

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

March 27, 2012

7:00 p.m.

I ROUTINE BUSINESS

1. Invocation by Pastor Marvin Valdois, 56th Street Baptist 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 until April 10, 2012.** Conduct a public hearing on the Applications submitted by Buffalo Surveying Corp. (Applicant) for Starostka Group Unlimited, Inc. (Owner) as follows: (1) vacate Lots 1 through 5 of Block 3, all of Avenue L as it abuts Lot 5 of Block 3, all of that part of 66th Street Place as it abuts Lots 1 through 5 of Block 3, and all that part of 66th Street Place as it abuts part of Avenue L, all in Bel Air Second Addition, together with Lot 5 of Block 2 and all that part of 66th Street Place as it abuts said Lot 5 of Block 2, all in Bel Air Fourth Addition and consider **Ordinance No. 7706**; and (2) an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Low Density Residential to Medium Density Residential for property described as Lots 1 through 5 inclusive of Block Three (to be vacated), Bel Air Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska and part of 66th Street Place, a street in the City of Kearney, and part of Avenue L, a street in the City of Kearney (west of the intersection of Avenue N and 66th Street) and consider **Resolution No. 2012-33**.
2. **Postponed until April 10, 2012.** Conduct a public hearing on the Application submitted by Buffalo Surveying Corp. (Applicant) for Starostka Group Unlimited, Inc. (Owner) to rezone from District R-1, Urban Residential Single-Family District (Low Density) to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District property described as Lots 1 through 5 inclusive of Block 3 (to be vacated), Bel Air Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska and part of 66th Street Place, a street in the City of Kearney, and part of Avenue L, a street in the City of Kearney (west of the intersection of Avenue N and 66th Street) and consider **Ordinance No. 7707**.

3. **Postponed until April 10, 2012.** Conduct a public hearing on the Application submitted by Buffalo Surveying Corp. (Applicant) for Starostka Group Unlimited, Inc. (Owner) for the Final Plat and Subdivision Agreement for Starostka View Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as Lots 1 through 5 inclusive of Block 3, all of Avenue L, a street in the City of Kearney as it abuts said Lot 5 of Block 3 on the east, all that part of 66th Street Place, a street in the City of Kearney as it abuts said Lots 1 through 5 inclusive of Block 3, and all that part of 66th Street Place, a street in the City of Kearney as it abuts the aforescribed part of Avenue L on the north, all in Bel Air Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska; TOGETHER WITH Lot 5 of Block 2, and all that part of 66th Street Place, a street in the City of Kearney as it abuts said Lot 5 of Block 2 on the north, all in Bel Air Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (said lots and streets to be vacated) (west of the intersection of Avenue N and 66th Street) and consider **Resolution No. 2012-34.**
4. **Postponed until April 10, 2012.** Conduct a public hearing on the Application submitted by Brungardt Engineering (Applicant) for Starostka Group Unlimited, Inc. (Owner) for Planned District Development Plan Approval for duplex development on property to be zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District for property described as proposed Lot 1 of Block 2, Starostka View Addition, an addition to the City of Kearney, Buffalo County, Nebraska (66th Street Place and Avenue L) and consider **Resolution No. 2012-35.**
5. Conduct a public hearing on the Application for a Class D-97771 liquor license submitted by KB & KS Investments, LLC, dba Qwest Fuel located at 414 2nd Avenue South, consider the manager application for Tara Shaw and consider **Resolution No. 2012-38.**
6. Conduct a public hearing on the automatic renewal of the liquor license held by STL of Nebraska, Inc., dba Target Store T-0857 in connection with their Class DK-77550 liquor license located at 4800 3rd Avenue and consider **Resolution No. 2012-39.**
7. Conduct a public hearing for the proposed acquisition for a public utility easement of a tract of land described as being the east ten feet of Lot 1, Ingalls Crossing Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and to consider **Resolution No. 2012-40.**
8. Conduct a public hearing for the purpose of revising the City of Kearney Budget for the 2011-2012 Fiscal Year and consider **Ordinance No. 7709.**
9. Conduct a public hearing for the proposed acquisition of a tract of land described as being part of the Southwest Quarter of the Northeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska to expand the Tech ONE Crossing Data Park and to consider **Resolution No. 2012-41.**

IV CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held March 13, 2012.

2. Approve the Claims.
3. Receive recommendations of Planning Commission and set April 10, 2012 at 7:00 p.m. as date and time for hearing on those applications where applicable.
4. Approve the request submitted by the Kearney Police Department/Buffalo County Sheriff's Office to temporarily block off Avenue B from North Railroad Street to 21st Street for the vehicle auction to be held on April 28, 2012 from 7:00 a.m. until 3:00 p.m.
5. Adopt **Resolution No. 2012-42** approving Change Order No. 3 showing an increase in the amount of \$12,884.50 submitted by Blessing LLC and approved by Alfred Benesch & Company for the Kearney Regional Airport Terminal Parking Rehabilitation Project (AIP Project No. 3-31-0045-23).
6. Accept the bids received for the 2010 Part 4 Improvements; Yanney Park Parking Lot and adopt **Resolution No. 2012-43** awarding the bid to Blessing, LLC in the amount of \$201,091.00.
7. Accept the bids received for the 2011 Part 14 Improvements; Avenue H Viaduct Repairs and adopt **Resolution No. 2012-44** awarding the bid to Wilke Contracting in the amount of \$53,620.00.
8. Accept the bids received for the 2011 Part 9 Improvements consisting of Paving Improvement District No. 2011-949 for 50th Street from 17th Avenue west to the west line of Hoehner Estates Third Addition, Paving Improvement District No. 2011-950 for 17th Avenue from 49th Street Place north 522.66± feet, Water Connection District No. 2011-1 and Sanitary Sewer Connection District No. 2011-1 in 50th Street from the east line of 17th Avenue west 627.11± feet and adopt **Resolution No. 2012-45** awarding the bid to Blessing, LLC in the amount of \$662,615.50.
9. Adopt **Resolution No. 2012-46** allowing the City to expend funds on the 2011 Part 9 Improvements for the 50th Street and 17th Avenue paving and storm sewer project from the proceeds of the Series 2012 Bond Anticipation Notes.
10. Adopt **Resolution No. 2012-47** approving Change Order No. 2 showing an increase in the amount of \$6,311.00 submitted by Midlands Contracting Inc. and approved by Miller & Associates for the 2011 Part 5 Improvements; Truck Washout Facility.
11. Adopt **Resolution No. 2012-48** approving Change Order No. 2 showing a decrease in the amount of \$87,959.20, Application and Certificate for Payment No. 9-Final in the amount of \$34,939.03, and accept the Certificate of Substantial Completion submitted by Paulsen, Inc. and approved by Miller & Associates for the 2010 Part 5 Improvements – Bid B consisting of Paving Improvement District No. 2010-944 commencing at a point 250 feet east of 11th Avenue and from a point 250 feet west of 11th Avenue in and including all of 56th Street, and commencing at the south line of 56th Street thence northerly to the north line of Spruce Hollow Boulevard in and including all 11th Avenue, 57th Street Place, 59th Street, 61st Street, 61st Street Place, 62nd Street Place and Spruce Hollow Boulevard.

12. Adopt **Resolution No. 2012-49** approving Amendment No. 1 to the Consultant Agreement between the City of Kearney and Alfred Benesch & Company to include re-design, re-bid, construction observation and material testing for AIP Project No. 3-31-0045-27; Terminal Apron Sealcoat, Runway 13/31 Repairs and Airfield Marking at the Kearney Regional Airport.
13. Approve the request to temporarily close on May 19, 2012 from 7:00 a.m. until 7:00 p.m. the east and west sides of Central Avenue from 24th Street to 25th Street, the north side of 24th Street from Central Avenue to Avenue A, and the "City Hall Parking Lot located southwest of 23rd Street and Avenue A.
14. Approve the application for a Special Designated License submitted by Kearney Investment Corp., dba Holiday Inn in connection with their Class CK-17964 catering liquor license to dispense beer, wine and distilled spirits inside a tent in the parking lot located north of the Museum of Nebraska Art and inside the Museum of Nebraska Art, 2401 Central Avenue on April 14, 2012 from 4:00 p.m. until 12:00 a.m. for a fund raiser.
15. 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 inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on April 14, 2012 from 4:00 p.m. until 12:00 a.m. for a boxing event.
16. 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 inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on 21, 2012 from 4:00 p.m. until 12:00 a.m. for a reception.
17. 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 inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on April 28, 2012 from 4:00 p.m. until 12:00 a.m. for a reception.
18. Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropico in connection with their IBK-37623 catering liquor license to dispense beer and distilled spirits in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on May 5, 2012 from 6:00 p.m. until 1:00 a.m. for a 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 *

1. Consider **Ordinance No. 7710** providing for the issuance of a promissory note in the amount of \$1,700,000 for the payment of claims against the City relating to capital expenditures for purchasing/improving data center real property; agreeing to pay the notes and accrued interest from funds collected or to be collected upon current or subsequent tax levy.

2. Adopt **Ordinance No. 7711** creating Paving Improvement District No. 2012-951 for 13th Street Place from 17th Avenue to its terminus in a cul-de-sac.
3. Adopt **Ordinance No. 7712** creating Water District No. 2012-563 in 13th Street Place from 17th Avenue to its terminus in a cul-de-sac.
4. Adopt **Ordinance No. 7713** creating Sanitary Sewer District No. 2012-503 in 13th Street Place from 17th Avenue to its terminus in a cul-de-sac.

VI REGULAR AGENDA

1. Consider the redevelopment project for Redevelopment Area #5 for an area described as the south 49 feet of Lot 2, all of Lots 3, 4, 5, 6, 9, 10, and the south 49 feet of Lot 11, all in Block 9, Kearney Land & Investment Company 2nd Addition to the City of Kearney, Buffalo County, Nebraska, excepting therefrom the west 92 feet of Lot 7 and the west 92 feet of the south 30 feet of Lot 8, Block 9 thereof (2214 14th Avenue) and adopt **Resolution No. 2012-50**.
2. Open Account Claims: **NPPD - \$77,740.83, Stan Clouse - \$162.18**

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