

# **KEARNEY CITY COUNCIL**

## **AGENDA**

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

**November 14, 2017**

**5:30 p.m.**

### **I. ROUTINE BUSINESS**

1. Invocation provided by Pastor John Watson.
2. Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Oral Communication; Recognition of visitors.

### **II. UNFINISHED BUSINESS**

### **III. PUBLIC HEARINGS**

1. Conduct a public hearing on the Applications submitted by Miller & Associates for Grand West, LLC to (1) vacate a tract of land being Lot 1 and the dedicated cul-de-sac of Fountain Hills Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska located in the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8186; and (2) to rezone from District AG, Agricultural District to District R-2, Urban Residential Mixed-Density District property described as a tract of land being a part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Northwest corner of 48th Street and 11th Avenue) and consider Ordinance No. 8187.
2. Conduct a public hearing on the Application submitted by Miller & Associates for Grand West, LLC for the Final Plat and Subdivision Agreement for Fountain Hills Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being all of Fountain Hills Ninth Addition (to include Lot 1 and the dedicated cul-de-sac), an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated), located in the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Northwest corner of 48th Street and 11th Avenue) and consider Resolution No. 2017-183.
3. Conduct a public hearing on the Application submitted by Miller & Associates for Grand West, LLC for the annexation of Fountain Hills Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being all of Fountain Hills Ninth Addition (to include Lot 1 and the dedicated cul-de-sac), an addition to

the City of Kearney, Buffalo County, Nebraska (to be vacated), located in the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Northwest corner of 48th Street and 11th Avenue) and consider Resolution No. 2017-184.

4. Conduct a public hearing on the Applications submitted by Miller & Associates for Kearney Area Habitat for Humanity Inc. to (1) vacate a 10 foot wide utility easement being the North 10.00 feet of Lot 6 of Block Two and the North 10.00 feet of Lots 1 and 2 of Block One, the North 10.00 feet and the East 10.00 feet of Lots 3 and 6 of Block One, and the East 10.00 feet of Lots 4 and 5 of Block One, all in Marlatt Addition; together with a 5 foot wide Utility Easement being the Northwesterly 5.00 feet, except the East 10.00 feet thereof, of Lot 4 of Block One, Marlatt Addition; together with a 10 foot wide Utility Easement being the South 10.00 feet of Lots 10 and 11 of Block One, Marlatt Second Addition and consider Ordinance No. 8188; (2) vacate all of Avenue "O" abutting Lot 6, Block Two and Lot 1, Block One, Marlatt Addition from the North line of 17th Street to the North line of said Marlatt Addition; and 17th Street abutting Lots 1 through 6, Block One and Lot 11, Block Three, Marlatt Addition and Lots 10 and 11, Block One, Marlatt Second Addition from the Northerly extension of the West line of said Lot 10, Block One, Marlatt Second Addition to the North line of 16th Street and consider Ordinance No. 8189; (3) vacate Lot 6 of Block Two, Lot 11 of Block Three, and Lots 1 through 6 of Block One, Marlatt Addition and Lots 10 and 11, Block One, Marlatt Second Addition, and part of Lot 4, Austin Dean Addition and consider Ordinance No. 8190; and (4) rezone from District R-2, Urban Residential Mixed-Density District and District RR-1, Rural Residential District (Rural Standards) to District R-1, Urban Residential Single-Family District (Low Density) property described as a tract of land being Lots 1 through 6, Block One, Marlatt Addition, an addition to the City of Kearney, Buffalo County, Nebraska and part of Lot 4, Austin Dean Addition, an addition to the City of Kearney, Buffalo County, Nebraska (North of 16th Street, between 17th Street and Avenue P) and consider Ordinance No. 8191.
5. Conduct a public hearing on the Application submitted by Miller & Associates for Kearney Area Habitat for Humanity Inc. for the Final Plat and Subdivision Agreement for Marlatt Third 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 Lot 6, Block Two (to be vacated), Lot 11, Block Three (to be vacated), and all of Block One (to be vacated), Marlatt Addition, an addition to the City of Kearney, Buffalo County, Nebraska and Lots 10 and 11, Block One (to be vacated), Marlatt Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, and part (to be vacated) of Lot 4, Austin Dean Addition, an addition to the City of Kearney, Buffalo County, Nebraska (North of 16th Street, between 17th Street and Avenue P) and consider Resolution No. 2017-185.
6. Conduct a public hearing on the Application submitted by Buffalo Surveying Corporation for the City of Kearney for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Low Density Residential and Commercial Mixed Use to Low Density Residential property described as all of vacated Avenue L as it abuts Lot 5 and Lot 6, Henthorn's Subdivision to the City of Kearney, Buffalo County, Nebraska on the East and as it abuts the South 100 feet of Lot 1010, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska on the West, all in Buffalo County, Nebraska (East of 1224 East 18th Street) and consider Resolution No. 2017-186.

7. Conduct a public hearing on the Application submitted by Buffalo Surveying Corporation for the City of Kearney to rezone from District R-2, Urban Residential Mixed-Density District and District M-2, General Industrial District to District R-2, Urban Residential Mixed-Density District property described as all of vacated Avenue L as it abuts Lot 5 and Lot 6, Henthorn's Subdivision to the City of Kearney, Buffalo County, Nebraska on the East and as it abuts the South 100 feet of Lot 1010, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska on the West, all in Buffalo County, Nebraska (East of 1224 East 18th Street) and consider Ordinance No. 8192.
8. Conduct a public hearing on the Application submitted by Buffalo Surveying Corporation for the City of Kearney for the Final Plat for Pump House 20 Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as all of vacated Avenue L as it abuts Lot 5 and Lot 6, Henthorn's Subdivision to the City of Kearney, Buffalo County, Nebraska on the East and as it abuts the South 100 feet of Lot 1010, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska on the West, all in Buffalo County, Nebraska (East of 1224 East 18th Street) and consider Resolution No. 2017-187.
9. Conduct a public hearing on the Applications submitted by Buffalo Surveying Corporation for Starostka Group Unlimited, Inc. to (1) vacate Lots 14 through 20 inclusive, Block One, Castle Ridge Fifth and consider Ordinance No. 8193; and (2) the Final Plat for Castle Ridge Sixth, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land comprising of Lots 14 through 20 inclusive, Block One, Castle Ridge Fifth, an addition to the City of Kearney, Buffalo County, Nebraska, with said Lots 14 through 20 inclusive, to be vacated, and being part of the North Half of the Southeast Quarter of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (East of 19th Avenue and West of 51st Street Place on North side) and consider Resolution No. 2017-188.
10. Conduct a public hearing on the Application submitted by Buffalo Surveying Corporation for Starostka Group Unlimited, Inc. for the annexation of Castle Ridge Sixth, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land comprising of Lots 14 through 20 inclusive, Block One, Castle Ridge Fifth, an addition to the City of Kearney, Buffalo County, Nebraska, with said Lots 14 through 20 inclusive, to be vacated, and being part of the North Half of the Southeast Quarter of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (East of 19th Avenue and West of 51st Street Place on North side) and consider Resolution 2017-189.
11. Conduct a public hearing on the Applications submitted by Buffalo Surveying Corporation for Travis and Nicole Edeal to (1) vacate a tract of land comprising of Lots 1 through 11 inclusive, Block One, Lots 13 through 23 inclusive, Block One, Lots 1 through 4 inclusive, Block Two, Lots 1 through 8 inclusive, Block Three, Lots 1 through 12 inclusive, Block Four, all of Century Road, all of 9th Avenue, all of 10th Avenue and all of 40th Street, all in Honey Hill Estates Addition, an addition to the City of Kearney, Buffalo County, Nebraska, with said Lots, Blocks, Road, Avenues and Street in said Honey Hill Estates Addition and consider Ordinance No. 8194; and (2) rezone from District R-1, Urban Residential Single-Family District (Low Density) to District R-1, Urban Residential Single-Family District (Low Density) and District R-2, Urban Residential Mixed-Density District and District C-O, Office

District property described as a tract of land being part of the Northeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska AND a tract of land being part of the East Half of the Southeast Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of 39th Street and East of 11th Avenue and Century Road) and consider Ordinance No. 8195.

12. Conduct a public hearing on the Application submitted by Buffalo Surveying Corporation for Travis and Nicole Edeal for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Low Density Residential to Neighborhood Mixed Use property described as a tract of land being part of the Northeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska AND a tract of land being part of the East Half of the Southeast Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of 39th Street and East of 11th Avenue and Century Road) and consider Resolution No. 2017-190.
13. Conduct a public hearing on the Application submitted by Buffalo Surveying Corporation for Travis and Nicole Edeal for the Final Plat and Subdivision Agreement for Loyd Glen Estates, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land comprising of Lots 1 through 3 inclusive, and part of Lot 4 and part of Lots 16 through 23 inclusive, Block One, Lots 1 through 4 inclusive, Block Two, Lots 1 through 8 inclusive, Block Three, part of Century Road, part of 9th Avenue, and part of 10th Avenue, all in Honey Hill Estates Addition, an addition to the City of Kearney, Buffalo County, Nebraska, with said Lots, Blocks, Road, and Avenues in said Honey Hill Estates Addition to be vacated, and being part of the East Half of the Southeast Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of 39th Street and East of 11th Avenue and Century Road) and consider Resolution No. 2017-191.
14. Conduct a public hearing on the proposed acquisition for a Permanent Sanitary Sewer Main Easement on property described as a strip of land 20.0 feet in width being part of the Southeast Quarter of the Southwest Quarter of Section 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2017-192.

#### **IV. CONSENT AGENDA \***

1. Approve Minutes of Regular Meeting held October 24, 2017.
2. Approve the Claims.
3. Accept the bids received for the purchase of a side load refuse compactor truck used in the Utilities Department and award the bid to Wicks Trucks in the amount of \$251,441.00.
4. Accept the bids received for the purchase of a hook lift truck used in the Utilities Department and award the bid to Nebraska Truck Center in the amount of \$145,760.00.
5. Adopt Resolution No. 2017-193 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement for Lot 1, Bearcat Corner Addition

between the City of Kearney and Buffalo County School District 10-007.

6. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and/or Parking Restrictions Permit Application submitted by Bridgett Lavene on behalf of Downtown Kearney to extend the Downtown Christmas Walk to include the use of 6 parking stalls in front of 2205 Central Avenue on November 30, 2017.
7. Approve the application for a Special Designated License submitted by CHI Health Good Samaritan to dispense alcoholic liquor inside CHI Health Good Samaritan located at 10 East 31st Street on Friday, December 1, 2017 from 5:30 p.m. until 7:00 p.m. for a charity/holiday event.
8. Accept the bids received for the purchase of a four-wheel assist tractor with cab and mounted loader to be used in the Landfill and award the bid to Kearney Equipment in the amount of \$36,220.00.
9. Approve the applications for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 liquor license to cater and dispense alcoholic liquor as follows:
  - a) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Tuesday, December 5, 2017 from 11:00 a.m. until 7:00 p.m. for a business event;
  - b) Inside Heartland National Bank located at 212 East 56th Street, on Wednesday, December 6, 2017 from 4:00 p.m. until 9:00 p.m. for a business event;
  - c) Inside Landmark Implement located at 3108 Highway 30 East, on Wednesday, December 6, 2017 from 3:00 p.m. until 8:00 p.m. for a business event;
  - d) Inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Wednesday, December 13, 2017 from 5:00 p.m. until 11:00 p.m. for a business Christmas party;
  - e) Inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, December 16, 2017 from 3:00 p.m. until 1:00 a.m. for a reception;
  - f) Inside the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, December 16, 2017 from 5:00 p.m. until 1:00 a.m. for the P.B.R. Bull Riding Event;
  - g) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, December 16, 2017 from 5:00 p.m. until 1:00 a.m. for the P.B.R. Bull Riding Event;
  - h) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, December 30, 2017 from 3:00 p.m. until 1:00 a.m. for a reception;
  - i) Inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Sunday, December 31, 2017 from 3:00 p.m. until 12:00 a.m. for a reception;
  - j) Inside the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, January 6, 2018 from 5:00 p.m. until 1:00 a.m. for a cage fight; and
  - k) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, January 13, 2018 from 5:00 p.m. until 1:00 a.m. for a concert.
10. Approve the application for a Special Designated License submitted by Kearney Area Chamber of Commerce to dispense alcoholic liquor inside The Archway located at 3060 East 1st Street on Thursday, December 7, 2017 from 5:00 p.m. until 8:00 p.m. for a holiday 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 \***

**VI. REGULAR AGENDA**

1. Consider adoption of Resolution No. 2017-194 calling for the redemption of General Obligation Various Purpose Bonds, Series 2010, in the principal amount of \$1,660,000.
2. Consider adoption of Resolution No. 2017-195 calling for the redemption of General Obligation Various Purpose Bonds, Series 2011, in the principal amount of \$3,560,000.
3. Consider approval of Ordinance No. 8196 authorizing the issuance of General Obligation Refunding Various Purpose Bonds, Series 2017B, of the City of Kearney, Nebraska, in the principal amount of \$5,305,000 for the purpose of refunding certain outstanding bonds of the City; directing the application of the proceeds of said bonds; prescribing the form of said bonds; providing for the levy and collection of taxes to pay the same; providing for the sale of the bonds; authorizing the delivery of the bonds to the purchaser.
4. Consider Resolution No. 2017-196 approving the redevelopment project submitted by DJ Gilbert for Redevelopment Area #5 for an area described as the West 46 feet of Lots 269, 270, 271, and 272, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska (west of Avenue D and north of North Railroad Street).
5. Open Account Claim to NPPD - \$10,581.72.

**VII. REPORTS**

**VIII. ADJOURN**

Mayor Stanley Clouse  
 4907 Linden Drive Place  
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 238-5210 office  
[mayor@kearneygov.org](mailto:mayor@kearneygov.org)

Vice-President Randy Buschkoetter  
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Council Member Jonathan Nikkila  
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City Manager Michael Morgan  
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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)