

# **KEARNEY CITY COUNCIL**

## **AGENDA**

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

**July 8, 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;
  - **Firefighter Service Awards to: Don Jobman (30 years), Teresa Whitney (15 years), Don Whetstone (10 years), Max Gintzler (10 years).**

### **II UNFINISHED BUSINESS**

None.

### **III PUBLIC HEARINGS**

1. **TABLED JUNE 10, 2008.** Conduct a public hearing on the Application from City of Kearney Public Works Department to amend Chapter 50, "Sign Regulations" of the Code of the City of Kearney as follows: Section 50-102 "Definition of Terms" to delete the definition of Computerized Message Posting Sign; to delete the sentence "Signs whose information is limited to time and temperature are not considered electronic information signs" from subparagraph O "Electronic Information Signs"; to delete the sentence "This definition specifically excludes electronic information signs" from subparagraph R "Flashing Sign"; to provide a definition for Numeric Display Signs; to amend Section 50-103 "General Sign and Street Graphics Regulations" to delete subparagraph 3 pertaining to banners, balloons and posters; to require illumination levels controlling brightness and minimum required hold time for electronic information signs shall comply with Section 50-104 of Chapter 50; to allow political campaign signs to be placed no sooner than 45 days prior to an election; to provide requirements for inflatable balloons, posters, pennants, ribbons, streamers, spinners; to amend Section 50-104 "General Regulations; Basic Design Elements for Signs" to delete the requirement that no electronic information sign shall be located within 500 feet of another electronic information line, measured from the points of the 2 signs nearest each other; to provide no more than one electronic information sign is permitted per property; to provide requirements regarding programming and illumination of electronic information signs; to provide electronic information signs shall be deducted from the total sign budget allowed for the premises; and to provide requirements for numeric display signs.
2. Conduct a public hearing on the Application submitted by Robert V. Bradley (Applicant and Owner) to rezone from "District R-1, Urban Residential Single-Family District (Low Density)" to "District R-2, Urban Residential Mixed-Density District" property described as the north half of

Lot 1026 and all of Lot 1027, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska (1723 Avenue G).

3. Conduct a public hearing on the Application submitted by Sorensen Construction Co. (Applicant) for Patrick and Elizabeth Merrifield (Owner) for a Conditional Use Permit to locate a gravel pumping operation on property zoned "District AG, Agricultural District" and "District R-1, Urban Residential Single-Family District (Low Density) and described as tracts of land and accretions located in Government Lots 5, 6, 7, and 9 located in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; and tracts of land and accretions located in Government Lots 1, 2, 4, 5, and also accretion land lying south of Government Lot 5, 6, all located in Section 13, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; a strip of land along the north bank of the Platte River in Section 13, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; a tract of land located in the Northeast Quarter of Section 13, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; the south 77 feet of Lot 3, all of Lot 7 of Block 2, Lot 22 of Block 3; Lots 1, 2, 3, 4, 13, 14 of Block 4; Lots 1, 2, 3 of Block 5; Lots 1, 2, 3, 4 of Block 6, all in Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska (11 Central Avenue).
4. Conduct a public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Gary and Susan Glandon (Owner) for the Final Plat for "Glandon Addition", an addition to the City of Kearney, Buffalo County, Nebraska for property described as part of Government Lot 4 located in the East Half of Section 11, Township 8 North, Range 16 West of the 6th P.M., containing 0.34 acres, more or less, Buffalo County, Nebraska (310 3rd Avenue) and approve **Resolution No. 2008-107**.
5. **TABLE UNTIL JULY 22, 2008**. Conduct a public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Cash-Wa Distributing Company of Kearney, Inc. (Owner) to rezone from "District R-1, Urban Residential Single-Family District (Low Density)" to "District M-1/PD, Limited Industrial/Planned Development Overlay District" property described as part of Government Lot 3 and accretions located in Section 11, Township 8 North, Range 16 West of 6th P.M., and part of 6th Avenue (to be vacated), containing 24.34 acres, more or less, Buffalo County, Nebraska (west of 6th Avenue and 4th Street).
6. **TABLE UNTIL JULY 22, 2008**. Conduct a public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Cash-Wa Distributing Company of Kearney, Inc. (Owner) for the Final Plat and Subdivision Agreement for "Cash-Wa Second Addition", an addition to the City of Kearney, Buffalo County, Nebraska for property described as part of Government Lot 3 and accretions located in Section 11, Township 8 North, Range 16 West of 6th P.M., and part of 6th Avenue (to be vacated), containing 24.34 acres, more or less, Buffalo County, Nebraska (west of 6th Avenue and 4th Street) and approve **Resolution No. 2008-108**.
7. **TABLE UNTIL JULY 22, 2008**. Conduct a public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Cash-Wa Distributing Company of Kearney, Inc. (Owner) for the annexation of "Cash-Wa Second Addition", an addition to the City of Kearney, Buffalo County, Nebraska for property described as part of Government Lot 3 and accretions located in Section 11, Township 8 North, Range 16 West of 6th P.M., and part of 6th Avenue (to be vacated), containing 13.42 acres, more or less, Buffalo County, Nebraska (west of 6th Avenue and 4th Street) and approve **Resolution No. 2008-109**.
8. **TABLE UNTIL JULY 22, 2008**. Conduct a public hearing on the Application submitted by Paul Brungardt from Brungardt Engineering (Applicant) for Cash-Wa Distributing Company of Kearney, Inc. (Owner) for Planned District Development Plan Approval for the construction of cold storage facility and a parking lot on property to be zoned "District M-1/PD, Limited Industrial/Planned Development Overlay District" and described as part of Government Lot 3 and accretions located in Section 11, Township 8 North, Range 16 West of 6th P.M., and part of

6th Avenue (to be vacated), containing 24.34 acres, more or less, Buffalo County, Nebraska (west of 6th Avenue and 4th Street) and approve **Resolution No. 2008-110**.

#### IV CONSENT AGENDA \*

1. Approve Minutes of Regular Meeting held June 24, 2008.
2. Approve the Claims.
3. Approve Application and Certificate for Payment No. 1 in the amount of \$85,293.00 submitted by Paulsen, Inc. and approved by Kirkham Michael for the construction of the Airport Road Relocation Project and approve **Resolution No. 2008-111**.
4. Approve the Certificate of Substantial Completion submitted by Central Contracting Corporation and approved by Wilkins Hinrichs Stober Architects for the Kearney Volunteer Fire Department Station 1 Improvements Project and approve **Resolution No. 2008-112**.
5. Approve the Releaf Kearney Program and approve **Resolution No. 2008-113**.
6. Approve the Employment Agreement between the City of Kearney and Michael W. Morgan and approve **Resolution No. 2008-114**.
7. Approve the request submitted by the Downtown Improvement Board to occupy the sidewalks in the downtown area and to block off Central Avenue from Railroad Street to 25th Street, excluding the intersections, on July 24, 2008 from 8:00 a.m. until 8:00 p.m. and on July 25 and 26, 2008 from 8:00 a.m. until 6:00 p.m. for Sidewalks Sales; and to close the West Railroad parking lot on July 26, 2008 from 8:00 a.m. to 6:00 p.m. for a bicycle decorating competition.
8. Approve **Resolution No. 2008-90A** correcting the legal description for the final plat 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).
9. Approve **Resolution No. 2008-91A** correcting the legal description 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).
10. Award the negotiated bid received from 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. 2008-115**.
11. Approve the application for a Special Designated License submitted by TIMOTHY SMITH, dba "Back Nine Club House" in connection with their Class I-40252 liquor license to dispense beer, wine and distilled spirits in The Great Platte River Road Archway Monument, 3060 East 1st Street, on August 16, 2008 from 4:00 p.m. until 1:00 a.m. for a wedding reception.
12. Approve the bids received for 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 approve **Resolution No. 2008-116** awarding the bid to Midlands Contracting for Bid A (Water and Sewer) in the amount of \$153,572.00 and to Dan Roeder Concrete for Bid B (Paving) in the amount of \$304,210.00.

13. Approve the Consultant Agreement between the City of Kearney and Kirkham Michael of Omaha, Nebraska for basic services in connection with Airport Project No. 3-31-0045-19 (Airport Master Plan/Airport Layout Plan) and approve **Resolution No. 2008-117**.
14. Approve the request from the Police Department to the temporarily close Avenue B from Railroad Street to 21st Street on July 12, 2007 from 8:00 a.m. until 5:00 p.m. for the annual auction.

\* *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. 7449** – Amend Section 1-1505 “Formal Contract Procedure”, Section 1-1506 “Informal Purchasing” and Section 1-1507 “Professional Services” of Article 15 “Purchasing” of Chapter 1 “Administration” of the Code of the City of Kearney to increase the minimum bidding amount requirements to \$30,000.00 established by state law; to amend Section 1-1510 “Miscellaneous Expenditures” of Article 15 “Purchasing” of Chapter 1 “Administration” of the Code of the City of Kearney to establish the mileage rate at which elected and appointed officials, employees or volunteers may be reimbursed.
2. **ORDINANCE NO. 7450** – Repeal Ordinance No. 7447 and to vacate a portion of 15th Street lying between 1st Avenue and Central Avenue in the City of Kearney, Buffalo County, Nebraska (1512 Central Avenue).

## **VI REGULAR AGENDA**

1. **TABLED JUNE 10, 2008. ORDINANCE NO. 7445** – Amend Chapter 50, “Sign Regulations” of the Code of the City of Kearney as follows: Section 50-102 “Definition of Terms” to delete the definition of Computerized Message Posting Sign; to delete the sentence “Signs whose information is limited to time and temperature are not considered electronic information signs” from subparagraph O “Electronic Information Signs”; to delete the sentence “This definition specifically excludes electronic information signs” from subparagraph R “Flashing Sign”; to provide a definition for Numeric Display Signs; to amend Section 50-103 “General Sign and Street Graphics Regulations” to delete subparagraph 3 pertaining to banners, balloons and posters; to require illumination levels controlling brightness and minimum required hold time for electronic information signs shall comply with Section 50-104 of Chapter 50; to allow political campaign signs to be placed no sooner than 45 days prior to an election; to provide requirements for inflatable balloons, posters, pennants, ribbons, streamers, spinners; to amend Section 50-104 “General Regulations; Basic Design Elements for Signs” to delete the requirement that no electronic information sign shall be located within 500 feet of another electronic information line, measured from the points of the 2 signs nearest each other; to provide no more than one electronic information sign is permitted per property; to provide

requirements regarding programming and illumination of electronic information signs; to provide electronic information signs shall be deducted from the total sign budget allowed for the premises; and to provide requirements for numeric display signs. (Pertains to Public Hearing 1)

2. **ORDINANCE NO. 7451** – Rezone from “District R-1, Urban Residential Single-Family District (Low Density)” to “District R-2, Urban Residential Mixed-Density District” property described as the north half of Lot 1026 and all of Lot 1027, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska (1723 Avenue G). (Pertains to Public Hearing 2)
3. **ORDINANCE NO. 7452** – Grant a Conditional Use Permit to Sorensen Construction Co. (Applicant) for Patrick and Elizabeth Merrifield (Owner) to locate a gravel pumping operation on property zoned “District AG, Agricultural District” and “District R-1, Urban Residential Single-Family District (Low Density)” and described as tracts of land and accretions located in Government Lots 5, 6, 7, and 9 located in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; and tracts of land and accretions located in Government Lots 1, 2, 4, 5, and also accretion land lying south of Government Lot 5, 6, all located in Section 13, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; a strip of land along the north bank of the Platte River in Section 13, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; a tract of land located in the Northeast Quarter of Section 13, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; the south 77 feet of Lot 3, all of Lot 7 of Block 2, Lot 22 of Block 3; Lots 1, 2, 3, 4, 13, 14 of Block 4; Lots 1, 2, 3 of Block 5; Lots 1, 2, 3, 4 of Block 6, all in Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska (11 Central Avenue). (Pertains to Public Hearing 3)
4. Consider the Manager Application for Michael Gifford submitted by the Veterans FW 759 in connection with their Class C-09025 liquor license located at 2215 1st Avenue.
5. Open Account Claims: **NPPD - \$62,858.93, Platte Valley State Bank - \$56,518.92, School District #7 - \$1,134.70**

## VII REPORTS

## VIII ADJOURN

Mayor Stanley Clouse  
4907 Linden Drive Place  
236-6193 home  
238-5210 office  
[mayor@kearneygov.org](mailto:mayor@kearneygov.org)

Vice-President Randy Buschkoetter  
1110 13th Avenue  
234-5553 home  
698-8106 office  
[citycouncil@kearneygov.org](mailto:citycouncil@kearneygov.org)

Council Member Don Kearney  
701 Huron Drive  
237-3225 home  
236-5411 office  
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Council Member Bruce Lear  
4803 Avenue L Place  
234-5354 home  
234-2424 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)

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)