

# **KEARNEY CITY COUNCIL**

## **AGENDA**

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

**June 28, 2016**

**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. POSTPONED UNTIL JULY 12, 2016. Conduct a public hearing on the Application submitted by Miller & Associates for Grand West, LLC for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Medium Density Residential and Parks to Mixed Use 1 property described as a tract of land being a part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 55th Street and east of 11th Avenue) and consider Resolution No. 2016-93.
2. POSTPONED UNTIL JULY 12, 2016. Conduct a public hearing on the Application submitted by Miller & Associates for Grand West, LLC to rezone from District A, Agricultural District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and to District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District property described as a tract of land being a part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 55th Street and east of 11th Avenue) and consider Ordinance No. 8079.
3. POSTPONED UNTIL JULY 12, 2016. Conduct a public hearing on the Application submitted by Miller & Associates for Grand West, LLC for the Final Plat and Subdivision Agreement for Fountain Hills Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being a part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 55th Street and east of 11th Avenue) and consider Resolution No. 2016-94.

4. POSTPONED UNTIL JULY 12, 2016. Conduct a public hearing on the Application submitted by Miller & Associates for Grand West, LLC for the annexation of Fountain Hills Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being a part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 55th Street and east of 11th Avenue) and consider Resolution No. 2016-95.
5. POSTPONED UNTIL JULY 12, 2016. Conduct a public hearing on the Application submitted by Miller & Associates for Grand West, LLC for Planned District Development Plan Approval for the construction of apartments, multi-family, duplexes and patio homes on property to be zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and to District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as a tract of land being a part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 55th Street and east of 11th Avenue) and consider Resolution No. 2016-96.
6. Conduct a public hearing to receive input from the public with regard to a downtown revitalization project under CDBG 15-DTR-004.

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

1. Approve Minutes of Regular Meeting held June 14, 2016 and Minutes of Special Meeting held June 15, 2016.
2. Approve the Claims.
3. Receive recommendations of Planning Commission and set July 12, 2016 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Adam Krepela submitted by Hy-Vee Inc., dba Hy-Vee Gas #1323 located at 5204 2nd Avenue in connection with their Class D-105991 liquor license.
5. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Adam Krepela submitted by Hy-Vee Inc., dba Hy-Vee Restaurant located at 5212 3rd Avenue in connection with their Class IK-105992 liquor license.
6. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Adam Krepela submitted by Hy-Vee Inc., dba Hy-Vee #1323 located at 5212 3rd Avenue in connection with their Class C-105993 liquor license.
7. Approve the application submitted by Jerry Bumgardner from Crossroads Homeless Shelter to extend Conditional Use Permit No. 2011-05 to operate a homeless shelter located at 1404 East 39th Street for a period of five years.

8. Adopt Resolution No. 2016-101 approving the recommendation submitted by the Fire Chief to include the following as members of the Kearney Volunteer Fire Department: Josiah Gillming and Kevin Kalkowski.
9. Adopt Resolution No. 2016-102 approving Amendment No. 1 and Amendment No. 2 to the Consultant Agreement between the City of Kearney and Benesch and Company for AIP 3-31-0045-030 for Runway 18/36 Reconstruction.
10. Approve setting July 12, 2016 at 5:30 p.m. as the time and date to meet as the Board of Equalization to determine a connection fee in the amount of special benefits accruing to the property in Water Connection District No. 2015-1, Sanitary Sewer Connection District Nos. 2014-1 and 2015-1.
11. Adopt Resolution No. 2016-103 approving Application and Certificate for Payment No. 2 in the amount of \$319,108.05 submitted by Dan Roeder Concrete and approved by Miller & Associates for the 2015 Part 11 Improvements – Bid B consisting of Paving Improvement District No. 2015-976 for 17th Avenue from 11th Street south to the south lot line of Lot 3 of Block Three, Park View Estates Eighth Addition; Paving Improvement District No. 2015-977 for 8th Street from 17th Avenue east to 16th Avenue.
12. Adopt Resolution No. 2016-104 approving Application and Certificate for Payment No. 1 in the amount of \$135,166.05 submitted by Dan Roeder Concrete and approved by Miller & Associates for the 2015 Part 15 Improvements consisting of Paving Improvement District No. 2015-975 for Landon Street from Central Avenue east to the east line of Lot 1, Gangwish Addition.
13. Adopt Resolution No. 2016-105 approving Application and Certificate for Payment No. 2 in the amount of \$308,204.44 submitted by Blessing, LLC and approved by Miller & Associates for the 2015 Part 5 Improvements consisting of Paving Improvement District No. 2015-981 for Central Avenue from 12th Street to 18th Street.
14. Adopt Resolution No. 2016-106 approving Application and Certificate for Payment No. 1 in the amount of \$112,847.96 submitted by Midlands Contracting and approved by Miller & Associates for 2015 Part 13 Improvements; Tech One Boulevard and Global Drive.
15. Adopt Resolution No. 2016-107 approving Change Order No. 4 showing a decrease in the amount of \$24,945.22, Application and Certificate for Payment No. 12-Final in the amount of \$62,178.87, and accept the Certificate of Substantial Completion submitted by Blessing, LLC and approved by Miller & Associates for the 2014 Part 11 Improvements consisting of Paving Improvement District No. 2014-969 for 11th Street from a point 109.74 feet west of 30th Avenue, thence east for a distance of 2,440.08 feet; Paving Improvement District No. 2014-970 for 27th Avenue from 11th Street south a distance of 850± feet as platted in Lot 1, Bearcat Corner; and Paving Improvement District No. 2014-971 for 30th Avenue from 11th Street south a distance of 1,500± feet as platted in Lot 1, Bearcat Corner.
16. Adopt Resolution No. 2016-108 approving Application and Certificate for Payment No. 3 in the amount of \$11,286.00 submitted by Blessing, LLC and approved by Miller & Associates for the 2015 Part 2 Improvements consisting of Paving Improvement District No. 2014-967 for 49th Street from the west line of Lot 1, Block Four, Good Samaritan Society Kearney Village Subdivision, thence easterly to the south line of Lot 9, Block Four, Good Samaritan Society Kearney Village Subdivision, thence continuing northerly and

easterly in 50th Street to the east line of Outlot B, Good Samaritan Society Kearney Village Subdivision and continuing easterly in 50th Street to a point located 140.38 feet east of the east line of Outlot B, Castle Ridge Fourth Addition.

17. Adopt Resolution No. 2016-109 approving Change Order No. 1 showing a decrease in the amount of \$4,175.50, Application and Certificate for Payment No. 3-Final in the amount of \$16,498.80, and accept the Certificate of Substantial Completion submitted by Blessing, LLC and approved by Miller & Associates for 2015 Part 12 Improvements – Bid B consisting of Paving Improvement District No. 2015-978 for 9th from 10th Street south to its terminus in a cul-de-sac; and Paving Improvement District No. 2015-979 for 10th Street from 9th Avenue east to the east lot line of Lot 1 of Block Two, Jean Michel of Chateau Marteau.
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 Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, August 6, 2016 from 11:00 a.m. until 12:00 a.m. for a family reunion.
19. 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 Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, August 20, 2016 from 3:00 p.m. until 1:00 a.m. for a dance.
20. Adopt Resolution No. 2016-110 approving the Property Maintenance and Lease Agreement between the City of Kearney and Greg Dollman for 40-acre detention cell located in northeast Kearney.

\* ***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. 8083 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, 2015 Edition and the International Building Code, 2015 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, 2015 Edition and the International Building Code, 2015 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, 2015 Edition; to amend Section 9-213 “International Energy Conservation Code” of Article 2 “Building Code Generally” of Chapter 9 “Public Works” of the Code of the City of Kearney, Nebraska to adopt the International Energy Conservation Code, 2009 Edition; to amend Section 9-301 “International Building 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 Building Code, 2015 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, 2015 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, 2015 Edition; to amend Section 9-1017 “Amendments to Uniform Plumbing Code” of Article 10 “Plumbing Code” of Chapter 9 “Public Works” to adopt and make amendments to the Uniform Plumbing Code, 2015 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, 2015 Edition.
2. Approve Ordinance No. 8084 amending Section 4-301.2 “International Fire Code; Amendments” of Article 3 “Fire Prevention Code” of Chapter 4 “Fire Regulations” of the City Code to delete in its entirety Section 308.3.1 “Open-Flame Cooking Devices” and Section 308.3.1.1 “Liquefied-Petroleum-Gas-Fueled Cooking Devices” of the International Fire Code, 2006 Edition.
  3. Approve Ordinance No. 8085 amending Article 25 “Tattoo Business” of Chapter 3 “Business Regulations” of the Code of the City of Kearney to delete in their entirety the following: Section 3-2501 Tattoo Business; Licensed Required”, Section 3-2502 “Application Fee”, Section 3-2503 “License Fee”, Section 3-2504 “Definitions”, Section 3-2505 “Health and Sanitary Requirements”, Section 3-2506 “Storing of Instruments”, Section 3-2507 “Sterilizing of Instruments”, Section 3-2508 “Use of Instruments”, 3-2509 “Incineration of Wastes”, Section 3-2510 “Records”, Section 3-2511 “Infections”, Section 3-2512 “Pigments and Dyes”, Section 3-2513 “Bandages and Surgical Dressings”, Section 3-2514 “Certification of Inspection”, Section 3-2515 “Inspections”, Section 3-2516 “Tattooing of Minors”, Section 3-2517 “Hours of Operation”, and Section 3-2518 “Penalty”.

## **VI. REGULAR AGENDA**

1. Consider Ordinance No. 8086 providing for the acquisition and operation of a recreational facility complex located at Patriot Park; conveyance of the same to the City of Kearney Facilities Corporation and authorizing a First Amendment to Lease-Purchase Agreement with City of Kearney Facilities Corporation relating to the acquisition and construction of said facility for use by the City; approving the execution of said First Amendment to Lease-Purchase Agreement and related documents; approving the form of First Supplemental Trust Indenture and Security Agreement between the Facilities Corporation and a trustee relating to the issuance of Recreational Facility Bonds, Series 2016 in the amount of \$4,000,000; authorizing officers of the City to designate final terms within certain parameters; approving the Preliminary Official Statement relating to the bonds and ordering the ordinance published in pamphlet form.
2. Consider Ordinance No. 8087 amending Article 29 “Itinerant Merchants, Peddlers & Solicitors” of Chapter 3 “Business Regulations” of the City Code as follows: amend Section 3-2902 “Definitions” to define a food truck vendor; add a new section entitled Section 3-2903.02 “Food Truck Permit”; add a new section entitled Section 3-2903.03 “Food Truck Permit Rules”; to amend Section 3-3002 “Definitions of Article 30 “Restaurant and Drinking Place Occupation Tax” to remove the reference of push carts, lunch wagons, ice cream trucks, or other mobile facilities from which food ready for consumption is sold as exemptions to the Restaurant and Drinking Place Occupation Tax.

## VII. REPORTS

1. Closed session to conduct City Manager's annual evaluation.

## VIII. ADJOURN

Mayor Stanley Clouse  
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Vice-President Randy Buschkoetter  
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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](http://www.cityofkearney.org)