

# **KEARNEY CITY COUNCIL**

## **AGENDA**

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

**March 10, 2009**

**7:00 p.m.**

### **I ROUTINE BUSINESS**

1. Invocation by Major Dale Hixenbaugh from The Salvation Army.
2. Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Oral Communication - Recognition of visitors.

### **II UNFINISHED BUSINESS**

1. REMAIN ON TABLE UNTIL STUDY COMPLETED – Request to place 3 or 4-way stop sign located at 35th Street and Avenue A and parking concerns adjacent to the Kearney Catholic High School.

### **III PUBLIC HEARINGS**

1. Conduct a public hearing on the Application submitted by Brian and Annette Levander (Applicant) and L & P Investments, L.L.C. (Owner) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from “Mixed Use 2” to “Mixed Use 3” for a tract of land being Lot 1 of Block 2, North Acre Sixth, an addition to the City of Kearney, Buffalo County, Nebraska (west of 4th Avenue at 62nd Street) and approve **Resolution No. 2009-24.**
2. Conduct a public hearing on the Application submitted by Brian and Annette Levander (Applicant) and L & P Investments, L.L.C. (Owner) to rezone from “District C-2/PD, Community Commercial/Planned Development Overlay District” to “District C-3, General Commercial District” property described as Lot 1 of Block 2, North Acre Sixth, an addition to the City of Kearney, Buffalo County, Nebraska (west of 4th Avenue at 62nd Street).
3. Conduct a public hearing on the proposed amendment to Table 14-1 “Use Matrix; Miscellaneous Uses” of Chapter 14 “Zoning District Regulations” of the Kearney City Code to permit “construction batch plant” as a conditional use in zoning districts “AG”, “C-2” and “C-3”.
4. Conduct a public hearing on the Application submitted by T & F Sand & Gravel, Inc. (Applicant) and Keith G. and Julia E. Stafford (Owner) for a Conditional Use Permit to locate and operate a gravel dredging, stockpile aggregates and temporary crushing and highway concrete batch plant operation on property zoned “District AG, Agricultural District” and described as the South Half of the Northeast Quarter of Section 7, Township 8 North,

Range 16 West of the 6th P.M., containing 18 acres, more or less, all in Buffalo County, Nebraska (west of 62nd Avenue, north of Long Island Road/I-80).

5. Conduct a public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Rovar Park, L.L.C. (Owner) for the Final Plat for "Antelope Avenue Addition" an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of Lot 11 (to be vacated), St. Luke's Good Samaritan Village, an addition to the City of Kearney, containing 5.12 acres, more or less, Buffalo County, Nebraska (3112 Antelope Avenue) and approve **Resolution No. 2009-25**.
6. Conduct a public hearing on submitting an application to the Department of Economic Development for a Community Development Block Grant for the construction of sidewalks within the grant area located in southeast Kearney and approve **Resolution No. 2009-26**.

#### IV CONSENT AGENDA \*

1. Approve Minutes of Regular Meeting held February 24, 2009.
2. Approve the Claims.
3. Approve Change Order No. 6 showing a decrease in the amount of \$7,226.00 submitted by Hausmann Construction and approved by Wilkins Hinrichs Stober for the construction of the Peterson Senior Activity Center located at the E.K. and Mary Yanney Heritage Park and approve **Resolution No. 2009-27**.
4. Approve the application for a Special Designated License submitted by BOULEE LLC, dba "Bico's Sports Bar & Grill" in connection with their Class I-70918 liquor license to dispense beer, wine and distilled spirits in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on March 28, 2009 from 3:00 p.m. until 12:30 a.m. for a fund raiser event – Pheasants Forever.
5. Approve the application for a Special Designated License submitted by BOULEE LLC, dba "Bico's Sports Bar & Grill" in connection with their Class I-70918 liquor license to dispense beer, wine and distilled spirits in the Extension Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on June 6, 2009 from 4:00 p.m. until 1:00 a.m. for a reception.
6. Approve the Developer Constructed Infrastructure Agreement between the City of Kearney and PB & G Development, LLC to construct water, storm sewer and paving to serve Lots 1, 2, 3, 4 of Block 1, and Lots 1 through 11 of Block 2, all in Eastbrooke Eighth Addition to the City of Kearney, Buffalo County, Nebraska and approve **Resolution No. 2009-28**.
7. Approve Amendment No. 1 to the Consultant Agreement dated December 11, 2007 between the City of Kearney and Kirkham Michael & Associates for AIP Project 3-31-0045-20 which consists of the Crack Seal, Slurry Seal and Runway/Taxiway Markings Project at the Kearney Regional Airport and approve **Resolution No. 2009-29**.
8. Approve the Plans and Specifications for the 2009 Part 3 Improvements for the construction of sidewalks in southeast Kearney and set the bid opening date for April 2, 2009 at 2:00 p.m.

9. Approve the Plans and Specifications for the Centennial Park Ball Field Lighting Project and set the bid opening date for April 2, 2009 at 2:00 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 \*

None.

## VI REGULAR AGENDA

1. **ORDINANCE NO. 7505** to rezone from "District C-2/PD, Community Commercial/Planned Development Overlay District" to "District C-3, General Commercial District" property described as Lot 1 of Block 2, North Acre Sixth, an addition to the City of Kearney, Buffalo County, Nebraska (west of 4th Avenue at 62nd Street). *(Pertains to Public Hearing 2)*
2. **ORDINANCE NO. 7506** to amend Table 14-1 "Use Matrix; Miscellaneous Uses" of Chapter 14 "Zoning District Regulations" of the Kearney City Code to permit "construction batch plant" as a conditional use in zoning districts "AG", "C-2" and "C-3". *(Pertains to Public Hearing 3)*
3. **ORDINANCE NO. 7507** to grant a Conditional Use Permit to T & F Sand & Gravel, Inc. (Applicant) and Keith G. and Julia E. Stafford (Owner) to locate and operate a gravel dredging, stockpile aggregates and temporary crushing and highway concrete batch plant operation on property zoned "District AG, Agricultural District" and described as the South Half of the Northeast Quarter of Section 7, Township 8 North, Range 16 West of the 6th P.M., containing 18 acres, more or less, all in Buffalo County, Nebraska (west of 62nd Avenue, north of Long Island Road/I-80). *(Pertains to Public Hearing 4)*
4. **ORDINANCE NO. 7508** to vacate property described as a tract of land being part of Lot 11, St. Luke's Good Samaritan Village, an addition to the City of Kearney, Buffalo County, Nebraska (3112 Antelope Avenue). *(Pertains to Public Hearing 5)*
5. Consider calling for the redemption of the Various Purpose General Obligation Bonds, Series 2002 approve **Resolution No. 2009-30**.
6. Consider **Ordinance No. 7509** authorizing the issuance of General Obligation Refunding Bonds, Series 2009 of the City of Kearney, Nebraska in the principal amount of \$545,000.00 for the purpose of paying and redeeming \$535,000 of the City's outstanding General Obligation Bonds, Date of Original Issue - April 2, 2002; 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; and ordering the ordinance published in pamphlet form.
7. Consider calling for the redemption of the Highway Allocation Fund Pledge Bonds, Series 2001 and approve **Resolution No. 2009-31**.
8. Consider **Ordinance No. 7510** authorizing the issuance of Highway Allocation Fund Pledge Refunding Bonds of the City of Kearney, Nebraska in the principal amount of \$1,805,000.00

for the purpose of paying and redeeming the City's Highway Allocation Fund Pledge Bonds, Series 2001, Dated June 15, 2001, presently outstanding in the principal amount of \$1,865,000; prescribing the form of said bonds; pledging funds to be received by the City from the State of Nebraska Highway Allocation Fund for the payment of said bonds; providing for the levy and collection of taxes to pay the same if necessary; authorizing the delivery of the bonds to the purchaser; providing for the disposition of bond proceeds; and ordering the ordinance published in pamphlet form.

9. Open Account Claims: **NPPD - \$171.67, Platte Valley State Bank - \$45,832.95, School District #7 - \$2,937.70**

## VII REPORTS

## VIII ADJOURN

Mayor Stanley Clouse  
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Vice-President Randy Buschkoetter  
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Council Member Bob Lammers  
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City Manager Michael Morgan  
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[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)