

# **KEARNEY CITY COUNCIL**

## **AGENDA**

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

**April 12, 2011**

**7:00 p.m.**

### **I ROUTINE BUSINESS**

1. Invocation by Pastor Steve Loveless, Church of Jesus Christ Latter Day Saints.
2. Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Oral Communication:
  - **Presentation by the Police Department on the Senior Volunteer Program.**
  - **Present Proclamation on Parkinson's Awareness Month.**
  - **Recognition of Carol Reed for serving on Senior Services Advisory Board.**

### **II UNFINISHED BUSINESS**

None.

### **III PUBLIC HEARINGS**

1. Conduct a public hearing on the application to the Department of Economic Development for a Community Development Block Grant Neighborhood Stabilization Program 3 for the rehabilitation of a downtown building into a 14-unit apartment complex for households at or below 120 percent of the area median income and adopt **Resolution No. 2011-29**.
2. Conduct a public hearing on the Community Development Block Grant Neighborhood Stabilization Program 1 to provide an update on Projects 09-EDR-04, 095N42, 10-ED-001, 09-ED-006 and 10-ED-004.
3. Conduct a public hearing on the Application submitted by Carl Whitney Sand & Gravel and Mid-Nebraska Aggregate Inc. (Applicant) and Connie J. Wakelin, Trustee of Connie J. Wakelin Revocable Trust (Owner) for a Conditional Use Permit to locate a sand and gravel extraction operation on property zoned District AG, Agricultural District and described as that part of the Northwest Quarter of the Southeast Quarter lying south of the right-of-way of the Burlington Northern Railroad; that part of the Northeast Quarter of the Southeast Quarter lying south of the Chicago Burlington and Quincy Railroads right-of-way; the Southwest Quarter of the Southeast Quarter; and the Southeast Quarter of the Southeast Quarter, all in Section 5, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east side of Cherry Avenue north of 11th Street).
4. Conduct a public hearing on the Application submitted by Carl Whitney Sand & Gravel and Mid-Nebraska Aggregate Inc. (Applicant) and Dennis Clabaugh (Owner) for a Conditional Use Permit to locate a sand and gravel extraction operation on property zoned District AG, Agricultural District and described as Lot 1 except the north 34 rods thereof and Lot 5 all in

Section 17, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (3825 East 1st Street South).

5. Conduct a public hearing on the Application submitted by Mike Bober (Applicant) and Merilyn Macomber (Owner) to rezone from District R-1, Urban Residential Single-Family District (Low Density) to District RR-1, Rural Residential District (Rural Standards) property described as Lot 2, Abood Addition, an addition to the City of Kearney, Buffalo County, Nebraska (860 East 1st Street).
6. Conduct a public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Starostka Group Unlimited, Inc. (Owner) for the Final Plat for Bel Air Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (west of Avenue N, north and south of 66th Street) and adopt **Resolution No. 2011-30**.
7. Conduct a public hearing on the Application submitted by Crossroads Center Rescue Mission (Applicant) and Gene Freeze (Owner) to rezone from District M-1, Limited Industrial District to District R-4/PD, Urban Residential Multi-Family (High Density)/Planned Development Overlay District property described as Lots 1, 2 and 7, Anderson Park 1st Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska (1210 East 11th Street).
8. Conduct a public hearing on the Application submitted by Crossroads Center Rescue Mission (Applicant) and Gene Freeze (Owner) for Planned District Development Plan Approval for rescue mission development on property to be zoned District R-4/PD, Urban Residential Multi-Family (High Density)/Planned Development Overlay District property described as Lots 1, 2 and 7, Anderson Park 1st Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska (1210 East 11th Street) and adopt **Resolution No. 2011-31**.

#### IV CONSENT AGENDA \*

1. Approve Minutes of Regular Meeting held March 22, 2011.
2. Approve the Claims.
3. Adopt **Resolution No. 2011-32** appointing Ruby Martin to fulfill the term of Carol Reed on the Senior Services Advisory Board.
4. Approve Change Order No. 6 showing an increase in the amount of \$14,494.00 submitted by JLC, Inc. and approved by Wilkins Hinrichs Stober Architects in connection with the Kearney Public Library Addition & Renovation Project and adopt **Resolution No. 2011-33**.
5. Approve the Plans and Specifications for the World Theatre CDBG Project and set the bid opening date for May 4, 2011 at 2:00 p.m.
6. Approve the Plans and Specifications for the 2010 Part 6 Improvements for Central Avenue from 18th Street to South Railroad Street and set the bid opening date for May 3, 2011 at 2:00 p.m.
7. Approve the application for a Special Designated License submitted by Thunderhead Brewing Co., dba Thunderhead Brewing in connection with their Class I-47918 and Class LK-47920 catering liquor license to dispense beer and wine inside an enclosed 120' x 120' fenced area located in the parking lot located north of the Museum of Nebraska Art, 2401 Central Avenue, on May 20, 2011 from 4:00 p.m. until 11:30 p.m. and on May 21, 2011 from 2:00 p.m. until 11:30 p.m. in connection with the Wine and Jazz Festival.

8. Approve the request submitted by Trevor Brown to temporarily block off 35th Street from 7th Avenue to 10th Avenue on May 21, 2011 from 6:30 p.m. until 9:30 p.m. for the Alumni Game and Softball Home Run Derby at Memorial Field.
  9. Approve the recommendation from the Transportation Division of the Public Works Department to purchase a Combination Sewer Cleaner Truck from Mid-Iowa Solid Waste Equipment Co. in the amount of \$243,791.00.
  10. Approve the request submitted by Ally Kaiser to conduct the Komen Central Nebraska Race for the Cure on October 1, 2011 beginning at 7:30 a.m. The route will begin east of Cushing Coliseum, east on the sidewalk parallel with 28th Street, south on the sidewalk parallel with 9th Avenue, west on the sidewalk parallel with 24th Street, north on the sidewalk parallel with University Drive Circle, east on the sidewalk parallel with University Drive, south on the sidewalk parallel with 9th Avenue, west on the sidewalk parallel with 24th Street and ending east of 15th Avenue.
  11. Approve the Agreement to Sell Property and Divide Net Proceeds and the Purchase Agreement pertaining to Lot 6 of Block 1, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska and adopt **Resolution No. 2011-34**.
  12. Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropico 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 7, 2011 from 6:00 p.m. until 1:00 a.m. for a dance.
  13. Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropico 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, 2011 from 6:00 p.m. until 12:00 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 adopting **Ordinance No. 7637** granting a Conditional Use Permit to Carl Whitney Sand & Gravel and Mid-Nebraska Aggregate Inc. (Applicant) and Connie J. Wakelin, Trustee of Connie J. Wakelin Revocable Trust (Owner) to locate a sand and gravel extraction operation on property zoned District AG, Agricultural District and described as that part of the Northwest Quarter of the Southeast Quarter lying south of the right-of-way of the Burlington Northern Railroad; that part of the Northeast Quarter of the Southeast Quarter lying south of the Chicago Burlington and Quincy Railroads right-of-way; the Southwest Quarter of the Southeast Quarter; and the Southeast Quarter of the Southeast Quarter, all in Section 5, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east side of Cherry Avenue north of 11th Street). *(Pertains to Public Hearing 3)*
2. Consider adopting **Ordinance No. 7638** granting a Conditional Use Permit to Carl Whitney Sand & Gravel and Mid-Nebraska Aggregate Inc. (Applicant) and Dennis Clabaugh (Owner) to locate a sand and gravel extraction operation on property zoned District AG, Agricultural District and described as Lot 1 except the north 34 rods thereof and Lot 5 all in Section 17, Township 8

North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (3825 East 1st Street South).  
*(Pertains to Public Hearing 4)*

3. Consider adopting **Ordinance No. 7639** rezoning from District R-1, Urban Residential Single-Family District (Low Density) to District RR-1, Rural Residential District (Rural Standards) property described as Lot 2, Abood Addition, an addition to the City of Kearney, Buffalo County, Nebraska (860 East 1st Street). *(Pertains to Public Hearing 5)*
4. Consider adopting **Ordinance No. 7640** vacating Lots 1, 2, 3, 4 inclusive of Block 1, Lots 1, 2, 3, 4 inclusive of Block 2, all of Avenue M Place, a street in the City of Kearney, as it abuts said Lots 1, 2, 3, 4 inclusive of Block 1 and that part of 66th Street Place from the west line of Avenue N, a street in the City of Kearney, Buffalo County, Nebraska, to the west line of said Lot 4 of Block 2 (if extended northerly) all in Bel Air Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska (west of Avenue N, north and south of 66th Street). *(Pertains to Public Hearing 6)*
5. Consider adopting **Ordinance No. 7641** rezoning from District M-1, Limited Industrial District to District R-4/PD, Urban Residential Multi-Family (High Density)/Planned Development Overlay District property described as Lots 1, 2 and 7, Anderson Park 1st Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska (1210 East 11th Street). *(Pertains to Public Hearing 7)*
6. Consider Supplemental Agreement No. 4 between the City of Kearney, Buffalo County, and the Nebraska Department of Roads amending Section 3 (d) of Supplemental Agreement No. 3 setting forth the expenditure of federal earmarked funds and the funds to be expended between the State and the City for the Kearney East Bypass – Project Nos. DPS-10-2(114), STP-10-2(116) and STP-10-2(117) and adopt **Resolution No. 2011-35**.
7. Consider recommendation from City Manager on ½ Cent Sales Tax Capital Improvement Plan.
8. Open Account Claims: **NPPD - \$317.24, Platte Valley State Bank - \$99,773.50, School District #7 - \$3,826.30**

## VII REPORTS

## VIII ADJOURN

Mayor Stanley Clouse  
 4907 Linden Drive Place  
 236-6193 home  
 238-5210 office  
[mayor@kearneygov.org](mailto:mayor@kearneygov.org)

Vice-President Randy Buschkoetter  
 1110 13th Avenue  
 234-5553 home  
 698-8106 office  
[citycouncil@kearneygov.org](mailto:citycouncil@kearneygov.org)

Council Member Don Kearney  
 701 Huron Drive  
 237-3225 home  
 238-2265 office  
[citycouncil@kearneygov.org](mailto:citycouncil@kearneygov.org)

Council Member Bruce Lear  
 4803 Avenue L Place  
 234-5354 home  
 234-2424 office  
[citycouncil@kearneygov.org](mailto:citycouncil@kearneygov.org)

Council Member Bob Lammers  
 8 Crestview Place  
 236-5273 home  
 234-2577 office  
[citycouncil@kearneygov.org](mailto:citycouncil@kearneygov.org)

City Manager Michael Morgan  
 18 East 22nd Street  
 233-3214 office  
[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)