

# **KEARNEY CITY COUNCIL**

## **AGENDA**

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

**November 13, 2012**

**7:00 p.m.**

### **I ROUTINE BUSINESS**

1. Invocation by Pastor Laura Stubblefield from United Campus Ministry.
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 Applications submitted by Mitch Humphrey (Applicant) for Glen and Patricia Skeen (Owner) for (1) to vacate part of Lot 1, Cotton Mill Subdivision, a subdivision of the Southeast Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider **Ordinance No. 7755**; and (2) the Final Plat for Skeen Subdivision, Buffalo County, Nebraska for property described as a tract of land located in the Northwest Quarter of the Southeast Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and together with part of Lot 1 (to be vacated), Cotton Mill Subdivision, Buffalo County, Nebraska (west of Cottonmill Avenue across from Cottonmill Park's entrance) and consider **Resolution No. 2012-196**.
2. Conduct a public hearing on the Application submitted by Nick Johnson (Applicant) for Johnson Imperial Home Company (Owner) to rezone from District R-4, Urban Residential Multi-Family District (High Density) and District C-O, Office District to District C-2, Community Commercial District property described as the east 416.62 feet of Lot 1, Block 2, Windsor Estates 6th Addition; all of Lots 29, 30 and 31 of Block 3, Windsor Estates 7th Addition, all in the City of Kearney, Buffalo County, Nebraska (north of 42nd Street on the west side of 4th Avenue) and consider **Ordinance No. 7756**.
3. Conduct a public hearing on the Application submitted by Richard Stacy (Applicant) for Ted Franssen (Owner) for the Final Plat for Franssen Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of

the East Half of the Northwest Quarter of Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (8th Street and Avenue C) and consider **Resolution No. 2012-197**.

4. Conduct a public hearing on the Application submitted by Trenton Snow (Applicant) for Lawrence and Mary Bauer (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 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (8985 17th Avenue) and consider **Resolution No. 2012-198**.
5. Conduct a public hearing on the Application submitted by Trenton Snow (Applicant) for Lawrence and Mary Bauer (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 West Half of the Southwest Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (8985 17th Avenue) and consider **Ordinance No. 7757**.
6. Conduct a public hearing on the Application submitted by Trenton Snow (Applicant) for Lawrence and Mary Bauer (Owner) for the Final Plat for Bauer Acres, Buffalo County, Nebraska for property described as a tract of land being part of the West Half of the Southwest Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (8985 17th Avenue) and consider **Resolution No. 2012-199**.
7. Conduct a public hearing concerning an application to the Department of Economic Development for a Community Development Block Grant for community planning activities and consider **Resolution No. 2012-200**.

#### IV CONSENT AGENDA \*

1. Approve Minutes of Regular Meeting held October 23, 2012 and Minutes of Special Meeting held November 5, 2012.
2. Approve the Claims.
3. Adopt **Resolution No. 2012-201** approving the Developer Constructed Infrastructure Agreement between the City and Great Western Properties, LLC for the construction of a water main and fire hydrants to serve Great Western Second Addition.
4. Adopt **Resolution No. 2012-202** approving the Property Maintenance and Lease Agreement between the City of Kearney and Matt Anderson plant cover crop on property located at the southeast corner of 56th Street and Antelope Avenue.
5. Approve the application for a Special Designated License submitted by Zoul Hospitality LLC, dba Willman's Bottle Shop in connection with their Class CK-96496 liquor license to dispense beer, wine and distilled spirits inside the Great Platte River Archway located at 3060 East 1st Street on November 30, 2012 from 5:00 p.m. until 1:00 a.m. for a reception.
6. Adopt **Resolution No. 2012-203** approving the LPA – Consultant Professional Services Agreement between the City of Kearney, Nebraska Department of Roads and Miller &

Associates providing preliminary engineering services for the East Kearney Bypass; Utilities Relocations Phase 2.

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 at the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on December 6, 2012 from 4:00 p.m. until 12:00 a.m. for a banquet.
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 at the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on December 15, 2012 from 4:00 p.m. until 12:00 a.m. for a bull riding event.

\* *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. 7758** creating Paving Improvement District No. 2012-954 for 52nd Street from 3rd Avenue and terminating 761 feet west.
2. Approve **Ordinance No. 7759** creating Paving Improvement District No. 2012-955 for 3rd Avenue, a Road and Utility Easement, from the north line of 52nd Street to the north line of Oak Park Center and east in a Roadway and Utility Easement to the west line of 2nd Avenue.
3. Approve **Ordinance No. 7760** creating Paving Improvement District No. 2012-956 for 56th Street from 2nd Avenue west to 6th Avenue.
4. Approve **Ordinance No. 7761** creating Water District No. 2012-565 in 52nd Street from 3rd Avenue and terminating 761 feet west.
5. Approve **Ordinance No. 7762** creating Water District No. 2012-566 in a Road and Utility Easement in Lot 4, Oak Park Center lying between 2nd Avenue and 3rd Avenue.
6. Approve **Ordinance No. 7763** creating Water District No. 2012-567 in a 66-foot Road and Utility Easement from the south line of the intersection of 56th Street and 4th Avenue and terminating at a point 325 feet southeasterly.
7. Approve **Ordinance No. 7764** creating Sanitary Sewer District No. 2012-505 in a Roadway and Utility Easement beginning at a point 136 feet west of 2nd Avenue on the south line of 56th Street and southerly terminating at the south line of Lot 4, Oak Park Center.
8. Approve **Ordinance No. 7765** creating Sanitary Sewer District No. 2012-506 in a Roadway and Utility Easement beginning at the south line of the intersection of 56th Street and 4th Avenue and terminating at a point 325 feet southeasterly.

9. Approve **Ordinance No. 7766** amending Section 8-804 "Specific Limits" of Article 8 "Speed Limitations" of Chapter 8 "Police" of the Code of the City of Kearney to adjust the various speed limits on Avenue E, 30th Avenue, Avenue H, Avenue M, Avenue N, Central Avenue and Kea West Avenue; to amend Section 8-807 "School Crossings with Yellow Flashing Lights" of Article 8 "Speed Limitations" of Chapter 8 "Police" of the Code of the City of Kearney to remove the reference to Avenue N at 34th Street.
10. Approve **Ordinance No. 7767** creating Paving Improvement District No. 2012-957 for Emerald Drive and its extension beginning at the west line of Tahoe Drive and terminating at a point 250 feet east of the of the centerline of Ontario Road.
11. Approve **Ordinance No. 7768** creating Paving Improvement District No. 2012-958 for Ontario Road beginning at the south line of Emerald Drive and terminating at the north line of Huron Drive.
12. Approve **Ordinance No. 7769** creating Paving Improvement District No. 2012-959 for Winnipeg Road beginning at the south line of Emerald Drive and terminating at a point 293 feet southwesterly.
13. Approve **Ordinance No. 7770** creating Paving Improvement District No. 2012-960 for Tahoe Drive beginning at the south line of Emerald Drive and terminating at a point 241 feet southwesterly.
14. Approve **Ordinance No. 7771** creating Water District No. 2012-568 in Emerald Drive and its extension beginning at the East line of Winnipeg Road and terminating at a point 250 feet East of the centerline line of Ontario Road, and all of Ontario Road beginning at the south line of Emerald Drive and terminating at the north line of Huron Drive.
15. Approve **Ordinance No. 7772** creating Sanitary Sewer District No. 2012-507 in Emerald Drive and its extension beginning at the west line of Winnipeg Road and terminating at a point 250 feet east of the of the centerline of Ontario Road, and all of Ontario Road beginning at the south line of Emerald Drive and terminating 349 feet southerly.

## VI REGULAR AGENDA

1. Consider **Resolution No. 2012-204** calling for the redemption of the Bond Anticipation Notes, Series 2010 that mature December 15, 2012 and the Bond Anticipation Notes, Series 2011 that mature December 15, 2013.
2. Consider **Ordinance No. 7773** authorizing the issuance of General Obligation Various Purpose Bonds of the City of Kearney, Nebraska, in the principal amount of \$1,245,000 for the purpose of paying the costs of improving streets and intersections in Paving Improvement District Nos. 2010-938, 2010-939, 2010-940, 2010-941 and 2010-944; directing the application of the proceeds of said bonds; prescribing the form of said bonds; providing for the levy and collection of taxes to pay the same; providing for the sale of the bonds; authorizing the delivery of the bonds to the purchaser.
3. Consider the redevelopment project for Redevelopment Area #9 for an area described as a tract of land being Lot 3, Abood Second Addition, an addition to the City of Kearney,

Buffalo County, Nebraska, excepting therefrom that part of said Lot 3, more particularly described as follows: Beginning at the Northeast Corner of Lot 3, Abood Second Addition and assuming the East line of Lot 3 as bearing S00°55'06"E and all bearings contained herein are relative thereto; thence S00°55'06"E and on the East line of said Lot 3 a distance of 155.09 feet; thence leaving the East line of said Lot 3, S59°29'46"W a distance of 72.96 feet; thence N37°22'26"W a distance of 103.00 feet; thence N56°31'21"W a distance of 80.00 feet; thence N 67°39'40" W a distance of 154.92 feet; thence N01°11'08"W a distance of 72.63 feet to a point on the Northerly line of said Lot 3; thence S89°04'54"E on the Northerly line of said Lot 3 a distance of 187.31 feet; thence S00°55'06"W and continuing on the Northerly line of said Lot 3 a distance of 60.00 feet; thence S89°04'54"E and continuing on the Northerly line of said Lot 3 a distance of 148.12 feet to the place of beginning, TOGETHER WITH Lot 1, Bober Addition, an addition to the City of Kearney, Buffalo County, Nebraska (1140 East 1st Street, north of East 1st Street and west of Avenue M) and adopt **Resolution No. 2012-205**.

4. Consider **Resolution No. 2012-206** on the intent to annex into the City limits a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 6, Township 8 North, Range 15 West of the 6th P.M. Buffalo County, Nebraska (1300 East 11th Street) and to set the public hearing date for November 27, 2012 at 7:00 p.m.
5. Presentation by City Manager on the City of Kearney's accomplishments and looking into the future.
6. Open Account Claims: **None**.

## 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](http://www.cityofkearney.org)