

# **KEARNEY CITY COUNCIL**

## **AGENDA**

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

**July 14, 2009**

**7:00 p.m.**

### **I ROUTINE BUSINESS**

1. Invocation by Charlie Gable from First Church of God.
2. Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Oral Communication - Recognition of visitors.

### **II UNFINISHED BUSINESS**

1. Postponed until August 25, 2009 any action on the annual manufactured home court license for Wood River Trailer Court, 865 West 78th Street.

### **III PUBLIC HEARINGS**

1. Conduct a public hearing on the Application submitted by Trenton Snow (Applicant) for Aurora Cooperative Elevator Company (Owner) for the Final Plat for Aurora Subdivision of Buffalo County, Nebraska for property described as a tract of land being part of Government Lot 3 in Section 27, Township 9 North, Range 15 West of the 6th P.M., containing 2.38 acres, more or less, Buffalo County, Nebraska (south of railroad tracks, ¼ mile west of Imperial Avenue) and approve **Resolution No. 2009-93**.
2. Conduct a public hearing on the proposed amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Low Density Residential to Mixed Use 1 for the south 15 feet of Lots 2 and 23, all of Lots 3 through 22 inclusive, all in Block 2, South Park Addition to the City of Kearney, Buffalo County, Nebraska (11th Street and Avenue H) and approve **Resolution No. 2009-94**.
3. Conduct a public hearing on the Application submitted by Community Action Partnership of Mid-Nebraska (Applicant) and Mid Nebraska Community Services (Owner) to rezone from District R-3, Urban Residential Multi-Family District (Medium Density) to District C-3, General Commercial District for the south 15 feet of Lots 2 and 23, all of Lots 3 through 22 inclusive, all in Block 2, South Park Addition to the City of Kearney, Buffalo County, Nebraska (11th Street and Avenue H).
4. Conduct a public hearing on the proposed amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Low Density Residential and Medium Density Residential to Mixed Use 1 for a tract of land located in part of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., containing 15.57 acres, more or less, Buffalo County, Nebraska (north of 56th Street and east of 11th Avenue) and approve

**Resolution No. 2009-95.**

5. Conduct a public hearing on the Application submitted by Kent Cordes from Miller & Associates (Applicant) for DT Development, Inc. (Owner) to rezone from District AG, Agricultural District to District C-2, Community Commercial District AND to District R-2, Urban Residential Mixed-Density District for a tract of land located in part of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., containing 15.57 acres, more or less, Buffalo County, Nebraska (north of 56th Street and east of 11th Avenue).
6. 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 Fourth Addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land located in part of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., containing 18.07 acres, more or less, Buffalo County, Nebraska (north of 56th Street and east of 11th Avenue) and approve **Resolution No. 2009-96.**
7. Conduct a public hearing on the Application submitted by Kent Cordes from Miller & Associates (Applicant) for DT Development, Inc. (Owner) for the annexation of Spruce Hollow Estates Fourth Addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land located in part of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., containing 18.07 acres, more or less, Buffalo County, Nebraska (north of 56th Street and east of 11th Avenue) and approve **Resolution No. 2009-97.**

**IV CONSENT AGENDA \***

1. Approve Minutes of Regular Meeting held June 23, 2009.
2. Approve the Claims.
3. Approve the Standard Contract for Engineering Services for the City of Kearney, Nebraska and approve **Resolution No. 2009-98.**
4. Approve Application and Certificate for Payment No. 8 in the amount of \$271,804.69 submitted by Paulsen, Inc. and approved by Kirkham Michael for the construction of the Airport Road Relocation Project and approve **Resolution No. 2009-99.**
5. Approve the Employment Agreement between the City of Kearney and Michael Morgan and approve **Resolution No. 2009-100.**
6. Approve the request submitted by the Downtown Improvement Board to occupy the sidewalks in the downtown area and to block off Central Avenue from Railroad Street to 25th Street, excluding the intersections, on July 23, 2009 from 8:00 a.m. until 8:00 p.m. and on July 24 and 25, 2009 from 8:00 a.m. until 6:00 p.m. for Sidewalks Sales; and to close the south half of the parking lot located north of the Museum of Nebraska Art on July 25, 2009 from 9:00 a.m. to 11:00 a.m. for a bicycle decorating competition.
7. Approve **Resolution No. 2009-101** to comply with the requirements of the Nebraska Local Public Agencies (LPA) Manual for federal-aid transportation projects for Consultant Services Evaluation and Selection; Financing, Accounting and Record Keeping; Uniform Relocation Assistance and Real Property Acquisition Policies Act; the National Environmental Policy Act; and designate Rodney Wiederspan and Bruce Grupe as the Responsible Charge for projects.
8. Approve Change Order No. 9 in the amount of \$39,900.00 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. 2009-102.**

9. Approve the T-Hangar C-4 Lease Agreement between the City of Kearney and Dennis McGowan/Capital Holdings 149, LLC for storage at the Kearney Regional Airport and approve **Resolution No. 2009-103.**
10. Approve the Elizabeth Stratton Memorial 5K Run/Walk scheduled for August 15, 2009 starting at 8:00 a.m. and beginning at the Archway Monument, west on 1st Street, north on Avenue M, and east on the hike-bike trail back to the Archway Monument.
11. Approve Application and Certificate for Payment No. 7 in the amount of \$350,942.40 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. 2009-104.**
12. Grant an irrigation pipeline easement to RHOJCOAMT Partnership for a tract of land being 10.0 feet in width and part of the Southwest Quarter of Section 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and approve **Resolution No. 2009-105.**
13. Approve the Plans and Specifications for the 2009 Part 6 Improvements for Fire Station #1 Generator Replacement and set the bid opening date for August 4, 2009 at 2:00 p.m.
14. Approve the bids received for the 2009 Part 4 Improvements consisting of Paving Improvement District No. 2008-930 for 48th Street from the east right-of-way line of 11th Avenue to the east line of Lot 1, Block Four, Windsor Estates Seventh Addition; Paving Improvement District No. 2008-931 for 10th Avenue Place from 48th Street to end of cul-de-sac; Paving Improvement District No. 2008-932 for 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; Paving Improvement District No. 2008-933 for 10th Avenue from the north line of 48th Street north to the north a distance of 293.98 feet to the northeast corner of Lot 24 of Block 3, Fountain Hills Third Addition; Water District No. 2008-554 for 48th Street from the east lot line of Lot 10, Block 4 to the west lot line of Lot 10 of Block 4, Fountain Hills Third Addition; Water District No. 2008-555 for 10th Avenue Place from 48th Street to end of cul-de-sac; Water District No. 2008-556 in a 25-foot wide utility easement from the north line of 48th Street northeasterly to the north lot line of Lot 42 of Block 2, Fountain Hills Third Addition; Sewer District No. 2008-495 for 48th Street from the west line of 11th Avenue to the east lot line of Lot 1 of Block 4, Fountain Hills Third Addition; AND in 10th Avenue Place from the south line of 48th Street to its terminus in a cul-de-sac; Sewer District No. 2008-496 in a 25-foot wide utility easement from the north line of 48th Street northeasterly to the north lot line of Lot 42 of Block 2, Fountain Hills Third Addition and approve **Resolution No. 2009-106** awarding Bid A (Water and Sewer) to Midlands Contracting in the amount of \$306,030.20 and award Bid B (Paving) to Dan Roeder Concrete in the amount of \$468,373.25.
15. Approve the application for a Special Designated License submitted by KEARNEY BBQ CO., dba Skeeter Barnes in connection with their Class I-55865 liquor license to dispense beer, wine and distilled spirits at Scorr Marketing, 2201 Central Avenue, Suite A, on August 11, 2009 from 4:00 p.m. until 9:00 p.m. for a business anniversary and appreciation event.
16. Approve the application for a Special Designated License submitted by VRK, LLC dba Venue Restaurant & Lounge in connection with their Class C-78777 liquor license to dispense beer, wine and distilled spirits at the Great Platte River Road Archway Monument, 3060 1st Street, on August 1, 2009 from 5:00 p.m. until 12:00 a.m. for a reception subject to the City receiving the Certificate of Insurance.

17. Approve the Application for a Special Designated License submitted by NIGHT LIFE CONCEPTS, INC., dba Cunningham's Journal in connection with their Class CK-59311 catering liquor license to dispense beer, wine and distilled spirits in the Outdoor Arena, formerly known as the Exposition Building, located at the Buffalo County Fairgrounds, 3807 Avenue N, on July 30 and 31, 2009 from 4:00 p.m. until 12:00 a.m., and on August 1 and 2, 2009 from 12:00 p.m. until 12:00 a.m. for the Buffalo County Fair subject to the City receiving the Certificate of Insurance.

\* ***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. Approve **Ordinance No. 7531** selling the vacated east seventeen feet of 1st Avenue as it abuts Lot 324, Southwest Quarter School Section Addition to the City of Kearney, Buffalo County, Nebraska (28 West 28th Street) to Jennifer Harvey and Joanna Willis.

## VI REGULAR AGENDA

1. **Second Reading of Ordinance No. 7528** to annex a tract of land being U.S. Highway 30 from the intersection of Antelope Avenue located on the west line of Government Lot 1, Section 32, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, thence east to the intersection of Cherry Avenue and U.S. Highway 30 located on the east line of said Section 32, as the same is located within part of Government Lots 1 and 5; and part of the Northeast Quarter of the Southwest Quarter of said Section 32 and lying north of the north right-of-way line of the Union Pacific Railroad and south of Lots 1 and 2 of Vantage Industrial Park, Buffalo County Nebraska; and part of the Northwest Quarter of the Southeast Quarter of said Section 32 lying north of the north right-of-way line of the Union Pacific Railroad; and part of the South Half of the Northeast Quarter of said Section 32, lying north of the north right-of-way line of the Union Pacific Railroad and abutting the east line of said Section 32 at Cherry Avenue, all in Buffalo County, Nebraska.
2. **Second Reading of Ordinance No. 7529** to annex the following tracts of land: Lot 1, Block 1, Platte River Commercial Park, a subdivision being part of Government Lot 1, part of Government Lot 2, part of Government Lot 4 and part of Government Lot 5 located in Section 32, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; Lots 1 and 2 of Block 1, Platte River Commercial Park Second Addition, a subdivision being part of Government Lot 2 and part of Government Lot 4 located in Section 32, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; Lot 1 of Block 2 and Lot 1 of Block 3, North Acre Third, an addition being part of the Southeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; Lots 1 and 2, together with all of 56th Street abutting said Lot 2, Buffalo Commons Retirement Village, a subdivision being part of the South Half of the Southeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska.
3. Consider **Ordinance No. 7532** to rezone from District R-3, Urban Residential Multi-Family District (Medium Density) to District C-3, General Commercial District the south 15 feet of Lots 2 and 23, all of Lots 3 through 22 inclusive, all in Block 2, South Park Addition to the City of Kearney, Buffalo County, Nebraska (11th Street and Avenue H). *(Pertains to Public Hearing 3)*
4. Consider **Ordinance No. 7533** to rezone from District AG, Agricultural District to District C-2, Community Commercial District AND to District R-2, Urban Residential Mixed-Density District

for a tract of land located in part of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., containing 15.57 acres, more or less, Buffalo County, Nebraska (north of 56th Street and east of 11th Avenue). (*Pertains to Public Hearing 5*)

5. Open Account Claims: **NPPD - \$177.05, Platte Valley State Bank - \$46,813.93**

## VII REPORTS

## VIII ADJOURN

Mayor Stanley Clouse  
4907 Linden Drive Place  
236-6193 home  
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Vice-President Randy Buschkoetter  
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Council Member Don Kearney  
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Council Member Bruce Lear  
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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)