

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

April 14, 2009

7:00 p.m.

I ROUTINE BUSINESS

1. Invocation by Reverend James DeLoach, Zion Lutheran Church.
2. Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Oral Communication - Recognition of visitors.
Proclamation Recognizing Businesses Employing Volunteer Firefighters
Proclamation for Parkinson's Disease Awareness Month

II UNFINISHED BUSINESS

None.

III PUBLIC HEARINGS

1. Conduct a public hearing on the Application submitted by Jeffrey and Lisa Overturf (Applicant and Owner) for a Conditional Use Permit to locate and operate a sand and gravel dredging and mining operation, hauling gravel and sand to customers on property zoned "District AG, Agricultural District" and described as being part of Government Lots 2 and 3, part of the North Half of the Northeast Quarter, all of Government Lot 4 and part of accretions in Section 9, Township 8 North, Range 16 West of the 6th P.M., all in Buffalo County, Nebraska (1/4 mile south of the intersection of 11th Street and 30th Avenue on the west).
2. Conduct a public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Duane McCan and Ellen Kowalewski (Owner) to rezone from "District AG, Agricultural District" to "District RR-1, Rural Residential District (Rural Standards) District" property described as the north 330.0 feet of the west 368.0 feet of the Southwest Quarter of the Southwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., containing 2.788 acres, more or less, Buffalo County, Nebraska (5785 Cottonmill Avenue).
3. Conduct a public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Duane McCan and Ellen Kowalewski (Owner) for the Final Plat for "McCan Subdivision" of Buffalo County, Nebraska for property described as the north 330.0 feet of the west 368.0 feet of the Southwest Quarter of the Southwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., containing 2.788 acres, more or less, Buffalo County, Nebraska (5785 Cottonmill Avenue) and approve **Resolution No. 2009-39**.
4. Conduct a public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Donna Young (Owner) for an amendment to the Land Use Map of the

City of Kearney Comprehensive Development Plan from "Mixed Use 1" and "Medium Density Residential" to "Rural Estates" for a tract of land being part of the South Half of the South Half of the Southwest Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., containing 2.25 acres, more or less, Buffalo County, Nebraska (7143 17th Avenue) and approve **Resolution No. 2009-40**.

5. Conduct a public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Donna Young (Owner) to rezone from "District AG, Agricultural District" to "District RR-1, Rural Residential District (Rural Standards) District" property described as being part of the South Half of the South Half of the Southwest Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., containing 2.25 acres, more or less, Buffalo County, Nebraska (7143 17th Avenue).
6. Conduct a public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Donna Young (Owner) for the Final Plat for "Young Estates" of Buffalo County, Nebraska for property described as being part of the South Half of the South Half of the Southwest Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., containing 2.25 acres, more or less, Buffalo County, Nebraska (7143 17th Avenue) and approve **Resolution No. 2009-41**.
7. Conduct a public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Richard Sorensen of Sorensen Construction (Owner) to rezone from "District AG, Agricultural District" to "District RR-1, Rural Residential District (Rural Standards) District" property described as being part of Tract 10, Little Ponderosa Acres, a subdivision of the East Half of the Southeast Quarter of the Southeast Quarter of Section 31, and the Southwest Quarter of the Southwest Quarter of Section 32, all in Township 9 North, Range 16 West of the 6th P.M., AND a tract of land being part of the Southeast Quarter of the Southwest Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., containing 10.95 acres, more or less, all in Buffalo County, Nebraska (north of Highway 30, west of the Little USA Store).
8. Conduct a public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Richard Sorensen of Sorensen Construction (Owner) for the Final Plat for "Sorensen Acres" of Buffalo County, Nebraska for property described as being part of Tract 10, Little Ponderosa Acres, a subdivision of the East Half of the Southeast Quarter of the Southeast Quarter of Section 31, and the Southwest Quarter of the Southwest Quarter of Section 32, all in Township 9 North, Range 16 West of the 6th P.M., AND a tract of land being part of the Southeast Quarter of the Southwest Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., containing 10.95 acres, more or less, all in Buffalo County, Nebraska (north of Highway 30, west of the Little USA Store) and approve **Resolution No. 2009-42**.
9. Conduct a public hearing on the Application for a Class I-84539 Liquor License submitted by Gourmet House LLC, dba "Gourmet House Japanese Cuisine" located at 1325 2nd Avenue, Suite D, and the Manager Application for Adam Chan and approve **Resolution No. 2009-43**.

IV CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held March 24, 2009.
2. Approve the Claims.
3. Approve Change Order No. 7 showing an increase in the amount of \$3,667.00, and Application and Certificate for Payment No. 4 in the amount of \$248,705.10 submitted by Hausmann

Construction and approved by Wilkins Hinrichs Stober Architects for the construction of the Peterson Senior Activity Center located at the E.K. and Mary Yanney Heritage Park and approve **Resolution No. 2009-44**.

4. Approve the request from the Downtown Improvement Board, in conjunction with the Kearney Area Community Foundation, the Kearney Visitor's Bureau, and the Nebraska Winery and Grape Growers Association, to temporarily close the parking lot located north of the Museum of Nebraska Art from 6:00 a.m. on Wednesday, April 29, 2009 until 12:00 p.m. on Tuesday, May 5, 2009 for the 2nd Nebraska Wine and Jazz Festival.
5. Approve the application for a Special Designated License submitted LeRoy Smith, dba "George Spencer Vineyard" to dispense wine in connection with their Class ID-62962 liquor license inside an enclosed 100' x 180' fenced area located in the parking lot located north of the Museum of Nebraska Art, 2401 Central Avenue, on May 1, 2009 from 3:00 p.m. until 12:00 a.m. and on May 2, 2009 from 10:00 a.m. until 12:00 a.m. in connection with the Wine and Jazz Festival.
6. Approve the request submitted by the Kearney Hub, the FirstTier Event Center, and the Kearney Volunteer Fire Department, in conjunction with Kidz Explore, to block off the west end of Platte Road in front of the FirstTier Event Center, 609 Platte Road, on April 25, 2009 from 9:00 a.m. until 5:00 p.m. and on April 26, 2009 from 12:00 p.m. until 5:00 p.m.
7. Approve the bids received for the 2009 Part 3 Improvements for the construction of sidewalks in southeast Kearney and approve **Resolution No. 2009-45** awarding the bid to Concrete Workers of Kearney, Nebraska in the amount of \$140,907.00.
8. Approve the bids received for the Centennial Park Ball Field Lighting Project and approve **Resolution No. 2009-46** awarding the bid to Ardent Lighting Group of Knoxville, Iowa in the amount of \$43,255.00.
9. Approve the bids received for the 2009 Part I Improvements – 5th Avenue Asphalt Overlay Project and approve **Resolution No. 2009-47** awarding the bid to Vontz Paving Inc. of Ayr, Nebraska in the amount of \$225,641.50.
10. Approve Revised Application and Certificate for Payment No. 10 and approve additional payment in the amount of \$51,189.59 submitted by Starostka Group and approved by Miller & Associates for the Northwest Well Field Improvements; Phase II - Water Transmission Main and approve **Resolution No. 2009-48**.
11. Approve the Consultant Agreement between the City of Kearney and Kirkham Michael & Associates, Inc. to provide services for the preparation of the purchase of a new snow plow at the Kearney Regional Airport and approve **Resolution No. 2009-49** subject to approval by the Nebraska Department of Aeronautics and the Federal Aviation Administration.
12. Approve the application for a Special Designed License submitted by Alley Rose, Inc., dba "Alley Rose" in connection with their Class IK-21763 liquor license to dispense beer, wine and distilled spirits in the Ag Pavilion at the Buffalo County Fairgrounds located at 3807 Avenue N on May 23, 2009 from 6:00 p.m. until 1:00 a.m. for a reception.

* ***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. 7511** to repeal Ordinance No. 7477 and to vacate part of Lot 2 of Block 3, Windsor Estates Seventh Addition, an Addition to the City of Kearney, Nebraska, more particularly described as being the south 10.0 feet as measured at right angles from the south line of said Lot 2 of Block 3, Windsor Estates Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska (412 West 48th Street).
2. **Ordinance No. 7512** to create Water District No. 2009-557 in 11th Avenue from the north line of 48th Street south to the north lot line of Lot 1 of Block 6, Fountain Hills First Addition.
3. **Ordinance No. 7513** to create Sanitary Sewer District No. 2009-497 in 11th Avenue from the north line of 48th Street south to the north lot line of Lot 1 of Block 6, Fountain Hills First Addition.
4. **Ordinance No. 7514** to create Paving Improvement District No. 2009-936 in an alley lying between 25th Street and 26th Street from Avenue A to Avenue B.

VI REGULAR AGENDA

1. **Ordinance No. 7515** to grant a Conditional Use Permit to Jeffrey and Lisa Overturf (Applicant and Owner) to locate and operate a sand and gravel dredging and mining operation, hauling gravel and sand off site on property zoned "District AG, Agricultural District" and described as being part of Government Lots 2 and 3, part of the North Half of the Northeast Quarter, all of Government Lot 4 and part of accretions in Section 9, Township 8 North, Range 16 West of the 6th P.M., all in Buffalo County, Nebraska (1/4 mile south of the intersection of 11th Street and 30th Avenue on the west). (*Pertains to Public Hearing 1*)
2. **Ordinance No. 7516** to rezone from "District AG, Agricultural District" to "District RR-1, Rural Residential District (Rural Standards) District" property described as the north 330.0 feet of the west 368.0 feet of the Southwest Quarter of the Southwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., containing 2.788 acres, more or less, Buffalo County, Nebraska (5785 Cottonmill Avenue). (*Pertains to Public Hearing 2*)
3. **Ordinance No. 7517** to rezone from "District AG, Agricultural District" to "District RR-1, Rural Residential District (Rural Standards) District" property described as being part of the South Half of the South Half of the Southwest Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., containing 2.25 acres, more or less, Buffalo County, Nebraska (7143 17th Avenue). (*Pertains to Public Hearing 5*)
4. **Ordinance No. 7518** to vacate part of Tract 10, Little Ponderosa Acres, a subdivision of the East Half of the Southeast Quarter of the Southeast Quarter of Section 31, and the Southwest Quarter of the Southwest Quarter of Section 32, all in Township 9 North, Range 16 West of the 6th P.M., containing 3.26 acres, more or less, all in Buffalo County, Nebraska (north of Highway 30, west of the Little USA Store). (*Pertains to Public Hearing 7*)
5. **Ordinance No. 7519** to rezone from "District AG, Agricultural District" to "District RR-1, Rural Residential District (Rural Standards) District" property described as being part of Tract 10, Little Ponderosa Acres, a subdivision of the East Half of the Southeast Quarter of the Southeast Quarter of Section 31, and the Southwest Quarter of the Southwest Quarter of Section 32, all in Township 9 North, Range 16 West of the 6th P.M., AND a tract of land being part of the Southeast Quarter of the Southwest Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., containing 10.95 acres, more or less, all in Buffalo County, Nebraska (north of

Highway 30, west of the Little USA Store). *(Pertains to Public Hearing 7)*

6. Consider the City of Kearney Utility Voucher Program and approve **Resolution No. 2009-50.**
7. Consider submitting a Grant Application to the Community Oriented Policing Services (COPS) Program for funds to be used for two additional police officers and approve **Resolution No. 2009-51.**
8. Open Account Claims: **NPPD - \$334.59, Platte Valley State Bank - \$92,876.38, School District - \$2,937.70**

VII REPORTS

City Manager update on the Capital Improvement Plan of the City of Kearney.

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