

KEARNEY CITY COUNCIL

AMENDED AGENDA

City Council Chambers, 18 East 22nd Street

November 9, 2010

7:00 p.m.

I ROUTINE BUSINESS

1. Invocation by Pastor David Dickinson from Hope 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 Application submitted by Sydnee Kosmicki (Applicant) and Rhonda Kosmicki (Owner) for a Conditional Use Permit to locate an in-home day care facility on property zoned District R-1, Urban Residential Single-Family District (Low Density) and described as Lot 13, Hammer Park Estates, an addition to the City of Kearney, Buffalo County, Nebraska (1016 East 14th Street).
2. Conduct a public hearing on the Application submitted by Trenton Snow (Applicant) for Josh Frizzell (Owner) to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) property described as a tract of land being part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (4965 Bison Road).
3. Conduct a public hearing on the Application submitted by Trenton Snow (Applicant) for Josh Frizzell (Owner) for the Final Plat for Frizzell Subdivision, a subdivision of a tract of land being part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (4965 Bison Road) and adopt **Resolution No. 2010-212**.
4. Conduct a public hearing on the Application submitted by North Shore Marina, LLC (Applicant) and O & O Farms Inc., a Nebraska Corporation (Owner) for a Conditional Use Permit to locate a recreational vehicle park and campground on property zoned District AG, Agricultural District and described as a tract of land being part of Government Lots 3 and 4 and part of accretion land adjacent to and abutting said Government Lots 3 and 4, all located in Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (south of 11th Street east of Avenue M).

5. Conduct a public hearing on the Application submitted by Steven Craig on behalf of Grand West LLC, a Nebraska Limited Liability Company (Applicant and Owner) to rezone from District R-2, Urban Residential Mixed-Density District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District for a tract of land to be vacated and described as Lots 1 through 10 inclusive of Block 4, Fountain Hills Third Addition to the City of Kearney, Buffalo County, Nebraska (between 10th Avenue and 11th Avenue south of 48th Street).
6. Conduct a public hearing on the Application submitted by Steven Craig on behalf of Grand West LLC, a Nebraska Limited Liability Company (Applicant and Owner) for the Final Plat for Fountain Hills Fourth Addition to the City of Kearney, Buffalo County, Nebraska for a tract of land to be vacated and described as Lots 1 through 10 inclusive of Block 4, Fountain Hills Third Addition to the City of Kearney, Buffalo County, Nebraska (between 10th Avenue and 11th Avenue south of 48th Street) and adopt **Resolution No. 2010-213**.
7. Conduct a public hearing on the Application submitted by Steven Craig on behalf of Grand West LLC, a Nebraska Limited Liability Company (Applicant and Owner) for Planned District Development Plan Approval for residential/duplex development on property to be zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a tract of land to be vacated and described as Lots 1 through 10 inclusive, Fountain Hills Fourth Addition to the City of Kearney, Buffalo County, Nebraska (between 10th Avenue and 11th Avenue south of 48th Street) and adopt **Resolution No. 2010-214**.
8. 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 adopt **Resolution No. 2010-215**.
9. 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).
10. 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 adopt **Resolution No. 2010-216**.

IV CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held October 26, 2010.
2. Approve the Claims.
3. Approve the bids received for the 2010 Part 5 Improvements consisting of Paving Improvement District No. 2010-944 commencing at a point 250 feet east of 11th Avenue and from a point 250 feet west of 11th Avenue in and including all of 56th Street, and commencing at the south line of 56th Street thence northerly to the north line of Spruce Hollow Boulevard in and including all

11th Avenue, 57th Street Place, 59th Street, 61st Street, 61st Street Place, 62nd Street Place and Spruce Hollow Boulevard; Water District No. 2010-561 commencing at the south line of 56th Street thence northerly to the north line of Spruce Hollow Boulevard in and including all 11th Avenue, 57th Street Place, 59th Street, 61st Street, 61st Street Place, 62nd Street Place and Spruce Hollow Boulevard; and Sanitary Sewer District No. 2010-501 commencing at the south line of 56th Street thence northerly to the north line of Spruce Hollow Boulevard in and including all 11th Avenue, 57th Street Place, 59th Street, 61st Street, 61st Street Place, 62nd Street Place and Spruce Hollow Boulevard and adopt **Resolution No. 2010-217** awarding the bid to General Excavating in the amount of \$1,816,395.00 for Bid A (Water and Sewer) and to Paulsen, Inc. in the amount of \$1,634,697.50 for Bid B (Paving).

4. Adopt **Resolution No. 2010-218** allowing the City to expend funds on the 2010 Part 5 Improvements consisting of Paving Improvement District No. 2010-944 commencing at a point 250 feet east of 11th Avenue and from a point 250 feet west of 11th Avenue in and including all of 56th Street, and commencing at the south line of 56th Street thence northerly to the north line of Spruce Hollow Boulevard in and including all 11th Avenue, 57th Street Place, 59th Street, 61st Street, 61st Street Place, 62nd Street Place and Spruce Hollow Boulevard; Water District No. 2010-561 commencing at the south line of 56th Street thence northerly to the north line of Spruce Hollow Boulevard in and including all 11th Avenue, 57th Street Place, 59th Street, 61st Street, 61st Street Place, 62nd Street Place and Spruce Hollow Boulevard; and Sanitary Sewer District No. 2010-501 commencing at the south line of 56th Street thence northerly to the north line of Spruce Hollow Boulevard in and including all 11th Avenue, 57th Street Place, 59th Street, 61st Street, 61st Street Place, 62nd Street Place and Spruce Hollow Boulevard from the proceeds of various debt issuances.
5. Approve Change Order No. 3 showing an increase in the amount of \$22,803.00 submitted by Central Contracting and approved by Wilkins Hinrichs Stober Architects for the Kearney Regional Airport Terminal Addition and Renovation Project and adopt **Resolution No. 2010-219**.
6. Approve the Plans and Specifications for the Kearney Regional Airport Terminal Parking Rehabilitation Project (AIP Project No. 3-31-0045-23) and set the bid opening date for December 2, 2010 at 2:00 p.m.
7. Authorize City staff to submit the Grant Application for the Kearney Regional Airport Terminal Parking Rehabilitation Project (AIP Project No. 3-31-0045-23) and adopt **Resolution No. 2010-220**.
8. Approve the application for a Special Designated License submitted by Chicken Bones of Kearney, Inc., dba Chicken Coop Sports Bar & Grill in connection with their Class I-54354 liquor license to dispense beer, wine and distilled spirits in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N on November 27, 2010 from 12:00 p.m. until 1:00 a.m. for a reception.
9. Approve the application for a Special Designated License submitted by Chicken Bones of Kearney, Inc., dba Chicken Coop Sports Bar & Grill in connection with their Class I-54354 liquor license to dispense beer, wine and distilled spirits in the Concourse Area of the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on December 4, 2010 from 12:00 p.m. until 1:00 a.m. for a fund raiser.
10. Approve the Agreement for Acquisition of Property and Construction of Storm Water Structures between the City of Kearney and Jeffrey and Lisa Overturf pertaining to any and all issues relating to the construction on 30th Avenue and 11th Street with reference to the storm water structures constructed as a part of that project and adopt **Resolution No. 2010-221**.

11. Accept the Warranty Deed granted to the City of Kearney by Jeffrey and Lisa Overturf for a tract of land being part of the North Half of the Northeast Quarter, part of Government Lot 4 and part of accretion lands deriving from and adjacent to Government Lot 4 all located in Section 9, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and adopt **Resolution No. 2010-222**.

* *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. 7616** selling part of a tract of land designated as "PARK" located easterly of Lot 25 as shown on the original plat of Hillcrest Addition to the City of Kearney, Buffalo County, Nebraska to Scott and Stacy Darveau.

VI REGULAR AGENDA

1. Consider **Ordinance No. 7617** to grant a Conditional Use Permit to Sydnee Kosmicki (Applicant) and Rhonda Kosmicki (Owner) to locate an in-home day care facility on property zoned District R-1, Urban Residential Single-Family District (Low Density) and described as Lot 13, Hammer Park Estates, an addition to the City of Kearney, Buffalo County, Nebraska (1016 East 14th Street). *(Pertains to Public Hearing 1)*
2. Consider **Ordinance No. 7618** to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) property described as a tract of land being part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (4965 Bison Road). *(Pertains to Public Hearing 2)*
3. Consider **Ordinance No. 7619** to grant a Conditional Use Permit to North Shore Marina, LLC (Applicant) and O & O Farms Inc., a Nebraska Corporation (Owner) to locate a recreational vehicle park and campground on property zoned District AG, Agricultural District and described as a tract of land being part of Government Lots 3 and 4 and part of accretion land adjacent to and abutting said Government Lots 3 and 4, all located in Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (south of 11th Street east of Avenue M). *(Pertains to Public Hearing 4)*
4. Consider the agreement submitted by North Shore Marina, LLC, dba Kearney RV Park to annex into the City limits a tract of land being part of Government Lots 3 and 4 and part of accretion land adjacent to and abutting said Government Lots 3 and 4, all located in Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (south of 11th Street east of Avenue M) and adopt **Resolution No. 2010-223**. *(Pertains to Public Hearing 4)*
5. Consider **Ordinance No. 7620** to vacate Lots 1 through 10 inclusive of Block 4, Fountain Hills Third Addition to the City of Kearney, Buffalo County, Nebraska (between 10th Avenue and 11th Avenue south of 48th Street). *(Pertains to Public Hearing 5)*
6. Consider **Ordinance No. 7621** to rezone from District R-2, Urban Residential Mixed-Density District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District for a tract of land to be vacated and described as Lots 1 through 10 inclusive of Block 4, Fountain Hills Third Addition to the City of Kearney, Buffalo County, Nebraska (between 10th Avenue and 11th Avenue south of 48th Street). *(Pertains to Public Hearing 5)*

7. Consider **Ordinance No. 7622** 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). (*Pertains to Public Hearing 9*)
8. Consider the Manager Application for Ed Mach submitted by B & R Stores, Inc., dba Apple Market in connection with their Class C-81872 liquor license located at 7 West 25th Street.
9. Open Account Claims: **NPPD - \$616.49, Platte Valley State Bank - \$47,058.15, School District #7 - \$8,069.45**

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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234-2424 office
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Council Member Bob Lammers
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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

ADDENDUM NO. 1

IV CONSENT AGENDA

12. Approve the application for a Special Designated License submitted by Alley Rose Inc. of Kearney, NE, dba Alley Rose in connection with their Class IK-21763 catering liquor license to dispense beer, wine and distilled spirits in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N on December 3, 2010 from 5:00 p.m. until 12:00 a.m. for a reception.