

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

October 8, 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
 - **Proclamation for Fire Prevention Week**

II UNFINISHED BUSINESS

None.

III PUBLIC HEARINGS

1. **Postponed September 10, 2013.** Conduct a public hearing on the Application submitted by Buffalo Surveying (Applicant) for D.R. and Marilyn Nelson and Jim and Pamela Wilkinson (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 Northeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska excepting therefrom a tract of land conveyed to Buffalo County, Nebraska as described in Warranty Deed filed at Instrument No. 1999-7128 recorded September 1, 1999 in the Office of the Buffalo County Register of Deeds (1/2 mile east of Cottonmill Avenue and 56th Street) and consider **Ordinance No. 7830.**
2. **Postponed September 10, 2013.** Conduct a public hearing on the Application submitted by Buffalo Surveying (Applicant) for D.R. and Marilyn Nelson and Jim and Pamela Wilkinson (Owner) for the Final Plat and Subdivision Agreement for D. R. Nelson Subdivision, Buffalo County Nebraska, for property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska excepting therefrom a tract of land conveyed to Buffalo County, Nebraska as described in Warranty Deed filed at Instrument No. 1999-7128 recorded September 1, 1999 in the Office of the Buffalo County Register of Deeds (1/2 mile east of Cottonmill Avenue and 56th Street) and consider **Resolution No. 2013-170.**

3. Conduct a public hearing on the Application submitted by Roger and Ann Overleese for Morton Buildings, Inc. (Applicant) and Sixth Street Development, LLC (Owner) for a Conditional Use Permit to store corn and soybean seed in one-half of the building and the other one-half of the building will be rented out for camper storage on property zoned District M-1, Limited Industrial District and described as Lot 4 of Block One, Sixth Street Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska (412 East 6th Street) and to consider **Ordinance No. 7843**.
4. 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 a tract of land located in part of the Northwest Quarter of the Northwest Quarter of Section 11 and part of the Southwest Quarter of the Southwest Quarter of Section 2, all in Township 8 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (south of 11th Street west of 16th Avenue) and consider **Resolution No. 2013-194**.
5. Conduct a public hearing on the Application submitted by Miller & Associates (Applicant) and Kelly Rapp and Laureen Striker-Rapp (Owner) to rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) and District R-2, Urban Residential Mixed-Density District property described as a tract of land located in part of the Northwest Quarter of the Northwest Quarter of Section 11 and part of the Southwest Quarter of the Southwest Quarter of Section 2, all in Township 8 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (south of 11th Street west of 16th Avenue) and to consider **Ordinance No. 7844**.
6. Conduct a public hearing on the Application submitted by Miller & Associates (Applicant) and Kelly Rapp and Laureen Striker-Rapp (Owner) for the Final Plat for Park View Estates Sixth Addition, an addition to the City of Kearney, Buffalo County Nebraska, for property described as a tract of land located in part of the Northwest Quarter of the Northwest Quarter of Section 11 and part of the Southwest Quarter of the Southwest Quarter of Section 2, all in Township 8 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (south of 11th Street west of 16th Avenue) and consider **Resolution No. 2013-195**.
7. Conduct a public hearing on the Application submitted by Miller & Associates (Applicant) and Kelly Rapp and Laureen Striker-Rapp (Owner) for the annexation of Park View Estates Sixth Addition, an addition to the City of Kearney, Buffalo County Nebraska, for property described as a tract of land located in part of the Northwest Quarter of the Northwest Quarter of Section 11 and part of the Southwest Quarter of the Southwest Quarter of Section 2, all in Township 8 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (south of 11th Street west of 16th Avenue) and consider **Resolution No. 2013-196**.
8. Conduct a public hearing on the Application submitted by American Tower Corporation (Owner) and Commnet Wireless (Applicant) for a Conditional Use Permit as provided in Paragraph H of Section 46-110 "Telecommunications Towers" of Chapter 46 "Supplemental Use Regulations" of the City Code to co-locate telecommunications

equipment for wireless communications on property zoned District M-1, Limited Industrial District and described as part of Lot 4, Brown's Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska (1904 Avenue B) and to consider **Ordinance No. 7845**.

9. Conduct a public hearing on the Application submitted by Global Tower Partners (Owner) and Commnet Wireless (Applicant) for a Conditional Use Permit as provided in Paragraph H of Section 46-110 "Telecommunications Towers" of Chapter 46 "Supplemental Use Regulations" of the City Code to co-locate telecommunications equipment for wireless communications on property zoned District AG, Agricultural District and described as Lots 3, 4, 5 and 6 located in the South Half of Section 7, Township 8, Range 15, Center Township, Buffalo County, Nebraska, together with all accretions thereunto and belonging, subject to a strip of land 17 feet wide on the west side of Lot 3 deeded to the City of Kearney in Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, lying north of the North Bank of the North Channel of the Platte River (905 Avenue M) and to consider **Ordinance No. 7846**.
10. Conduct a public hearing on for the Council to meet as the Board of Equalization to determine a connection fee in the amount of special benefits accruing to the property in Water Connection District No. 2011-1 and Sanitary Sewer Connection District No. 2011-1 and consider **Resolution No. 2013-197**.

IV CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held September 24, 2013.
2. Approve the Claims.
3. Adopt **Resolution No. 2013-198** canceling special assessments levied against 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 and to remove the said record and assessment schedule from the active files of the City of Kearney.
4. 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 December 5, 2013 from 3:00 p.m. until 12:00 a.m. for a dance.
5. Adopt **Resolution No. 2013-199** accepting the Certificate of Substantial Completion submitted by Sorensen Group, Inc. and approved by Miller & Associates for the 2012 Part 7 Improvements; East I-80 Welcome Sign.

* *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 Application submitted by Jeffrey Smaha and Gary Willhoit to vacate 165.7 feet of Glenwood Drive as it abuts Lots 25 and 26, Block 1, Glenwood Estates (#12 and #13 Birchwood Place) and to consider **Ordinance No. 7847**.
2. Consider the manager application for Margaret Stine submitted by RMH Franchise Corporation, dba Applebee's Neighborhood Grill & Bar in connection with their Class IK-101513 liquor license located at 5605 2nd Avenue.
3. Open Account Claim to NPPD in the amount of \$4,876.70.

VII REPORTS

1. Brief presentation on Pictometry program.
2. Sales Tax Update.

VIII ADJOURN

Mayor Stanley Clouse
 4907 Linden Drive Place
 627-6730 cell
 238-5210 office
mayor@kearneygov.org

Vice-President Randy Buschkoetter
 1110 13th Avenue
 234-5553 home
 440-0358 cell
citycouncil@kearneygov.org

Council Member Bruce Lear
 4803 Avenue L Place
 234-5354 home
 237-2724 office
citycouncil@kearneygov.org

Council Member Bob Lammers
 8 Crestview Place
 236-5273 home
 234-2577 office
citycouncil@kearneygov.org

Council Member Jonathan Nikkila
 4 Regency Place
 224-4309 cell
citycouncil@kearneygov.org

City Manager Michael Morgan
 18 East 22nd Street
 233-3214 office
mmorgan@kearneygov.org

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