

# **KEARNEY CITY COUNCIL**

## **AGENDA**

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

**July 13, 2010**

**7:00 p.m.**

### **I ROUTINE BUSINESS**

1. Invocation by Reverend Stan Murdoch from First Baptist Church.
2. Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Oral Communication:
  - **Recognition of military City employees Todd Walton, Jacob Deines, Daniel Thompson, Dennis Sesna, David Stott, Johnny Eynetich, Dennis Byrne, Travis Arner and Jason Whalen.**
  - **Presentation by Garth Scism from Employer Support of the Guard and Reserve.**

### **II UNFINISHED BUSINESS**

None.

### **III PUBLIC HEARINGS**

1. **Postponed since June 8, 2010 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 approve **Resolution No. 2010-112.**
2. Conduct a public hearing on the Application submitted by Trenton Snow (Applicant) for Rich E. and Judy L. Lowe (Owner) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Agricultural/Open to Rural Estates for property described as a tract of land being part of the West Half of the Southwest Quarter of Section 24, Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska (northeast corner of the intersection of Highway 44 and Highway 50A) and approve **Resolution No. 2010-128.**
3. Conduct a public hearing on the Application submitted by Trenton Snow (Applicant) for Rich E. and Judy L. Lowe (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 the

West Half of the Southwest Quarter of Section 24, Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska (northeast corner of the intersection of Highway 44 and Highway 50A).

4. Conduct a public hearing on the Application submitted by Trenton Snow (Applicant) for Rich E. and Judy L. Lowe (Owner) for the Final Plat for Heartland Estates, a subdivision of Kearney County, Nebraska for property described as a tract of land being part of the West Half of the Southwest Quarter of Section 24, Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska (northeast corner of the intersection of Highway 44 and Highway 50A) and approve **Resolution No. 2010-129**.
5. Conduct a public hearing on the Application submitted by Paul Brungardt from Brungardt Engineering (Applicant) for Paul Younes of MJ Developments LLC (Owner) for Revised Planned District Development Plan Approval for the construction of a hotel on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 1, Interstate Fifth Addition to the City of Kearney, Buffalo County, Nebraska (420 West Talmadge Street) and approve **Resolution No. 2010-130**.
6. Conduct a public hearing on the Application submitted by Craig Bennett from Miller & Associates (Applicant) for Terry Broadfoot (Owner) for the Final Plat and Subdivision Agreement for Austin Estates Third Subdivision, a subdivision of Buffalo County, Nebraska for property described as a tract of land being part of the Southwest Quarter of the Northeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 66th Street and west of 2nd Avenue) and approve **Resolution No. 2010-131**.
7. Conduct a public hearing on the Application submitted by Kasey Brandt for Good Samaritan Hospital (Applicant and Owner) to rezone from District UC, Mixed Use Urban Corridor District to District C-O/PD, Office/Planned Development Overlay District for a tract of land described as Lots 15 through 24 inclusive, Cottage Place Subdivision; to rezone from District R-1, Urban Residential Single-Family District (Low Density) to District C-O/PD, Office/Planned Development Overlay District for a tract of land described as all of Lot 578 of Southwest Quarter School Section Addition and that portion of vacated 1st Avenue as deeded in Warranty Deed 2006-5543 and more particularly described as that part of Lot 2, Northwest Quarter of School Section Addition; to rezone from District C-O, Office District to District C-O/PD, Office/Planned Development Overlay District for a tract of land described as part of Lot 2, part of Lot 38, Northwest Quarter School Section Addition; to rezone from District C-O, Office District to District C-O/PD, Office/Planned Development Overlay District for a tract of land described as part of Lots 3, 7, 8, 9, all of Lots 4 and 5, Bergt & Keiss Subdivision; to rezone from District C-O, Office District to District C-O/PD, Office/Planned Development Overlay District for a tract of land described as part of Lot 4 and all of Lots 5 and 6, Ragain's Subdivision; to rezone from District C-O, Office District to District C-O/PD, Office/Planned Development Overlay District for a tract of land described as Lots 13 and 14, Cottage Place Subdivision, all in the City of Kearney, Buffalo County, Nebraska (10 East 31st Street).
8. Conduct a public hearing on the Application submitted by Kasey Brandt for Good Samaritan Hospital (Applicant and Owner) for the Final Plat for Good Samaritan Fourth Subdivision to the City of Kearney, Buffalo County, Nebraska for property described as Lot 1 of Block 1, Lot 1 of Block 2 and Lot 1 of Block 3, Good Samaritan Second Subdivision; all of Lots 4 and 5, part of Lot 7 and all of Lots 8 and 9, Bergt & Keiss Subdivision; all of Lots 13 through 24 and the alley abutting said lots, Cottage Place Subdivision; part of Lot 2, Northwest Quarter School Section Addition; all that part of 32nd Street lying east of the extended east right-of-way line of Keiss Lane being east to the west line of Lot 1 of Block 1, Good Samaritan Second Subdivision; part

of Lot 4 and all of Lots 5 and 6, Ragain's Subdivision; a tract of land being the west 110.5 feet of the south 73.4 feet of Lot 38, Northwest Quarter School Section Addition, all in Section 36, Township 9 North, Range 16 West of the 6th P.M., all in Buffalo County, Nebraska (10 East 31st Street) and approve **Resolution No. 2010-132**.

9. Conduct a public hearing on the Application submitted by Kasey Brandt for Good Samaritan Hospital (Applicant and Owner) for Revised Planned District Development Plan Approval for a building expansion, utility and parking lot construction on property to be zoned District C-O/PD, Office/Planned Development Overlay District and described as Lot 1 of Block 1, Lot 1 of Block 2 and Lot 1 of Block 3, Good Samaritan Second Subdivision; all of Lots 4 and 5, part of Lot 7 and all of Lots 8 and 9, Bergt & Keiss Subdivision; all of Lots 13 through 24 and the alley abutting said lots, Cottage Place Subdivision; part of Lot 2, Northwest Quarter School Section Addition; all that part of 32nd Street lying east of the extended east right-of-way line of Keiss Lane being east to the west line of Lot 1 of Block 1, Good Samaritan Second Subdivision; part of Lot 4 and all of Lots 5 and 6, Ragain's Subdivision; a tract of land being the west 110.5 feet of the south 73.4 feet of Lot 38, Northwest Quarter School Section Addition, all in Section 36, Township 9 North, Range 16 West of the 6th P.M., all in Buffalo County, Nebraska (10 East 31st Street) and approve **Resolution No. 2010-133**.

#### IV CONSENT AGENDA \*

1. Approve Minutes of Regular Meeting held June 22, 2010.
2. Approve the Claims.
3. Approve the recommendation submitted by the Downtown Improvement Board to block off the west six parking stalls on the north row of the parking lot located north of the Museum of Nebraska Art from 9:00 a.m. until 5:00 p.m., Monday through Saturday, beginning July 14, 2010 and ending September 30, 2010 for a produce stand.
4. Approve Change Order No. 2 showing an increase in the amount of \$2,128.00 submitted by JLC, Inc. and approved by Wilkins Hinrichs Stober Architects in connection with the Kearney Public Library Addition & Renovation Project and approve **Resolution No. 2010-134**.
5. Approve the application for a Special Designated License submitted by Kearney Investment Corp., dba Holiday Inn in connection with their Class CK-17964 catering liquor license to dispense beer and wine in the Museum of Nebraska Art, 2401 Central Avenue, on August 5, 2010 from 6:00 p.m. until 10:00 p.m. for a reception.
6. Approve Amendment No. 1 to the Consultant Agreement between the City of Kearney and Alfred Benesch & Company, formerly HWS Consulting Group, for design and bidding services to include rebidding, construction observation, and material testing services for the Terminal Parking Rehabilitation and Expansion Project at the Kearney Regional Airport (AIP 3-31-0045-23) subject to approval by the F.A.A. and Nebraska Department of Aeronautics and approve **Resolution No. 2010-135**.
7. Approve the request submitted by the Downtown Improvement Board to block off the west side of Central Avenue from Railroad Street to 22nd Street, and the parking stalls on the west and east sides of Central Avenue from 22nd Street to 23rd Street in Off-Street Parking District No. 1 on July 22, 2010 from 8:00 a.m. until 8:00 p.m. and on July 23 and 24, 2010 from 8:00 a.m. until 6:00 p.m. for Sidewalks Sales.

8. 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 an area what is known as the "Outside Arena" and beer garden which is located north of the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on July 30 and August 1, 2010 from 12:00 p.m. until 12:00 a.m., and on July 31, 2010 from 9:00 a.m. until 12:00 a.m. for the Buffalo County Fair.
- \* ***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. 7601** amending Section 9-734 "Electrical Code; Adopted, Section 9-736.1 "Service Masts as Supports", and Section 9-753 "Section 403-12. Amended; Motor Disconnect, Location" all in Article 7 "Electricity" of Chapter 9 "Public Works" to adopt the 2008 National Electrical Code.
2. Consider **Ordinance No. 7602** renaming and redesignating "60th Street" from the west line of 4th Avenue westerly to the west boundary line of Spruce Hollow Estates Second Addition to "Spruce Hollow Boulevard".

## VI REGULAR AGENDA

1. Consider **Ordinance No. 7603** rezoning 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 the West Half of the Southwest Quarter of Section 24, Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska (northeast corner of the intersection of Highway 44 and Highway 50A). (*Pertains to Public Hearing 3*)
2. Consider **Ordinance No. 7604** vacating a 20-foot wide alley from the east right-of-way line of 2nd Avenue to the east line of Lots 13 and 24 extended, Cottage Place Subdivision, also being the west line of Lot 2, Northwest Quarter School Section Addition, and part of 32nd Street from the east right-of-way line of Keiss Lane east to the west line of Lot 1 of Block 1, Good Samaritan Second Subdivision to the City of Kearney, Buffalo County, Nebraska. (*Pertains to Public Hearing 7*)
3. Consider **Ordinance No. 7605** vacating Lot 1 of Block 1, Lot 1 of Block 2, Lot 1 of Block 3, Good Samaritan Second Subdivision; Lots 13 through 24 inclusive, Cottage Place Subdivision; part of Lot 4, all of Lots 5 and 6, Ragain's Subdivision; part of Lot 3, all of Lots 4 and 5, part of Lot 7, all of Lot 8 and part of Lot 9, Bergt and Keiss Subdivision; part of Lot 2 and part of Lot 38, Northwest Quarter of School Section Addition, all in the City of Kearney, Buffalo County, Nebraska. (*Pertains to Public Hearing 7*)
4. Consider **Ordinance No. 7606** rezoning from District UC, Mixed Use Urban Corridor District to District C-O/PD, Office/Planned Development Overlay District for a tract of land described as Lots 15 through 24 inclusive, Cottage Place Subdivision; to rezone from District R-1, Urban Residential Single-Family District (Low Density) to District C-O/PD, Office/Planned Development Overlay District for a tract of land described as all of Lot 578 of Southwest Quarter School Section Addition and that portion of vacated 1st Avenue as deeded in Warranty Deed 2006-5543 and more particularly described as that part of Lot 2, Northwest Quarter of School Section Addition; to rezone from District C-O, Office District to District C-O/PD, Office/Planned

Development Overlay District for a tract of land described as part of Lot 2, part of Lot 38, Northwest Quarter School Section Addition; to rezone from District C-O, Office District to District C-O/PD, Office/Planned Development Overlay District for a tract of land described as part of Lots 3, 7, 8, 9, all of Lots 4 and 5, Bergt & Keiss Subdivision; to rezone from District C-O, Office District to District C-O/PD, Office/Planned Development Overlay District for a tract of land described as part of Lot 4 and all of Lots 5 and 6, Ragain’s Subdivision; to rezone from District C-O, Office District to District C-O/PD, Office/Planned Development Overlay District for a tract of land described as Lots 13 and 14, Cottage Place Subdivision, all in the City of Kearney, Buffalo County, Nebraska (10 East 31st Street). *(Pertains to Public Hearing 7)*

- 5. Open Account Claims: **Platte Valley State Bank - \$48,163.06.**

## 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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City Manager Michael Morgan  
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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)