

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

August 13, 2013

7:00 p.m.

I ROUTINE BUSINESS

1. Invocation/Moment of Silence.
2. Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Oral Communication – Recognition of visitors.
 - Recognize Marilyn Lammers, Outgoing Member of the Board of Adjustment; John Roschewski, Outgoing Member of the Downtown Improvement Board; Alex Straatmann, Outgoing Member of the Golf Advisory Board; and Steve Homan, Outgoing Member of the Planning Commission.

II UNFINISHED BUSINESS

None.

III PUBLIC HEARINGS

1. **Postponed July 23, 2013.** Conduct a public hearing on the Applications submitted by Olsson Associates (Applicant) for U.S. Bank National Association (Owner) for (1) to vacate Lots 115, 116 and the south 32 feet of Lot 117, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska and consider **Ordinance No. 7819**; and (2) the Final Plat for U.S. Bank Subdivision to the City of Kearney, Buffalo County, Nebraska for property described as Lots 115, 116 and the south 32 feet of Lot 117, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska (northeast corner of 1st Avenue and 22nd Street) and consider **Resolution No. 2013-132**.
2. Conduct a public hearing on the Application submitted by Kearney Area Habitat for Humanity (Applicant) and Joseph Sobotka, Richard and Gwendolyn Luth (Owner) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Mixed Use 2 to Low Density Residential property described as Lots 1 and 2, Luth and Sobotka Industrial Park, a subdivision to the City of Kearney, Buffalo County, Nebraska (east of Avenue M and 17th Street) and consider **Resolution No. 2013-140**.

3. Conduct a public hearing on the Application submitted by Kearney Area Habitat for Humanity (Applicant) and Joseph Sobotka, Richard and Gwendolyn Luth (Owner) to rezone from District M-1, Limited Industrial District to District R-1, Urban Residential Single-Family District (Low Density) property described as Lots 1 and 2, Luth and Sobotka Industrial Park, a subdivision to the City of Kearney, Buffalo County, Nebraska (east of Avenue M and 17th Street) and consider **Ordinance No. 7823**.
4. **Postponed until August 27, 2013.** Conduct a public hearing on the Applications submitted by Buffalo Surveying (Applicant) for Marvin Taylor and Bryan and Susan Slater (Owner) to (1) vacate property described as Lots 4 through 12, inclusive, Lots 63 through 71, inclusive, Lots 78 through 86, inclusive, Lots 137 through 145, inclusive, Lots 152 through 160, inclusive, and Lot 267, all in Cottage Addition to the City of Kearney, Buffalo County, Nebraska, together with part of Lot 1, Rainbow Acres Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider **Ordinance No. 7824**; and (2) the Final Plat and Subdivision Agreement for Taylor Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as Lots 4 through 12, inclusive, Lots 63 through 71, inclusive, Lots 78 through 86, inclusive, Lots 137 through 145, inclusive, Lots 152 through 160, inclusive, and Lot 267, all in Cottage Addition to the City of Kearney, Buffalo County, Nebraska, together with that part of Lot 1, Rainbow Acres Addition, an addition to the City of Kearney, Buffalo County, Nebraska (south of 16th Street and Avenue M) and consider **Resolution No. 2013-141**.
5. Conduct a public hearing on the Application submitted by Trenton Snow (Applicant) for Glen and Diane Miller (Owner) for the Final Plat for Northgate Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Northwest Quarter of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (east side of 2nd Avenue, west of Menards) and consider **Resolution No. 2013-142**.
6. Conduct a public hearing on the Application submitted by Trenton Snow (Applicant) for Glen and Diane Miller (Owner) for the annexation of Northgate Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Northwest Quarter of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (east side of 2nd Avenue, west of Menards) and consider **Resolution No. 2013-143**.
7. Conduct a public hearing on the Application submitted by Miller & Associates (Applicant) for Cottonwood Veterinary Clinic (Owner) to rezone from District C-2/PD, Community Commercial/Planned Development Overlay District to District C-3/PD, General Commercial/Planned Development Overlay District property described as Lot 2 of Block Two, North Acre Fifth, an addition to the City of Kearney, Buffalo County, Nebraska (5904 2nd Avenue) and consider **Ordinance No. 7825**.
8. Conduct a public hearing on the Application submitted by BD Construction (Applicant) for Cottonwood Veterinary Clinic (Owner) for Revised Planned District Development Plan Approval for the construction of a new boarding facility on property to be zoned to District C-3/PD, General Commercial/Planned Development Overlay District on property described as Lot 2 of Block Two, North Acre Fifth, an addition to the City of Kearney, Buffalo County, Nebraska (5904 2nd Avenue) and consider **Resolution No. 2013-144**.

9. Conduct a public hearing on the Application submitted by Miller & Associates (Applicant) for Cottonwood Veterinary Clinic (Owner) for a Conditional Use Permit to locate a kennel within a boarding facility on property to be zoned District C-3/PD, General Commercial/Planned Development Overlay District and described as Lot 2 of Block Two, North Acre Fifth, an addition to the City of Kearney, Buffalo County, Nebraska (5904 2nd Avenue) and consider **Ordinance No. 7826**.
10. Conduct a public hearing on the Application submitted by Miller & Associates (Applicant) and Kelly Rapp and Laureen Striker-Rapp (Owner) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Low Density Residential to Medium Density Residential property described as Lots 1, 2, 3, 4 of Block One, Park View Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (south of 11th Street, east of 15th Avenue) and consider **Resolution No. 2013-145**.
11. Conduct a public hearing on the Application submitted by Miller & Associates (Applicant) for Kelly Rapp and Laureen Striker-Rapp (Owner) to rezone from District R-1, Urban Residential Single-Family District (Low Density) to District R-2, Urban Residential Mixed-Density District property described as Lots 1, 2, 3, 4 of Block One, Park View Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (south of 11th Street, east of 15th Avenue) and consider **Ordinance No. 7827**.

IV CONSENT AGENDA *

1. Approve Minutes of Special Meeting held July 17, 2013 and Minutes of Regular Meeting held July 23, 2013.
2. Approve the Claims.
3. Adopt **Resolution No. 2013-146** approving Change Order No. 1 showing an increase in the amount of \$1,250.00, Application and Certificate for Payment No. 1-Final in the amount of \$35,325.00, and accept the Certificate of Substantial Completion submitted by GD Concrete Construction and approved by Miller & Associates for the 2013 Part 6 Improvements; Cemetery Road Improvements.
4. Adopt **Resolution No. 2013-147** amending the Contingent Fee Auditing Agreement between the City of Kearney and Allixa Consulting, Inc. to expand the list of companies that would be subject to the audit of telecommunication occupation taxes.
5. Adopt **Resolution No. 2013-148** accepting the water main with a fire hydrant infrastructure constructed for Lot 2 of Block Three, Windsor Estates Seventh Addition (412 West 48th Street).
6. Approve the Plans and Specifications for the 2013 Part 3 Improvements consisting of 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; 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; 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; 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; 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; 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 and set the bid opening date for September 3, 2013 at 2:00 p.m.

7. Adopt **Resolution No. 2013-149** accepting the bids received for the 2013 Part 1 Improvements consisting of Paving Improvement District No. 2012-962, Water District No. 2013-570, Sanitary Sewer District No. 2013-508 for 50th Street from 11th Avenue to 17th Avenue, 51st Street Place from 15th Avenue Place to 16th Avenue Place, all of 14th Avenue Place, all of 15th Avenue Place, all of 16th Avenue Place, all of Loveland Drive all in Fountain Hills Fifth Addition, 11th Avenue from 48th Street north to the north lot line of Lot 10 of Block 3, Fountain Hills Third Addition; Sanitary Sewer Connection District No. 2013-1 beginning at the intersection of the centerlines of 16th Avenue Place and 51st Street Place as platted in Fountain Hills Fifth Addition west to the west line of 17th Avenue, thence north to the northeast corner of Lot 1, Smith Addition; and Sanitary Sewer Connection District No. 2013-2 in a sanitary sewer easement located in part of Outlot A, Fountain Hills Sixth Addition; and part of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; and 11th Avenue as platted in Fountain Hills Second Addition and award the bid to Midlands Contracting in the amount of \$141,528.00 for Bid A (water and sanitary sewer) and to Paulsen Inc. in the amount of \$1,327,913.75 for Bid B (paving).
8. Adopt **Resolution No. 2013-150** accepting the bids received for the 2013 Part 4 Improvements consisting of Paving Improvement District No. 2013-963, Sanitary Sewer District No. 2013-509 for Talmadge Street from the west line of 6th Avenue west a distance of 532.09 feet and for 6th Avenue from the north line of Talmadge Street north a distance of 366.09 feet, Water District No. 2013-572 in Talmadge Street from the west line of 6th Avenue west a distance of 532.09 feet and award the bid to Dan Roeder Concrete in the amount of \$477,203.80.
9. Adopt **Resolution No. 2013-151** approving Change Order No. 1 showing an increase in the amount of \$65,990.00 submitted by JIL Asphalt for the 2013 Airport Asphalt Pavement Improvements.
10. Approve the recommendation from the Development Services Division on the annual renewal of the following manufactured home court licenses until May 31, 2014:
 - Cornhusker Mobile Home Park**, 1115 Avenue C
 - Cottonmill Mobile Home Court**, 3635 Cottonmill Avenue
 - East Lawn Mobile Homes Estates**, 2900, 3010 Grand Avenue
 - Schnase Trailer Court**, 1284 62nd Avenue
 - Sunset View Mobile Home Court**, 4664 West Highway 30
 - Valley View Mobile Home Court**, 2701 Grand Avenue
 - Westside Trailer Court**, 1282 62nd Avenue

11. Adopt **Resolution No. 2013-152** accepting the proposals received for the Wildlife Hazard Assessment for the Kearney Regional Airport and award the bid to Gander Island Consulting Services from Aberdeen, South Dakota in the amount of \$61,850 subject to approval by the F.A.A. and the Nebraska Department of Aeronautics.
12. 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 at The World Theatre located at 2318 Central Avenue on September 1, 2013 from 6:00 p.m. until 11:00 p.m. for a reception.
13. 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 at Alumni House located at 2222 9th Avenue on September 13, 2013 from 6:30 p.m. until 11:00 p.m. for a reception.
14. Approve the Plans and Specifications for the 2013 Part 11 Improvements consisting of Water District No. 2013-571 in Box Butte Avenue from 39th Street south to the south line of Northeast Industrial Second Subdivision and Northeast Industrial Sixth Subdivision and paving said street.
15. Adopt **Resolution No. 2013-153** renewing the Water Tower Lease between the City of Kearney and Cabela's.

* *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. 7828** approving the Application submitted by Chris Preble (Applicant) for Chris Preble, Don Schroer, and City of Kearney (Owner) to vacate all that part of Avenue "R" from the north line of 34th Street north to the easterly right-of-way line of the Omaha and Republican Valley Railroad now the Union Pacific Railroad; AND all that part of 35th Street from the east line of Avenue "R" east to the centerline of Avenue "S"; AND all that part of the west half of Avenue "S" from the north line of 35th Street north to the south line of 36th Street (now vacated), all located in the City of Kearney, Buffalo County, Nebraska (1712 East 34th Street).
2. Approve **Ordinance No. 7829** approving the Application submitted by Buffalo Surveying (Applicant) for Ridge View Apartments (Owner) to vacate a strip of land being 20.0 feet in width being part of Lot 1 and part of Lot 2, Block 1, Northridge Retirement Subdivision (1714 West 56th Street).
3. Approve **Ordinance No. 7814A** amending the legal description for Paving Improvement District No. 2013-963 for Talmadge Street from the west line of 6th Avenue west a distance of 532.09 feet and for 6th Avenue from the north line of Talmadge Street north a distance of 366.09 feet.

4. Approve **Ordinance No. 7815A** amending the legal description for Water District No. 2013-572 in Talmadge Street from the west line of 6th Avenue west a distance of 532.09 feet.
5. Approve **Ordinance No. 7816A** amending the legal description for Sanitary Sewer District No. 2013-509 in Talmadge Street from the west line of 6th Avenue west a distance of 532.09 feet and for 6th Avenue from the north line of Talmadge Street north a distance of 366.09 feet.

VI REGULAR AGENDA

1. **Postponed July 23, 2013.** Consider the manager application for Glyn Lacy submitted by Kearney BBQ Co., dba Skeeter Barnes in connection with their Class I-55865 liquor license located at 516 2nd Avenue South.
2. Open Account Claims: **NPPD - \$108,232.98**

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