

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

May 11, 2010

7:00 p.m.

I ROUTINE BUSINESS

1. Invocation by Pastor Lew Champ from First Christian Church.
2. Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Oral Communication - Recognition of visitors.

II UNFINISHED BUSINESS

None.

III PUBLIC HEARINGS

1. Postponed from April 27, 2010 Meeting. Conduct a public hearing concerning a tourism development application to the Department of Economic Development for Community Development Block Grant Funds for the Archway Pawnee Earthlodge project and approve **Resolution No. 2010-78.**
2. Conduct a public hearing on the proposed amendment to Section 46-114 "Supplemental Use Regulations: Temporary Uses" of Chapter 46 "Supplemental Use Regulations" of the Kearney City Code to clarify the regulations for cargo containers in commercial and industrial zones and to provide regulations for portable storage containers in residential zones.
3. Conduct a public hearing on the proposed amendment to Section 56-104 "Storm Water Management" of Chapter 56 "Public Improvements and Infrastructure" of the Kearney City Code to clarify the regulations pertaining to storm water management design and submittal requirements and to provide regulations for ongoing and perpetual maintenance responsibilities for storm water facilities.
4. Conduct a public hearing on the proposed acquisition granted by RHOJCOAMT Partnership Ltd. for a Permanent Utility Easement for a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (30th Avenue between 11th Street and 16th Street) and approve **Resolution No. 2010-92.**

IV CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held April 27, 2010.
2. Approve the Claims.
3. Approve the application for a Special Designated License submitted by Alley Rose Inc. of Kearney, NE, dba Alley Rose in connection with their Class IK-21763 catering liquor license to dispense beer, wine and distilled spirits in the Extension Building located at the Buffalo County Fairgrounds, 3807 Avenue N on May 29, 2010 from 5:00 p.m. until 1:00 a.m. for a reception.
4. Approve **Resolution No. 2010-93** allowing the City to expend funds on the 2010 Part 2 Improvements consisting of Paving Improvement District No. 2010-938 for 8th Street from 16th Avenue east to the east line of Block One of Park View Estates Fifth Addition; Paving Improvement District No. 2010-939 for 16th Avenue from 8th Street to 11th Street; Paving Improvement District No. 2010-940 for 15th Avenue from 8th Street to 11th Street; Water District No. 2010-559 for 8th Street from 16th Avenue east to the east line of Block One of Park View Estates Fifth Addition; and for 15th Avenue from 8th Street to 11th Street; and for 16th Avenue from 8th Street to 11th Street; and Sanitary Sewer District No. 2010-499 for 8th Street from 16th Avenue east to the east line of Block One of Park View Estates Fifth Addition; and for 15th Avenue from 8th Street to 11th Street; and for 16th Avenue from 8th Street to 11th Street from the proceeds of various debt issuances.
5. Approve **Resolution No. 2010-94** declaring all future special assessments of the following districts and tracts of land delinquent:
 - Mark Jacobsen and Deborah Jacobsen (Paving District No. 99-815) – Lot 125 and the east half of the vacated alley abutting said lot on the west, and the west 17 feet of Avenue B abutting said lot on the east, South Kearney Addition to the City of Kearney, Buffalo County, Nebraska TOGETHER WITH the south half of vacated 10th Street abutting the above land on the north.
 - Marlo Johnson and Jennifer Johnson (Paving District No. 2000-822) – The west 250 feet of Tax Lot 12 in Government Lot 8 in Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, lying north of the north line of Talmadge Street.
 - Illride Enterprises, LLC (Paving District No. 2003-872) – Lot 539, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska.
 - Illride Enterprises, LLC (Paving District No. 2003-872) – The south 20 feet of Lot 540, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska.
 - Trends, Inc. (Paving District No. 2000-822) – Part of Lots 3 and 4, A. Collins Subdivision to the City of Kearney and that part of Central Avenue adjoining said lots on the west (now vacated), said tract of land being more particularly described as follows: commencing at a point which is on the east boundary of present Central Avenue and is 124.83 feet south and 34.6 feet west of the northwest corner of Lot 4 in said A. Collins Subdivision, running thence east a distance of 300 feet parallel to the north boundary of said Lot 4 running thence northerly and parallel to the present east boundary of Central Avenue in the City of Kearney, a distance of 200 feet; running thence westerly and parallel to the north boundary of said Lot 4 a distance of 300 feet running thence south along the east boundary of present Central Avenue a distance of 200 feet to the place of beginning, all in the City of Kearney, Buffalo County, Nebraska.
6. Accept the Certificate of Substantial submitted by Skeen Construction and approved by Miller & Associates for the One-Million Gallon Reservoir Demolition Project located at Memorial Field and approve **Resolution No. 2010-95**.

7. Approve the application for deferral of special assessments submitted by the Kearney Regional Medical Center, LLC in connection with Paving Improvement District No. 2001-865 for Kea West Avenue from 11th Street south for property described as 41.77 acres which lies south of Western Nebraska Property Development Addition and north of the North Channel of the Platte River.
 8. Approve the recommendation from Mayor Clouse to appoint Jonathan Bokenkamp to fulfill the term vacated by Michael Bruce on the Downtown Improvement Board and approve **Resolution No. 2010-96**.
 9. Approve the application to extend Conditional Use Permit No. 1986-04 submitted by Art Pierce to locate a calligraphy studio at 2202 Avenue B, Unit 3 for a period of two years.
 10. Approve the Plans and Specifications for the 2010 Part 3 Improvements consisting of Paving Improvement District No. 2010-941 for Talmadge Street from the west lot line of Lot 1, Interstate Fifth Addition east to the east lot line of Lot B, Interstate Subdivision; Water District No. 2010-560 for Talmadge Street from the west lot line of Lot 1, Interstate Fifth Addition east a distance of 118.52± feet; Sanitary Sewer District No. 2010-500 for Talmadge Street from the west lot line of Lot 1, Interstate Fifth Addition east to a point that is 14.13± feet west of the northeast corner of said Lot 1, Interstate Fifth Addition and set the bid opening date for June 1, 2010 at 2:00 p.m.
 11. Approve the Agreement between the City of Kearney and the Nebraska Department of Roads for Project No. URB-30-4(156) to rebuild the traffic signal at the intersection of U.S. Highway 30 (25th Street) at 5th Avenue and approve **Resolution No. 2010-97**.
 12. Approve the Consulting Engineering Agreement between the City of Kearney and Olsson & Associates with regard to the Federal Aid Project No. URB-5922(3); 39th Street from Pony Express Road to Avenue M Project and approve **Resolution No. 2010-98**.
 13. Approve the Technical and Professional Services Contract between the City of Kearney and Miller & Associates as Project Administrator for management and supervision services under a Community Development Block Grant Community Revitalization; Grant No. 09-CR-104 and approve **Resolution No. 2010-99**.
 14. Approve the Technical and Professional Services Contract between the City of Kearney and Miller & Associates as Project Administrator for management and supervision services under an Economic Development Assistance Program; Grant No. 05-01-04933 and approve **Resolution No. 2010-100**.
- * *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. Consider **Ordinance No. 7594** amending Section 46-114 "Supplemental Use Regulations: Temporary Uses" of Chapter 46 "Supplemental Use Regulations" of the Kearney City Code to clarify the regulations for cargo containers in commercial and industrial zones and to provide regulations for portable storage containers in residential zones. *(Pertains to Public Hearing 2)*

2. Consider **Ordinance No. 7595** amending Section 56-104 "Storm Water Management" of Chapter 56 "Public Improvements and Infrastructure" of the Kearney City Code to clarify the regulations pertaining to storm water management design and submittal requirements and to provide regulations for ongoing and perpetual maintenance responsibilities for storm water facilities. *(Pertains to Public Hearing 3)*
3. Third and Final Reading of **Ordinance No. 7589** annexing the following tract of land to be included within the corporate limits: part of the East Half of the Northeast Quarter and part of the Northeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County Nebraska described as: bound by a line beginning at a point on the east line of Section 4, which is 1320 feet south of the northeast corner of said Section 4, running thence west parallel with the north line of said Section a distance of 660 feet; thence south parallel with the east line of said Section to the north line of the right-of-way of the Union Pacific Railroad Company; thence in an easterly direction along the north line of said right-of-way to the intersection with the east line of said Section 4; thence north along said east line to the place of beginning. Subject to public road right-of-way as recorded in the Road Record Books as filed in the Buffalo County Surveyor's Office, except a tract of land deeded to the City of Kearney by Warranty Deed recorded June 23, 1999 as Inst. 1999-5083 (1930 and 2010 30th Avenue).
4. Open Account Claims: **NPPD - \$52,348.81, Platte Valley State Bank - \$48,363.01, School District #7 - \$10,235.40**

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