

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

September 13, 2016

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 Miller & Associates for Danco II 2767 LLC, a Nebraska Limited Liability Company, for the Final Plat for DANCO KN Addition, an addition to the City of Kearney for a tract of land being part of Government Lot 5 located in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (108 2nd Avenue) and consider Resolution No. 2016-145.
2. Conduct a public hearing on the Applications submitted by Miller & Associates for MFP Mid-America Shopping Centers, LLC for (1) the vacation of Lot 1, Hilltop Mall Subdivision and consider Ordinance No. 8095; and (2) the Final Plat for Hilltop Mall Second, an addition to the City of Kearney for a tract of land being Lot 1 (to be vacated), Hilltop Mall Subdivision, a subdivision to the City of Kearney in the Southwest Quarter of the Northwest Quarter of Section 25, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (4915 2nd Avenue) and consider Resolution No. 2016-146.
3. Conduct a public hearing on the Application submitted by Miller & Associates for MFP Mid-America Shopping Centers, LLC for Planned District Development Plan Approval for the construction of a commercial building on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as a tract of land being proposed Lot 3, Hilltop Mall Second, an addition to the City of Kearney, Buffalo County, Nebraska (northeast of 2nd Avenue and 48th Street, west of Herbergers) and consider Resolution No. 2016-147.
4. Conduct a public hearing on the Application submitted by City of Kearney to amend the rezoning of property described as a tract of land located in part of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (south of 56th Street, west of NPPD's substation and east of Antelope Avenue) to remove the conditions/design standards placed on District BP/PD, Business Park/Planned Development Overlay District on said parcel of land and consider Ordinance

No. 7631A.

5. Conduct a public hearing on the proposed amendments to the following chapters/sections of the City Code as follows:
 - a. Chapter 14 “Zoning District Regulations” to add clarification for Industrial Use Types and Miscellaneous Use Types in Table 14-1 “Use Matrix”.
 - b. Chapter 31 “District M-1, Limited Industrial District” to add a new section setting forth performance standards in M-1 Industrial District.
 - c. Chapter 32 “District M-2, General Industrial District” to add a new section setting forth performance standards in M-2 Industrial District.
 - d. Chapter 46 “Supplemental Use Regulations” to amend Section 46-107 “Supplemental Use Regulations: Industrial Uses” to replace the reference of City Planner with Public Works; to set forth conditions for construction batch plants; and to delete Section 46-108 “Performance Standards in Industrial Districts.
 - e. Chapter 48 “Landscaping and Screening Standards” to amend Section 48-109 “General Provisions” to provide clarification for the maintenance of required landscaping.
 - f. Chapter 49, “Off-Street Parking” to amend Table 49-1: Minimum Off-Street Parking Requirements of Section 49-103 “Schedule of Off-Street Parking Requirements” to amend the requirements for financial services and medical offices.
 - g. Chapter 49, “Off-Street Parking” to amend Table 49-5: Off-Street Stacking Requirements of Section 49-109 “Stacking Requirements for Drive-Through Services” to provide requirements for coffee shops; and to provide all drive-through services must provide adequate alternative runaround access for vehicles not in a drive-through queue except for such drive-up facilities that have no public indoor seating.
 - h. Chapter 49, “Off-Street Parking” to amend Section 49-109 “Stacking Requirements for Drive-Through Services” to provide all drive-through services must provide adequate alternative runaround access for vehicles not in a drive-through queue except for such drive-up facilities that have no public indoor seating and consider Ordinance No. 8096.
6. Conduct a public hearing for the purpose of adopting the City of Kearney Budget for the 2016-2017 Fiscal Year and consider Ordinance No. 8097.
7. Conduct a public hearing for the purpose of adopting the City of Kearney Offstreet Parking District No. 1 Budget for the 2016-2017 Fiscal Year and consider Resolution No. 2016-148.
8. Conduct a public hearing on setting the 2016 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. 2016-149.
9. Conduct a public hearing concerning an application to the Department of Economic Development requesting \$30,000 for the planning phase of the Community Development program and consider Resolution No. 2016-150.

IV. CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held August 23, 2016.
2. Approve the Claims.
3. Adopt Resolution No. 2016-151 allowing the City of Kearney to increase its "Budget Authority" by an additional one percent or \$133,786.32 which will be carried over to the 2016-2017 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. 2016-152 repealing Resolution No. 2015-189 and adopt the 2016-2017 Comprehensive Fee Schedule setting forth the fees for items and services to be provided by the City during the 2016-2017 year.
6. 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 Saturday, October 1, 2016 from 3:00 p.m. until 1:00 a.m. for a reception.
7. 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, October 1, 2016 from 3:00 p.m. until 1:00 a.m. for a reception.
8. 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, October 15, 2016 from 3:00 p.m. until 1:00 a.m. for a reception.
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 inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, October 22, 2016 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 inside the Extension Building located at the Buffalo County Fairgrounds, 1400 East 34th Street, on Saturday, October 8, 2016 from 3:00 p.m. until 1:00 a.m. for a reception.
11. Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropic in connection with their Class IBK-37623 catering liquor license to dispense beer

and distilled spirits in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, October 22, 2016 from 6:00 p.m. until 1:00 a.m. for a dance (alternate date is October 29, 2016).

12. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Application for the following events:
 - (a) Firefighters Memorial Walk for the temporary closing of the north lane of East 1st Street from the Nebraska Firefighters Museum to The Archway on September 18.
 - (b) Veterans Day Parade for the temporary closing of Railroad Street from 5th Avenue to Avenue D, 3rd Avenue and 4th Avenue from Railroad Street to 21st Street, Central Avenue from Railroad Street to the parking lot located north of MONA on November 5.
13. Approve setting September 27, 2016 at 5:30 p.m. as the time and date to meet as the Board of Equalization to assess costs in connection with Paving Improvement District No. 2015-975.
14. Adopt Resolution No. 2016-153 approving the First Amendment to Trust Agreement between the City of Kearney and Union Bank and Trust Company providing trustee services with regard to the Kearney Area Solid Waste landfill.
15. Adopt Resolution No. 2016-154 approving Application and Certificate for Payment No. 3 in the amount of \$364,928.00 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.
16. Adopt Resolution No. 2016-155 approving Application and Certificate for Payment No. 1 in the amount of \$202,101.24 submitted by Dan Roeder Concrete and approved by Miller & Associates for the 2015 Part 10 Improvements consisting of Paving Improvement District No. 2015-980, Water District No. 2015-582, and Sanitary Sewer District No. 2015-519 for 46th Street Place from Avenue R to its terminus in a cul-de-sac.
17. Approve the application for a Special Designated License submitted by Ryan Puls, dba The Speakeasy in connection with their Class IB-102074 liquor license to dispense beer, wine and distilled spirits at The Archway located at 3060 East 1st Street on Thursday, September 29, 2016 from 6:00 p.m. until 8:00 p.m. for a fashion show.
18. Approve the application for a Special Designated License submitted by Thunderhead Brewing in connection with their Class LK-047920 catering liquor license to dispense beer at the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, October 1, 2016 from 3:00 p.m. until 11:59 p.m. for a sampling/tasting event.
19. Approve the application for a Special Designated License submitted by Alley Rose Inc. of Kearney, NE, dba Alley Rose in connection with their Class IK-21763 catering liquor license to dispense beer and wine inside U Med Spa located at 5609 1st Avenue, Suite B on Thursday, October 6, 2016 from 3:00 p.m. until 10:00 p.m. for Business After Hours.

20. Adopt Resolution No. 2016-156 accepting the proposal for the construction of a concrete hike/bike trail along 11th Street west of Yanney 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. 8098 vacating the 20-foot alley that runs east and west from 1st Avenue to 2nd Avenue between 29th Street and 30th Street (2915 2nd Avenue).
2. Approve Ordinance No. 8099 repealing Ordinance No. 8066 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.
3. Approve Ordinance No. 8100 creating Paving Improvement District No. 2016-983 for 8th Street from the west lot line of Lot 16 of Block Two, Marianne Hunt 2nd Addition to Avenue H.
4. Approve Ordinance No. 8101 creating Paving Improvement District No. 2016-984 for Avenue H from the south lot line of Lot 1 of Block Five, Marianne Hunt 2nd Addition to 11th Street.
5. Approve Ordinance No. 8102 creating Water District No. 2016-583 for 8th Street from the west lot line of Lot 16 of Block Two, Marianne Hunt 2nd Addition to Avenue H.
6. Approve Ordinance No. 8103 creating Water District No. 2016-584 for Avenue H from the south lot line of Lot 1 of Block Five, Marianne Hunt 2nd Addition to 11th Street.
7. Approve Ordinance No. 8104 creating Sanitary Sewer District No. 2016-520 for 8th Street from the west lot line of Lot 16 of Block Two, Marianne Hunt 2nd Addition to Avenue H.
8. Approve Ordinance No. 8105 creating Sanitary Sewer District No. 2016-521 for Avenue H from the south lot line of Lot 1 of Block Five to the north lot line of Lot 1 of Block One, Marianne Hunt 2nd Addition.
9. Approve Ordinance No. 8106 amending Section 8-924 "Trucks in Residential Districts" of Article 9 "Stopping, Standing and Parking" of Chapter 8 "Police" of the City Code to clarify the language that it shall be unlawful to park a truck, trailer or semitrailer, with exceptions, on any street adjacent to property classified by the ordinances of the city for residence purposes or on any street adjacent to a residential use.

VI. REGULAR AGENDA

1. Open Account Claims to Goodwill Industries - \$1,000.00 and NPPD - \$17,000.79.

VII. REPORTS

VIII. ADJOURN

Mayor Stanley Clouse
4907 Linden Drive Place
627-6730 cell
238-5210 office
mayor@kearneygov.org

Vice-President Randy Buschkoetter
1110 13th Avenue
234-5553 home
440-0358 cell
citycouncil@kearneygov.org

Council Member Bruce Lear
4803 Avenue L Place
234-5354 home
237-2724 office
citycouncil@kearneygov.org

Council Member Bob Lammers
8 Crestview Place
236-5273 home
234-2577 office
citycouncil@kearneygov.org

Council Member Jonathan Nikkila
4 Regency Place
224-4309 cell
citycouncil@kearneygov.org

City Manager Michael Morgan
18 East 22nd Street
233-3214 office
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