

# **KEARNEY CITY COUNCIL**

## **AGENDA**

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

**November 12, 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.

### **II UNFINISHED BUSINESS**

None.

### **III PUBLIC HEARINGS**

1. Conduct a public hearing on the Applications submitted by Buffalo Surveying (Applicant) for BG Ventures, LLC, a Nebraska Limited Liability Company (Owner): (1) to vacate the south 155 feet of the north 279.83 feet of Lot 4, A. Collins Subdivision to the City of Kearney, Buffalo County, Nebraska, and located in the South Half of the Northwest Quarter of Section 12, Township 8 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska and consider **Ordinance No. 7849**; and (2) the Final Plat and Subdivision Agreement for BG Addition, an addition to the City of Kearney, Buffalo County Nebraska, for property described as the south 155 feet of the north 279.83 feet of Lot 4, A. Collins Subdivision to the City of Kearney, Buffalo County, Nebraska, with the aforescribed part of A. Collins Subdivision (to be vacated) and located in the South Half of the Northwest Quarter of Section 12, Township 8 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (east of Central Avenue and north of 4th Street) and consider **Resolution No. 2013-206**.
2. Conduct a public hearing on the Application submitted by Marlo Johnson (Applicant and Owner) to rezone from District C-2, Community Commercial District to District C-3, General Commercial District property described as a tract of land being part of Government Lot 6 and part of Government Lot 7 located in Fractional Section 13, Township 8 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (south of East 1st Street and north of I-80) and consider **Ordinance No. 7850**.

3. Conduct a public hearing on the Application submitted by Buffalo Surveying (Applicant) for Marlo Johnson (Owner) for the Final Plat for Johnson Commercial Second Addition, an addition to the City of Kearney, Buffalo County Nebraska, for property described as a tract of land being part of Government Lot 6 and part of Government Lot 7 located in Fractional Section 13, Township 8 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (550 feet east of Central Avenue and East 1st Street) and consider **Resolution No. 2013-207**.
4. Conduct a public hearing on the Application submitted by Buffalo Surveying (Applicant) for TWL, LLC, a Nebraska Limited Liability Company (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 being part of the North Half of the Northeast Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (west of 67th Street and Avenue L) and consider **Ordinance No. 7851**.
5. Conduct a public hearing on the Application submitted by Buffalo Surveying (Applicant) for TWL, LLC, a Nebraska Limited Liability Company (Owner) for the Final Plat and Subdivision Agreement for Remington Heights Second 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 Northeast Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (west of 67th Street and Avenue L and north of City's detention cell) and consider **Resolution No. 2013-208**.
6. Conduct a public hearing on the Application submitted by Buffalo Surveying (Applicant) for TWL, LLC, a Nebraska Limited Liability Company (Owner) for the annexation of Remington Heights Second 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 Northeast Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (west of 67th Street and Avenue L and north of City's detention cell) and consider **Resolution No. 2013-209**.
7. Conduct a public hearing on the Application submitted by Buffalo Surveying (Applicant) for Roberta Corrigan, Trustee of the Leroy Corrigan Trust and Roberta Corrigan, General Partner of the Roberta Corrigan Farm, a Limited Partnership (Owner) to rezone from District AG, Agricultural District to District C-2, Community Commercial District property described as a tract of land being part of the South Half of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (west of Parklane Drive and 56th Street) and consider **Ordinance No. 7852**.
8. Conduct a public hearing on the Application submitted by Buffalo Surveying (Applicant) for Roberta Corrigan, Trustee of the Leroy Corrigan Trust and Roberta Corrigan, General Partner of the Roberta Corrigan Farm, a Limited Partnership (Owner) for the Final Plat and Subdivision Agreement for Ingalls Crossing Sixth Addition, an addition to the City of Kearney, Buffalo County Nebraska, for property described as a tract of land being part of the South Half of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (west of Parklane Drive and 56th Street) and consider **Resolution No. 2013-210**.

9. Conduct a public hearing on the Application submitted by Buffalo Surveying (Applicant) for Roberta Corrigan, Trustee of the Leroy Corrigan Trust and Roberta Corrigan, General Partner of the Roberta Corrigan Farm, a Limited Partnership (Owner) for the annexation of Ingalls Crossing Sixth Addition, an addition to the City of Kearney, Buffalo County Nebraska, for property described as a tract of land being part of the South Half of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (west of Parklane Drive and 56th Street) and consider **Resolution No. 2013-211**.
10. Conduct a public hearing on the Applications submitted by Miller & Associates (Applicant) for Grand West LLC, a Nebraska Limited Liability Company (Owner): (1) to vacate Lots 1 and 2 of Block One, Fountain Hills Second Addition to the City of Kearney, Buffalo County, Nebraska and consider **Ordinance No. 7853**; and (2) to rezone from District AG, Agricultural District and District C-2, Community Commercial District to District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (south of 56th Street and east of 11th Avenue) and consider **Ordinance No. 7854**.
11. Conduct a public hearing on the Application submitted by Miller & Associates (Applicant) for Grand West LLC, a Nebraska Limited Liability Company (Owner) for the Final Plat and Subdivision Agreement for Fountain Hills Seventh Addition, an addition to the City of Kearney, Buffalo County Nebraska, for property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (south of 56th Street and east of 11th Avenue) and consider **Resolution No. 2013-212**.
12. Conduct a public hearing on the Application submitted by Miller & Associates (Applicant) for Grand West LLC, a Nebraska Limited Liability Company (Owner) for the annexation of Fountain Hills Seventh Addition, an addition to the City of Kearney, Buffalo County Nebraska, for property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (south of 56th Street and east of 11th Avenue) and consider **Resolution No. 2013-213**.
13. Conduct a public hearing on the Application submitted by Miller & Associates (Applicant) for Grand West LLC, a Nebraska Limited Liability Company (Owner) for Planned District Development Plan Approval for an apartment complex on property to be zoned District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District on property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (south of 56th Street and east of 11th Avenue) and consider **Resolution No. 2013-214**.
14. Conduct a public hearing on the Application submitted by U.S. Cellular and Commnet Wireless 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 part of the Northwest

Quarter of the Northwest Quarter and the north five acres of the Southwest Quarter of the Northwest Quarter all located in Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska lying west of the railroad tracks (1711 East 39th Street) and to consider **Ordinance No. 7855**.

#### IV CONSENT AGENDA \*

1. Approve Minutes of Regular Meeting held October 22, 2013.
2. Approve the Claims.
3. Adopt **Resolution No. 2013-215** rescheduling the regular Council meeting scheduled for December 24, 2013 at 7:00 p.m. to December 23, 2013 at 4:00 p.m. as required by Section 1-210 of the Kearney City Code.
4. Adopt **Resolution No. 2013-216** to designate and appoint the Assistant City Manager as the ADA Coordinator for the City of Kearney and repeal Resolution Nos. 2008-20 and 2010-51.
5. Adopt **Resolution No. 2013-217** approving the recommendation from the Advisory Board of Park & Recreation Commissioners to establish a Tobacco Free Courtesy Rule for City Park and Recreation Properties.
6. Adopt **Resolution No. 2013-218** accepting the increased award from the Department of Economic Development for the Supplemental Funds of the Community Revitalization program for the Central Avenue Paving Project from 26th Street to 31st Street.

\* *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. Adopt **Ordinance No. 7856** authorizing the issuance of Combined Utilities Revenue Bond of the City of Kearney, Nebraska, in the principal amount of \$2,000,000 for the purpose of paying the costs of improvements to the City's water system; authorizing the issuance of said bond in the form of a promissory note to evidence a loan from the Nebraska Department of Environmental Quality; approving the execution and delivery of a loan contract with the Nebraska Department of Environmental Quality; approving related documents with respect to said loan; prescribing the form, terms and details of said bond; pledging and hypothecating the revenue and earnings of the waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system of said City for the payment of said bond and interest thereon; providing for the collection, segregation and application of the revenues of the City's waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system; approving execution of related documents; entering into a contract on behalf of the City with the holder of said bond; determining that interest on said bond shall not be excludable from gross income for purposes of federal income taxation.

## VI REGULAR AGENDA

1. Open Account Claims to NPPD - \$83,940.05 and Stan Clouse - \$531.47.

## VII REPORTS

## VIII ADJOURN

Mayor Stanley Clouse  
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Vice-President Randy Buschkoetter  
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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)