

# **KEARNEY CITY COUNCIL**

## **AGENDA**

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

**December 11, 2012**

**7:00 p.m.**

### **I ROUTINE BUSINESS AND REORGANIZATION**

1. Invocation by Pastor Lew Champ from First Christian Church.
2. Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Approve Minutes of Regular Council Meeting of November 27, 2012, and Minutes of the Kearney Area Solid Waste Agency Meeting of September 11, 2012.
6. Accept the Certificate of Vote by the Buffalo County Election Commissioner for the November 6, 2012 General Election for Kearney City Council.
7. City Clerk to administer the Oath of Office to Stanley Clouse, Bruce Lear and Jonathan Nikkila.
8. Nominations and appointment for President/Mayor.
9. Nominations and appointment for Vice-President.
10. Reappointment of Michaelle Trembly as City Clerk.
11. Oral Communication:
  - Proclamation recognizing Lynn Thomas.
  - **Presentation of Kearney Volunteer Fire Department Service Awards:** Gene Beerbohm, 35 years; Terry Eirich, 25 years; Derek Dempcy, 10 years; Terry Seals, 10 years; Shawn Munster, 10 years; Seth Van Horn, 10 years; Sean Puls, 5 years; and Toby Badura, 5 years.
  - **Presentation of Firefighter Plaques for completing Firefighter I Course:** Robin Haase, Spencer Hinrichs, Mike Page, and Kevin Royle.
  - **Presentation of Firefighter Plaques for completing Firefighter II Course:** Dan Follmer, Max Gintzler, Matt Noffke, and Thom Schneider.

### **II UNFINISHED BUSINESS**

None.

### III PUBLIC HEARINGS

1. Conduct a public hearing on the application submitted by Scott Stober (Applicant) for Brad Brandt (Owner) for Planned District Development Plan Approval for a medical clinic on property zoned District C-O/PD, Office/Planned Development Overlay District for property described as Lot 2, Colonial Estates 5th Addition, a replat of Block 2, Colonial Estates 4th Addition to the City of Kearney, Buffalo County, Nebraska (northeast corner of 39th Street and 20th Avenue) and consider **Resolution No. 2012-219**.
2. Conduct a public hearing on the application submitted by Craig Bennett and Les Mock (Applicant) for WNH, LLC (Owner) for Planned District Development Plan Approval for a medical office building on property zoned District C-O/PD, Office/Planned Development Overlay District for property described as Lot 1 of Block Three, Western Nebraska Development Addition to the City of Kearney, Buffalo County, Nebraska (west of 22nd Avenue and south of 10th Street) and consider **Resolution No. 2012-220**.
3. Conduct a public hearing on the revised application submitted by Crossroads Center (Applicant/Owner) for a Conditional Use Permit to expand the homeless shelter on property zoned District C-1/PD, Limited Commercial/Planned Development Overlay District and described as part of Lot 2, Grandview Estates Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (1404 East 39th Street) and consider **Ordinance No. 7659A**.
4. Conduct a public hearing on the proposed amendments to the following Chapters of the City Code to provide better clarification on the requirements for developing subdivisions.
  - Amend Chapter 52, "Subdivisions: Basic Conditions" to clarify terminology related to exemptions from subdivision requirements for large lot residential development; and to clarify submittal requirements for minor subdivisions.
  - Amend Chapter 53, "Subdivision Approvals and Procedures" to clarify terminology and requirements for subdivision applications; to require a Preliminary Infrastructure Feasibility Plan with all preliminary plat submittals and a "Final Infrastructure Feasibility Plan" with all final plat submittals; to clarify requirements for the "Subdivision Agreement" and "Utility Comment Form"; to define requirements for street lighting; to clarify the requirements for submittal of an electronic file of all subdivisions.
  - Amend Chapter 54, "Subdivision Design Criteria and General Standards" to require a "Preliminary Infrastructure Feasibility Plan" with all preliminary plat submittals and a "Final Infrastructure Feasibility Plan" with all final plat submittals; to remove the requirement for a grading plan and add requirements for the National Pollutant Discharge Elimination program including new requirements for construction site activities, new requirements for building phases of development, and to reference the "Public Works Stormwater Ordinance"; to prohibit construction activity on all wetlandsand consider **Ordinance No. 7777**.

### IV CONSENT AGENDA \*

1. Approve the Claims.

2. Accept the bids received for the purchase of a custom fire aerial apparatus to be used by the Kearney Volunteer Fire Department and approve the recommendation on awarding the bid to Sutphen Fire Equipment in the amount of \$980,452.00.
3. Adopt **Resolution No. 2012-221** approving Application and Certificate for Payment No. 1 in the amount of \$585,574.01 submitted by Midlands Contracting and approved by Miller & Associates for the 2012 Part 2 Improvements consisting of Water Extension District No. 2012-1 for 56th Street from the existing water main located ½ mile east of Antelope Avenue eastward approximately 5,446 feet to connect to the existing water main.
4. Adopt **Resolution No. 2012-222** approving Change Order No. 1 showing an increase in the amount of \$2,520.00, Application and Certificate for Payment No. 1-Final in the amount of \$56,140.00, and accept the Certificate of Substantial Completion submitted by Wilke Contracting and approved by Miller & Associates for the 2011 Part 14 Improvements; Avenue H Viaduct Repairs.
5. Adopt **Resolution No. 2012-223** approving the Agreement between the City of Kearney and Wilkins Hinrichs Stober Architects for design services of a hangar to be located at the Kearney Regional Airport.
6. Adopt **Resolution No. 2012-224** setting forth a statement of the City's official intent to issue tax-exempt bonds in the amount of \$1,000,000.00 for the purchase of a Fire Department Aerial Apparatus.
7. Adopt **Resolution No. 2012-225** approving the Development Constructed Infrastructure Agreement between the City of Kearney and TWL, LLC for paving, sanitary sewer and water improvements for Bel Air Fifth Addition and Lots 6 through 17 of Block Three, Bel Air Third Addition.
8. Adopt **Resolution No. 2012-226** appointing Nicole Mailahn to fulfill the term vacated on the Advisory Board of Park & Recreation Commissioners and Brett Jacobitz to fulfill the term vacated on the Board of Adjustment.
9. Adopt **Resolution No. 2012-227** approving the Avenue A corridor from 25th Street to 31st Street be signed to stop east-west traffic and allow free flowing north-south traffic which would include the removal of the north and south bound stop signs at the intersection of Avenue A and 29th Street, and the installation of east and west bound stop signs at the intersections of Avenue A and 26th, 27th, 29th and 30th Streets.
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-59311 catering liquor license to dispense beer, wine and distilled spirits in the Extension Building located at the Buffalo County Fairgrounds, 3807 Avenue N on January 5, 2013 from 4:00 p.m. until 12:00 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. Approve **Ordinance No. 7778** selling Lots 2 and 3 of Block 1, Piper Subdivision located on Airport property to Chief Industries, Inc.

## VI REGULAR AGENDA

1. Consider the Manager Application for Renae Reidy submitted by Peak Interests, dba Pizza Hut in connection with their Class A-33603 liquor license located at 1412 2nd Avenue.
2. Place on second reading **Ordinance No. 7775** annexing a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 6, Township 8 North, Range 15 West of the 6th P.M. Buffalo County, Nebraska (1300 East 11th Street).
3. Open Account Claim: **NPPD - \$3,550.38, Stan Clouse - \$146.25.**

## 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](http://www.cityofkearney.org)