

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

May 12, 2015

5:30 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. **Postpone until May 26, 2015.** Conduct a public hearing on the Applications submitted by Miller & Associates for DT Development and First Baptist Church of Kearney: (1) to vacate part of Lot 1, Spruce Hollow Estates Fourth Addition, part of Outlot B, Lots 1 and 2 of Block Four, Spruce Hollow Estates Fifth Addition, additions to the City of Kearney, Buffalo County, Nebraska and consider **Ordinance No. 7989**; and vacate an easement being part of Lot 1, Spruce Hollow Estates Fourth Addition, part of Outlot B, part of Lots 1 and 2 of Block Four, Spruce Hollow Estates Fifth Addition, additions to the City of Kearney, Buffalo County, Nebraska and consider **Ordinance No. 7990**; (2) to rezone from District R-1, Urban Residential Single-Family District (Low Density) and District R-2, Urban Residential Mixed-Density District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District property described as a tract of land being Lot 1, Spruce Hollow Estates Fourth Addition to the City of Kearney, Buffalo County, Nebraska (east of 11th Avenue between West 57th Street Place and West 58th Street) and consider **Ordinance No. 7991**.
2. **Postpone until May 26, 2015.** Conduct a public hearing on the Application submitted by Miller & Associates for DT Development, Inc. for the Final Plat and Subdivision Agreement for Spruce Hollow Estates Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (east of 11th Avenue between West 57th Street Place and West 58th Street) and consider **Resolution No. 2015-82**.

3. **Postpone until May 26, 2015.** Conduct a public hearing on the Application submitted by Miller & Associates for DT Development, Inc. for Planned District Development Plan Approval to construct 15 single family condominium dwelling units on property to be zoned R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a tract of land being part of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (east of 11th Avenue between West 57th Street Place and west of 58th Street) and consider **Resolution No. 2015-83.**
4. Conduct a public hearing on the Application submitted by Kappas Enterprises and Werner Construction, Inc. to amend Conditional Use Permit No. 2014-07 to include the operation of a construction batch plant for the Cherry Avenue Bypass project (Phases 2 and 3) on property zoned District AG, Agricultural District and described as being part of Government Lots 1, 2, 3 and 4 in Section 9, Township 8 North, Range 15 West of the 6th P.M., all in Buffalo County, Nebraska (east of Cherry Avenue $\frac{3}{4}$ mile north of the bypass) and consider **Ordinance No. 7964A.**
5. Conduct a public hearing on the Application submitted by Hope Evangelical Free Church for Planned District Development Plan Approval to construct a classroom and office addition on property zoned M-1/PD, Limited Industrial/Planned Development Overlay District and described as Lots 155, 156, 157 together with the vacated east 17 feet of Avenue C and together with the vacated north half of 9th Street, all in South Kearney Addition to the City of Kearney, Buffalo County, Nebraska (907 Avenue C) and consider **Resolution No. 2015-91.**
6. Conduct a public hearing on the Application submitted by Buffalo Surveying for Camron, Inc. for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Mixed Use 1 and Medium Density Residential to Low Density Residential property described as a tract of land being part of the East Half of the Southwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east and north of Eastbrooke Drive and 58th Street) and consider **Resolution No. 2015-92.**
7. Conduct a public hearing on the Application submitted by Buffalo Surveying for Camron, Inc. to rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) property described as a tract of land being part of the East Half of the Southwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east and north of Eastbrooke Drive and 58th Street) and consider **Ordinance No. 7993.**
8. Conduct a public hearing on the Application submitted by Buffalo Surveying for Camron, Inc. for the Final Plat and Subdivision Agreement for Eastbrooke Fifteenth, 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 Southwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east and north of Eastbrooke Drive and 58th Street) and consider **Resolution No. 2015-93.**
9. Conduct a public hearing on the Application submitted by Buffalo Surveying for Camron, Inc. for the annexation of Eastbrooke Fifteenth, 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 Southwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east and north of Eastbrooke Drive and 58th Street) and consider **Resolution No. 2015-94**.

10. Conduct a public hearing on the Applications submitted by Miller & Associates for Kearney Area Habitat for Humanity Inc. to (1) vacate Lots 1 through 10, Block Three, Marlatt Addition and consider **Ordinance No. 7994**; (2) vacate a utility easement as platted on the west 5 feet, except the south 10 feet of Lot 4, Block Three, Marlatt Addition and consider **Ordinance No. 7995**; and (3) the Final Plat for Marlatt Second 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 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, formerly known as Lots 1 through 10 inclusive, (now vacated) of Block Three, Marlatt Addition, an addition to the City of Kearney, Buffalo County, Nebraska (east of Avenue M and south of 17th Street) and consider **Resolution No. 2015-95**.
11. Conduct a public hearing on the Applications submitted by Kearney Properties, LLC to (1) vacate a utility easement as platted on the east 370 feet of the west 505 feet of the south 10 feet of Lot 1, Block Three AND a water easement as platted on the east 370 feet of the west 505 feet of the north 10 feet of the south 20 feet of Lot 1, Block Three, all in Western Nebraska Property Development Addition and consider **Ordinance No. 7996**; and (2) the Revised Planned District Development Plan Approval to construct a hospital expansion and maintenance building on property zoned C-O/PD, Office/Planned Development Overlay District and described as Lot 1, Block Three, Western Nebraska Property Development Addition, and Lot 1, Western Nebraska Property Development Second, both additions to the City of Kearney, Buffalo County, Nebraska (950 feet south of 10th Street and west of 22nd Avenue) and consider **Resolution No. 2015-96**.
12. Conduct a public hearing concerning an application to the Nebraska Department of Economic Development for a Community Development Block Grant for downtown revitalization planning activities and consider **Resolution No. 2015-97**.

IV CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held April 28, 2015.
2. Approve the Claims.
3. Adopt **Resolution No. 2015-98** approving Change Order No. 1 showing an increase in the amount of \$36,900.00 and Change Order No. 2 showing an increase in the amount of \$4,814.00 submitted by Midlands Contracting and approved by Miller & Associates for the 2014 Part 7 Improvements consisting of Paving Improvement District No. 2014-968 for 4th Street from 3rd Avenue to 6th Avenue and Sanitary Sewer Connection District No. 2014-1 commencing at a point near the Kearney RV Park located at 315 Avenue M, northward and westward in an easement, Landon Street if extended, thence northward through Riverside Addition and Kreutz Addition to 4th Street, thence westward to Central Avenue.

4. Accept the bids received for the 2015 Part 3 Improvements; CDBG Sidewalks/Ramps (14-CR-004) and adopt **Resolution No. 2015-99** awarding the bid to GD Concrete Construction in the amount of \$215,620.00.
5. Adopt **Resolution No. 2015-100** approving a supplemental to the HTE Inc. Software License and Services Agreement between the City of Kearney and SunGard Public Sector Inc., formerly HTE, Inc. upgrading its software technology by obtaining a license to use certain SunGard Public Sector's proprietary ONESolution brand software and certain related products, and further, to obtain from SunGard Public Sector certain services for the implementation and support of such software products.
6. Adopt **Resolution No. 2015-101** approving the Buffalo County Mutual Aid Association Mutual Aid Agreement and By-Laws to extend the membership to include Buffalo County Sheriff, Buffalo County Emergency Management, Good Samaritan Hospital Emergency Medical Services and the Kearney Police Department for mutual cooperation in fighting fires and other emergencies and to actively promote fire prevention and public fire safety educational programs.
7. Approve the purchase of a 2004 Bookmobile for the Kearney Public Library.
8. Adopt **Resolution No. 2015-102** approving the selection of RDG Planning & Design as the consulting firm to prepare a Downtown Revitalization Study and Plan Amendment.
9. Adopt **Resolution No. 2015-103** approving the Developer Constructed Infrastructure Agreement for Eastbrooke Fifteenth, an addition to the City of Kearney for paving, water, sanitary sewer and storm sewer improvements.
10. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer and wine in the Xpanxion Building located at the 1810 East 56th Street on May 28, 2015 from 3:00 p.m. until 10:00 p.m. for a Chamber event.
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-059311 catering liquor license to dispense beer and wine in the Extension Building located at the Buffalo County Fairgrounds, 1400 East 34th Street on May 29, 2015 from 3:00 p.m. until 1:00 a.m. for a reception.
12. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer and wine in the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on May 30, 2015 from 3:00 p.m. until 1:00 a.m. for a reception.
13. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer and wine in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N on May 30, 2015 from 3:00 p.m. until 1:00 a.m. for a reception.

14. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine, and distilled spirits in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N on June 5, 2015 from 3:00 p.m. until 1:00 a.m. for a reception.
15. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine, and distilled spirits in the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on June 6, 2015 from 3:00 p.m. until 1:00 a.m. for a reception.
16. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine, and distilled spirits in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N on June 6, 2015 from 3:00 p.m. until 1:00 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 *

1. **First Reading April 28, 2015.** Adopt **Ordinance No. 7992** amending the following sections of Article 6 "Fireworks" of Chapter 4 "Fire Regulations" of the Code of the City of Kearney as follows: Section 4-601 "Fireworks; Definitions" to remove the definition of permissible fireworks and adopt the definition of consumer fireworks which would coincide with state law; Section 4-602 "Generally" to remove the outdated wording and adopt what is allowed by state law; and Section 4-603 "Permit to Sell Fireworks" to remove the reference of permissible fireworks and replace with consumer fireworks which would coincide with state law.
2. Adopt **Ordinance No. 7997** vacating a utility easement as platted on the north ten feet, except the west five feet of Lot 2, Younes Center Addition, an addition to the City of Kearney, Buffalo County, Nebraska.
3. Adopt **Ordinance No. 7998** vacating the east 15 feet of 1st Avenue from the north line of 14th Street to the north line of 15th Street abutting Lots 1512, 1513, 1514, 1515, 1516 and 1517 on the west and also the east 15 feet of 1st Avenue abutting that part of vacated 15th Street on the west between Lots 1464 and 1517 on the south, if extended westerly AND the alley abutting Lots 1510, 1511, 1512 and 1513, all in Original Town of Kearney Junction, now the City of Kearney Buffalo County, Nebraska (between 14th Street and 15th Street and 1st Avenue and Central Avenue).

VI REGULAR AGENDA

1. Consider **Resolution No. 2015-104** approving the Lease Termination Agreement between the City of Kearney and Pramac America, c/k/a Powermate, LLC for land leased at the Kearney Regional Airport.

2. Consider **Resolution No. 2015-105** approving the Lease Agreement between the City of Kearney and Baldwin Filters, Inc. to lease land at the Kearney Regional Airport for warehouse and office use.
3. Review monthly enplanement report from Great Lakes Airlines.
4. Open Account Claim to NPPD - \$110,880.94.

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