

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

October 14, 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. **WITHDRAWN BY APPLICANT/OWNER.** Conduct a public hearing on the Application submitted by Craig Bennett from Miller & Associates (Applicant) for James Gregory and Tamara S. Brandt and Mark A. and C. Diane Sutko (Owners) to rezone from "District AG, Agricultural District" to "District RR-2, Rural Residential District (Intermediate Standards)" property described as a tract of land being part of accretions to Government Lot 2 except Lot 1, Brandt's Lakewood 8th Subdivision and excepting all of the 60 foot wide tract recorded as a Private Access Road abutting Lot 1, Brandt's Lakewood 8th Subdivision on the south and abutting Lot 1 of Block 2, Brandt's Lakewood 7th Subdivision, all being part of accretions to Government Lot 2; part of accretions to Government Lot 3, all located in Section 23, Township 8 North, Range 16 West of the 6th P.M., containing 4.31 acres, more or less, Kearney County, Nebraska (south of Platte River and west of Highway 44).
2. **WITHDRAWN BY APPLICANT/OWNER.** Conduct a public hearing on the Application submitted by Craig Bennett from Miller & Associates (Applicant) for James Gregory and Tamara S. Brandt and Mark A. and C. Diane Sutko (Owners) for the Final Plat for "Brandt's Lakewood Estates Second", a subdivision of Kearney County, Nebraska for property described as a tract of land being part of accretions to Government Lot 2, part of accretions to Government Lot 3, all located in Section 23, Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska, and all of Lot 1, Brandt's Lakewood 8th Subdivision, a subdivision being part of accretions to Government Lot 2 in Section 23, Township 8 North, Range 16 West of the 6th P.M. (to be vacated), containing 6.67 acres, more or less, Kearney County, Nebraska (south of Platte River and west of Highway 44) and approve **Resolution No. 2008-154.**

3. Conduct a public hearing on the Application submitted by Baldwin Filters (Applicant and Owner) for the Final Plat and Subdivision Agreement for "Baldwin Subdivision" of Buffalo County, Nebraska for property described as the north half of Section 33, Township 9 North, Range 15 West of the 6th P.M., containing 61.88 acres, more or less, Buffalo County, Nebraska (north of East Highway 30 and west of Airport Road) and approve **Resolution No. 2008-176**.
4. Conduct a public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Jerald and Judith Fox (Owner) to 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 Government Lot 1 and Government Lot 2 located in the Northeast Quarter of Section 10, Township 8 North, Range 15 West of the 6th P.M., containing 22.60 acres, more or less, AND TOGETHER WITH a tract of land being part of Government Lot 3 located in Section 10, Township 8 North, Range 15 West of the 6th P.M., containing 0.54 acres, more or less, all in Buffalo County, Nebraska (½ mile east of Sweetwater Avenue and south of 11th Street).
5. Conduct a public hearing on the Application submitted by Trenton Snow (Applicant) for Deterding's Pool & Spa (Owner) for the Final Plat for "Classic Glacier" an addition to the City of Kearney, Buffalo County, Nebraska for property described as Lot 2, Glacier Park Addition to the City of Kearney, Buffalo County, Nebraska EXCEPTING HOWEVER, the south 87.5 feet thereof as the same would be measured at right angles from the southerly line of said Lot 2 (to be vacated), being located in the South Half of the Northeast Quarter of Section 1, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1917 Avenue H) and approve **Resolution No. 2008-177**.
6. **TABLED UNTIL OCTOBER 28, 2008.** Conduct a public hearing on the Application submitted by Big O Tires (Applicant) for LPJ Limited Partnership Association (Owner) for Revised Planned District Development Plan Approval for exterior displays on property zoned "District C-2/PD, Community Commercial/ Planned Development Overlay District" and described as Lot 3, Skiview Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska; EXCEPT that part conveyed to the State of Nebraska Department of Roads by Deed filed July 16, 1999 as Instrument 1999-5822 (116 West 56th Street) and approve **Resolution No. 2008-178**.
7. Conduct a public hearing on the proposed acquisition for an Avigation and Hazard Easement for a tract of land located in the Northeast Quarter of Section 33, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, being more particularly described as follows: commencing at the East Quarter corner of said Section 33, thence N00°53'13"W on the east line of said Section 33 a distance of 1,624.89 feet to a point on the south Union Pacific Railroad right-of-way line; thence S72°48'07"W on said south Union Pacific Railroad right-of-way line a distance of 266.84 feet to the point of beginning; thence S01°46'56"E a distance of 499.54 feet; thence N53°15'06"W a distance of 1,186.46 feet to a point on said south Union Pacific Railroad right-of-way line; thence N72°48'07"E on said south Union Pacific Railroad right-of-way line a distance of 1,217.12 feet to the point of beginning, containing 6.73 acres, more or less, all in Buffalo County, Nebraska and approve **Resolution No. 2008-179**.
8. Conduct a public hearing on the Application submitted by Essam Arram (Applicant) for Kearney Area Children's Museum (Owner) for Planned District Development Plan Approval for the construction of a new Children's Museum on property zoned "District C-2/PD, Community Commercial/Planned Development Overlay District" and described as Lot 3 and

the west 225 feet of Lot 1, North Acres Seventh, an addition to the City of Kearney, Buffalo County, Nebraska (5827 4th Avenue) and approve **Resolution No. 2008-180.**

IV CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held September 23, 2008.
2. Approve the Claims.
3. **WITHDRAWN BY ADMINISTRATION.** Approve the recommendation from the Building Official on the annual renewal of the Wood River Trailer Court manufactured home court license until May 31, 2009.
4. Approve the Agreement between the City of Kearney and the Nebraska Department of Roads for Project No. STPD-30-4(148) to improve Highway 30 from Avenue B to Avenue L and approve **Resolution No. 2008-181.**
5. Approve Change Order No. 2 showing an increase in the amount of \$9,872.50, Application and Certificate for Payment No. 3 in the amount of \$163,075.95 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. 2008-182.**
6. Approve the recommendation from the Downtown Improvement Board awarding the bid to Tri-City Sign Company in the amount of \$71,725.00 for the removal of an existing sign and the installation of a new digital on-premise sign to be located at the corner of 2nd Avenue and 21st Street.
7. Approve the Standard Specifications for Municipal Construction and the Standard Specifications for Private Construction Performed on Public Right-of-Way and approve **Resolution No. 2008-183.**
8. Approve the bids received for the 2008 Part 4 Improvements for the construction of the 39th Street and 17th Avenue Intersection Improvements and approve **Resolution No. 2008-184** awarding the bid to Blessing, LLC in the amount of \$267,833.25.
9. Approve Change Order No. 1 showing a decrease in the amount of \$18,005.00, Application and Certificate for Payment No. 3-Final in the amount of \$81,808.75, and Certificate for Substantial Completion submitted by Judds Brothers Construction Co. and approved by Miller & Associates for the construction of the 2008 Airport Road Water Main Relocation and approve **Resolution No. 2008-185.**

* *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. **WITHDRAWN BY APPLICANT/OWNER. ORDINANCE NO. 7471** – Vacate Lot 1, Brandt’s Lakewood 8th Subdivision, Kearney County, Nebraska (south of Platte River and west of Highway 44). (*Pertains to Public Hearing 1*)
2. **WITHDRAWN BY APPLICANT/OWNER. ORDINANCE NO. 7472** – Rezone from “District AG, Agricultural District” to “District RR-2, Rural Residential District (Intermediate Standards)” property described as a tract of land being part of accretions to Government Lot 2 except Lot 1, Brandt’s Lakewood 8th Subdivision and excepting all of the 60 foot wide tract recorded as a Private Access Road abutting Lot 1, Brandt’s Lakewood 8th Subdivision on the south and abutting Lot 1 of Block 2, Brandt’s Lakewood 7th Subdivision, all being part of accretions to Government Lot 2; part of accretions to Government Lot 3, all located in Section 23, Township 8 North, Range 16 West of the 6th P.M., containing 4.31 acres, more or less, Kearney County, Nebraska (south of Platte River and west of Highway 44). (*Pertains to Public Hearing 1*)
3. Consider the recommendation from City Administration on providing \$75,000 to go toward the construction of the KidZone – Kearney Area Children’s Museum.
4. **ORDINANCE NO. 7473** – 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 Government Lot 1 and Government Lot 2 located in the Northeast Quarter of Section 10, Township 8 North, Range 15 West of the 6th P.M., containing 22.60 acres, more or less, AND TOGETHER WITH a tract of land being part of Government Lot 3 located in Section 10, Township 8 North, Range 15 West of the 6th P.M., containing 0.54 acres, more or less, all in Buffalo County, Nebraska (½ mile east of Sweetwater Avenue and south of 11th Street). (*Pertains to Public Hearing 4*)
5. **ORDINANCE NO. 7474** – Vacate Lot 2, Glacier Park Addition to the City of Kearney, Buffalo County, Nebraska, excepting however, the south 87.5 feet thereof as the same would be measured at right angles from the southerly line of said Lot 2, being located in the South Half of the Northeast Quarter of Section 1, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1917 Avenue H). (*Pertains to Public Hearing 5*)
6. **ORDINANCE NO. 7475** – Vacate all of Avenue P located north of 27th Street, east of Lot 2, Con Agra Addition, an addition to the City of Kearney, Buffalo County, Nebraska, west of Lots 1 and 8 of Block 45, East Lawn Addition to the City of Kearney, Buffalo County, Nebraska (west of Grand Avenue, north of 27th Street, south of vacated 28th Street).
7. Consider the recommendation from City Administration on providing \$75,000 to go toward the improvements at Memorial Field.
8. Consider Supplemental Agreement No. 3 between the City of Kearney, Buffalo County, and the Nebraska Department of Roads for Project Nos. DPS-10-2(114), STP-10-2(116) and STP-10-2(117) allowing the Kearney East Bypass to be constructed under three separate phases and setting forth the costs for each phase and approve **Resolution No. 2008-186**.
9. Open Account Claims: **NPPD - \$80,599.15, Platte Valley State Bank - \$93,882.42**

VII REPORTS

City Manager – Landscaping on East 25th Street

VIII ADJOURN

Mayor Stanley Clouse
4907 Linden Drive Place
236-6193 home
238-5210 office
mayor@kearneygov.org

Vice-President Randy Buschkoetter
1110 13th Avenue
234-5553 home
698-8106 office
citycouncil@kearneygov.org

Council Member Don Kearney
701 Huron Drive
237-3225 home
236-5411 office
citycouncil@kearneygov.org

Council Member Bruce Lear
4803 Avenue L Place
234-5354 home
234-2424 office
citycouncil@kearneygov.org

Council Member Bob Lammers
8 Crestview Place
236-5273 home
234-2577 office
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