

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

June 10, 2008

7:00 p.m.

I ROUTINE BUSINESS

1. Invocation (President or Designee of KMA).
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. **TABLED MAY 13, 2008.** Conduct a public hearing on the Application submitted by the City of Kearney for the proposed amendments to the following sections of the Kearney City Code pertaining to parking of Recreational Vehicles: Section 8-301 "Definitions", Section 8-918 "Forty-Eight Hour Parking Prohibited" and Section 8-919 "Recreational Vehicles" all in Chapter 8 "Police"; to amend Section 9-901 "Definitions", Section 9-906 "Where Trailers Permitted; Camping Vehicles" and Section 9-907 "Where Trailers Permitted; Hauling Trailers" all in Chapter 9 "Public Works", and to amend Section 49-110 "Parking for Personal and Recreational Vehicles" all in Chapter 49 "Off-Street Parking".
2. Conduct a public hearing on the Application submitted by Kearney Area Habitat for Humanity (Applicant and Owner) and Mark and Christine Bonk (Owner) to rezone from "District M-1, Limited Industrial District" to "District R-3, Urban Residential Multi-Family District (Medium Density)" property described as Lots 4, 5 and 6 of Block 15, Ashland Addition to the City of Kearney, Buffalo County, Nebraska (1908, 1910 and 1912 7th Avenue).
3. Conduct a public hearing on the Application submitted by NE Colorado Cellular, Inc., dba Viaero Wireless (Applicant) and FirsTier Capital Corporation, dba Kearney Event Center, Inc. (Owner) for a Conditional Use Permit to construct a 150-foot self-supporting telecommunications monopole with an aggregate building and supporting equipment on property zoned "District C-2/PD, Community Commercial/Planned Development Overlay District" and described as Lot 2, Broadfoot 3rd Addition to the City of Kearney, Buffalo County, Nebraska (609 Platte Road).

4. Conduct a public hearing on the Application submitted by Richard Stacy from Miller & Associates (Applicant) for Lorin and Kay Downing (Owner) for the Final Plat for "Anderson Park 5th Subdivision", an addition to the City of Kearney, Buffalo County, Nebraska for property described as part of the South Half of the Southwest Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., containing 0.86 acres, more or less, Buffalo County, Nebraska (northeast corner of 25th Street and Avenue Q) and approve **Resolution No. 2008-87**.
5. Conduct a public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Yanney Heritage Park Foundation, Inc. (Owner) for the Final Plat for "E.K. and Mary Yanney Heritage Park Second", an addition to the City of Kearney, Buffalo County, Nebraska for property described as Lot 2 (to be vacated), E.K. and Mary Yanney Heritage Park, an addition to the City of Kearney, Buffalo County, Nebraska with said tract of land being part of the Northeast Quarter of the Northeast Quarter and part of Government Lot 4 and accretion land located in Section 10, Township 8 North, Range 16 West of the 6th P.M., containing 79.07 acres, more or less, Buffalo County, Nebraska (south of 11th Street and east of Kea West Avenue) and approve **Resolution No. 2008-88**.
6. Conduct a public hearing on the Application submitted by Craig Bennett from Miller & Associates (Applicant) for Grand West, LLC (Owner) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from "Park/Conservation Open Space" to "Medium Density Residential" for a tract of land being part of the Northeast Quarter of the Southwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of 6th P.M., containing 19.88 acres, more or less, Buffalo County, Nebraska (north and south of 48th Street, east of 11th Avenue and 48th Street) and approve **Resolution No. 2008-89**.
7. Conduct a public hearing on the Application submitted by Craig Bennett from Miller & Associates (Applicant) for Grand West, LLC (Owner) to rezone 4.82 acres, more or less, from "District AG, Agricultural District" to "District R-2, Urban Residential Mixed-Density District", and to rezone 15.06 acres, more or less, from "District AG, Agricultural District" to "District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District", property described as part of the Northeast Quarter of the Southwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (north and south of 48th Street, east of 11th Avenue and 48th Street).
8. Conduct a public hearing on the Application submitted by Craig Bennett from Miller & Associates (Applicant) for Grand West, LLC (Owner) for the final plat and Subdivision Agreement for "Fountain Hills Third Addition", to the City of Kearney, Buffalo County, Nebraska for property described as part of the Northeast Quarter of the Southwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of 6th P.M., containing 19.89 acres, more or less, Buffalo County, Nebraska (north and south of 48th Street, east of 11th Avenue and 48th Street) and approve **Resolution No. 2008-90**.
9. Conduct a public hearing on the Application submitted by Craig Bennett from Miller & Associates (Applicant) for Grand West, LLC (Owner) for the annexation of "Fountain Hills Third Addition", to the City of Kearney, Buffalo County, Nebraska for property described as part of the Northeast Quarter of the Southwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of 6th P.M.,

containing 19.89 acres, more or less, Buffalo County, Nebraska (north and south of 48th Street, east of 11th Avenue and 48th Street) and approve **Resolution No. 2008-91**.

10. Conduct a public hearing on the Application submitted by Craig Bennett from Miller & Associates (Applicant) for Grand West, LLC (Owner) for Planned District Development Plan Approval for the construction of residential 6-plexes townhouses on property to be zoned "District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District" and described as part of the Northeast Quarter of the Southwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of 6th P.M., containing 15.06 acres, more or less, Buffalo County, Nebraska (north and south of 48th Street, east of 11th Avenue and 48th Street) and approve **Resolution No. 2008-92**.
11. Conduct a public hearing on the Application from City of Kearney Public Works Department to amend Chapter 50, "Sign Regulations" of the Unified Land Development Ordinance to; revise definitions contained in section 50-102 removing "Computer Message Posting Signs," removing reference to time and temperature display signs as exempt signs, and to add a new sign type "Numeric Display Signs"; to revise general regulations in section 50-103 to remove "Banners, Balloons, and Posters" from "Prohibited Signs" and move them to the "Temporary Sign" category, and to establish a time limit for the display of "Political Campaign Signs;" and to revise basic design elements in section 50-104 pertaining to "Electronic Information Signs" and "Numeric Display Signs" to limit the quantity, establish location requirements, to include required "hold" times for the message displayed, and to restrict the brightness of electronic signs as it relates to the ambient light level.
12. **WITHDRAWN BY ADMINISTRATION.** Conduct a public hearing on the Application submitted by the City of Kearney for the proposed amendments to Section 57-102 "Application and Procedure" and Section 57-103 "Rules for Distributing Improvement Costs for Districts" of Chapter 57 "Improvement Financing and Guarantees" of the Kearney City Code to amend the requirements pertaining to the fifty percent deposit.
13. Conduct a public hearing on the application to the Department of Economic Development for a Community Development Block Grant in the amount of \$149,513.00 for comprehensive revitalization activities and approve **Resolution No. 2008-93**.

IV CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held May 27, 2008.
2. Approve the Claims.
3. Approve Change Order No. 2 showing an increase in the amount of \$1,154.00 submitted by Central Contracting Corp. and approved by Miller & Associates for the construction of the Kearney Area Landfill Tipping Station located at 6711 West 56th Street and approve **Resolution No. 2008-94**.
4. Adopt the Amendment and Restatement of the Money Accumulation Plan for Employees of the City of Kearney by adopting the amendments for tax-qualified government retirement plans under the Economic Growth and Tax Relief Reconciliation Act of 2001, the Pension Funding Act of 2004, and the American Jobs Creation Act of 2006 and approve **Resolution No. 2008-95**.

5. Adopt the Amendment and Restatement of the City of Kearney, Nebraska Police Officers' Pension Plan by adopting the amendments for tax-qualified government retirement plans under the Economic Growth and Tax Relief Reconciliation Act of 2001, the Pension Funding Act of 2004, the American Jobs Creation Act of 2004, the Gulf Opportunity Zone Act of 2005, and certain changes under the Pension Protection Act of 2006 and approve **Resolution No. 2008-96**.
6. Adopt the Amendment and Restatement of the City of Kearney, Nebraska Firefighters' Pension Plan by adopting the amendments for tax-qualified government retirement plans under the Economic Growth and Tax Relief Reconciliation Act of 2001, the Pension Funding Act of 2004, the American Jobs Creation Act of 2004, the Gulf Opportunity Zone Act of 2005, and certain changes under the Pension Protection Act of 2006 and approve **Resolution No. 2008-97**.
7. Approve **Resolution No. 2008-31A** correcting the legal description for the final plat of "East Cook Subdivision", an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the South Half of the Southeast Quarter of the Southwest Quarter of Section 6, Township 8 North, Range 15 West of the 6th P.M., containing 8.21 acres, more or less, Buffalo County, Nebraska (east of Avenue M, west of Antelope Avenue and north of 11th Street).
8. Approve **Resolution No. 2008-32A** correcting the legal description for the annexation of "East Cook Subdivision" an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the South Half of the Southeast Quarter of the Southwest Quarter of Section 6, Township 8 North, Range 15 West of the 6th P.M., containing 8.21 acres, more or less, Buffalo County, Nebraska (east of Avenue M, west of Antelope Avenue and north of 11th Street).
9. Approve the bids received for the purchase of one rider type trencher/backhoe to be used by the Park & Recreation Department and award the bid to Ditch Witch of Nebraska in the amount of \$36,228.82.
10. Authorize Administration to negotiate with Wilke Contracting for the construction of the 2007 Part V Improvements (bridge work on 4th Street between 2nd Avenue and 3rd Avenue) and approve **Resolution No. 2008-98**.
11. Approve the Plans and Specifications for the construction of the 2008 Part 8 Improvements consisting of Paving Improvement District No. 2008-927 for 62nd Street, Avenue S, Avenue T and Avenue U as said streets abut Lots 1 and 2 of Block 1; Lots 1, 2, 3, 4, 5, 6, and 7 of Block 2; Lots 1 and 2 of Block 3; Lots 1, 2, 3 of Block 4; Lot 1 of Block 5, all in Eastbrooke Tenth; Water District No. 2008-551 for 62nd Street, Avenue S Avenue T and Avenue U as said streets abut Lots 1 and 2 of Block 1; Lots 1, 2, 3, 4, 5, 6, and 7 of Block 2; Lots 1 and 2 of Block 3; Lots 1, 2, 3 of Block 4; Lot 1 of Block 5, all in Eastbrooke Tenth; and Sanitary Sewer District No. 2008-493 for 62nd Street, Avenue T and Avenue U as said streets abut Lots 1 and 2 of Block 1; Lots 1, 2, 3, 4 of Block 2; Lots 1 and 2 of Block 4; Lot 1 of Block 5, all in Eastbrooke Tenth and set the bid opening date for July 1, 2008 at 2:00 p.m.
12. Approve the application for a Special Designated License submitted by CMO Inc., dba "Knights of Columbus 1728" in connection with their Class I-27979 liquor license to dispense beer and wine inside the 40' x 30' enclosed area west and adjoining the Knights of Columbus located at 1900 Central Avenue on June 30, 2008 from 5:00 p.m. to 8:00 p.m.

- * *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. **ORDINANCE NO. 7437** – Sell a part of Lot 6 of Block 1, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska AND a tract of land in government Lot 3 located in Section 13, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska to Elizabeth Merrifield and Five Points Bank.
2. **ORDINANCE NO. 7422A** – Amend the legal description for the rezoning from “District AG, Agricultural District” to “District M-1, Limited Industrial District” property described as a tract of land being part of the South Half of the Southeast Quarter of the Southwest Quarter of Section 6, Township 8 North, Range 15 West of the 6th P.M., containing 8.21 acres, more or less, Buffalo County, Nebraska (east of Avenue M, west of Antelope Avenue and north of 11th Street).

VI REGULAR AGENDA

1. **ORDINANCE NO. 7438** – Amend Section 8-301 “Definitions” of Article 3 “General Traffic Regulations” of Chapter 8 “Police” of the Code of the City of Kearney to define hauling trailers and recreational vehicles; to amend Section 8-918 “Forty-Eight Hour Parking Prohibited” of Article 9 “Stopping, Standing and Parking” of Chapter 8 “Police” of the Code of the City of Kearney to include a hauling trailer or a recreational vehicle; and to delete in its entirety Section 8-919 “Recreational Vehicles” of Article 9 “Stopping, Standing and Parking” of Chapter 8 “Police” of the Code of the City of Kearney. (Pertains to Public Hearing 1)
2. **ORDINANCE NO. 7439** – Amend Section 9-901 “Definitions” of Division I “General Provisions” of Article 9 “Manufactured Homes” of Chapter 9 “Public Works” of the Code of the City of Kearney to delete the definition of a camping vehicle and to define recreational vehicle; to amend Section 9-906 “Where Trailers Permitted; Camping Vehicles” of Division I “General Provisions” of Article 9 “Manufactured Homes” of Chapter 9 “Public Works” of the Code of the City of Kearney to delete the reference of camping vehicle and replace with recreational vehicle; to allow two recreational vehicles per family on approved parking pads or in a commercial or industrial district in approved areas; and to prohibit recreational vehicles to be parked, stored or left upon the public street for a period in excess of 48 hours; and to amend Section 9-907 “Where Trailers Permitted; Hauling Trailers” of Division I “General Provisions” of Article 9 “Manufactured Homes” of Chapter 9 “Public Works” of the Code of the City of Kearney to provide no more than two recreational vehicles or personal hauling trailers in any combination may be stored per family in a residential setting on approved parking pads. (Pertains to Public Hearing 1)
3. **ORDINANCE NO. 7440** – Amend Section 49-110 “Parking for Personal and Recreational Vehicles” of Chapter 49 “Off-Street Parking” of the Code of the City of Kearney by deleting in its entirety and replacing with a new Section 49-110 “Parking for Personal and Recreational Vehicles in Residential Areas” and to provide definitions and requirements for parking in approved locations. (Pertains to Public Hearing 1)

4. **ORDINANCE NO. 7441** – Rezone from “District M-1, Limited Industrial District” to “District R-3, Urban Residential Multi-Family District (Medium Density)” property described as Lots 4, 5 and 6 of Block 15, Ashland Addition to the City of Kearney, Buffalo County, Nebraska (1908, 1910 and 1912 7th Avenue). (Pertains to Public Hearing 2)
5. **ORDINANCE NO. 7442** – Grant a Conditional Use Permit to NE Colorado Cellular, Inc., dba Viaero Wireless (Applicant) and FirsTier Capital Corporation, dba Kearney Event Center, Inc. (Owner) to construct a 150-foot self-supporting telecommunications monopole with an aggregate building and supporting equipment on property zoned “District C-2/PD, Community Commercial/Planned Development Overlay District” and described as Lot 2, Broadfoot 3rd Addition to the City of Kearney, Buffalo County, Nebraska (609 Platte Road). (Pertains to Public Hearing 3)
6. **ORDINANCE NO. 7443** – Vacate Lot 2, E.K. and Mary Yanney Heritage Park, an addition to the City of Kearney, Buffalo County, Nebraska (south of 11th Street and east of Kea West Avenue). (Pertains to Public Hearing 5)
7. **ORDINANCE NO. 7444** – Rezone 4.82 acres, more or less, from “District AG, Agricultural District” to “District R-2, Urban Residential Mixed-Density District”, and to rezone 15.06 acres, more or less, from “District AG, Agricultural District” to “District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District”, property described as part of the Northeast Quarter of the Southwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (north and south of 48th Street, east of 11th Avenue and 48th Street). (Pertains to Public Hearing 7)
8. **ORDINANCE NO. 7445** – Amend Chapter 50, “Sign Regulations” of the Unified Land Development Ordinance to; revise definitions contained in section 50-102 removing “Computer Message Posting Signs,” removing reference to time and temperature display signs as exempt signs, and to add a new sign type “Numeric Display Signs”; to revise general regulations in section 50-103 to remove “Banners, Balloons, and Posters” from “Prohibited Signs” and move them to the “Temporary Sign” category, and to establish a time limit for the display of “Political Campaign Signs;” and to revise basic design elements in section 50-104 pertaining to “Electronic Information Signs” and “Numeric Display Signs” to limit the quantity, establish location requirements, to include required “hold” times for the message displayed, and to restrict the brightness of electronic signs as it relates to the ambient light level. (Pertains to Public Hearing 11)
9. **ORDINANCE NO. 7446** – Vacate the alley lying between 1st Avenue and Central Avenue from 15th Street to 16th Street as it abuts Lots 1458 through 1469, inclusive, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska (1512 Central Avenue).
10. **ORDINANCE NO. 7447** – Vacate a portion of 15th Street lying between 1st Avenue and Central Avenue in the City of Kearney, Buffalo County, Nebraska (1512 Central Avenue).
11. **ORDINANCE NO. 7448** – Authorize the issuance of General Obligation Various Purpose Bonds of the City of Kearney, Nebraska, in the estimated principal amount of \$4,585,000 for the purpose of paying the costs of improving streets and intersections in Paving Improvement District No. 2006-908; directing the application of the proceeds of said bonds;

prescribing the form of said bonds; providing for the levy and collection of taxes to pay the same; providing for the sale of the bonds; authorizing the delivery of the bonds to the purchaser; determining this ordinance a measure necessary to carry out contractual obligations of the City.

- 12. Consider the Manager Application for Timothy Novacek submitted by CARLOS O'KELLY'S INC., dba "Carlos O'Kelly's" in connection with their Class I-41065 liquor license located at 119 3rd Avenue.
- 13. Open Account Claims: **NPPD - \$2,922.72, Platte Valley State Bank - \$44,889.00, School District #7 - \$3,304.80**

VII REPORTS

VIII ADJOURN

Mayor Stanley Clouse
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mayor@kearneygov.org

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