

KEARNEY CITY COUNCIL

AMENDED AGENDA

City Council Chambers, 18 East 22nd Street

March 9, 2010

7:00 p.m.

I ROUTINE BUSINESS

1. Invocation by Reverend Eric Leshner from First Lutheran Church.
2. Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Oral Communication - Recognition of visitors.

II UNFINISHED BUSINESS

1. Consider the bids received for the construction of the 2009 Part 12 Improvements consisting of Water Connection District No. 2009-4 and Sanitary Sewer Connection District No. 2009-2 in 11th Street from the existing main in 11th Street and Kea West Avenue to 30th Avenue, 30th Avenue between North Railroad Street and 11th Street, and 16th Street from 30th Avenue east to its terminus and approve **Resolution No. 2010-33** awarding the bid to Midlands Contracting, Inc. in the amount of \$2,269,439.00.

III PUBLIC HEARINGS

1. Conduct a public hearing on the Application submitted by Mt. Carmel Nursing Home-Little Shepherd's Kidz Place (Applicant) and Corpis Christi Carmelites (Owner) for a Conditional Use Permit to locate a private child care center for nursing home staff on property zoned District R-3, Urban Residential Multi Family District (Medium Density) and described as Block 11, Kearney Land & Investment Company's First Addition to the City of Kearney, Buffalo County, Nebraska (412 West 18th Street).
2. Conduct a public hearing on the Application submitted by Shaila Hisey (Applicant) and Senior Hospitality Center, Inc. (Owner) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Medium Density Residential to High Density Residential for property described as Lots 8, 9, 10, Lee's Subdivision and Lot 1, Edgeworth Subdivision, all in the City of Kearney, Buffalo County, Nebraska (712 East 28th Street) and approve **Resolution No. 2010-42**.
3. Conduct a public hearing on the Application submitted by Shaila Hisey (Applicant) and Senior Hospitality Center, Inc. (Owner) to rezone from District R-3, Urban Residential Multi Family District (Medium Density) to District R-4, Urban Residential Multi Family District (High Density) for property described as Lots 8, 9, 10, Lee's Subdivision and Lot 1, Edgeworth Subdivision, all in the City of Kearney, Buffalo County, Nebraska (712 East 28th Street).

Street).

4. Conduct a public hearing on the Application submitted by Craig Bennett from Miller & Associates (Applicant) for Spencer Land Company (Owner) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Low Density Residential and Conservation Reserve to High Density Residential and Mixed Use 1 for a tract of land being part of the Northwest Quarter of the Northeast Quarter and part of Government Lot 3 all in Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (southwest corner of 11th Street and Kea West Avenue) and approve **Resolution No. 2010-43.**
5. Conduct a public hearing on the Application submitted by Craig Bennett from Miller & Associates (Applicant) for Spencer Land Company (Owner) to rezone from District AG, Agricultural District to District R-3/PD District, Urban Residential Multi Family (Medium Density)/Planned Development Overlay District and to District C-O/PD, Office/Planned Development Overlay District for property described as a tract of land being part of the Northwest Quarter of the Northeast Quarter and part of Government Lot 3 all in Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (southwest corner of 11th Street and Kea West Avenue).
6. Conduct a public hearing on the Application submitted by Craig Bennett from Miller & Associates (Applicant) for Spencer Land Company (Owner) for the Final Plat and Subdivision Agreement for Western Nebraska Property Development 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 Northeast Quarter and part of Government Lot 3 all in Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (southwest corner of 11th Street and Kea West Avenue) and approve **Resolution No. 2010-44.**
7. Conduct a public hearing on the Application submitted by Craig Bennett from Miller & Associates (Applicant) for Spencer Land Company (Owner) for the annexation of Western Nebraska Property Development 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 Northeast Quarter and part of Government Lot 3 all in Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (southwest corner of 11th Street and Kea West Avenue) and approve **Resolution No. 2010-45.**
8. Conduct a public hearing on the Application submitted by Craig Bennett from Miller & Associates (Applicant) for Spencer Land Company (Owner) for Planned District Development Plan Approval for the construction of a hospital and medical office building on property to be zoned District C-O/PD, Office/Planned Development Overlay District and described as Lot 1 of Block Three of proposed Western Nebraska Property Development Addition, an addition to the City of Kearney, Buffalo County, Nebraska (west of proposed 22nd Avenue south of proposed 10th Street) and approve **Resolution No. 2010-46.**

IV CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held February 23, 2010.
2. Approve the Claims.

3. Approve the application for a Special Designated License submitted by JUAN LAZO, dba El Tropico in connection with their IBK-37623 catering liquor license to dispense beer and distilled spirits in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on April 3, 2010 from 6:00 p.m. until 1:00 a.m. for a Mexican dance.
 4. Approve Change Order No. 16 showing an increase in the amount of \$1,147.13 submitted by Hausmann Construction and approved by Wilkins Hinrichs Stober Architects for the construction of the Peterson Senior Activity Center located at the E.K. and Mary Yanney Heritage Park and approve **Resolution No. 2010-47**.
 5. Approve the Application to Modify the Landfill Permit for the proposed construction of Cell 5A at the Kearney Area Solid Waste Landfill and approve **Resolution No. 2010-48**.
 6. Approve the Agreement between the City of Kearney and the Kearney Area Community Foundation to temporarily block off five parking stalls on Central Avenue at the northwest corner of the parking lot beginning at 6:00 a.m. on May 7, 2010 until 12:00 p.m. on May 9, 2010 AND to temporarily close the parking lot located north of the Museum of Nebraska Art from 6:00 a.m. on May 5, 2010 until 12:00 p.m. on May 11, 2010 for the 3rd Annual Nebraska Wine and Jazz Festival.
 7. Approve the application for a Special Designated License submitted by BOULEE LLC, dba Bico's Sports Bar & Grill in connection with their Class I-70918 liquor license to dispense beer, wine and distilled spirits in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on March 27, 2010 from 4:00 p.m. until 12:00 a.m. for a fund raiser event.
 8. Approve the application for a Special Designated License submitted JOYCE AND PAUL SEARS, dba Cedar Hills Vineyard & Gardens to dispense wine in connection with their Class CK-86796 catering liquor license inside an enclosed 60' x 180' fenced area located in the parking lot located north of the Museum of Nebraska Art, 2401 Central Avenue, on May 7, 2010 from 4:00 p.m. until 11:00 p.m. and on May 8, 2010 from 11:00 a.m. until 11:00 p.m. in connection with the Wine and Jazz Festival.
- * *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. 7575** amending Section 8-912 "Parking Rules", Article 9 "Stopping, Standing and Parking" of Chapter 8 "Police" of the City Code to eliminate the language "owned or operated by the City" in Subparagraph N(2) of Section 8-912.
2. Approve **Ordinance No. 7576** repealing Ordinance No. 7385 creating Paving Improvement District No. 2007-919 for 10th Street from the east line of Lot 1 of Block 2, Jean Michel of Chateau Marteau, thence west to the east line of 9th Avenue, AND together with 9th Avenue from the north line of Lot 6 of Block 2, Hammer-McCarty Addition, south to the south line of said Jean Michel of Chateau Marteau.
3. Approve **Ordinance No. 7577** repealing Ordinance No. 7386 creating Water District No. 2007-548 for 10th Street from the east line of Lot 1 of Block 2, Jean Michel of Chateau Marteau, thence west to the east line of 9th Avenue, AND together with 9th Avenue from the north line of Lot 6 of Block 2, Hammer-McCarty Addition, south to the south line of said

Jean Michel of Chateau Marteau.

4. Approve **Ordinance No. 7578** repealing Ordinance No. 7387 creating Sanitary Sewer District No. 2007-490 for 10th Street from the east line of Lot 1 of Block 2, Jean Michel of Chateau Marteau, thence west to the east line of 9th Avenue, AND together with 9th Avenue from the north line of Lot 6 of Block 2, Hammer-McCarty Addition, south to the south line of said Jean Michel of Chateau Marteau.
5. Approve **Ordinance No. 7579** selling a 6.5 foot strip of land located on a tract of land in Tax Lot 6, said Tax Lot 6 being located in the Northeast Quarter of the Northwest Quarter of the Southeast Quarter of Section 25, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska to Raymond and Elvena Hervet.

VI REGULAR AGENDA

1. Consider **Ordinance No. 7580** granting a Conditional Use Permit to Mt. Carmel Nursing Home-Little Shepherd's Kidz Place (Applicant) and Corpis Christi Carmelites (Owner) to locate a private child care center for nursing home staff on property zoned District R-3, Urban Residential Multi Family District (Medium Density) and described as Block 11, Kearney Land & Investment Company's First Addition to the City of Kearney, Buffalo County, Nebraska (412 West 18th Street). (*Pertains to Public Hearing 1*)
2. Consider **Ordinance No. 7581** rezoning from District R-3, Urban Residential Multi Family District (Medium Density) to District R-4, Urban Residential Multi Family District (High Density) for property described as Lots 8, 9, 10, Lee's Subdivision and Lot 1, Edgeworth Subdivision, all in the City of Kearney, Buffalo County, Nebraska (712 East 28th Street). (*Pertains to Public Hearing 3*)
3. Consider **Ordinance No. 7582** rezoning from District AG, Agricultural District to District R-3/PD District, Urban Residential Multi Family (Medium Density)/Planned Development Overlay District and to District C-O/PD, Office/Planned Development Overlay District for property described as a tract of land being part of the Northwest Quarter of the Northeast Quarter and part of Government Lot 3 all in Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (southwest corner of 11th Street and Kea West Avenue). (*Pertains to Public Hearing 5*)
4. Consider the redevelopment project for Redevelopment Area #2 for an area described as Lot 1, Johnson Commercial Addition, an addition to the City of Kearney, Buffalo County, Nebraska (southeast corner of Central Avenue and 1st Street) and approve **Resolution No. 2010-49**.
5. Consider the manager application for Greg Shea submitted by EVENT CENTER OPERATIONS LLC, dba Tri City Events Center in connection with their Class CK-84864 catering liquor license located at 609 Platte Road.
6. Consider the bids received for the construction of the South Parks Maintenance Building located at E.K. and Mary Yanney Heritage Park and approve **Resolution No. 2010-50** awarding the bid to Chief Construction Co. in the amount of \$199,850.00.
7. Open Account Claims: **NPPD - \$8,468.04, Platte Valley State Bank - \$48,640.51**

VII REPORTS

VIII ADJOURN

Mayor Stanley Clouse
4907 Linden Drive Place
236-6193 home
238-5210 office
mayor@kearneygov.org

Vice-President Randy Buschkoetter
1110 13th Avenue
234-5553 home
698-8106 office
citycouncil@kearneygov.org

Council Member Don Kearney
701 Huron Drive
237-3225 home
238-2265 office
citycouncil@kearneygov.org

Council Member Bruce Lear
4803 Avenue L Place
234-5354 home
234-2424 office
citycouncil@kearneygov.org

Council Member Bob Lammers
8 Crestview Place
236-5273 home
234-2577 office
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

ADDENDUM NO. 1

IV CONSENT AGENDA

9. Approve **Resolution No. 2010-51** amending Resolution No. 2008-20 by designating and appointing the Human Resources Director as the ADA Coordinator for the City of Kearney.
10. Approve Change Order No. 1 providing a provision for incentive payment for Phase I and extending the contract time for Phase I by 30 days, Phase II by 45 days, and 45 days for Phase III submitted by Midlands Contracting and approved by Miller & Associates for the 2009 Part 12 Improvements consisting of Water Connection District No. 2009-4 and Sanitary Sewer Connection District No. 2009-2 in 11th Street from the existing main in 11th Street and Kea West Avenue to 30th Avenue, 30th Avenue between North Railroad Street and 11th Street, and 16th Street from 30th Avenue east to its terminus and approve **Resolution No. 2010-52.**