

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

April 13, 2010

7:00 p.m.

I ROUTINE BUSINESS

1. Invocation by Tim Peterson from Kearney Evangelical Free Church.
2. Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Oral Communication - Recognition of visitors.

II UNFINISHED BUSINESS

None.

III PUBLIC HEARINGS

1. Conduct a public hearing on the proposed annexation of the following tract of land to be included within the corporate limits: part of the East Half of the Northeast Quarter and part of the Northeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County Nebraska described as: bound by a line beginning at a point on the east line of Section 4, which is 1320 feet south of the northeast corner of said Section 4, running thence west parallel with the north line of said Section a distance of 660 feet; thence south parallel with the east line of said Section to the north line of the right-of-way of the Union Pacific Railroad Company; thence in an easterly direction along the north line of said right-of-way to the intersection with the east line of said Section 4; thence north along said east line to the place of beginning. Subject to public road right-of-way as recorded in the Road Record Books as filed in the Buffalo County Surveyor's Office, except a tract of land deeded to the City of Kearney by Warranty Deed recorded June 23, 1999 as Inst. 1999-5083 (1930 and 2010 30th Avenue).
2. WITHDRAWN BY APPLICANT. Conduct a public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Ricky B. Juhl (Owner) to rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) and District R-2, Urban Residential Mixed-Density District for property described as a tract of land being part of the Southwest Quarter of the Northwest Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east of 47th Street and Avenue N).
3. WITHDRAWN BY APPLICANT. Conduct a public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Ricky B. Juhl (Owner) for the Final

Plat and Subdivision Agreement for Juhl Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Southwest Quarter of the Northwest Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east of 47th Street and Avenue N) and approve **Resolution No. 2010-67**.

4. WITHDRAWN BY APPLICANT. Conduct a public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Ricky B. Juhl (Owner) for the annexation of Juhl Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Southwest Quarter of the Northwest Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east of 47th Street and Avenue N) and approve **Resolution No. 2010-68**.
5. Conduct a public hearing on the Application submitted by Paul Brungardt from Brungardt Engineering (Applicant) for Gene Willmes (Owner) for Planned District Development Plan Approval for the construction of a car lot on property zoned District M-1/PD, Limited Industrial/Planned Development District and described as Lot 1, Slaughter Addition, a subdivision being part of the Northeast Quarter of the Northeast Quarter of Section 32, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (3890 Cherry Avenue) and approve **Resolution No. 2010-69**.
6. Conduct a public hearing on the Application submitted by Arden Gealy (Applicant) and Gordan and Jill Gealy (Owner) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Agriculture Preserve to Mixed Use 2 for property described as a tract of land being part of Government Lot 6 excepting therefrom Lot 1, Gealy's Addition a subdivision being part of Government Lot 6 and accretions, part of Government Lot 9 and accretions all located in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (911 West Talmadge Street) and approve **Resolution No. 2010-70**.
7. Conduct a public hearing on the Application submitted by Arden Gealy (Applicant) and Gordan and Jill Gealy (Owner) to rezone from District RR-1, Rural Residential District (Rural Standards) and District M-1, Limited Industrial District to District MU, Mixed Use District for property described as a tract of land being part of Government Lot 6 excepting therefrom Lot 1, Gealy's Addition a subdivision being part of Government Lot 6 and accretions, part of Government Lot 9 and accretions all located in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (911 West Talmadge Street).
8. Conduct a public hearing on the Application submitted by Arden Gealy (Applicant) and Gordan and Jill Gealy (Owner) for Development Plan Approval for proposed Turkey Creek Crossing Development consisting of an open air riding arena, two stable barns, one new commercial building, one future residence and the existing greenhouse complex on property to be zoned District MU, Mixed Use District for property described as a tract of land being part of Government Lot 6 excepting therefrom Lot 1, Gealy's Addition a subdivision being part of Government Lot 6 and accretions, part of Government Lot 9 and accretions all located in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (911 West Talmadge Street) and approve **Resolution No. 2010-71**.
9. Conduct a public hearing on the City of Kearney's 2010 Disadvantaged Business Enterprise

Goal for the Kearney Regional Airport and approve **Resolution No. 2010-72.**

IV CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held March 23, 2010 and Minutes of Emergency Meeting held March 29, 2010.
2. Approve the Claims.
3. Approve the Agricultural Lease between the City of Kearney and Tom Larsen and Ted Larsen and approve **Resolution No. 2010-73.**
4. Approve the application to extend Conditional Use Permit No. 1995-02 granted to Cathleen Headlee to locate a dog grooming business at 211 East 30th Street and for a period of one year.
5. Approve the Developer Constructed Infrastructure Agreement between the City of Kearney and WNH, LLC for the construction of paving, water, sanitary sewer and storm sewer within Western Nebraska Property Development Addition and approve **Resolution No. 2010-74.**
6. Approve **Resolution No. 2010-75** allowing the City to expend funds on the 56th Street Paving/Storm Sewer Project from the proceeds of the Series 2010 Highway Allocation Fund Pledge Bonds.
7. Approve the Agreement with the UNK Alumni Association to temporarily close the parking lot located north of the Museum of Nebraska Art, 2401 Central Avenue, from 7:00 a.m. on October 2, 2010 through 12:00 a.m. on October 3, 2010.
8. Approve the application for a Special Designated License submitted by JUAN LAZO, dba El Tropic in connection with their IBK-37623 catering liquor license to dispense beer and distilled spirits in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on May 1, 2010 from 6:00 p.m. until 1:00 a.m. for a dance.
9. Approve the application for a Special Designated License submitted by JUAN LAZO, dba El Tropic in connection with their IBK-37623 catering liquor license to dispense beer and distilled spirits in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on May 29, 2010 from 6:00 p.m. until 1:00 a.m. for a dance.
10. Approve the request submitted by Good Samaritan Health Systems and Kearney Park & Recreation to conduct the Good Samaritan Olympiad 5K on June 26, 2010 beginning at 7:30 a.m. The route will begin at Good Samaritan Hospital, south on Avenue A to 27th Street, east on 27th Street to Avenue I, north on Avenue I to Tabor Street, west on Tabor Street to Avenue K, south on Avenue K to 34th Street, west on 34th Street to Avenue G, south on Avenue G to 33rd Street, east on 33rd Street to Avenue H, south on Avenue H to 27th Street, west on 27th Street to Avenue A, north on Avenue to Good Samaritan Hospital.

* *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. 7584** creating Paving Improvement District No. 2010-941 for Talmadge Street from the west lot line of Lot 1, Interstate Fifth Addition east to the east lot line of Lot B, Interstate Subdivision.
2. Approve **Ordinance No. 7585** creating Water District No. 2010-560 for Talmadge Street from the west lot line of Lot 1, Interstate Fifth Addition east a distance of 118.52± feet.
3. Approve **Ordinance No. 7586** creating Sanitary Sewer District No. 2010-500 for Talmadge Street from the west lot line of Lot 1, Interstate Fifth Addition east to a point that is 14.13± feet west of the northeast corner of said Lot 1, Interstate Fifth Addition.
4. Approve **Ordinance No. 7587** creating Paving Improvement District No. 2010-942 for 18th Street from 8th Avenue to 9th Avenue.
5. Approve **Ordinance No. 7588** creating Paving Improvement District No. 2010-943 for 7th Avenue from 18th Street to 19th Street.

VI REGULAR AGENDA

1. First Reading of **Ordinance No. 7589** annexing the following tract of land to be included within the corporate limits: part of the East Half of the Northeast Quarter and part of the Northeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County Nebraska described as: bound by a line beginning at a point on the east line of Section 4, which is 1320 feet south of the northeast corner of said Section 4, running thence west parallel with the north line of said Section a distance of 660 feet; thence south parallel with the east line of said Section to the north line of the right-of-way of the Union Pacific Railroad Company; thence in an easterly direction along the north line of said right-of-way to the intersection with the east line of said Section 4; thence north along said east line to the place of beginning. Subject to public road right-of-way as recorded in the Road Record Books as filed in the Buffalo County Surveyor's Office, except a tract of land deeded to the City of Kearney by Warranty Deed recorded June 23, 1999 as Inst. 1999-5083 (1930 and 2010 30th Avenue). ***(Pertains to Public Hearing 1)***
2. WITHDRAWN BY APPLICANT. Consider **Ordinance No. 7590** to rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) and District R-2, Urban Residential Mixed-Density District for property described as a tract of land being part of the Southwest Quarter of the Northwest Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east of 47th Street and Avenue N). ***(Pertains to Public Hearing 2)***
3. Consider **Ordinance No. 7591** to rezone from District RR-1, Rural Residential District (Rural Standards) and District M-1, Limited Industrial District to District MU, Mixed Use District for property described as a tract of land being part of Government Lot 6 excepting therefrom Lot 1, Gealy's Addition a subdivision being part of Government Lot 6 and accretions, part of Government Lot 9 and accretions all located in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (911 West Talmadge Street). ***(Pertains to Public Hearing 7)***
4. Consider **Ordinance No. 7592** to vacate the north 30 feet of 10th Street between Avenue F and Avenue H as it abuts the south 286.77 feet of Lot 6, Pennock's Subdivision and Lots 12 and 13 of Block 2, South Park Addition, all in the City of Kearney, Buffalo County,

Nebraska.

5. Open Account Claims: **NPPD - \$451.07, Platte Valley State Bank - \$96,959.96, School District #7 - \$1,982.80**

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
238-2265 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