

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

August 12, 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. Conduct a public hearing on the Application submitted by Paul Brungardt from Brungardt Engineering (Applicant) for Roberta Corrigan Farm (Owner) for Planned District Development Plan Approval for the construction of commercial plaza development on property zoned "District C-2/PD, Community Commercial/Planned Development Overlay District" and described as Lot 2, Ingalls Crossing Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (north of Applebee's at 56th Street and 2nd Avenue) and approve **Resolution No. 2008-130**.
2. Conduct a public hearing on the Application submitted by Kent Cordes from Miller & Associates (Applicant) for DT Development, Inc. (Owner) to rezone 7.17 acres, more or less, from "District AG, Agricultural District" to "District C-0, Office District" AND to rezone 32.05 acres, more or less, from "District AG, Agricultural District" to "District C-2, Community Commercial District" property described as a tract of land being part of the Southeast Quarter of Section 22, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (west of 17th Avenue north of 56th Street).
3. Conduct a public hearing on the Application submitted by Kent Cordes from Miller & Associates (Applicant) for DT Development, Inc. (Owner) for the Final Plat and Subdivision Agreement for "Spruce Hollow Estates Third", a subdivision in Buffalo County, Nebraska for property described as a tract of land being part of the Southeast Quarter of Section 22, Township 9 North, Range 16 West of the 6th P.M., containing 39.22 acres, more or less, Buffalo County, Nebraska (west of 17th Avenue north of 56th Street) and approve **Resolution No. 2008-131**.
4. Conduct a public hearing on the redevelopment project for Redevelopment Area #8 for an area described as follows: Lot 2, Cash-Wa Addition, an addition to the City of Kearney, Buffalo

County, Nebraska; **TOGETHER WITH** a tract of land being part of Government Lot 3 and accretions located in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and part of 6th Avenue (now vacated), an avenue in the City of Kearney, Buffalo County, Nebraska, more particularly described as follows: Referring to the northeast corner of Government Lot 3 and assuming the north line of Government Lot 3 as bearing S 89°55'15" W and all bearings contained herein are relative thereto; thence S 89°55'15" W and on the north line of said Government Lot 3 a distance of 50.0 feet to the ACTUAL PLACE OF BEGINNING, said point being on the west right-of-way line of 6th Avenue, an avenue in the City of Kearney, Buffalo County Nebraska; thence continuing S 89°55'15" W and on the north line of said Government Lot 3 a distance of 608.96 feet to the southeast corner of the West Half of the Northwest Quarter of the Northeast Quarter of said Section 11; thence S 01°11'54" W a distance of 1,410.38 feet to a point on the existing North high bank of the North Channel of the Platte River; thence leaving said existing North high bank S 41°37'36" E a distance of 38.2 feet to a point on the existing centerline of the North Channel of the Platte River; thence N 48°22'24" E and on the existing centerline of the North Channel of the Platte River a distance of 22.40 feet; thence S 75°37'17" E and continuing on the aforesaid centerline a distance of 92.16 feet; thence S 33°54'09" E and continuing on the aforesaid centerline a distance of 160.70 feet; thence S 55°33'45" E and continuing on the aforesaid centerline a distance of 146.67 feet; thence S 39°43'31" E and continuing on the aforesaid centerline a distance of 104.49 feet; thence S 04°32'40" E and continuing on the aforesaid centerline a distance of 164.01 feet; thence S 44°29'09" E and continuing on the aforesaid centerline a distance of 48.91 feet; thence N 75°35'06" E and continuing on the aforesaid centerline a distance of 45.45 feet; thence N 38°48'43" E and continuing on the aforesaid centerline a distance of 138.53 feet; thence N 43°30'59" E and continuing on the aforesaid centerline a distance of 133.53 feet; thence leaving the existing centerline of the North Channel of the Platte River N 46°29'01" W a distance of 95.14 feet to a point on the existing North high bank of the North Channel of the Platte River, said point also being 50.0 feet westerly of as measured at right angles from the east line of said Government Lot 3 and the east right-of-way line of said 6th Avenue, and with said point also being on the west right-of-way line of said 6th Avenue; thence N 00°59'55" E on the west right-of-way of said 6th Avenue and on a line parallel with the east line of said Government Lot 3 and the east right-of-way line of said 6th Avenue a distance of 527.09 feet to a point on the north line of 4th Street (if extended westerly) a street in the City of Kearney, Buffalo County, Nebraska; thence S 89°04'00" E and on the north line of 4th Street (if extended westerly) a distance of 50.0 feet to a point on the east line of said Government Lot 3, said point also being on the east right-of-way line of said 6th Avenue; thence N 00°59'55" E and on the east line of said Government Lot 3 and on the east right-of-way line of said 6th Avenue (now vacated) a distance of 735.05 feet to the southwest corner of Lot 1, Cash-Wa Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence leaving the east line of said Government Lot 3 and the east right-of-way line of said 6th Avenue (now vacated) N 89°08'15" W and on the south line of said Lot 1, Cash-Wa Addition (if extended westerly) a distance of 25.00 feet to a point on the centerline of said 6th Avenue (now vacated); thence N 00°59'55" E on the centerline of said 6th Avenue (now vacated) and on a line parallel with the east line of said Government Lot 3 and east right-of-way line of said 6th Avenue (now vacated) a distance of 121.24 feet to a point on a non-tangent 60.0 radius curve, concave northwesterly; thence southwesterly leaving the centerline of said 6th Avenue (now vacated) and on said non-tangent curve forming a central angle of 26°05'29" an arc distance of 27.32 feet to a point of non-tangency, said point being S 68°20'50" W a chord distance 27.09 feet from the previously described point, and said point being 50.0 feet westerly of as measured from right angles from the east line of said Government Lot 3 and the east right-of-way line of said 6th Avenue (now vacated), and said point also being on the west right-of-way line of said 6th Avenue (now vacated); thence leaving said curve, non-tangent, N 00°59'55" E on the west right-of-way line of said 6th Avenue and on a line parallel with the east line of said Government Lot 3 and the east right-of-way line of said 6th Avenue a distance of 288.22 feet to the place of beginning, Buffalo County, Nebraska; **AND TOGETHER WITH** all that part of 4th Avenue, an avenue in the City of

Kearney, Buffalo County, Nebraska, located north of the south line of 4th Street, a street in the City of Kearney, Buffalo County, Nebraska and south of the north line of 8th Street, a street in the City of Kearney, Buffalo County, Nebraska, with said part of 4th Avenue being located in part of Government Lot 4 and part of the Northeast Quarter of the Northeast Quarter of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Beginning at the point of intersection of the west line of 4th Avenue and the south line of 4th Street, a street in the City of Kearney, Buffalo County, Nebraska; thence northerly on the west line of said 4th Avenue (if extended southerly) a distance of 60.0 feet to the southeast corner of Cash-Wa Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence continuing northerly on the west line of said 4th Avenue and on the east line of said Cash-Wa Addition a distance of 926.01 feet to the northeast corner of said Cash-Wa Addition; thence westerly and continuing on the west line of said 4th Avenue a distance of 20.0 feet to the southeast corner of Marshall Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence northerly continuing on the west line of said 4th Avenue and on the east line of said Marshall Addition a distance of 322.05 feet to the northeast corner of said Marshall Addition, said point being on the south line of 8th Street, a street in the City of Kearney, Buffalo County, Nebraska; thence continuing northerly on the west line of said 4th Avenue and on the east line of said Marshall Addition (if extended northerly) a distance of 60.0 feet to the point of intersection of the north line of said 8th Street and the west line of said 4th Avenue; thence continuing northerly on the west line of said 4th Avenue a distance of 11.17 feet, more or less, to a point on the north line of said 8th Street (if extended westerly); thence easterly on the north line of said 8th Street (if extended westerly) a distance of 80.0 feet to a point on the east line of said 4th Avenue, said point also being on the west line of Richards Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska; thence southerly on the east line of said 4th Avenue and the west line of said Richards Subdivision a distance of 80.0 feet to a point on the south line of said 8th Street; thence continuing southerly on the east line of said 4th Avenue and the west line of said Richards Subdivision a distance of 102.08 feet to the southwest corner of said Richards Subdivision said point also being the northwest corner of Clabaugh's Subdivision to the City of Kearney, Buffalo County, Nebraska; thence continuing southerly on the east line of said 4th Avenue and on the West line of said Clabaugh's Subdivision and on the West line of Clabaugh's 2nd Subdivision to the City of Kearney, Buffalo County, Nebraska (if extended southerly) a distance of 1142 feet, more or less, to a point on the North line of said 4th Street; thence continuing southerly on the east line of said 4th Avenue (if extended southerly) a distance of 60.0 feet to a point on the south line of said 4th Street; thence westerly on the south line of said 4th Street a distance of 60.0 feet to the place of beginning, the aforescribed tracts containing a total of 38.51 acres, more or less, all in Buffalo County, Nebraska (401 West 4th Street) and approve **Resolution No. 2008-132**.

5. Conduct a public hearing on the proposed amendments to 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 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; and to provide electronic information signs shall be deducted from the total sign budget allowed for the premises.

- 6. Conduct a public hearing on the Application for a Class D (Beer, Wine and Distilled Spirits – Off Sale Only) liquor license submitted by BECKER ENTERPRISES, INC., dba “Bill’s Liquor West” located at 1214 West 24th Street, consider the manager application for Charles Becker, and approve **Resolution No. 2008-133.**
- 7. Conduct a public hearing on the Application for a Class C (Beer, Wine and Distilled Spirits – On and Off Sale) liquor license submitted by BECKER ENTERPRISES, INC., dba “Bill’s Liquor” located at 2402 2nd Avenue, consider the manager application for Charles Becker, and approve **Resolution No. 2008-134.**

IV CONSENT AGENDA *

- 1. Approve Minutes of Special Meeting held July 17, 2008, Regular Meeting held July 22, 2008, and Emergency Meeting held on August 5, 2008.
- 2. Approve the Claims.
- 3. Approve the Agreement between the City of Kearney and Li'l Red Aero for storage space in Hangar T-419 and approve **Resolution No. 2008-135.**
- 4. Approve the Elizabeth Stratton Memorial 5K Run/Walk scheduled for August 23, 2008 beginning at the Archway Monument, west on 1st Street, north on Avenue M, and east back to the Archway Monument starting at 8:00 a.m.
- 5. Approve Application and Certificate for Payment No. 1 in the amount of \$186,497.28 submitted by Blessing, LLC and approved by Brungardt Engineering for the construction of the E.K. & Mary Yanney Heritage Park North Parking Lot Addition and approve **Resolution No. 2008-136.**

* *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 *

None.

VI REGULAR AGENDA

- 1. **ORDINANCE NO. 7455** - Rezone 7.17 acres, more or less, from “District AG, Agricultural District” to “District C-O, Office District” AND to rezone 32.05 acres, more or less, from “District AG, Agricultural District” to “District C-2, Community Commercial District” property described as a tract of land being part of the Southeast Quarter of Section 22, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (west of 17th Avenue north of 56th Street). *(Pertains to Public Hearing 2)*
- 2. **ORDINANCE NO. 7456** – 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 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; and to provide electronic information signs shall be deducted from the total sign budget allowed for the premises. *(Pertains to Public Hearing 5)*

3. Consider the Subdivision Agreement between the City of Kearney and Cash-Wa Distributing Company of Kearney, Inc. for Cash-Wa Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska and approve **Resolution No. 2008-137**.
4. **ORDINANCE NO. 7457** – Create Paving Improvement District No. 2008-928 for 4th Avenue from 4th Street to the south line of 8th Street.
5. **ORDINANCE NO. 7458** – Create Paving Improvement District No. 2008-929 for 4th Street from 6th Avenue to the west boundary of Cash-Wa Second Addition.
6. **ORDINANCE NO. 7459** – Create Water District No. 2008-552 for 4th Street from 6th Avenue to the west boundary of Cash-Wa Second Addition.
7. Open Account Claims: **NPPD - \$491.57, Platte Valley State Bank - \$45,658.65, School District #7 - \$1,055.33**

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