

# **KEARNEY CITY COUNCIL**

## **AGENDA**

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

**December 9, 2008**

**7:00 p.m.**

### **I ROUTINE BUSINESS**

1. Invocation – Reverend Shannon Montgomery, Student at UNK.
2. Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Approve Minutes of Regular Council Meeting of November 25, 2008, and Minutes of the Kearney Area Solid Waste Agency Meeting of September 9, 2008.
6. Approve the Certificate of Vote from the Buffalo County Election Commissioner.
7. City Clerk to administer the Oath of Office to Stanley Clouse, Don Kearney and Bruce Lear.
8. Nominations and appointment for President/Mayor.
9. Nominations and appointment for Vice-President.
10. Reappointment of Michaelle Trembly as City Clerk.
11. Oral Communication - Recognition of visitors.

### **II UNFINISHED BUSINESS**

None.

### **III PUBLIC HEARINGS**

1. Conduct a public hearing on the Application submitted by John H. and Connie L. Allan (Applicant and Owner); Eric Allan and Brenda Whitcomb-Allan (Owner); Matthew C. and Kathleen L. Stoltenberg (Owner); BSBB, LLP (Owner); Kevin W. and Letta Taylor (Owner); Nathan C. and Megan J. Blazek (Owner); Keith A. and Jessica L. Greni (Owner) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from “Agricultural/Open” to “Rural Estates” for a tract of land described as Lots 7, 8 of Block 1; Lots 2, 3, 4 of Block 2, Windy Meadows Subdivision, a subdivision being part of the South Half of the Northeast Quarter of Section 7, Township 9 North, Range 15 West of 6th P.M., Buffalo County, Nebraska; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 of Block 1; Lots 1, 2, 3, 4, 5 of Block 2, Windy Meadows Second Subdivision, a subdivision being part of the South Half of the Northeast Quarter of Section 7, Township 9 North, Range 15 West of 6th P.M., Buffalo County, Nebraska (north of 92nd Street west of Antelope Avenue) and approve **Resolution No. 2008-216**.
2. Conduct a public hearing on the Application submitted by John H. and Connie L. Allan

(Applicant and Owner); Eric Allan and Brenda Whitcomb-Allan (Owner); Matthew C. and Kathleen L. Stoltenberg (Owner); BSBB, LLP (Owner); Kevin W. and Letta Taylor (Owner); Nathan C. and Megan J. Blazek (Owner); Keith A. and Jessica L. Greni (Owner) to rezone from "District AG, Agricultural District" to "District RR-1, Rural Residential District (Rural Standards)" property described as a tract of land described as Lots 7, 8 of Block 1; Lots 2, 3, 4 of Block 2, Windy Meadows Subdivision, a subdivision being part of the South Half of the Northeast Quarter of Section 7, Township 9 North, Range 15 West of 6th P.M., Buffalo County, Nebraska; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 of Block 1; Lots 1, 2, 3, 4, 5 of Block 2, Windy Meadows Second Subdivision, a subdivision being part of the South Half of the Northeast Quarter of Section 7, Township 9 North, Range 15 West of 6th P.M., Buffalo County, Nebraska (north of 92nd Street west of Antelope Avenue).

3. Conduct a public hearing on the Application submitted by Craig Bennett from Miller & Associates (Applicant) for Buffalo County Economic Development Council (Owner) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from "Business Park", "Mixed Use 2" and "General Industrial" to "Light Industrial" for a tract of land being part of the South Half of the Southwest Quarter of Section 21, Township 9 North, Range 15 West of 6th P.M.; part of Lots 11, 12, 13 and 14, all of Lots 15 through 26 inclusive and streets running within and adjacent to said lots all in Proposed Industrial Subdivision, Kearney Air Field, Kearney, Nebraska; and part of the Northwest Quarter and part of the Southwest Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., containing 257.82 acres, more or less, all located in Buffalo County, Nebraska (east of Cherry Avenue on the north and south sides of 56th Street) and approve **Resolution No. 2008-217**.
4. Conduct a public hearing on the Application submitted by Craig Bennett from Miller & Associates (Applicant) for Buffalo County Economic Development Council (Owner) to rezone from "District AG, Agricultural District" to "District M-1/PD, Limited Industrial/Planned Development Overlay District" property described as a tract of land being part of the South Half of the Southwest Quarter of Section 21, Township 9 North, Range 15 West of 6th P.M.; part of Lots 11, 12, 13 and 14, all of Lots 15 through 26 inclusive and streets running within and adjacent to said lots all in Proposed Industrial Subdivision, Kearney Air Field, Kearney, Nebraska; and part of the Northwest Quarter and part of the Southwest Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., containing 257.82 acres, more or less, all located in Buffalo County, Nebraska (east of Cherry Avenue on the north and south sides of 56th Street).
5. Conduct a public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for John Cahill (Owner) for the Final Plat for "Cahill Second Subdivision" of Buffalo County, Nebraska for 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., containing 3.88 acres, more or less, Buffalo County, Nebraska (600 feet north of 30th Street and west of Cottonmill Avenue) and approve **Resolution No. 2008-218**.
6. Conduct a public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Great Western Properties, LLC (Owner) for the Final Plat for "Great Western Addition" to the City of Kearney, Buffalo County, Nebraska for property described as Lots 1 through 10, inclusive of Block 28, Lots 1 through 12, inclusive of Block 29, all of Block 28; all of Block 29; Lot 5 of Block 30; Lots 1, 2, 3, 4, 5 of Block 42; Lots 1, 2, 3, 4, 5 of Block 43; 29th Street and 30th Street lying east of Avenue N and west of the west line of the K&BH Railroad right-of-way; Avenue O lying south of the north line of 30th Street and north of the center line of Blocks 42 and 43; Avenue P of the K&BH Railroad right-of-way, all in East Lawn Addition to the City of Kearney, Buffalo County, Nebraska (east of Avenue N, south of 30th Street and north of 28th Street) and approve **Resolution No. 2008-219**.
7. Conduct a public hearing on the proposed amendment to Section 50-103 "General Sign and

Street Graphics Regulations” of Chapter 50 “Sign Regulations” of the Kearney City Code to provide requirements for inflatable balloons, posters, pennants, ribbons, streamers, and spinners.

#### IV CONSENT AGENDA \*

1. Approve the Claims.
  2. Approve Change Order No. 2 showing an increase in the amount of \$8,600.00 submitted by Siel Construction, Inc. and approved by Miller & Associates in connection with the Landfill Construction – Cell 7 Project and approve **Resolution No. 2008-220**.
  3. 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. 2008-221**.
  4. Approve **Resolution No. 2008-222** appointing Kristin Olmstead and Ann Snider to serve on the Advisory Board of Park & Recreation Commissioners.
  5. Approve the Certificate of Substantial Completion submitted by Hausmann Construction and approved by Wilkins Hinrichs Stober Architects in connection with the construction of the Harmon Park Activity Center and approve **Resolution No. 2008-223**.
  6. Reappointment of Randy Buschkoetter to serve on the Kearney Visitors Bureau, and the reappointment of Stan Clouse and Bruce Lear to serve on the Buffalo County Economic Development Council.
- \* ***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. 7491** – Rezone from “District AG, Agricultural District” to “District RR-1, Rural Residential District (Rural Standards)” property described as a tract of land described as Lots 7, 8 of Block 1; Lots 2, 3, 4 of Block 2, Windy Meadows Subdivision, a subdivision being part of the South Half of the Northeast Quarter of Section 7, Township 9 North, Range 15 West of 6th P.M., Buffalo County, Nebraska; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 of Block 1; Lots 1, 2, 3, 4, 5 of Block 2, Windy Meadows Second Subdivision, a subdivision being part of the South Half of the Northeast Quarter of Section 7, Township 9 North, Range 15 West of 6th P.M., Buffalo County, Nebraska (north of 92nd Street west of Antelope Avenue). *(Pertains to Public Hearing 2)*
2. **ORDINANCE NO. 7492** – Vacate all of Lots 15 through 25, inclusive, and streets running within and abutting said lots excepting Cherry Avenue and Avenue B, all located in Proposed Industrial Subdivision, Kearney Air Field, Kearney, Nebraska and being part of the South Half of the Southwest Quarter of Section 21 and part of the North Half of the Northwest Quarter of Section 28, and all being located in Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east of Cherry Avenue on the north and south sides of 56th Street). *(Pertains to Public Hearing 4)*
3. **ORDINANCE NO. 7493** – Rezone 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 Southwest Quarter of Section 21, Township 9 North, Range 15 West of 6th P.M.; part of Lots 11, 12, 13 and 14, all of Lots 15 through 26 inclusive and streets running within and adjacent to said lots all in Proposed Industrial Subdivision, Kearney Air Field, Kearney, Nebraska; and part of the Northwest Quarter and part of the Southwest Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., containing 257.82 acres, more or less, all located in Buffalo County, Nebraska (east of Cherry Avenue on the north and south sides of 56th Street). *(Pertains to Public Hearing 4)*

4. **ORDINANCE NO. 7494** – Vacate Lots 1 through 10, inclusive of Block 28, Lots 1 through 12, inclusive of Block 29; Lot 5 of Block 30; Lots 1, 2, 3, 4, 5 of Block 42; Lots 1, 2, 3, 4, 5 of Block 43; all in East Lawn Addition to the City of Kearney, Buffalo County, Nebraska (east of Avenue N, south of 30th Street and north of 28th Street). *(Pertains to Public Hearing 6)*
5. **ORDINANCE NO. 7495** – Amend Section 50-102 “Definitions” of Chapter 50 “Sign Regulations” of the Kearney City Code to define banner and to provide a definition for poster; to amend Section 50-103 “General Sign and Street Graphics Regulations” of Chapter 50 “Sign Regulations” of the Kearney City Code to clarify off-premise signs on public property to include hand-held signs carried by persons and persons dressed in costumes or as character actors for the purpose of advertising a service or product; to provide regulations for hand-held signs; to define posters shall not exceed four square feet in area and three feet in height; to provide regulations for inflatable balloons, pennants, ribbons, streamers, flags, spinners and other similar moving devices. *(Pertains to Public Hearing 7)*
6. Consider the Application for Manager for Raelyn Huber submitted by Veterans FW 759 in connection with their Class C liquor license located at 2215 1st Avenue.
7. Open Account Claims: **Stan Clouse - \$30.23, Horizon Middle School - \$100.00, NPPD - \$4,393.39, Platte Valley State Bank - \$47,134.84, School District #7 - \$3,541.85**

## VII REPORTS

## VIII ADJOURN

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

Council Member 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  
[citycouncil@kearneygov.org](mailto:citycouncil@kearneygov.org)

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)

**ADDENDUM NO. 1**

**IV CONSENT AGENDA**

7. Approve the application for a Special Designated License submitted by CHICKEN BONES OF KEARNEY, INC., dba "Chicken Coop Sports Bar & Grill in connection with their Class I-54354 liquor license to dispense beer, wine and distilled spirits in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N on January 10, 2009 from 12:00 p.m. until 1:00 a.m. for a for a wedding reception.