

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

October 13, 2009

7:00 p.m.

I ROUTINE BUSINESS

1. Invocation by Pastor Rob Kuefner, Holy Cross Lutheran Church.
2. Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Oral Communication: **Presentation by the Golden K Kiwanis.**

II UNFINISHED BUSINESS

1. Postponed until November 30, 2009 the action on the renewal of 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 Gary Sorensen dba SG Leasing (Applicant) for First Church of Christ Scientist (Owner) to rezone from District R-2, Urban Residential Mixed-Density District to District C-O, Office District for property described as Lot 11, Kent's 2nd Subdivision, a replat of Lot 1 of Block 1, Dillon's Subdivision, a replat of two tracts of land comprising of all of Lots 70 and 71, Fairacres 2nd Subdivision, all in the City of Kearney, Buffalo County, Nebraska (1617 West 39th Street).
2. Conduct a public hearing on the Application submitted by Trenton Snow (Applicant) for James and Camilla Roark and Kay Tarr (Owner) for the Final Plat for Roark Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the East Half of the Southwest Quarter of Section 35, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, said tract being formerly known as part of Block 1, Frank's Second Addition to the City of Kearney, Buffalo County, Nebraska (now vacated) (east of 9th Avenue, south of 27th Street and north of 26th Street) and approve **Resolution No. 2009-167.**
3. Conduct a public hearing on the Applications submitted by Bonnie Konen, Charles Legates, Darlene Lewis, Scott Sanders, Ulrike Gray, Jessica Hardin, Marcia Rerucha, Dan and Janice McMinn, Ruth Kishkunas, David and Cynthia Malone, Jay Isaac, Jr., Jolene Brandenburgh, Dan and Connie Wagner, Dean and Christina Beebe, Art and Julie Bralick, Lois Johnson, David and Jan Brandt, Karen Helleberg, Van Vopat, Jolissa May, Janet Bystrom, Dennis and Patty Wright, Margaret Mills, Steve and Ginger O'Brien, Troy Barger, Jeff Yendra, Bobby and Marilyn Hansen, Heath Dooley, Wallace and Zully Harwood, Marilyn Hansen, Earl and Joyce Nelson, Stanley and Dannien Jones, Amy Johnson,

Mitchell and Carissa Sanny, Lori Jean Trompke, Gordon and Janice Killough, Mark and Christine Bonk, David and Marilyn Davis, Tina Hunter, April Engel, Dorothy Nutter, Kurtis Bailey, James Smith, Jr., Ray Schutte, Frances Cedillo, Sherryl Stansberry, Beth Fox, Kristen and Jacqueline Krueger, Jaime and Cecilia Gomez, David and Treva Lehn, John Manley, Kathleen Glause, Kathryn Nickel, Scott and Cynthia Murphy, Doris Brown, Judy Eilers, Daniel Scott, Shari Hofmann, Jeff and Niki Halvorsen, Dustin Seevers, Charles Workman, Connie Lungrin, Scott Poppe, Teri Sadler, Thomas Kolling (Applicants and Owners) to rezone from District R-3, Urban Residential Multi-Family (Medium Density) District and District M-1, Limited Industrial District to District R-1, Urban Residential Single-Family (Low Density) District for several tracts of property described as follows: the west 50 feet of the south 40 feet of Lot 5, the west 50 feet of Lot 6 all in Block 5; the west 80 feet of Lots 7, 8 and 9 of Block 6; the east 45 feet of Lots 1 and 2, the east 45 feet of the north 30 feet of Lot 3, the west 50 feet of the east 95 feet of Lots 1, 2 and 3, the south 20 feet of the east 45 feet of Lot 3 all in Block 7; the west 50 feet of Lot 1, the north half of the west 50 feet of Lot 2, the south 3 feet of Lot 3, Lot 4, Lot 5, Lot 7, the south half of Lot 8, Lot 10, the west half of Lots 11 and 12, all in Block 8; the south 5 feet of Lot 5, Lot 6, the west 90 feet of Lot 7, the west 90 feet of the south half of Lot 8, all in Block 9; Lot 1 except the westerly 65 feet, the east 90 feet of the south half of Lot 5, the east 90 feet of Lot 6, Lot 7, the south 6 feet of Lot 8, all in Block 10; Lots 1, 2, 10 of Block 14; Lot 2, the south 4 feet 4½ inches of the west 61 feet nine inches of Lot 3, Lot 4, the north 2 feet of Lot 7, the south 45 feet of Lot 8, the east 30 feet of the south 3 feet of the north 5 feet of Lot 8, the south 47 feet of Lot 11, the north 3 feet of Lot 11, Lot 12, all in Block 15; all in West Addition to the City of Kearney, Buffalo County, Nebraska; the west half of Lot 10, the west half of the south 11 feet of Lot 11 of Block 8; the west half of Lots 1 and 2, all of Lots 3, 4, the south 10 feet of Lot 5, the north 40 feet of Lot 5, all of Lots 6 and 8, all in Block 13; the east 92 feet of Lot 1, the west 48 feet of Lots 1 and 2, all of Lots 3, 4, 5, 7, 8, 9, the south half of Lot 10, the north half of Lot 10 and all of Lot 11, the east 50 feet of Lots 12 and 13, the west 90 feet of Lots 12 and 13, all in Block 14; Lots 1, 2, 4, 5, 6, 7, 8, 9, 11, 13, all in Block 15; Lots 1, 3, 4, 5, part of Lot 6, all of Lots 7, 11, 12, 13, 14, 15, all in Block 16; the south half of Lot 1, the north half of Lot 1, the north half of Lot 2, all of Lot 3, the south half of Lot 4, all of Lot 5, all in Block 17, all located in Ashland Addition to the City of Kearney, Buffalo County, Nebraska (612, 614, 620 West 20th Street, 309, 421, 512, 520, 614 West 21st Street, 502, 506 West 22nd Street, 2002, 2024 3rd Avenue, 1918, 1922, 2001, 2004 4th Avenue, 1926, 1930, 1935, 2001, 2004, 2008 5th Avenue, 1909, 1910, 1914, 1919, 1923, 1924, 2002, 2003, 2004, 2010, 2012, 2013 6th Avenue, 1904, 1907, 1908, 1909, 1910, 1912, 1915, 1922, 1928, 2005, 2115 7th Avenue, 1903, 1904, 1905, 1908, 1910, 1919, 1920, 1923, 1924, 1930 8th Avenue, 1902, 1910, 1915, 1917, 1919, 1920, 1921, 1923, 1924, 1926, 1928 9th Avenue).

IV CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held September 22, 2009.
2. Approve the Claims.
3. Approve setting October 27, 2009 at 7:00 p.m. as time and date for the Board of Equalization to assess costs for Paving Improvement District No. 2007-915 for 14th Street from 6th Avenue to 9th Avenue; Paving Improvement District No. 2007-916 for 9th Avenue from 13th Street to 14th Street; Paving Improvement District No. 2007-917 for 9th Avenue from 16th Street to 19th Street; Paving Improvement District No. 2007-920 for the alley lying between 24th Street to 25th Street from 1st Avenue to 2nd Avenue; Paving Improvement District No. 2007-921 for the alley lying between 1st Avenue and 2nd Avenue from 23rd Street to 24th Street; Paving Improvement District No. 2007-922 for the alley

lying between 25th Street and 26th Street from Central Avenue to Avenue A; Paving Improvement District No. 2007-923 for the alley lying between Central Avenue and Avenue A from 23rd Street to 24th Street; Paving Improvement District No. 2007-924 for the alley lying between Central Avenue and 1st Avenue from 23rd Street to 24th Street.

4. Approve T-Hangar A-5 Lease Agreement between the City of Kearney and Saadat Hosseini for storage at the Kearney Regional Airport and approve **Resolution No. 2009-168**.
5. Accept the public improvements constructed under, and in accordance with, the terms of the Developer Constructed Infrastructure Agreements for Stoneridge Third Addition to the City of Kearney, Buffalo County, Nebraska and approve **Resolution No. 2009-169**.
6. Approve Change Order No. 1 showing a decrease in the amount of \$547.00, Application and Certificate for Payment No. 2-Final in the amount of \$266,821.45, and accept the Certificate of Substantial Completion submitted by Dan Roeder, Concrete and approved by Miller & Associates for the 2008 Part 11 Improvements – Bid B consisting of Paving Improvement District No. 2008-928 for 4th Avenue from the north line of 4th Street to the south line of 8th Street; Paving Improvement District No. 2008-929 for 4th Street from 6th Avenue to the west boundary of Cash-Wa Second Addition and approve **Resolution No. 2009-170**.
7. Approve the Plans and Specifications for the 2009 Part 9 Improvements – 2nd Avenue Pedestrian Bridge and set the bid opening date for November 3, 2009 at 2:00 p.m.
8. Approve **Resolution No. 2009-171** authorizing the Mayor to execute a project Program Agreement between the City of Kearney and the Nebraska Department of Roads regarding Project No. URB-5922(3) for the 39th Street from Pony Express Road to Avenue M Roadway Reconstruction Project.
9. Approve **Resolution No. 2009-172** designating City Engineer Bruce Grupe as the primary Responsible Charge and Director of Public Works Rodney Wiederspan as the secondary Responsible Charge with regard to Project No. URB-5922(3) for the 39th Street from Pony Express Road to Avenue M Roadway Reconstruction Project.
10. Approve the application for a Special Designated Permit submitted by COMSTOCK TRINITY PROPERTY MANAGEMENT, dba Riviera in connection with their Class C-44667 to dispense beer, wine and distilled spirits in the Museum of Nebraska Art, 2401 Central Avenue, on October 28, 2009 from 9:00 p.m. until 11:00 p.m. for a reception.
11. Approve the request submitted by the Kearney Family YMCA to conduct the Turkey Trot on November 26, 2009 beginning at 9:00 a.m. The route for the 2-Mile Run/Walk is to begin/finish at the YMCA, south on 6th Avenue, west on 35th Street, south on 7th Avenue, southeast through Harmon Park to the intersection of 29th Street and 5th Avenue, north on 5th Avenue, west to 33rd Street, north on 6th Avenue to YMCA. The route for the 5-Mile Run is to begin/end at YMCA, south on 6th Avenue, east on 33rd Street, south on 5th Avenue, west on 26th Street through Campus, north on 15th Avenue, west on hike/bike trail, north on Country Club Lane, east on 35th Street, north on 11th Avenue, east on 39th Street, north on 6th Avenue to YMCA.
12. Approve the application for a Special Designated License submitted by the World Theatre Foundation to dispense beer, wine and distilled spirits in the World Theatre building located at 2318 Central Avenue, on November 5, 2009 from 5:00 p.m. until 12:00 a.m. for a fund raiser.

- * ***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. Consider **Ordinance No. 7552** rezoning from District R-2, Urban Residential Mixed-Density District to District C-O, Office District for property described as Lot 11, Kent's 2nd Subdivision, a replat of Lot 1 of Block 1, Dillon's Subdivision, a replat of two tracts of land comprising of all of Lots 70 and 71, Fairacres 2nd Subdivision, all in the City of Kearney, Buffalo County, Nebraska (1617 West 39th Street). *(Pertains to Public Hearing 1)*

2. Consider **Ordinance No. 7553** rezoning from District R-3, Urban Residential Multi-Family (Medium Density) District and District M-1, Limited Industrial District to District R-1, Urban Residential Single-Family (Low Density) District for several tracts of property described as follows: the west 50 feet of the south 40 feet of Lot 5, the west 50 feet of Lot 6 all in Block 5; the west 80 feet of Lots 7, 8 and 9 of Block 6; the east 45 feet of Lots 1 and 2, the east 45 feet of the north 30 feet of Lot 3, the west 50 feet of the east 95 feet of Lots 1, 2 and 3, the south 20 feet of the east 45 feet of Lot 3 all in Block 7; the west 50 feet of Lot 1, the north half of the west 50 feet of Lot 2, the south 3 feet of Lot 3, Lot 4, Lot 5, Lot 7, the south half of Lot 8, Lot 10, the west half of Lots 11 and 12, all in Block 8; the south 5 feet of Lot 5, Lot 6, the west 90 feet of Lot 7, the west 90 feet of the south half of Lot 8, all in Block 9; Lot 1 except the westerly 65 feet, the east 90 feet of the south half of Lot 5, the east 90 feet of Lot 6, Lot 7, the south 6 feet of Lot 8, all in Block 10; Lots 1, 2, 10 of Block 14; Lot 2, the south 4 feet 4½ inches of the west 61 feet nine inches of Lot 3, Lot 4, the north 2 feet of Lot 7, the south 45 feet of Lot 8, the east 30 feet of the south 3 feet of the north 5 feet of Lot 8, the south 47 feet of Lot 11, the north 3 feet of Lot 11, Lot 12, all in Block 15; all in West Addition to the City of Kearney, Buffalo County, Nebraska; the west half of Lot 10, the west half of the south 11 feet of Lot 11 of Block 8; the west half of Lots 1 and 2, all of Lots 3, 4, the south 10 feet of Lot 5, the north 40 feet of Lot 5, all of Lots 6 and 8, all in Block 13; the east 92 feet of Lot 1, the west 48 feet of Lots 1 and 2, all of Lots 3, 4, 5, 7, 8, 9, the south half of Lot 10, the north half of Lot 10 and all of Lot 11, the east 50 feet of Lots 12 and 13, the west 90 feet of Lots 12 and 13, all in Block 14; Lots 1, 2, 4, 5, 6, 7, 8, 9, 11, 13, all in Block 15; Lots 1, 3, 4, 5, part of Lot 6, all of Lots 7, 11, 12, 13, 14, 15, all in Block 16; the south half of Lot 1, the north half of Lot 1, the north half of Lot 2, all of Lot 3, the south half of Lot 4, all of Lot 5, all in Block 17, all located in Ashland Addition to the City of Kearney, Buffalo County, Nebraska (612, 614, 620 West 20th Street, 309, 421, 512, 520, 614 West 21st Street, 502, 506 West 22nd Street, 2002, 2024 3rd Avenue, 1918, 1922, 2001, 2004 4th Avenue, 1926, 1930, 1935, 2001, 2004, 2008 5th Avenue, 1909, 1910, 1914, 1919, 1923, 1924, 2002, 2003, 2004, 2010, 2012, 2013 6th Avenue, 1904, 1907, 1908, 1909, 1910, 1912, 1915, 1922, 1928, 2005, 2115 7th Avenue, 1903, 1904, 1905, 1908, 1910, 1919, 1920, 1923, 1924, 1930 8th Avenue, 1902, 1910, 1915, 1917, 1919, 1920, 1921, 1923, 1924, 1926, 1928 9th Avenue). *(Pertains to Public Hearing 3)*

3. Consider the Manager Application for Robert Fraser submitted by Hi-Brand Kearney, LLC, dba Old Chicago in connection with their Class IK-66969 catering liquor license located at 115 South 2nd Avenue.

4. Consider the appointment of the following to serve as members on the Senior Services Advisory Board: Jackie Purdy, Bob Kennedy, Doris Maurer, Sue Wright and Carol Reed and approve **Resolution No. 2009-173**.
5. Open Account Claims: **NPPD - \$333.47, Platte Valley State Bank - \$96,713.89, School District #7 - \$4,192.80**

VII REPORTS

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