

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

July 22, 2008

7:00 p.m.

I ROUTINE BUSINESS

1. Invocation (President or Designee of KMA).
2. Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Oral Communication - Recognition of visitors;
 - **Update from Kearney Public Library Foundation**

II UNFINISHED BUSINESS

None.

III PUBLIC HEARINGS

1. **TABLED JUNE 10, JULY 8, 2008.** Conduct a public hearing on the Application from City of Kearney Public Works Department to amend Chapter 50, "Sign Regulations" of the Code of the City of Kearney as follows: Section 50-102 "Definition of Terms" to delete the definition of Computerized Message Posting Sign; to delete the sentence "Signs whose information is limited to time and temperature are not considered electronic information signs" from subparagraph O "Electronic Information Signs"; to delete the sentence "This definition specifically excludes electronic information signs" from subparagraph R "Flashing Sign"; to provide a definition for Numeric Display Signs; to amend Section 50-103 "General Sign and Street Graphics Regulations" to delete subparagraph 3 pertaining to banners, balloons and posters; to require illumination levels controlling brightness and minimum required hold time for electronic information signs shall comply with Section 50-104 of Chapter 50; to allow political campaign signs to be placed no sooner than 45 days prior to an election; to provide requirements for inflatable balloons, posters, pennants, ribbons, streamers, spinners; to amend Section 50-104 "General Regulations; Basic Design Elements for Signs" to delete the requirement that no electronic information sign shall be located within 500 feet of another electronic information line, measured from the points of the 2 signs nearest each other; to provide no more than one electronic information sign is permitted per property; to provide requirements regarding programming and illumination of electronic information signs; to provide electronic information signs shall be deducted from the total sign budget allowed for the premises; and to provide requirements for numeric display signs.
2. **TABLED JULY 8, 2008.** Conduct a public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Cash-Wa Distributing Company of Kearney, Inc. (Owner) to rezone from "District R-1, Urban Residential Single-Family District (Low Density)" to "District M-1/PD, Limited Industrial/Planned Development Overlay District" property

described as part of Government Lot 3 and accretions located in Section 11, Township 8 North, Range 16 West of 6th P.M., and part of 6th Avenue (to be vacated), containing 24.34 acres, more or less, Buffalo County, Nebraska (west of 6th Avenue and 4th Street).

3. **TABLED JULY 8, 2008.** Conduct a public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Cash-Wa Distributing Company of Kearney, Inc. (Owner) for the Final Plat for "Cash-Wa Second Addition", an addition to the City of Kearney, Buffalo County, Nebraska for property described as part of Government Lot 3 and accretions located in Section 11, Township 8 North, Range 16 West of 6th P.M., and part of 6th Avenue (to be vacated), containing 24.34 acres, more or less, Buffalo County, Nebraska (west of 6th Avenue and 4th Street) and approve **Resolution No. 2008-108.**
4. **TABLED JULY 8, 2008.** Conduct a public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Cash-Wa Distributing Company of Kearney, Inc. (Owner) for the annexation of "Cash-Wa Second Addition", an addition to the City of Kearney, Buffalo County, Nebraska for property described as part of Government Lot 3 and accretions located in Section 11, Township 8 North, Range 16 West of 6th P.M., and part of 6th Avenue (to be vacated), containing 13.42 acres, more or less, Buffalo County, Nebraska (west of 6th Avenue and 4th Street) and approve **Resolution No. 2008-109.**
5. **TABLED JULY 8, 2008.** Conduct a public hearing on the Application submitted by Paul Brungardt from Brungardt Engineering (Applicant) for Cash-Wa Distributing Company of Kearney, Inc. (Owner) for Planned District Development Plan Approval for the construction of cold storage facility and a parking lot on property to be zoned "District M-1/PD, Limited Industrial/Planned Development Overlay District" and described as part of Government Lot 3 and accretions located in Section 11, Township 8 North, Range 16 West of 6th P.M., and part of 6th Avenue (to be vacated), containing 24.34 acres, more or less, Buffalo County, Nebraska (west of 6th Avenue and 4th Street) and approve **Resolution No. 2008-110.**
6. Conduct a public hearing on the application for a Class C-81872 (Beer, Wine and Distilled Spirits – On and Off Sale) liquor license submitted by B & R STORES, INC., dba "Apple Market" located at 7 West 25th Street, consider the manager application for Robert Steider, and approve **Resolution No. 2008-118.**

IV CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held July 8, 2008 and Special Meeting held July 10, 2008.
2. Approve the Claims.
3. Receive recommendations of Planning Commission and set August 12, 2008 at 7:00 p.m. as date and time for hearing on those applications where applicable.
4. Approve **Resolution No. 2008-72A** correcting the legal description for the final plat of New Viaero Addition to the City of Kearney, Buffalo County, Nebraska for property located at 1918 and 1920 West 24th Street.
5. Approve the application for a Special Designated License submitted by OFFICE SPACE, INC., dba "Lumbergs" in connection with their Class C-74704 liquor license to dispense beer and distilled spirits in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on August 16, 2008 from 12:00 p.m. until 1:00 a.m. for a wedding reception.
6. Approve the application to conduct a parade submitted by the Kearney Visitors Bureau and

UNK's Music Department for UNK Band Day to be held on September 27, 2008 beginning at 9:00 a.m. starting at Central Avenue and Railroad Street, north on Central Avenue to 27th Street, west on 27th Street and ending at the UNK Campus. Parking on Central Avenue from Railroad Street north to 26th Street will be prohibited after 6:00 a.m. Parking will be banned on Central Avenue from North Railroad Street to 25th Street beginning at 2:00 a.m. on the morning of September 27. The staging area to be closed beginning at 6:00 a.m. include Railroad Street from 4th Avenue to Avenue E, Avenue A from 21st Street to Railroad Street, and Avenues B, C and D from Railroad Street to 22nd Street, 3rd Avenue from Railroad Street to 22nd Street, and 1st Avenue from Railroad Street to 21st Street. This request will also allow for the selling of refreshments during the parade.

7. Approve the Agreement between the City of Kearney and Marilyn Macomber to reconstruct the existing sanitary sewer drain field located on Lot 2, Abood Addition to the City of Kearney, Buffalo County, Nebraska (860 East 1st Street) and approve **Resolution No. 2008-119**.
8. Approve Change Order No. 2 showing a decrease in the amount of \$2,882.90 submitted by Central Contracting and approved by Wilkins Hinrichs Stober Architects for the Kearney Volunteer Fire Department Station 1 Improvements Project and approve **Resolution No. 2008-120**.
9. Approve Application and Certificate for Payment No. 6 in the amount of \$92,351.82 submitted by Starostka Group Unlimited and approved by Miller & Associates in connection with the Northwest Well Field Improvements; Phase II – Water Transmission Main and approve **Resolution No. 2008-121**.
10. Approve Application and Certificate for Payment No. 2 in the amount of \$78,100.25 submitted by Judds Brothers Construction Co. and approved by Miller & Associates for the 2008 Airport Road Water Main Relocation and approve **Resolution No. 2008-122**.
11. Approve Application and Certificate for Payment No. 1 in the amount of \$92,751.30 submitted by Blessing, LLC and approved by Miller & Associates for the 2007 Part VI Improvements – Bid B consisting of Paving Improvement District No. 2008-925 for 9th Street Place from west line of Block 1, Park View Estates Fourth to its terminus in a cul-de-sac; Paving Improvement District No. 2008-926 for 8th Street from the west line of Block 3, Park View Estates Fourth, thence to its terminus being the east line of Park View Estates Fourth, AND TOGETHER WITH 10th Avenue from 8th Street, thence south to its terminus being the south line of Park View Estates Fourth and approve **Resolution No. 2008-123**.
12. Approve Application and Certificate for Payment No. 2 in the amount of \$65,876.40 submitted by Midlands Contracting, Inc. and approved by Miller & Associates for the 2007 Part VI Improvements – Bid A consisting of Water District No. 2008-549 for 9th Street Place from west line of Block 1, Park View Estates Fourth to its terminus in a cul-de-sac; Water District No. 2008-550 for 8th Street from the west line of Block 3, Park View Estates Fourth, thence to its terminus being the east line of Park View Estates Fourth, AND TOGETHER WITH 10th Avenue from 8th Street, thence south to its terminus being the south line of Park View Estates Fourth; Sanitary Sewer District No. 2008-491 for 9th Street Place from west line of Block 1, Park View Estates Fourth to its terminus in a cul-de-sac; Sanitary Sewer District No. 2008-492 for 8th Street from the west line of Block 3, Park View Estates Fourth, thence to its terminus being the east line of Park View Estates Fourth, AND TOGETHER WITH 10th Avenue from 8th Street, thence south to its terminus being the south line of Park View Estates Fourth and approve **Resolution No. 2008-124**.
13. Approve Application and Certificate for Payment No. 1 in the amount of \$1,350.00 submitted by Blessing, LLC and approved by Miller & Associates for the 2008 Part III Improvements

consisting of Paving Improvement District No. 2007-915 for 14th Street from 6th Avenue to 9th Avenue; Paving Improvement District No. 2007-916 for 9th Avenue from 13th Street to 14th Street; Paving Improvement District No. 2007-917 for 9th Avenue from 16th Street to 19th Street and approve **Resolution No. 2008-125**.

14. Approve Change Order No.1 showing an increase in the amount of \$7,476.00 submitted by Siel Construction, Inc. and approved by Miller & Associates for Landfill Construction – Cell 7 and approve **Resolution No. 2008-126**.
15. Approve Application and Certificate for Payment No. 2 in the amount of \$350,641.35 submitted by Paulsen, Inc. and approved by Kirkham Michael for the construction of the Airport Road Relocation Project and approve **Resolution No. 2008-127**.
16. Approve the Plans and Specifications for the construction of the 2008 Part 6 Improvements consisting of Paving Improvement District No. 2007-919, Water District No. 2007-548, and 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; for 10th Street from the east line of Lot 1 of Block 2, Jean Michael 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; Sewer District No. 2007-490 for 10th Street from the east line of Lot 1 of Block 2, Jean Michael 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 and set the bid opening date for August 19, 2008 at 2:00 p.m.
17. Approve the Agreement between the City of Kearney and The Solid Rock to allow a Jump-a-roo to be located in front on 2010 Central Avenue during Sidewalk Sales Days on July 24, 25 and 26, 2008 from 8:00 a.m. until 8:00 p.m. each day.
18. Approve **Resolution No. 2008-128** appointing members to fill the vacancies/expirations on the following Boards/Commissions: Airport Advisory Board, Community Redevelopment Authority, Downtown Improvement Board, Examining Board for Plumbers, Golf Advisory Board, Kearney Housing Agency, Library Advisory Board, Advisory Board of Park & Recreation Commissioners, and Planning Commission.
19. Approve the Application for a Special Designated License submitted by JUAN LAZO, dba “El Tropico” in connection with their Class IB-37623 liquor license to dispense beer and distilled spirits in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on August 31, 2008 from 6:00 p.m. until 12:00 a.m. for a Mexican dance.

* *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 *

None.

VI REGULAR AGENDA

1. **TABLED JUNE 10, JULY 8, 2008. ORDINANCE NO. 7445** – Amend Chapter 50, “Sign Regulations” of the Code of the City of Kearney as follows: Section 50-102 “Definition of Terms” to provide a definition for Numeric Display Signs; to amend Section 50-104 “General Regulations; Basic Design Elements for Signs” to provide requirements for numeric display signs. (Pertains to Public Hearing 1)
2. **ORDINANCE NO. 7453** – Vacate a portion of 6th Avenue lying between 4th Street and 8th Street, west of Cash-Wa Distributing. (Pertains to Public Hearing 2)
3. **ORDINANCE NO. 7454** – Rezone from “District R-1, Urban Residential Single-Family District (Low Density)” to “District M-1/PD, Limited Industrial/Planned Development Overlay District” property described as part of Government Lot 3 and accretions located in Section 11, Township 8 North, Range 16 West of 6th P.M., and part of 6th Avenue (to be vacated), containing 24.34 acres, more or less, Buffalo County, Nebraska (west of 6th Avenue and 4th Street). (Pertains to Public Hearing 2)
4. Consider the report concerning the renovation/replacement of the Harmon Park Fountain.
5. Open Account Claims: **NPPD - \$76,581.40, Platte Valley State Bank - \$48,485.44, School District #7 - \$1,134.70**

VII REPORTS

VIII ADJOURN

Mayor Stanley Clouse
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Vice-President Randy Buschkoetter
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Council Member Don Kearney
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Council Member Bruce Lear
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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

ADDENDUM NO. 1

IV CONSENT AGENDA

20. 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 Outdoor Arena, formerly known as the Exposition Building, located at the Buffalo County Fairgrounds, 3807 Avenue N, on August 2, 2008 from 5:00 p.m. until 1:00 a.m., August 3, 2008 from 5:00 p.m. until 12:00 a.m., and on August 4, 2008 from 5:00 p.m. until 1:00 a.m. for the Buffalo County Fair.