

# **KEARNEY CITY COUNCIL**

## **AGENDA**

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

**January 8, 2019**

**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.
  - a) Oath of Office to Police Chief Bryan Waugh.

### **II. UNFINISHED BUSINESS**

### **III. PUBLIC HEARINGS**

1. Conduct a public hearing on the Application submitted by First Baptist Church Christian Preschool for First Baptist Church for a Conditional Use Permit to operate a preschool on property zoned District R-1, Urban Residential Single-Family District (Low Density) and described as part of Lot 1, Horizon Addition, an addition to the City of Kearney, Buffalo County, Nebraska (3610 6th Avenue) and consider Ordinance No. 8302.
2. Conduct a public hearing on the Application submitted by Trenton Snow for First Baptist Church/Julia A. Brooker, Chair, First Baptist Church Board of Trustees to rezone from District R-1, Urban Residential Single-Family District (Low Density) to District C-O/PD, Office/Planned Development Overlay District for property described as a tract of land being part of Lot 1, Horizon Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Southwest corner of 39th Street and 6th Avenue) and consider Ordinance No. 8303.
3. Conduct a public hearing on the Application submitted by Buffalo Surveying Corp. for General Properties, L.L.C. for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Civic to Neighborhood Mixed Use property described as Lot 1, Elementary School Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska (West of Avenue N and South of 56th Street) and consider Resolution No. 2019-1.
4. Conduct a public hearing on the Application submitted by Buffalo Surveying Corp. for General Properties, L.L.C. to rezone from District R-1, Urban Residential Single-Family

District (Low Density) to District C-O, Office District for property described as Lot 1, Elementary School Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska (West of Avenue N and South of 56th Street) and consider Ordinance No. 8304.

5. Conduct a public hearing on the Application submitted by Miller & Associates for DT Development for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Low Density Residential and Neighborhood Mixed Use to Low Density Residential and Neighborhood Mixed Use for property described as part of Lot 1 and part of 56th Street and part of 11th Avenue, all in Spruce Hollow Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; part of 59th Street and part of 11th Avenue, all in Spruce Hollow Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; all of Lot 1 and part of Lot 2 and all of Lots 3 through 7, Block One and all of Lot 1 and part of Lot 2 and all of Lots 3 through 6, Block Two and part of 59th Street and part of 10th Avenue, all in Spruce Hollow Estates Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Northeast corner of 56th Street and 11th Avenue) and consider Resolution No. 2019-2.
6. Conduct a public hearing on the Application submitted by Miller & Associates for DT Development to (1) rezone from District R-1, Urban Residential Single-Family District (Low Density) and District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District to District R-2, Urban Residential Mixed-Density District for property described as a tract of land being all of Lot 1 and part of Lot 2, Block Two, Spruce Hollow Estates Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, part of 59th Street as shown and dedicated on said Spruce Hollow Estates Fifth Addition and on Spruce Hollow Estates Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, part of 10th Avenue as shown and dedicated on Spruce Hollow Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8305; (2) rezone from District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District to District C-O, Office District for property described as a tract of land being all of Lot 1 and part of Lot 2, Block One, Spruce Hollow Estates Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, part of 11th Avenue as shown and dedicated on said Spruce Hollow Estates Fifth Addition, and part of 59th Street as shown and dedicated on said Spruce Hollow Estates Fifth Addition and on Spruce Hollow Estates Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, part of 10th Avenue as shown and dedicated on Spruce Hollow Estates Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8306; (3) rezone from District R-2, Urban Residential Mixed-Density District and District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District to District C-1(N)/PD, Neighborhood Center/Planned Development Overlay District for property described as a tract of land being part of Lot 1, Spruce Hollow Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, part of Lot 2 and all of Lots 3 through Lots 7, Block One and part of Lot 2 and all of Lots 3 through Lot 6, Block Two, Spruce Hollow Estates Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, part of 10th Avenue as shown and dedicated on said Spruce Hollow Estates Sixth Addition, part of 11th Avenue as shown and dedicated on said Spruce Hollow Estates Fourth Addition and on said Spruce Hollow Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8307; and (4) rezone from District R-2, Urban Residential Mixed-

Density District to District C-2, Community Commercial District for property described as a tract of land being part of Lot 1, Spruce Hollow Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and part of 56th Street as shown and dedicated on said Spruce Hollow Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Northeast corner of 56th Street and 11th Avenue) and consider Ordinance No. 8308.

7. Conduct a public hearing on the Application submitted by Miller & Associates for DT Development to (1) vacate 5 foot and 10 foot wide utility easements being the southerly 5.00 feet of Lot 3, Block Two, except the Easterly 10.00 feet of said Lot 3, Spruce Hollow Estates Sixth Addition; the Easterly 10.00 feet of Lots 1 through 6, inclusive, Block Two, Spruce Hollow Estates Sixth Addition; the Northerly 10.00 feet of Lot 1, Spruce Hollow Estates Fourth Addition, from the East line of Lot 2, Block Two, Spruce Hollow Estates Sixth Addition to a point 30.00 feet West of the Northeast corner of Lot 1; the Southerly 5.00 feet of Outlot B, Spruce Hollow Estates Fifth Addition, from the East line of Lot 2, Block Two, Spruce Hollow Estates Sixth Addition to a point 30.00 feet West of the Southeast corner of Outlot B and consider Ordinance No. 8309; (2) vacate 10th Avenue as shown on Spruce Hollow Estates Sixth Addition, from the South right-of-way line of 59th Street to the North right-of-way line of 57th Street Place, abutting Lots 1 through 7, inclusive, Block One and abutting 1 through 6 inclusive, Block Two, all in Spruce Hollow Estates Sixth Addition; AND 57th Street Place as shown on Spruce Hollow Estates Fourth Addition, from the East right-of-way line of 11th Avenue to the East terminus of 57th Street Place, abutting Lot 7, Block One, and Lot 6, Block Two, Spruce Hollow Estates Sixth Addition, abutting Lot 1 and 2, all in Spruce Hollow Estates Fourth Addition and consider Ordinance No. 8310; (3) vacate Lots 1 through 7 inclusive, Block One, Lots 1 through 6 inclusive, Block Two, all in Spruce Hollow Estates Sixth Addition; all of Outlot A and all of Lot 1, all in Spruce Hollow Estates Fourth Addition; all of Outlot B, Spruce Hollow Estates Fifth Addition and consider Ordinance No. 8311; and (4) the Final Plat and Subdivision Agreement for Prairie Meadows Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Southeast Quarter of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Northeast corner of 56th Street and 11th Avenue) and consider Resolution No. 2019-3.
8. POSTPONE UNTIL JANUARY 22, 2019. Conduct a public hearing on the Application submitted by Miller & Associates for DT Development to rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) for property described as a tract of land being part of the Northwest Quarter of the Southwest Quarter, and part of the Northeast Quarter of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of 11th Avenue and Spruce Hollow Boulevard) and consider Ordinance No. 8312.
9. POSTPONE UNTIL JANUARY 22, 2019. Conduct a public hearing on the Application submitted by Miller & Associates for DT Development for the Final Plat and Subdivision Agreement for Spruce Hollow Estates Eighth 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, and part of the Northeast Quarter of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of 11th Avenue and Spruce Hollow Boulevard) and

consider Resolution No. 2019-4.

10. POSTPONE UNTIL JANUARY 22, 2019. Conduct a public hearing on the Application submitted by Miller & Associates for DT Development for the annexation of Spruce Hollow Estates Eighth 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, and part of the Northeast Quarter of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of 11th Avenue and Spruce Hollow Boulevard) and consider Resolution No. 2019-5.
11. Conduct a public hearing on the Application submitted by Miller & Associates for the City of Kearney to vacate a 30 foot wide alley located in Block 1 as shown on Patriot Industrial Park, from the East right-of-way line of Cherry Avenue to the West right-of-way line of Piper Avenue, abutting Lots 1 through 7 inclusive, Block 1, Lots 8 through 14 inclusive, Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska (from Cherry Avenue to Piper Avenue, between 45th Street and Patriot Boulevard) and consider Ordinance No. 8313.

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

1. Approve Minutes of Regular Meeting held December 18, 2018.
2. Approve the Claims.
3. Appoint Brandon Shafto to continue serving as the City Street Superintendent with regard to requirements and duties with the Nebraska Department of Transportation effective January 1, 2019.
4. Appointment of Jonathan Nikkila to serve on the Kearney Visitors Bureau, the appointment of Stanley Clouse and Bruce Lear to serve on the Buffalo County Economic Development Council, and the appointment of Jonathan Nikkila, Tami James Moore and Chuck Ogle to serve on the Joint Airport Zoning Board.
5. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Aaron Gronewoller submitted by Fort Kearney Aerie 2722 Fraternal Order of Eagles located at 17 West 24th Street in connection with their Class C-011097 liquor license.
6. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Jean Castaneda submitted by The Cigarette Store Corp dba Smoker Friendly Liquor & Tobacco 017 located at 620 East 25th Street, Suite 2 in connection with their Class C-102050 liquor license.
7. Adopt Resolution No. 2019-6 approving T-Hangar A-07 Lease Agreement at the Kearney Regional Airport between the City of Kearney and Ryal Jons.
8. Adopt Resolution 2019-7 approving the annual rescheduling of the Kearney City Council Meetings to the second and third Tuesdays during the month of December due to the holiday schedule.

9. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Abigail Lewis submitted by Event Center Operations LLC dba Tri City Event Center located at 609 Platte Road in connection with their Class CK-084864 liquor license.
  10. Adopt Resolution No. 2019-8 approving the Technical and Professional Services Contract for Community Development Block Grant Program for Sidewalk/ADA Improvements (Grant No. 16-CD-203) between the City of Kearney and Miller & Associates.
  11. Adopt Resolution No. 2019-9 granting a six-month extension to a Community Development Block Grant (15-DTR-104) to allow for additional commercial rehabilitation time due to the project being delayed by adverse weather conditions.
  12. Adopt Resolution No. 2019-10 approving the Developer Constructed Infrastructure Agreement for Prairie Meadows Addition between the City of Kearney and Ben Hirschfeld, President of DT Development a Nebraska Corporation for the construction of paving, water main, sanitary sewer main and storm sewer for Prairie Meadows Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of the Southeast Quarter of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska.
  13. Authorize the Mayor to execute the Release of Easement on a tract of land being part of the West Half of the Northwest Quarter of the Northeast Quarter and part of Government Lot 3 and accretions located in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and approve Resolution No. 2019-11.
- \* *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. 8314 creating Paving Improvement District No. 2019-995 for 19th Street from the southeast corner of Lot 770, thence northerly 131 feet, thence westerly 140 feet, thence southerly 346 feet, thence easterly 130 feet thence northerly 185 feet, thence easterly 10 feet, thence northerly 30 feet to the point of beginning, all in Original Town Kearney Junction.
2. Approve Ordinance No. 8315 creating Paving Improvement District No. 2019-996 for Talmadge Street Right-of-Way from the southwest corner of Government Lot 7, thence easterly to the southeast corner of Lot 1, Younes Center Sixth Addition, thence southerly 66 feet to the northeasterly corner of Lot 6, Younes Center Fifth Addition, thence westerly to the northwest corner of Government Lot 7, thence northerly 66 feet to the southeast corner of Government Lot 7.
3. Approve Ordinance No. 8316 creating Paving Improvement District No. 2019-997 for 10th Avenue from the southwest corner of Lot 1, Gealy's Addition, thence northwesterly to 3rd Street, thence southerly 66 feet to the northwest corner of Government Lot 9, thence southeasterly to the South line of Government Lot 7.

## VI. REGULAR AGENDA

1. Consider repealing Resolution No. 2015-83 granting the Planned Development Overlay District for all of Spruce Hollow Estates Sixth Addition and approve Resolution No. 2019-12. *(Pertains to Public Hearing 7)*
2. Open Account Claim to NPPD - \$81,990.72.

## VII. REPORTS

## VIII. ADJOURN

Mayor Stanley Clouse  
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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)