from 2:00 p.m. until 11:00 p.m. for the County Fair.

* ***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. 8002** amending Article 6 “Fireworks” of Chapter 4 “Fire Regulations” of the Code of the City of Kearney, Nebraska as follows: Section 4-603, “Permit to Sell Consumer Fireworks” to remove the reference of permissible fireworks and replace with consumer fireworks, Section 4-604, “Dates of Lawful Sale” to remove the reference of permissible fireworks and replace with consumer fireworks, Section 4-605, “Temporary Fireworks Stands” to amend the date stands are allowed to be on real estate beginning June 24 through July 7, Section 4-609, “Discharging Fireworks; When Permitted” to remove the reference of permissible fireworks and replace with consumer fireworks.
2. Approve **Ordinance No. 8003** repealing Ordinance No. 7973 and amend the Salary Ordinance.

VI REGULAR AGENDA

1. Review monthly enplanement report from Great Lakes Airlines.
2. Discuss the City’s procedure on handling liquor licenses.

VII REPORTS

VIII ADJOURN

Mayor Stanley Clouse
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City Manager Michael Morgan
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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

ADDENDUM NO. 1

IV CONSENT AGENDA *

15. Adopt **Resolution No. 2015-125** approving the Recreational Use Agreement between the City of Kearney and Midway Automotive Group, Inc. creating a take-out point from Turkey Creek (the North Channel of the Platte River) for those individuals that may be using this waterway for kayaking, canoeing or other recreational uses.