

# **KEARNEY CITY COUNCIL**

## **AGENDA**

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

**June 8, 2010**

**7:00 p.m.**

### **I ROUTINE BUSINESS**

1. Invocation by Father Joseph Hannappel from St. James Catholic Church.
2. Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Oral Communication:
  - Presentation of Kearney Volunteer Fire Department Service Awards: Dave Pratt 20 years, Tim Pratt 20 years, Dan Steinhauser 20 years, Ryan Smith 10 years, Jerry Folck 5 years, Dan Thompson 5 years.
  - Recognize KVFD – Outstanding Fire Prevention Work in Nebraska Award.

### **II UNFINISHED BUSINESS**

None.

### **III PUBLIC HEARINGS**

1. Conduct a public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Kirby Andersen, Christopher Andersen and Mark Andersen (Owner) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Agricultural/Open to Light Industrial for property described as a tract of land being part of the North Half of the Southeast Quarter of Section 26, Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska (2,750 feet south of the intersection of Highway 44 and Highway 50A) and adopt **Resolution No. 2010-108**.
2. Conduct a public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Kirby Andersen, Christopher Andersen and Mark Andersen (Owner) to rezone from District AG, Agricultural District to District M-1, Limited Industrial District for property described as a tract of land being part of the North Half of the Southeast Quarter of Section 26, Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska (2,750 feet south of the intersection of Highway 44 and Highway 50A).
3. Conduct a public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Kirby Andersen, Christopher Andersen and Mark Andersen

(Owner) for the Final Plat for Andersen Auto Subdivision, a subdivision of Kearney County, Nebraska for property described as a tract of land being part of the North Half of the Southeast Quarter of Section 26, Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska (2,750 feet south of the intersection of Highway 44 and Highway 50A) and adopt **Resolution No. 2010-109**.

4. Conduct a public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Roger Wolford, Trustee of the Roger Wolford Revocable Trust and Kay Wolford, Trustee of the Kay Wolford Revocable Trust (Owner) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Agricultural Preserve to Rural Estates for property described as a tract of land being part of Government Lot 3 located in the Northwest Quarter of Section 4, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (1/2 mile east of the intersection of Cherry Avenue and Coal Chute Road) and adopt **Resolution No. 2010-110**.
5. Conduct a public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Roger Wolford, Trustee of the Roger Wolford Revocable Trust and Kay Wolford, Trustee of the Kay Wolford Revocable Trust (Owner) to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) for property described as a tract of land being part of Government Lot 3 located in the Northwest Quarter of Section 4, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (1/2 mile east of the intersection of Cherry Avenue and Coal Chute Road).
6. Conduct a public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Roger Wolford, Trustee of the Roger Wolford Revocable Trust and Kay Wolford, Trustee of the Kay Wolford Revocable Trust (Owner) for the Final Plat for Wolford Subdivision, a subdivision of Buffalo County, Nebraska for property described as a tract of land being part of Government Lot 3 located in the Northwest Quarter of Section 4, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (1/2 mile east of the intersection of Cherry Avenue and Coal Chute Road) and adopt **Resolution No. 2010-111**.
7. **POSTPONED BY APPLICANT.** Conduct a public hearing on the Application submitted by Chad Micek (Applicant) for Pat Winters (Owner) for Planned District Development Plan Approval for the construction of an office building on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as the north 125 feet of Lot 6 of Block 2, North Acre Fifth, an addition to the City of Kearney, Buffalo County, Nebraska, excepting therefrom all that part of the north 125 feet of said Lot 6 conveyed to the State of Nebraska for highway right-of-way purposes described on the Return of Appraisers filed at Instrument 1999-5114, recorded on June 24, 1999 in the office of the Buffalo County Register of Deeds (5804 West 2nd Avenue) and adopt **Resolution No. 2010-112**.
8. 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 R-1, Urban Residential Single-Family (Low Density) District AND to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District for a tract of land located in part of the Southwest Quarter and the West

Half of the Southeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (north of 56th Street and east of 17th Avenue).

9. 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 Fifth Addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land located in part of the Southwest Quarter and the West Half of the Southeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (north of 56th Street and east of 17th Avenue) and adopt **Resolution No. 2010-113**.
10. 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 Fifth Addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land located in part of the Southwest Quarter and the West Half of the Southeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (north of 56th Street and east of 17th Avenue) and adopt **Resolution No. 2010-114**.
11. Conduct a public hearing on the proposed amendment to Section 53-103 "Major Subdivisions" of Chapter 53 "Subdivision Approvals and Procedures" of the Kearney City Code to require the property owners to be responsible for the maintenance of the storm water management facilities of said subdivision, if any, to be included in the "Dedication" on the final plat.
12. Conduct a public hearing for the Council to meet as the Board of Equalization to assess costs for 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, Paving Improvement District No. 2009-936 for the alley lying between Avenue A and Avenue B from 25th Street and 26th Street, and Water District No. 2008-552 for 4th Street from 6th Avenue to the west boundary of Cash-Wa Second Addition and adopt **Resolution No. 2010-115**.

#### IV CONSENT AGENDA \*

1. Approve Minutes of Regular Meeting held May 25, 2010.
2. Approve the Claims.
3. Approve the application for a Special Designated License submitted by EVENT CENTER OPERATIONS LLC, dba Tri City Events Center in connection with their Class CK-84864 liquor license to dispense beer, wine and distilled spirits in an enclosed fenced area in front of the arena in the parking lot of the Tri City Events Center, 609 Platte Road, on July 3, 2010 from 1:00 p.m. until 12:30 a.m. for a beer garden.

4. Approve the Peterson Senior Activity Center Annual Nutrition Service Contract between the City of Kearney and Community Action Partnership of Mid-Nebraska to serve as the meal service provider and adopt **Resolution No. 2010-116**.
5. Approve the request submitted by Beckenhauer Construction to temporarily close 1st Avenue from 15th Street to the south of the southeast entrance into the parking lot as indicated on the drawing from July 2010 until January of 2012 for the construction of the Buffalo County Courts Phase 2 of the Buffalo County Government Center.
6. Approve the Agreement between the City of Kearney and the Berean Fundamental Church of Kearney, Nebraska allowing the Church to connect to water and sanitary sewer in the future and adopt **Resolution No. 2010-117**.
7. Approve the request submitted by the Great Platte River Road Archway Monument to temporarily close Central Avenue from Talmadge Street to 1st Street and to temporarily close 1st Street from Central Avenue to Cherry Avenue on June 18 and 19, 2010 from 7:00 a.m. until 7:00 p.m. each day in connection with the Pow Wow Celebration.
8. Approve the bids received for the 2010 Part 3 Improvements consisting of 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; 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; 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 and adopt **Resolution No. 2010-118** awarding the bid to Midlands Contracting in the amount of \$153,178.00 for Bid A (Water and Sanitary Sewer) and to Dan Roeder Concrete in the amount of \$233,059.00 for Bid B (Paving).
9. Approve the request submitted by the Viaero Event Center to temporarily close Platte Road from a point 50 feet west of the Holiday Inn Express parking lot drive west to the Event Center, 609 Platte Road on June 8, 9, and 10 2010 beginning at 10:00 p.m. until 6:00 a.m. each day for security purposes in connection with the Nebraska Ranch and Home Expo.
10. 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 July 10, 2010 from 6:00 p.m. until 1:00 a.m. for a dance.

\* *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. 7596** to rezone from District AG, Agricultural District to District M-1, Limited Industrial District for property described as a tract of land being part of the North Half of the Southeast Quarter of Section 26, Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska (2,750 feet south of the intersection of Highway 44 and Highway 50A). *(Pertains to Public Hearing 2)*
2. Consider **Ordinance No. 7597** to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) for property described as a tract of land being part of Government Lot 3 located in the Northwest Quarter of Section 4, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (1/2 mile east of the intersection of Cherry Avenue and Coal Chute Road). *(Pertains to Public Hearing 5)*
3. Consider **Ordinance No. 7598** to rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family (Low Density) District AND to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District for a tract of land located in part of the Southwest Quarter and the West Half of the Southeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (north of 56th Street and east of 17th Avenue). *(Pertains to Public Hearing 8)*
4. Consider **Ordinance No. 7599** to amend Section 53-103 "Major Subdivisions" of Chapter 53 "Subdivision Approvals and Procedures" of the Kearney City Code to require the property owners to be responsible for the maintenance of the storm water management facilities of said subdivision, if any, to be included in the "Dedication" on the final plat. *(Pertains to Public Hearing 11)*
5. Open Account Claims: **NPPD - \$253.06, Platte Valley State Bank - \$48,782.37**

## VII REPORTS

## VIII ADJOURN

Mayor Stanley Clouse  
4907 Linden Drive Place  
236-6193 home  
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[mayor@kearneygov.org](mailto:mayor@kearneygov.org)

Vice-President Randy Buschkoetter  
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234-5553 home  
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Council Member Don Kearney  
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238-2265 office  
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Council Member Bruce Lear  
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Council Member Bob Lammers  
8 Crestview Place  
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City Manager Michael Morgan  
18 East 22nd Street  
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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)