

# **KEARNEY CITY COUNCIL**

## **AGENDA**

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

**September 8, 2015**

**5:30 p.m.**

### **I. ROUTINE BUSINESS**

1. Announcement on Open Meetings Act.
2. Roll call.
3. Oral Communication; Recognition of visitors.

### **II. UNFINISHED BUSINESS**

### **III. PUBLIC HEARINGS**

1. Conduct a public hearing on the Application submitted by Kearney Federal Credit Union to rezone from District R-2, Urban Residential Mixed-Density District to District UC, Mixed Use Urban Corridor District property described as Lot 414, Southwest Quarter School Section Addition to the City of Kearney, Buffalo County, Nebraska (109-111 West 29th Street) and consider Ordinance No. 8026.
2. Conduct a public hearing on the Application submitted by Sorensen Construction Company, Inc. and Christopher, Kirby and Mark Andersen for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Mixed Density Residential to Light Industrial property described as Lots 3, 4, 9, 10, Henthorn's Subdivision to the City of Kearney, Buffalo County, Nebraska (1813 Avenue K) and consider Resolution No. 2015-180.
3. Conduct a public hearing on the Application submitted by Sorensen Construction Company, Inc. and Christopher, Kirby and Mark Andersen to rezone from District R-2, Urban Residential Mixed-Density to District M-1, Limited Industrial District property described as Lots 3, 4, 9, 10, Henthorn's Subdivision to the City of Kearney, Buffalo County, Nebraska (1813 Avenue K) and consider Ordinance No. 8027.
4. Conduct a public hearing on the Application submitted by Trenton Snow for Betty Lund Trustee under the Betty Lund Living Trust Agreement 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 the South Half of the South Half of the Southwest Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (7265 17th Avenue) and consider Ordinance No. 8028.
5. Conduct a public hearing on the Application submitted by Trenton Snow for Betty Lund Trustee under the Betty Lund Living Trust Agreement and Myron and Lola Fougeron for the Final Plat for Lund Subdivision of Buffalo County, Nebraska, for property described as a tract

of land being part of the South Half of the South Half of the Southwest Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (7265 17th Avenue) and consider Resolution No. 2015-181.

6. Conduct a public hearing on the Application submitted by Miller & Associates for Paul and Linda Younes to rezone from District MU, Mixed Use District to District C-2, Community Commercial District property described as a tract of land being part of Government Lot 6, part of Government Lot 9 and accretions located in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (adjacent to the north side of Talmadge Street south of Turkey Creek) and consider Ordinance No. 8029.
7. Conduct a public hearing on the Applications submitted by Miller & Associates for BK Development, LLC (1) to vacate part of Lot 1 and all of Lot 2 of Block One, G & K Addition and consider Ordinance No. 8030; and (2) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Business Park to Medium Density Residential property described as part of Lot 1 and part of Lot 2 of Block One, G & K Addition, an addition to the City of Kearney, Buffalo County, Nebraska (north of 16th Street between 11th Avenue and 16th Avenue) and consider Resolution No. 2015-182.
8. Conduct a public hearing on the Application submitted by Miller & Associates for BK Development, LLC to rezone from District M-1, Limited Industrial District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and District M-1/PD, Limited Industrial/Planned Development Overlay District property described as part of Lot 1 and part of Lot 2 of Block One, G & K Addition, an addition to the City of Kearney, Buffalo County, Nebraska (north of 16th Street between 11th Avenue and 16th Avenue) and consider Ordinance No. 8031.
9. Conduct a public hearing on the Application submitted by Miller & Associates for BK Development, LLC for the Final Plat and Subdivision Agreement for Fuller and Daley Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as part of vacated Lot 1, all of vacated Lot 2 of Block One and vacated 16th Street adjacent to said Lot 2, G & K Addition to the City of Kearney and located in the Northwest Quarter of the Southwest Quarter and the Northeast Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (north of 16th Street between 11th Avenue and 16th Avenue) and consider Resolution No. 2015-183.
10. Conduct a public hearing on the Application submitted by Miller & Associates for BK Development, LLC for Planned District Development Plan Approval for the construction of multi-family development on property to be zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as part of vacated Lot 1 and part of vacated Lot 2 of Block One, G & K Addition, an addition to the City of Kearney, Buffalo County, Nebraska, Buffalo County, Nebraska (north of 16th Street between 11th Avenue and 16th Avenue) and consider Resolution No. 2015-184.
11. Conduct a public hearing on the Applications submitted by Buffalo Surveying for Marlin and Cheryl Heiden, Co-Trustees (1) to vacate Lot 1, Block One, Heiden Second Subdivision and consider Ordinance No. 8032; and (2) to rezone from District AG, Agricultural District to District RR-2, Rural Residential District (Intermediate Standards) property described as a tract of land being part of the East Half of the Northeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (north and west of 6640 2nd Avenue and includes 6830 2nd Avenue) and consider Ordinance No. 8033.

12. Conduct a public hearing on the Application submitted by Buffalo Surveying for Marlin and Cheryl Heiden, Co-Trustees for the Final Plat and Subdivision Agreement for Heiden Third Subdivision of Buffalo County, Nebraska, for property described as a tract of land being part of the East Half of the Northeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (north and west of 6640 2nd Avenue and includes 6830 2nd Avenue) and consider Resolution No. 2015-185.
13. Conduct a public hearing on the proposed amendment to Section 13-109 "Industrial Use Types" to remove Therapeutic Riding and to place it in Section 13-111 "Miscellaneous Use Types" of Chapter 13 "Use Types" of the City Code; to amend Table 14-1 "Use Matrix" of Chapter 14 "Zoning District Regulations" of the City Code to allow Alternative Energy Production Devices under Miscellaneous Uses and will be permitted in District AG, Agricultural District; District BP, Business Park District; District M-1, Limited Industrial District; and District M-2, General Industrial District and consider Ordinance No. 8034.
14. Conduct a public hearing for the purpose of adopting the City of Kearney Budget for the 2015-2016 Fiscal Year and consider Ordinance No. 8035.
15. Conduct a public hearing for the purpose of adopting the City of Kearney Offstreet Parking District No. 1 Budget for the 2015-2016 Fiscal Year and consider Resolution No. 2015-186.
16. Conduct a public hearing setting the 2015 City of Kearney property tax levy at a different amount than the preliminary property tax levy set for the City of Kearney by the Buffalo County Clerk and consider Resolution No. 2015-187.

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

1. Approve Minutes of Regular Meeting held August 25, 2015.
2. Approve the Claims.
3. Adopt Resolution No. 2015-188 allowing the City of Kearney to increase its "Budget Authority" by an additional one percent or \$129,262.15 which will be carried over to the 2015-2016 Budget as "Unused Budget Authority".
4. Approve the recommendation submitted by the Keno Committee on the allocation of non-departmental keno funds designed for outside agencies.
5. Adopt Resolution No. 2015-189 repealing Resolution No. 2014-186 and adopt the 2015-2016 Comprehensive Fee Schedule setting forth the fees for items and services to be provided by the City during the 2015-2016 year.
6. Monthly enplanement report from Great Lakes Airlines.
7. Adopt Resolution No. 2015-190 approving the recommendation from the Advisory Board of Park & Recreation Commissioners on naming the 10-acre piece of ground donated by David and Lorma Weibe for land adjacent to Cottonmill Park to Lorma's Overlook.
8. Accept the bids received for the Parking Lot Construction at North Railroad Street and Central Avenue and adopt Resolution No. 2015-191 awarding the bid to Dan Roeder Concrete in the amount of \$100,218.50.

9. Approve the Plans and Specifications for the 2015 Part 12 Improvements consisting of Paving Improvement District No. 2015-978, Water District No. 2015-580, Sanitary Sewer District No. 2015-517 for 9th from 10th Street south to its terminus in a cul-de-sac; Paving Improvement District No. 2015-979, Water District No. 2015-581, Sanitary Sewer District No. 2015-518 for 10th Street from 9th Avenue east to the east lot line of Lot 1 of Block Two, Jean Michel of Chateau Marteau and set the bid opening date for October 6, 2015 at 2:00 p.m.
10. Adopt Resolution No. 2015-192 approving the Agreement between the City of Kearney and the Nebraska Department of Roads for the installation of left turn lanes on 2nd Avenue (Highway N-10) at 48th Street and at 56th Street.
11. Approve the Special Event Permit submitted by the University of Nebraska Kearney to conduct the Homecoming/Band Day Parade scheduled for September 26, 2015 beginning at 10:00 a.m. commencing in the MONA parking lot, south on Central Avenue to Railroad Street, west on Railroad Street to 3rd Avenue, north on 3rd Avenue to 21st Street, west on 21st Street to 8th Avenue, south on 8th Avenue to 20th Street, west of 20th Street and concluding in the West Company parking lot. The following streets will temporarily be closed for the line-up area: Avenues B, C, D and E from the south side of 25th Street to Railroad Street, 22nd, 23rd and 24th Streets from Avenue A to Avenue D and to authorize the towing of any vehicles by the Kearney Police Department within the designated area and will be an expense to the owners of such vehicles.
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 Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, October 3, 2015 from 3:00 p.m. until 12:00 a.m. for a fund raiser.
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 Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, October 10, 2015 from 3:00 p.m. until 1:00 a.m. for a reception.
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 in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, October 10, 2015 from 3:00 p.m. until 1:00 a.m. for a reception.
15. 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 Saturday, October 17, 2015 from 3:00 p.m. until 1:00 a.m. for a reception.
16. 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 Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, October 31, 2015 from 3:00 p.m. until 1:00 a.m. for a reception.

17. Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropico in connection with their Class IBK-37623 catering liquor license to dispense beer and distilled spirits in the Exhibit Building (alternate location is Exposition Building) located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, October 24, 2015 from 3:00 p.m. until 1:00 a.m. for a dance.
18. 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 United Way of Kearney Building located at 4009 6th Avenue, #19 Eagles Nest Plaza on Thursday, September 24, 2015 from 4:00 p.m. until 8:00 p.m. for Business After Hours.
19. Approve the request submitted by Thunderhead Brewing in connection with their Class LK-047920 catering liquor license to amend the Special Designated License for September 10, 2015 to include both beer and wine for the Business After Hours event at Good Samaritan Medical Group located at 3219 Central Avenue.

\* *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. 8036 repealing Ordinance No. 8013 and classify the officers and employees of the City; fix the ranges of compensation of such officers and employees; establish the hours and work period for overtime eligibility; provide for payments of clothing and/or uniform allowances; provide for payment of vehicle allowance; and provide for payment of cell phone allowance.

## VI. REGULAR AGENDA

### 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)