

KEARNEY CITY COUNCIL

AMENDED AGENDA

City Council Chambers, 18 East 22nd Street

November 8, 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. **POSTPONE UNTIL NOVEMBER 22, 2016.** Conduct a public hearing on the Applications submitted by Buffalo Surveying for Martin and Barbara Tilley to (1) vacate Lots 1 and 2, Wise Estates and consider Ordinance No. 8108; and (2) 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 Northwest Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (3809 Cottonmill Avenue) and consider Ordinance No. 8109.
2. **POSTPONE UNTIL NOVEMBER 22, 2016.** Conduct a public hearing on the Application submitted by Buffalo Surveying for Michael and Robyn Springer and Martin and Barbara Tilley for the Final Plat for Springer Estates, a subdivision being part of the North Half of the Northwest Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (3720 Cottonmill Avenue) and consider Resolution No. 2016-174.
3. Conduct a public hearing on the Applications submitted by Buffalo Surveying for Brigham Lofts, LLC and JWB, LLC to (1) vacate Lots 535 through 539, inclusive and the south 20 feet of Lot 540, Original Town of Kearney Junction and consider Ordinance No. 8111; and (2) the Final Plat for Brigham and Pierce Addition, an addition to the City of Kearney for a tract of land being Lots 535 through 539, inclusive and the south 20 feet of Lot 540, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska (2001 and 2013 Avenue A) and consider Resolution No. 2016-186.
4. Conduct a public hearing on the Applications submitted by Trenton Snow for Allen and Patricia Deets to (1) vacate Lot 1, Paquin & Deets Subdivision and to consider Ordinance No. 8112; and (2) the Final Plat for Deets Subdivision, a subdivision being part of the Southeast Quarter of the Southeast Quarter of Section 10 and part of the Northeast Quarter of the Northeast

Quarter of Section 15, all in Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1770 West Highway 40) and consider Resolution No. 2016-187.

5. POSTPONE UNTIL NOVEMBER 22, 2016. Conduct a public hearing on the Application submitted by Miller & Associates for Grand West, LLC to rezone from District C-2, Community Commercial District to District R-3/PD, Urban Residential Multi-Family District (Medium Density)/Planned Development Overlay District property described as Lot 1, Fountain Hills Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska (south of 56th Street and east of 11th Avenue) and consider Ordinance No. 8113.
6. POSTPONE UNTIL NOVEMBER 22, 2016. Conduct a public hearing on the Application submitted by Miller & Associates for Grand West, LLC and TSK 14, LLC for Revised Planned District Development Plan Approval for the construction of an apartment complex on property to be zoned R-3/PD, Urban Residential Multi-Family District (Medium Density)/Planned Development Overlay District and described as Lots 1 and 2, Fountain Hills Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska (south of 56th Street and east of 11th Avenue) and consider Resolution No. 2016-188.
7. Conduct a public hearing on the Applications submitted by Miller & Associates for Paul Younes to (1) vacate Lots A and B, Interstate Subdivision, Lot 1 of Block One, Interstate Third Addition, Lot 1, Interstate Fourth Addition, Lot 1, Interstate Fifth Addition, and Lot 1, Younes Center Second Addition and to consider Ordinance No. 8114; and (2) the Final Plat for Younes Center Fifth Addition, an addition to the City of Kearney for a tract of land being Lots A and B, Interstate Subdivision, Lot 1 of Block One, Interstate Third Addition, Lot 1, Interstate Fourth Addition, Lot 1, Interstate Fifth Addition, and Lot 1, Younes Center Second Addition, all in the City of Kearney, Buffalo County, Nebraska (south of Talmadge Street between 3rd Avenue and 6th Avenue) and consider Resolution No. 2016-189.
8. Conduct a public hearing on the Application submitted by Miller & Associates for Paul Younes for Planned District Development Plan Approval for the construction of a restaurant, pavilion, and office building on property zoned C-2/PD, Community Commercial/Planned Development Overlay District and described as proposed Lots 4, 5 and part of Lot 6, Younes Center Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (south of Talmadge Street between 3rd Avenue and 6th Avenue) and consider Resolution No. 2016-190.
9. Conduct a public hearing on the proposed amendments to the following chapters/sections of the City Code and to consider Ordinance No. 8115 as follows:
 - a. Section 43-109 "Zoning Regulations for Nonconforming Uses" of Chapter 43 "District FP-FW, Floodplain-Floodway Overlay District" to provide any residential or non-residential nonconforming use of structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 51 percent of the market value of the structure. (Amendment withdrawn by staff)
 - b. Section 48-105 "Bufferyard Provisions" of Chapter 48 "Landscaping and Screening Standards" to remove the need for a bufferyard if a street or alley is located between more intense use and less intense use.
 - c. Section 50-103 "General Sign and Street Graphics Regulations" of Chapter 50 "Sign Regulations" to remove a duplicate statement pertaining to a detached temporary commercial sign cannot be placed on public property.
 - d. Section 50-104 "General Regulations: Basic Design Elements for Signs" of Chapter 50 "Sign Regulations" to remove the reference of permitted pole signs may revolve at a rate not to exceed six revolutions per minute.

- e. Section 58-105 “Nonconforming Uses” of Chapter 58 “Nonconforming Development” to provide a structure occupied by a lawful nonconforming use be damaged to the extent that the cost of restoration exceeds 51 percent of the replacement cost of the structure, the nonconforming use shall no longer be permitted. (Amendment withdrawn by staff)

IV. CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held October 25, 2016.
2. Approve the Claims.
3. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Glenda Bailey submitted by Eagles Frat Order 2722 located at 17 West 24th Street in connection with their Class C-011097 liquor license.
4. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class I-120704 liquor license application submitted by Kumo Japanese Steakhouse Inc., dba KYOTO located at 404 3rd Avenue.
5. Adopt Resolution No. 2016-191 approving the Developer Constructed Infrastructure Agreement for water and sanitary sewer improvements between the City of Kearney and Paul Younes for Younes Center Fifth Addition Addition.
6. Approve the recommendation on selecting Lauren Brandt as the Deputy City Clerk.
7. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and/or Parking Restrictions Permit Application submitted by the downtown merchants to use 3 parking stalls in front of 2218 Central Avenue, 9 parking stalls in front of 13 East 22nd Street, 4 parking stalls in front of 2223 Central Avenue, and 6 parking stalls in front of 2205 Central Avenue on December 1 for the annual Downtown Christmas Walk.
8. ADDENDUM ITEM. Approve the application for a Special Designated License submitted by Earn & Return Investments, Inc., dba Cellar Bar & Grill in connection with their Class IK-064728 liquor license to dispense beer and wine in The Archway, 3060 East 1st Street on Thursday, December 8, 2016 from 4:00 p.m. until 9:00 p.m. for a holiday social.
9. ADDENDUM ITEM. Consider Resolution No. 2016-194 approving the Agreement to Extend Project Completion Date between the City of Kearney and Blessing, LLC pertaining to the 2015 Part 13 Improvements; Tech One Boulevard and Global Drive.

* *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. 8116 vacating the 30-foot platted setback located on the east side of Lot 1 of Block One, Kearney Plaza Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (2710 West 24th Street).
2. Approve Ordinance No. 8117 amending Section 7-101 “Selling of Goods Prohibited; Exceptions” to clarify the language, and to add a new section entitled Section 7-102 “Selling of

Programmed Services in Non-Rentable and Rentable Park Areas” of Chapter 7 “Park and Recreation” of the City Code.

3. Approve Ordinance No. 8118 repealing Ordinance No. 8099 and amend the Salary Ordinance reflecting the additional position of Deputy City Clerk.

VI. REGULAR AGENDA

1. Consider Resolution No. 2016-192 approving the redevelopment project submitted by Design Matters, LLC for Redevelopment Area #4 for an area described as Lots 507 and 508, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska (north of East Railroad Street and west of Avenue A).
2. Consider Resolution No. 2016-193 approving the Addendum to Memorandum of Understanding between the City of Kearney and Xpanxion, LLC pertaining to the construction of buildings and the expansion of jobs located at the City of Kearney’s Tech oNE Crossing Tech Park.

VII. REPORTS

VIII. ADJOURN

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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