

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

April 10, 2012

7:00 p.m.

I ROUTINE BUSINESS

1. Invocation by Pastor Bob Wine, New Life Assembly Church.
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.**

II UNFINISHED BUSINESS

None.

III PUBLIC HEARINGS

1. **Postponed on March 13, 2012.** Conduct a public hearing on the Applications submitted by Buffalo Surveying (Applicant) for Starostka Group Unlimited, Inc. (Owner) as follows: (1) vacate Lots 1 through 5 of Block 3, all of Avenue L as it abuts Lot 5 of Block 3, all of that part of 66th Street Place as it abuts Lots 1 through 5 of Block 3, and all that part of 66th Street Place as it abuts part of Avenue L, all in Bel Air Second Addition, together with Lot 5 of Block 2 and all that part of 66th Street Place as it abuts said Lot 5 of Block 2, all in Bel Air Fourth Addition and consider **Ordinance No. 7706**; and (2) an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Low Density Residential to Medium Density Residential for property described as Lots 1 through 5 inclusive of Block Three (to be vacated), Bel Air Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska and part of 66th Street Place, a street in the City of Kearney, and part of Avenue L, a street in the City of Kearney (west of the intersection of Avenue N and 66th Street) and consider **Resolution No. 2012-33**.
2. **Postponed on March 13, 2012.** Conduct a public hearing on the Application submitted by Buffalo Surveying (Applicant) for Starostka Group Unlimited, Inc. (Owner) to rezone from District R-1, Urban Residential Single-Family District (Low Density) to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District property described as Lots 1 through 5 inclusive of Block 3 (to be vacated), Bel Air Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska and part of 66th Street Place, a street in the City of Kearney, and part of Avenue L, a street in the City of Kearney (west of the intersection of Avenue N and 66th Street) and consider **Ordinance No. 7707**.
3. **Postponed on March 13, 2012.** Conduct a public hearing on the Application submitted by Buffalo Surveying Corp. (Applicant) for Starostka Group Unlimited, Inc. (Owner) for the Final Plat and

Subdivision Agreement for Starostka View Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as Lots 1 through 5 inclusive of Block 3, all of Avenue L, a street in the City of Kearney as it abuts said Lot 5 of Block 3 on the east, all that part of 66th Street Place, a street in the City of Kearney as it abuts said Lots 1 through 5 inclusive of Block 3, and all that part of 66th Street Place, a street in the City of Kearney as it abuts the aforescribed part of Avenue L on the north, all in Bel Air Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska; TOGETHER WITH Lot 5 of Block 2, and all that part of 66th Street Place, a street in the City of Kearney as it abuts said Lot 5 of Block 2 on the north, all in Bel Air Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (said lots and streets to be vacated) (west of the intersection of Avenue N and 66th Street) and consider **Resolution No. 2012-34**.

4. **Postponed on March 13, 2012.** Conduct a public hearing on the Application submitted by Brungardt Engineering (Applicant) for Starostka Group Unlimited, Inc. (Owner) for Planned District Development Plan Approval for duplex development on property to be zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District for property described as proposed Lot 1 of Block 2, Starostka View Addition, an addition to the City of Kearney, Buffalo County, Nebraska (66th Street Place and Avenue L) and consider **Resolution No. 2012-35**.
5. Conduct a public hearing on the Applications submitted by Buffalo Surveying Corp. (Applicant) for Johnson Imperial Home Company (Owner) as follows: (1) vacate Lot 6, except the west 44.0 feet thereof and Lots 7 through 16 inclusive, all in Block Three, Windsor Estates Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska, with said property being located in the Northwest Quarter of the Southeast Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider **Ordinance No. 7714**; and (2) the Final Plat for Windsor Estates Eleventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described above and located east of the intersection of 6th Avenue and 47th Street Place and consider **Resolution No. 2012-51**.
6. Conduct a public hearing on the Application submitted by Buffalo Surveying Corp. (Applicant) for TWL, LLC, a Nebraska Limited Liability Company (Owner) to rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) property described as being part of the East Half of the Northeast Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (west of 69th Street and Avenue L) and consider **Ordinance No. 7715**.
7. Conduct a public hearing on the Application submitted by Buffalo Surveying Corp. (Applicant) for TWL, LLC, a Nebraska Limited Liability Company (Owner) for the Final Plat and Subdivision Agreement for Bel Air Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as being part of the East Half of the Northeast Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (west of 69th Street and Avenue L) and consider **Resolution No. 2012-52**.
8. Conduct a public hearing on the Application submitted by Buffalo Surveying Corp. (Applicant) for TWL, LLC, a Nebraska Limited Liability Company (Owner) for the annexation of Bel Air Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as being part of the East Half of the Northeast Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (west of 69th Street and Avenue L) and consider **Resolution No. 2012-53**.
9. Conduct a public hearing on the Applications submitted by Trenton Snow (Applicant) for Sandra Adams, Successor Trustee of the Lucille Knox Living Trust as follows: (1) to vacate the east half of Lot 1755, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska and consider **Ordinance No. 7716**; and (2) the Final Plat for Knox Addition, an addition to the City

of Kearney, Buffalo County, Nebraska for property described as the east half of Lot 1755, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska (to be vacated), together with the vacated south 7.0 feet of 13th Street abutting said lot on the north and the vacated north half of 12th Street abutting said lot on the south, also together with the vacated west 17.0 feet of Avenue C as it abuts the vacated south 7.0 feet of 13th Street, Lot 1755 and the vacated north half of 12th Street all on the east (west side of Avenue C between 12th Street and 13th Street) and consider **Resolution No. 2012-54**.

10. Conduct a public hearing on the Application submitted by SKS Properties, LLC, a Nebraska Limited Liability Company, (Applicant) and Schrock Chiropractic (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 for property described as Lot 1 of Block 2, North Acre Fifth, an addition to the City of Kearney, Buffalo County, Nebraska (5911 2nd Avenue) and consider **Resolution No. 2012-55**.
11. Conduct a public hearing on the Application submitted by Miller & Associates (Applicant) for Gary and Mary Jo Henderson for the Final Plat and Subdivision Agreement for Northeast Industrial Sixth Subdivision, Buffalo County, Nebraska for property described as being part of the Northeast Quarter of the Northwest Quarter of Section 32, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (southeast corner of East 39th Street and Box Butte Avenue) and consider **Resolution No. 2012-56**.
12. **Withdrawn – License Holder has Complied.** Conduct a public hearing on the automatic renewal of the liquor license held by Silent City, Inc., dba 56th Street Sinclair Plaza in connection with their Class B-43121 liquor license located at 5605 2nd Avenue West and consider **Resolution No. 2012-57**.
13. **Withdrawn – License Holder has Complied.** Conduct a public hearing on the automatic renewal of the liquor license held by STL of Nebraska, Inc., dba Target Store T-0857 in connection with their Class DK-77550 liquor license located at 4800 3rd Avenue and consider **Resolution No. 2012-39**.

IV CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held March 27, 2012.
2. Approve the Claims.
3. 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 for a period of one year.
4. Adopt **Resolution No. 2012-58** approving the Developer Constructed Infrastructure Agreement between the City of Kearney and Dan Roeder for the construction of paving, water and sanitary sewer improvements for East 56th Street Estates.
5. Adopt **Resolution No. 2012-59** approving the revised Kearney Public Library Policy Manual.
6. Rebid the 2011 Part 6 Improvements consisting of Paving Improvement District No. 2010-946, Water District No. 2011-562 and Sanitary Sewer District No. 2011-502 for Country Club Lane from the south lot line of Lot 1 of Block Two, Aspen Meadows Second north to the north lot line of Lot 1 of Block One, Aspen Meadows Second; 37th Street from the west line of Country Club Lane to the west line of Lot 2 of Block Four, Meadowlark Estates Addition; and 25th Avenue Place from the north line of 37th Street to its terminus in a cul-de-sac and set the bid opening date for May 1,

2012 at 2:00 p.m.

7. 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 inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on May 5, 2012 from 4:00 p.m. until 12:00 a.m. for a reception.
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 a tent and fenced area located in the parking lot of Kearney Yamaha, 511 2nd Avenue, on May 17, 2012 from 4:00 p.m. until 10:00 p.m. for a sampling/tasting (alternate location inside Kearney Yamaha).
9. 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 inside the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on May 19, 2012 from 4:00 p.m. until 12:00 a.m. for a fund raiser.

* ***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. Adopt **Ordinance No. 7717** repealing Ordinance No. 7699 and classify the officers and employees of the City; fix the ranges of compensation of such officers and employees; establish the hours and work period for overtime eligibility; provide for payments of clothing and/or uniform allowances; provide for payment of vehicle allowance; and provide for payment of cell phone allowance with an effective date of April 22, 2012.
2. Adopt **Ordinance No. 7718** granting Windstream of the Midwest, Inc. a non-exclusive franchise to construct, install, operate, maintain or otherwise locate telecommunication facilities in public ways within the City of Kearney.

VI REGULAR AGENDA

1. Consider the application submitted by Buffalo Surveying (Applicant) for Gary Schaub and Daniel Roeder (Owner) to vacate the alley in Block 8, Whiteaker's Grove Addition to the City of Kearney lying north of the north right-of-way line of 22nd Street and south and west of the Union Pacific Railroad Company's right-of-way on the north and described as Lots 4 through 7, inclusive, that part of Lot 3 lying south of the Union Pacific Railroad right-of-way abutting on the east side of said alley, and Lots 8 through 13, inclusive, abutting on the west side of said alley (north of 22nd Street and east of Avenue M, south of the UPRR's right-of-way) and consider **Ordinance No. 7719**.
2. Consider the redevelopment project for Redevelopment Area #5 for an area described as the south 49 feet of Lot 2, all of Lots 3, 4, 5, 6, 9, 10, and the south 49 feet of Lot 11, all in Block 9, Kearney Land & Investment Company 2nd Addition to the City of Kearney, Buffalo County, Nebraska, excepting therefrom the west 92 feet of Lot 7 and the west 92 feet of the south 30 feet of Lot 8, Block 9 thereof (2214 14th Avenue) and adopt **Resolution No. 2012-60**.
3. Open Account Claims: **NPPD - \$2,760.00**.

VII REPORTS

VIII ADJOURN

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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