

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

October 9, 2012

7:00 p.m.

I ROUTINE BUSINESS

1. Invocation by Pastor Charlie Gable from First Church of God.
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 for a Class I-100700 liquor license submitted by World Theatre Foundation, dba The World Theatre located at 2318 Central Avenue, consider the manager application for Bryce Jensen, and consider **Resolution No. 2012-175**.
2. Conduct a public hearing on the Application submitted by North Shore Marina, LLC (Applicant and Owner), Bradley Rodgers (Owner) and formerly owned by Tony and Kelli Bober for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Low Density Residential and Mixed Use 1 to Agricultural/Open and Mixed Use 1 for property described as Lot 1, Bober Addition and part of Lot 3, Abood Second Addition, all in the City of Kearney, Buffalo County, Nebraska (1140 East 1st Street, north of East 1st Street and west of Avenue M) and consider **Resolution No. 2012-176**.
3. Conduct a public hearing on the Application submitted by North Shore Marina, LLC (Applicant and Owner), Bradley Rodgers (Owner) and formerly owned by Tony and Kelli Bober to rezone from District R-1, Urban Residential Single-Family District (Low Density) to District AG, Agricultural District and District C-2, Community Commercial District property described as Lot 1, Bober Addition and part of Lot 3, Abood Second Addition, all in the City of Kearney, Buffalo County, Nebraska (1140 East 1st Street, north of East 1st Street and west of Avenue M) and consider **Ordinance No. 7743**.

4. Conduct a public hearing on the Application submitted by North Shore Marina, LLC (Applicant and Owner), Bradley Rodgers (Owner) and formerly owned by Tony and Kelli Bober for a Conditional Use Permit to expand Kearney RV and Campground on property to be zoned District AG, Agricultural District and District C-2, Community Commercial District and described as Lot 1, Bober Addition and part of Lot 3, Abood Second Addition, all in the City of Kearney, Buffalo County, Nebraska (1140 East 1st Street, north of East 1st Street and west of Avenue M) and consider **Ordinance No. 7744**.
5. Conduct a public hearing on the Application submitted by Richard Stacy (Applicant) for Scott and Tracy Moser (Owner) to rezone from District C-1, Limited Commercial District to District C-1/PD, Limited Commercial/Planned Development Overlay District property described as the south 115 feet of Lot 2, Kearney Plaza Fifth Subdivision to the City of Kearney, Buffalo County, Nebraska (LaPlatte Road at Meadow Lane) and consider **Ordinance No. 7745**.
6. Conduct a public hearing on the Application submitted by Richard Stacy (Applicant) for Scott and Tracy Moser (Owner) for Planned District Development Plan Approval for an apartment complex development on property to be zoned District C-1/PD, Limited Commercial/Planned Development Overlay District for property described as the south 115 of Lot 2, Kearney Plaza Fifth Subdivision to the City of Kearney, Buffalo County, Nebraska (LaPlatte Road at Meadow Lane) and consider **Resolution No. 2012-177**.
7. Conduct a public hearing on the Application submitted by Richard Stacy (Applicant) for Ted Franssen (Owner) to rezone from District C-3, General Commercial District to District C-3/PD, General Commercial/Planned Development Overlay District property described as a tract of land located in the East Half of the Northwest Quarter of Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (211 East 8th Street) and consider **Ordinance No. 7746**.
8. Conduct a public hearing on the Application submitted by Richard Stacy (Applicant) for Ted Franssen (Owner) for Planned District Development Plan Approval for an additional apartment complex development on property to be zoned District C-3/PD, General Commercial/Planned Development Overlay District for property described as a tract of land located in the East Half of the Northwest Quarter of Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (211 East 8th Street) and consider **Resolution No. 2012-178**.
9. Conduct a public hearing on the Applications submitted by Engineering Solutions (Applicant) for Kearney Plaza Villas, L.P. (Owner) as follows: (1) vacate Lots 1 through 13 inclusive, Tiffany Square Addition and Lots 1 through 49 inclusive, Tiffany Square Second Addition, all in the City of Kearney, Buffalo County, Nebraska and consider **Ordinance No. 7747**; and (2) the Final Plat and Subdivision Agreement for Kearney Plaza Villas, an addition to the City of Kearney, Buffalo County, Nebraska for property described Lots 1 through 13 inclusive, Tiffany Square Addition, Lots 1 through 49 inclusive, Tiffany Square Second Addition, all in the City of Kearney, Buffalo County, Nebraska (south of West Lincoln Park, west of Plaza Boulevard, north of LaCrosse Drive) and consider **Resolution No. 2012-179**.
10. Conduct a public hearing on the Application submitted by Engineering Solutions (Applicant) for Kearney Plaza Villas, L.P. (Owner) for Planned District Development Plan

Approval for a 24-unit residential development on property zoned District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District for property described as Lots 1 through 13 inclusive, Tiffany Square Addition, Lots 1 through 49 inclusive, Tiffany Square Second Addition, all in the City of Kearney, Buffalo County, Nebraska (south of West Lincoln Park, west of Plaza Boulevard, north of LaCrosse Drive) and consider **Resolution No. 2012-180**.

11. Conduct a public hearing on the Application submitted by Craig Bennett (Applicant) for MINE, L.L.C. (Owner) to rezone from District C-O, Office District to District UC, Mixed Use Urban Corridor District property described as Lot 1 of Block 1, Good Samaritan Third Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska (northeast corner of 33rd Street and 2nd Avenue) and consider **Ordinance No. 7748**.
12. Conduct a public hearing on the Application submitted by Craig Bennett (Applicant) for Grand West, L.L.C. (Owner) to rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) property described as a tract of land located in part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9, Range 16 West of the 6th P.M., Buffalo County, Nebraska (along 50th Street between 11th Avenue and 17th Avenue) and consider **Ordinance No. 7749**.
13. Conduct a public hearing on the Application submitted by Craig Bennett (Applicant) for Grand West, L.L.C. (Owner) for the Final Plat and Subdivision Agreement for Fountain Hills Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land located in part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9, Range 16 West of the 6th P.M., Buffalo County, Nebraska (along 50th Street between 11th Avenue and 17th Avenue) and consider **Resolution No. 2012-181**.
14. Conduct a public hearing on the Application submitted by Craig Bennett (Applicant) for Grand West, L.L.C. (Owner) for the annexation of Fountain Hills Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land located in part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9, Range 16 West of the 6th P.M., Buffalo County, Nebraska (along 50th Street between 11th Avenue and 17th Avenue) and consider **Resolution No. 2012-182**.
15. Conduct a public hearing on the Application submitted by Craig Bennett (Applicant) for Grand West, L.L.C. (Owner) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Medium Density Residential and Mixed Use 1 to Mixed Use 2 for property described as a tract of land being part of the North Half of the Northwest Quarter of Section 26, Township 9, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 56th Street between 11th Avenue and 17th Avenue) and consider **Resolution No. 2012-183**.
16. Conduct a public hearing on the Application submitted by Craig Bennett (Applicant) for Grand West, L.L.C. (Owner) to rezone from District AG, Agricultural District to District C-2, Community Commercial District and to District C-2/PD, Community Commercial/Planned Development Overlay District property described as a tract of land being part of the North Half of the Northwest Quarter of Section 26, Township 9, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 56th Street between 11th Avenue and 17th Avenue) and consider **Ordinance No. 7750**.

17. Conduct a public hearing on the Application submitted by Craig Bennett (Applicant) for Grand West, L.L.C. (Owner) for the Final Plat and Subdivision Agreement for Fountain Hills Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the North Half of the Northwest Quarter of Section 26, Township 9, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 56th Street between 11th Avenue and 17th Avenue) and consider **Resolution No. 2012-184**.
18. Conduct a public hearing on the Application submitted by Craig Bennett (Applicant) for Grand West, L.L.C. (Owner) for the annexation of Fountain Hills Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the North Half of the Northwest Quarter of Section 26, Township 9, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 56th Street between 11th Avenue and 17th Avenue) and consider **Resolution No. 2012-185**.
19. Conduct a public hearing on the Application submitted by Craig Bennett (Applicant) for Grand West, L.L.C. (Owner) for Planned District Development Plan Approval for a lumber yard development on property to be zoned District C-2/PD, Community Commercial/Planned Development Overlay District for property described as a tract of land being part of the North Half of the Northwest Quarter of Section 26, Township 9, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 56th Street between 11th Avenue and 17th Avenue) and consider **Resolution No. 2012-186**.

IV CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held September 25, 2012.
2. Approve the Claims.
3. Adopt **Resolution No. 2012-187** approving the Technical and Professional Services Contract between the City of Kearney and Miller & Associates as Project Administrator for Community Development Block Grant #11CR004.
4. 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 October 20, 2012 (alternate location is Exposition Building) from 6:00 p.m. until 1:00 a.m. for a dance.
5. 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 November 10, 2012 (alternate location is Exposition Building) from 6:00 p.m. until 1:00 a.m. for a dance.
6. Approve the Downtown Improvement Board recommendation on approving the request submitted by C.L.A.S.S. Act and the Kearney Public Schools Foundation to temporarily block off eight parking stalls in the northwest corner of the MONA parking lot along 25th

Street from 5:00 p.m. until 9:30 p.m. on November 27, 28, 29, December 4, 5, 6, 10, 11, 12, and 13, 2012 for the *Polar Express* fundraiser.

7. Adopt **Resolution No. 2012-188** continuing the Agreement between the City of Kearney and the law firm of Tye & Rademacher for legal services as City Attorney.
 8. Adopt **Resolution No. 2012-189** approve the Interlocal Agreement for Cooperative Public Safety Services by and among the Counties of Adams, Buffalo, Clay, Dawson, Franklin, Frontier, Gosper, Hall, Hamilton, Harlan, Kearney, Lincoln, Nuckolls, Phelps and Webster and the Cities and Villages within said Counties to form, operate and maintain a Planning, Exercise and Training Program.
 9. Accept the bids received for the Cemetery Irrigation Controller and award the bid to Turfwerks in the amount of \$36,350.51.
 10. 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 World Theatre, 2318 Central Avenue, on November 2, 2012 from 4:00 p.m. until 11:00 p.m. for a comedy show.
 11. 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 World Theatre, 2318 Central Avenue, on November 6, 2012 from 4:00 p.m. until 11:00 p.m. for a private party.
- * *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. 7751** creating Paving Improvement District No. 2012-953 for Avenue L from 65th Street Place north northeasterly to 66th Street Place.
2. Approve **Ordinance No. 7752** repealing Ordinance No. 7741 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.

VI REGULAR AGENDA

1. Open Account Claims: **NPPD - \$232.32.**

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