

# **KEARNEY CITY COUNCIL**

## **AMENDED AGENDA**

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

**April 9, 2013**

**7:00 p.m.**

### **I ROUTINE BUSINESS**

1. Invocation/Moment of Silent Prayer.
2. Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Oral Communication:  
**Oath of Office to Police Officer Matthew Young**

### **II UNFINISHED BUSINESS**

None.

### **III PUBLIC HEARINGS**

1. **Postponed from March 26, 2013.** Conduct a public hearing on the Application submitted by Buffalo Surveying Corp. (Applicant) for Nancy Norwood (Owner) to rezone from District R-2, Urban Residential Mixed-Density District to District UC, Mixed Use Urban Corridor District property described as Lots 1, 2, 3, 4 of Block 29, Perkins & Harfords Addition to the City of Kearney, Buffalo County, Nebraska, excepting that part of said Lot 1 deeded to the State of Nebraska Department of Roads (202, 206, 208, 210 West 29th Street and 2824 2nd Avenue) and consider **Ordinance No. 7787**.
2. Conduct a public hearing on the Applications submitted by Stan Johnston (Applicant) for Baldwin Filters, Inc. (Owner) to (1) vacate property described as a tract of land comprised of Tract B, Midway Industrial District, a subdivision being part of the North Half of Section 33, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider **Ordinance No. 7795**; and (2) the Final Plat for Baldwin Subdivision of Buffalo County, Nebraska for property described as a tract of land comprised of Tract B, Midway Industrial District (to be vacated), and part of the North Half of Section 33, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (4400 East Highway 30) and consider **Resolution No. 2013-48**.
3. Conduct a public hearing on the Application submitted by Midland Molding (Applicant) for Wendell Dubbs (Owner) for Planned District Development Plan Approval for the

construction of offices/production/warehouse on property zoned District M-1/PD, Limited Industrial/Planned Development Overlay District for property described as Lot 1, Northeast Industrial Sixth Subdivision, a subdivision being part of the Northeast Quarter of the Northwest Quarter in Section 32, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (3209 East 39th Street) and consider **Resolution No. 2013-49**.

4. Conduct a public hearing on the Application submitted by Miller & Associates (Applicant) for Cash-Wa Distributing Co., Inc. (Owner) for Planned District Development Plan Approval for the construction of a freezer addition on property zoned District M-1/PD, Limited Industrial/Planned Development Overlay District for property described as Lot 1 of Block One, Cash-Wa Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska (615 West 4th Street) and consider **Resolution No. 2013-50**.
5. Conduct a public hearing on the Applications submitted by Buffalo Surveying Corp. (Applicant) for Camron, Inc. (Owner) to (1) vacate Lot 1 of Block One, Eastbrooke Thirteenth, an addition to the City of Kearney, Buffalo County, Nebraska and consider **Ordinance No. 7796**; and (2) to rezone from District AG, Agricultural District and District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District to District R-1, Urban Residential Single-Family (Low Density) District and District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District property described as Lot 1 of Block One, Eastbrooke Thirteenth, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated), and part of the Southeast Quarter of the Southwest Quarter of Section 19, and part of the East Half of the Southwest Quarter of Section 19, all located in Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (north of 56th Street along Eastbrooke Drive) and consider **Ordinance No. 7797**.
6. Conduct a public hearing on the Application submitted by Buffalo Surveying Corp. (Applicant) for Camron, Inc. (Owner) for the Final Plat and Subdivision Agreement for Eastbrooke Fourteenth, an addition to the City of Kearney, Buffalo County, Nebraska for property described as Lot 1 of Block One, Eastbrooke Thirteenth, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated), and part of the Southeast Quarter of the Southwest Quarter of Section 19, and part of the East Half of the Southwest Quarter of Section 19, all located in Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (north of 56th Street along Eastbrooke Drive) and consider **Resolution No. 2013-51**.
7. Conduct a public hearing on the Application submitted by Buffalo Surveying Corp. (Applicant) for Camron, Inc. (Owner) for the annexation of Eastbrooke Fourteenth, an addition to the City of Kearney, Buffalo County, Nebraska for property described as part of the Southeast Quarter of the Southwest Quarter of Section 19, and part of the East Half of the Southwest Quarter of Section 19, all located in Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (north of 56th Street along Eastbrooke Drive) and consider **Resolution No. 2013-52**.
8. Conduct a public hearing on the Application submitted by Buffalo Surveying Corp. (Applicant) for Camron, Inc. (Owner) for Planned District Development Plan Approval for the construction of a condominium development on property to be zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District for property

described as Lot 1 of Block One, Eastbrooke Thirteenth, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated), and part of the Southeast Quarter of the Southwest Quarter of Section 19, and part of the East Half of the Southwest Quarter of Section 19, all located in Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (north of 56th Street along Eastbrooke Drive) and consider **Resolution No. 2013-53**.

9. Conduct a public hearing on the proposed annexation of the following tracts of land to be included within the corporate limits:

TRACT 1.

Lot 1, Smith Addition, a subdivision located in the Southeast Quarter of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (5110 17th Avenue).

TRACT 2.

A tract of land located in the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: a point which is 987 feet north of the East Quarter corner of said Section 27 which is the point of beginning, thence west 596 feet parallel with the south line of said Northeast Quarter, thence north 208 feet, thence east 596 feet, thence south 208 feet along said east line to the place of beginning, all in Buffalo County, Nebraska (5120 17th Avenue).

TRACT 3.

Lot 1 of Block 2, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (5308 17th Avenue).

TRACT 4.

A tract of land being part of the Northeast Quarter of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: referring to the northeast corner of the Northeast Quarter of said Section 27; thence southerly on the east line of said Northeast Quarter a distance of 484.43 feet to the ACTUAL PLACE OF BEGINNING; thence continuing southerly on the aforescribed course a distance of 522.0 feet; thence westerly parallel with the north line of said Northeast Quarter a distance of 956.43 feet; thence northerly parallel with the east line of said Northeast Quarter a distance of 956.43 feet to a point on the south right-of-way line of 56th Street, said point also being 50.0 feet south of the north line of the Northeast Quarter of said Section; thence easterly on the aforesaid south right-of-way line of 56th Street and 50.0 feet southerly from and parallel with the north line of the Northeast Quarter of said Section a distance of 354.82 feet; thence southerly parallel with the east line of said Northeast Quarter a distance of 434.43 feet; thence easterly parallel with the north line of said Northeast Quarter a distance of 601.61 feet to the place of beginning, containing 15.99 acres, more or less, Buffalo County, Nebraska, (5410 17th Avenue).

TRACT 5.

Lot 1 and part of Lot 2, Block One, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, with that part of Lot 2 being more particularly described as follows: Referring to the southeast corner of Lot 1, Northridge Retirement Subdivision and assuming the east line of Lot 1 and Lot 2 of said Northridge Retirement Subdivision as bearing south and all bearings contained herein are relative thereto; thence south on the east line of said Lot 2 a distance of 25.00 feet;

thence S89°33'08"W and parallel with the north line of said Lot 1 a distance of 568.99 feet; thence north on a line being 17.29 feet westerly of as measured at right angles from the west line of said Lot 1 a distance of 459.49 feet to a point on the North line of said Lot 2; thence N89°33'08"E and on the north line of said Lot 2 a distance of 17.29 feet to the northwest corner of said Lot 1; thence south on the west line of said Lot 1 a distance of 434.43 feet to the southwest corner of said Lot 1; thence N89°33'08"E and on the south line of said Lot 1 a distance of 551.61 feet to the place of beginning, all in Buffalo County, Nebraska (5514 17th Avenue).

#### TRACT 6.

Lot 1 of Block One, Lots 1 and 2 of Block Two, and Outlot A, Spruce Hollow Estates Third, being part of the Southeast Quarter of Section 22, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (northwest corner of 56th Street and 17th Avenue).

#### TRACT 7.

Part of Lot 1, Bent Bar C Subdivision East, a subdivision being part of the Southwest Quarter of the Southeast Quarter and part of the Southeast Quarter of the Southwest Quarter and part of the Southwest Quarter of the Southeast Quarter all located in Section 22, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (2407 West 56th Street) and consider **Ordinance No. 7798**.

10. Conduct a public hearing on the proposed acquisition of the following in connection with the Kearney East Bypass from 11th Street to 56th Street: (1) Permanent Easement for berm purposes located in the South Half of Section 5, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; (2) Right-of-Way for a tract of land located in the South Half of the Southwest Quarter of Section 21, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; (3) Temporary Easement for drive construction purposes located in the Northwest Quarter and in the North Half of the Southwest Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; (4) Temporary Easement for culvert construction purposes located in the Northwest Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; (5) Temporary Easement for grading purposes located in the Northwest Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; (6) Temporary Easement for grading purposes located in the North Half of the Southwest Quarter of Section 21, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; (7) Temporary Easement land for culvert construction purposes located in the South Half of the Southwest Quarter of Section 21, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; and (8) Control of Access located in the Northwest Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider **Resolution No. 2013-54**.

### IV CONSENT AGENDA \*

1. Approve Minutes of Regular Meeting held March 26, 2013.
2. Approve the Claims.
3. Adopt **Resolution No. 2013-55** to declare the intent to issue tax-exempt bonds pertaining to the 2012 Part 6 Improvements; Phase 2 consisting of Paving Improvement District No. 2012-956 for 56th Street from 2nd Avenue west to 6th Avenue.

4. Approve the request submitted by Richard Stacy from Miller & Associates to extend the filing date until April 30, 2013 for filing the final plat and Subdivision Agreement for Franssen Addition.
5. Adopt **Resolution No. 2013-56** approving the revised meeting room policy at the Kearney Public Library.
6. 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 inside the KRave Underground located in the Kaufmann Center, 2202 Central Avenue on May 4, 2013 from 3:00 p.m. until 7:00 p.m. for a reception.
7. Approve the application for a Special Designated License submitted by Kearney Investment Corp., dba Holiday Inn in connection with their Class CK-17964 catering liquor license to dispense beer, wine and distilled spirits in the Training Room located at the Platte Valley State Bank, 2223 1st Avenue on May 23, 2013 from 5:00 p.m. until 8:00 p.m. for Business After Hours event.
8. Adopt **Resolution No. 2013-57** accepting the bids received for the 2013 Part 6 Improvements; Cemetery Paving and award the bid to GD Concrete Construction in the amount of \$34,075.00.
9. Approve the application for a Special Designated License submitted by McFarland Family Farms LLC, dba Mac's Creek Vineyards & Winery in connection with their Class YK-056229 catering liquor license to dispense wine at Earl May Nursery and Garden Center located at 320 West 4th Street on April 25, 2013 from 3:00 p.m. until 7:00 p.m. for a sampling/tasting.
10. Approve the recommendation from the Downtown Improvement Board for the temporary closing of 23rd Street from 1st Avenue to Avenue A, including the intersection at Central Avenue and 23rd Street, on May 23, 30, June 6, 13, 20, 27, July 2, 11, 18, 25, August 1, 8, 15, 22, 29, September 5, 12, 19, 26, October 3, 10 from 3:00 p.m. until 10:00 p.m. to conduct MarketPlace.
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 in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N on May 4, 2013 from 3:00 p.m. until 12:00 a.m. for a reception.

\* ***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 the manager application for Steven Young submitted by Pair-A-Dice Properties VII, Inc., dba Country Inn & Suites in connection with their Class I-086142 liquor license and located at 105 Talmadge Road.
2. Consider **Resolution No. 2013-58** authorizing the City of Kearney to join with NPPD as a co-applicant to the Nebraska Power Review Board for an amendment to NPPD's retail service area which comprises the City to include the annexed land described as a tract of land being Lot 1, Gary Addition, a subdivision being part of the Southwest Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east of the intersection of Avenue N and 65th Street).
3. Open Account Claims: **NPPD - \$6,886.43, Stanley Clouse - \$446.84.**

## VII REPORTS

## VIII ADJOURN

Mayor Stanley Clouse  
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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)

### **ADDENDUM NO. 1**

## IV CONSENT AGENDA \*

12. Adopt **Resolution No. 2013-59** approving the application to the Nebraska Crime Commission Victim Assistance, Victims of Crime Act and State Victim Assistance Funds grant in the amount of \$47,798.00.