

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

May 22, 2012

7:00 p.m.

I ROUTINE BUSINESS

1. Invocation by Pastor Tom Wilson, Campus Lutheran 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 April 24, 2012.** Conduct a public hearing on the Application submitted by City of Kearney, Nebraska (Applicant) and Two Sisters Farms, Inc. (Owner) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Mixed Use 3 to Business Park for property described as a tract of land located in part of the South Half of the Northwest Quarter and 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 (south of 56th Street east of Antelope Avenue) and consider **Resolution No. 2012-61.**
2. **Postponed April 24, 2012.** Conduct a public hearing on the Application submitted by City of Kearney, Nebraska (Applicant) and Two Sisters Farms, Inc. (Owner) to rezone from District AG, Agricultural District to District BP/PD, Business Park/Planned Development Overlay District property described as a tract of land located in part of the South Half of the Northwest Quarter and 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 (south of 56th Street east of Antelope Avenue) and consider **Ordinance No. 7720.**
3. Conduct a public hearing on the application for a Class I-98485 liquor license submitted by Four Cactuses, LLC, dba El Maguey Mexican Restaurant located at 1104 2nd Avenue, consider the manager application for Ruben Lopez Melendez, and consider **Resolution No. 2012-76.**
4. Conduct a public hearing to consider an area referred to as Redevelopment Area #11 and described as a tract of land beginning at the intersection of the south line of Block 2, Sunny Acres Subdivision and the west right-of-way line of the Union Pacific Railroad Corridor, thence southwest along said west right-of-way line to its intersection with the south line of 27th Street East, thence west along said south line to its intersection with the west line of Avenue M, thence north along

said west line to its intersection with the north line of 30th Street East, thence east along said north line to its intersection with the west line of Avenue N, thence north along said west line to its intersection with the extended south line of Block 2, Sunny Acres Subdivision, thence east along said extended line across Avenue N and continuing east along the south line of said Block 2 to its intersection with the west right-of-way line of the Union Pacific Railroad, also the point of beginning, all located in the City of Kearney, Buffalo County, Nebraska to be blighted and substandard and in need of redevelopment; to amend Redevelopment Area #5 to include Redevelopment Area #11 and to consider **Resolution No. 2012-77**.

5. Conduct a public hearing on acquiring an interest in real property by purchase, dedication or eminent domain for permanent utility easements of the following tracts of land: (1) Temporary Construction Easement for a tract of land described as referring to the southwest corner of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, thence easterly along the south line of said Northwest Quarter a distance of 33 feet to the east right-of-way line of 17th Avenue, thence northerly along said east right-of-way line a distance of 212.24 feet to a point, said point being the Actual Point of Beginning, thence easterly perpendicular to said east right-of-way a distance of 20 feet to a point, thence northerly parallel with said east right-of-way a distance of 270.00 feet, thence deflecting right an angle of 13°29'45" and proceeding northeasterly a distance of 257.10 feet to a point, thence northerly parallel with said east right-of-way a distance of 100.00 feet to a point, thence deflecting left an angle of 38°39'35" and proceeding northwesterly a distance of 128.06 feet to a point on said east right-of-way line, thence southerly on said east right-of-way line a distance of 720.00 feet to the Actual Point of Beginning containing 0.69 Acres more or less, all in Buffalo County, Nebraska. (2) Permanent Utility Easement for a tract of land described as a part of the Southwest Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska more particularly described as follows: Referring to the southwest corner of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, thence easterly along the south line of said Northwest Quarter a distance of 33 feet to the east right-of-way line of 17th Avenue, thence northerly along the east right-of-way line of 17th Avenue a distance of 536.24 feet to a point on the south right-of-way line of 50th Street as platted in the City of Kearney extended easterly and the Actual Point of Beginning thence easterly perpendicular to said east right-of-way a distance of 20 feet, thence northerly parallel with said easterly right-of-way a distance of 66 feet to the north right-of-way line of said 50th Street extended easterly, thence westerly perpendicular to said easterly right-of-way a distance of 20 feet to a point on said easterly right-of-way, thence southerly on said easterly right-of-way a distance of 66 feet to the Actual Point of Beginning containing 0.03 Acres more or less, all in Buffalo County, Nebraska. (3) Permanent Utility Easement for a tract of land described as referring to the southwest corner of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, thence easterly along the south line of said Northwest Quarter a distance of 33.00 feet to the east right-of-way line of 17th Avenue, thence northerly parallel with the west line of said Northwest Quarter a distance of 708.26 feet to a point on said east right-of-way line, said point being the Actual Point of Beginning, thence deflecting right an angle of 45°00'00" and proceeding northeasterly a distance of 152.50 feet to a point, thence deflecting left an angle of 90°00'00" and proceeding northwesterly a distance of 25.00 feet, thence deflecting left an angle of 90°00'00" and proceeding southwesterly a distance of 127.50 feet to a point on said east right-of-way line, thence southerly along said east right-of-way line a distance of 35.36 feet to the Actual Point of Beginning containing 0.08 Acres more or less, all in Buffalo County, Nebraska and consider **Resolution No. 2012-78**.

IV CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held May 8, 2012.

2. Approve the Claims.
3. Receive recommendations of Planning Commission and set June 12, 2012 at 7:00 p.m. as date and time for hearing on those applications where applicable.
4. **Postponed April 24, 2012.** Adopt **Resolution No. 2012-72** approving developing standards to be applied toward the development of the Tech ONE Crossing Business Park located at the southeast corner of 56th Street and Antelope Avenue.
5. Approve the request submitted by The Great Platte River Road Archway Monument to temporarily close Central Avenue from Talmadge Street to 1st Street and to temporarily close 1st Street from Central Avenue to Cherry Avenue on June 16, 2012 from 7:00 a.m. until 7:00 p.m. in connection with the Pow Wow Celebration.
6. Adopt **Resolution No. 2012-79** prohibiting parking on the north side of 4th Street from 4th Avenue west to the new entrance to Cash-Wa Distributing's fenced campus.
7. Approve the application for a Special Designated License submitted by Nebraska Aids Project to dispense beer and wine in the East Gallery of the Museum of Nebraska Art and in the outside garden area located on the east side of the building located at 2401 Central Avenue on June 9, 2012 from 3:00 p.m. until 9:00 p.m. for a fund raiser.
8. Accept the bids received for the 2011 Part 12 Improvements; Harmon Park Inclusive Playground and adopt **Resolution No. 2012-80** awarding the bid to Dostals Construction in the amount of \$202,599.00.
9. Adopt **Resolution No. 2012-81** approving the Peterson Senior Activity Center Annual Nutrition Service Contract between the City of Kearney and Community Action Partnership of Mid-Nebraska to serve as the meal service provider.
10. Adopt **Resolution No. 2012-82** approving Application and Certificate for Payment No. 1 in the amount of \$472,220.10 submitted by Dan Roeder Concrete and approved by Miller & Associates for the 2011 Part 7 Improvements; 5th Avenue from North Railroad Street to 25th Street.
11. 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 Holmes Supply, 2003 Avenue C, on June 22, 2012 from 3:00 p.m. until 7:00 p.m. for an open house.
12. 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 Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on June 23, 2012 from 3:00 p.m. until 12:00 a.m. for a reception.
13. Approve the Agreement submitted by the Central Nebraska Auto Club to temporarily block off Central Avenue from 25th Street to North Railroad Street, 24th Street from 1st Avenue to Avenue A, 23rd Street from 1st Avenue to Avenue A, 21st Street from 1st Avenue to Avenue A, the parking lot located west of Cunningham's Journal, the parking lot located behind City Hall, and the parking lot located north of MONA in conjunction with Cruise Nite 2012 on July 21, 2012. Parking on these public properties will be prohibited on July 21, 2012 beginning at 2:00 a.m.
14. Adopt **Resolution No. 2012-83** approving the Cruise Nite parade scheduled for July 21, 2012 at 5:00 p.m. beginning at Railroad Street and Central Avenue, north on Central Avenue and dispersing at the intersection of 28th Street and Central Avenue.

- 15. Approve the request submitted by HOPE to temporarily close the parking stalls on the east side of 1st Avenue from 23rd Street to 24th Street on June 23, 2012 from 8:00 a.m. until 12:00 a.m.
 - 16. Adopt **Resolution No. 2012-84** authorizing the City of Kearney to join with NPPD as a co-applicant to the Nebraska Power Review Board for an amendment to NPPD's retail service area which includes the City to include the newly annexed land of Bel Air Fifth Addition to the City of Kearney, Buffalo County, Nebraska (west of the intersection of Avenue N and 66th Street).
- * 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. Adopt **Ordinance No. 7726** extending the Franchise Agreement with Northwestern Natural Gas to provide natural gas services within the City of Kearney for a period of ten years.
- 2. Adopt **Ordinance No. 7727** creating Water Extension District No. 2012-1 for 56th Street from the existing water main located ½ mile east of Antelope Avenue eastward approximately 5,446 feet to connect to the existing water main serving the airport water system which is located near the southwest corner of the National Guard Armory site.

VI REGULAR AGENDA

- 1. Open Account Claims: **NPPD - \$78,876.60.**

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