

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

March 26, 2013

7:00 p.m.

I ROUTINE BUSINESS

1. Invocation by Pastor Kelly Larsen from Cornerstone Berean 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 March 12, 2013.** Conduct a public hearing on the Application submitted by Buffalo Surveying Corp. (Applicant) for Nancy Norwood (Owner) to rezone from District R-2, Urban Residential Mixed-Density District to District UC, Mixed Use Urban Corridor District property described as Lots 1, 2, 3, 4 of Block 29, Perkins & Harfords Addition to the City of Kearney, Buffalo County, Nebraska, excepting that part of said Lot 1 deeded to the State of Nebraska Department of Roads (202, 206, 208, 210 West 29th Street and 2824 2nd Avenue) and consider **Ordinance No. 7787**.
2. Conduct a public hearing on the application for a Class C-102050 liquor license submitted by The Cigarette Store Corp., dba Smoker Friendly #017 proposing to conduct their business at 620 East 25th Street, Suite F, consider the manager application for Stacey Lauby, and consider **Resolution No. 2013-39**.
3. Conduct a public hearing on the proposed acquisition of an interest in real property by purchase of Outlot A, Fountain Hills First Addition to the City of Kearney, Buffalo County, Nebraska and consider **Resolution No. 2013-40**.

IV CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held March 12, 2013.
2. Approve the Claims.

3. Receive recommendations of Planning Commission and set April 9, 2013 at 7:00 p.m. as date and time for hearing on those applications where applicable.
4. Adopt **Resolution No. 2013-41** approving the recommendation from the Advisory Board of Park & Recreation Commissioners on naming Fountain Hills Park located south of 48th Street and east of 11th Avenue.
5. Adopt **Resolution No. 2013-42** to declare the intent to issue tax-exempt bonds pertaining to the Law Enforcement Center Renovations.
6. Adopt **Resolution No. 2013-43** approving Change Order No. 13 for an increase in the amount of \$508.00, and Change Order No. 14 for an increase in the amount of \$1,880.00 submitted by JLC, Inc. and approved by Wilkins Hinrichs Stober Architects in connection with the Kearney Public Library Addition & Renovation Project.
7. 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 May 4, 2013 from 7:00 a.m. until 3:00 p.m.
8. Approve the Plans and Specifications for the 2013 Part 2 Improvements; Paving Improvement District No. 2012-953 for Avenue L from 65th Street Place north northeasterly to 66th Street Place and set the bid opening date for April 16, 2013 at 2:00 p.m.
9. Approve the Plans and Specifications for the construction of the 2013 Kearney Regional Airport concrete paving improvements and set the bid opening date for April 16, 2013 at 2:00 p.m.
10. Adopt **Resolution No. 2013-44** approving Application and Certificate for Payment No. 1 in the amount of \$127,870.63 submitted by Midlands Contracting and approved by Miller & Associates for the 2012 Part 6 Improvements – Bid A consisting of Water District No. 2012-565 for 52nd Street from 3rd Avenue and terminating 761 feet west, Water District No. 2012-566 in a Road and Utility Easement in Lot 4, Oak Park Center lying between 2nd Avenue and 3rd Avenue; Water District No. 2012-567 in a 66-foot Road and Utility Easement from the south line of the intersection of 56th Street and 4th Avenue and terminating at a point 325 feet southeasterly; Sanitary Sewer District No. 2012-505A in a Roadway and Utility Easement beginning at a point 136 feet west of 2nd Avenue on the south line of 56th Street and southerly terminating at the south line of Lot 4, Oak Park Center, and Sanitary Sewer District No. 2012-506 in a Roadway and Utility Easement beginning at the south line of the intersection of 56th Street and 4th Avenue and terminating at a point 325 feet southeasterly.
11. Accept the bids received for the 2012 Part 6 Improvements; Phase 2 consisting of Paving Improvement District No. 2012-956 for 56th Street from 2nd Avenue west to 6th Avenue and adopt **Resolution No. 2013-45** awarding the bid to Blessing Construction in the amount of \$683,092.30.
12. Amend **Resolution No. 2013-33** and cancel the liquor license held by Mongolian Grill of Omaha, LLC, dba Mongolian Grill in connection with their Class A-85854 liquor license located at 5012 23rd Avenue, Suite 178.

13. Accept the bids received for the purchase of an Articulated Frame Four-Wheel Drive Loader for the Public Works Department and award the bid to Nebraska Machinery in the amount of \$189,075.00.
14. Accept the bids received for the purchase of a 5-cubic yard dump truck for the Public Works Department and award the bid to Nebraska Truck Center in the amount of \$121,373.00.
15. Approve the Agreement between the City of Kearney and the Lincoln Highway Celebration Committee to conduct the Twin Auto Tour Celebration and Parade on June 30, 2013 beginning at 12:00 p.m. with the parade starting at Central Avenue and Railroad Street, north on Central Avenue to 24th Street, east on 24th Street to Avenue A, south on Avenue A to Railroad Street. The staging area will include the temporary closing of the following streets beginning at 6:00 a.m.: Central Avenue from 25th Street to Railroad Street; Avenue A from 25th Street to Railroad Street; Avenue B from 22nd Street to Railroad Street; Avenue C from 22nd Street to Railroad Street; Avenue D from 22nd Street to Railroad Street; Railroad Street from Avenue E to 5th Avenue; 3rd Avenue from Railroad Street to 21st Street; 4th Avenue from Railroad Street to 21st Street; 21st Street from the east side of 1st Avenue to the east side Avenue A; 22nd Street from the east side of 1st Avenue to the east side Avenue A; 23rd Street from the east side of 1st Avenue to the east side Avenue A; 24th Street from the east side of 1st Avenue to the east side Avenue A; parking lot located north of the Museum of Nebraska Art; public parking lot located north of City Hall; and the public parking lot located west of Central Avenue on Railroad Street.
16. Approve the application to extend Conditional Use Permit No. 1995-02 granted to Cathleen Headlee to locate a dog grooming business at 211 East 30th Street for a period of one year.
17. Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropico in connection with their Class IBK-37623 catering liquor license to dispense beer and distilled spirits in the Exhibit Building (alternate location is Exposition Building) located at the Buffalo County Fairgrounds, 3807 Avenue N, on April 20, 2013 from 6:00 p.m. until 1:00 a.m. for a dance.
18. Adopt **Resolution No. 2013-46** certifying to the Nebraska Department of Revenue designating the Director of Finance as the representative authorized with confidential sales tax returns and sales tax return information regarding taxpayers that possess a sales tax permit and the amounts remitted by such permitholders at locations within the City of Kearney.
19. Approve the Plans and Specifications for the construction of an Aircraft Rescue and Fire Fight (ARFF) Facility located at the Kearney Regional Airport and set the bid opening date for April 16, 2013 at 2:30 p.m.
20. Approve the request submitted by Main Street Kearney to temporarily close eight parking spaces in front of Fort Theatre Dentistry located at 2205 Central Avenue and in front of the former Ten Thousand Villages located at 2119 Central Avenue on March 28, 2013 from 2:00 p.m. until 8:00 p.m. for Flock to the Bricks event.

* *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 adopting **Resolution No. 2013-47** on the intent to annex into the City limits the following tracts of land and to set the public hearing date for April 9, 2013:

TRACT 1.

Lot 1, Smith Addition, a subdivision located in the Southeast Quarter of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (5110 17th Avenue).

TRACT 2.

A tract of land located in the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: a point which is 987 feet north of the East Quarter corner of said Section 27 which is the point of beginning, thence west 596 feet parallel with the south line of said Northeast Quarter, thence north 208 feet, thence east 596 feet, thence south 208 feet along said east line to the place of beginning, all in Buffalo County, Nebraska (5120 17th Avenue).

TRACT 3.

Lot 1 of Block 2, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (5308 17th Avenue).

TRACT 4.

A tract of land being part of the Northeast Quarter of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: referring to the northeast corner of the Northeast Quarter of said Section 27; thence southerly on the east line of said Northeast Quarter a distance of 484.43 feet to the ACTUAL PLACE OF BEGINNING; thence continuing southerly on the aforescribed course a distance of 522.0 feet; thence westerly parallel with the north line of said Northeast Quarter a distance of 956.43 feet; thence northerly parallel with the east line of said Northeast Quarter a distance of 956.43 feet to a point on the south right-of-way line of 56th Street, said point also being 50.0 feet south of the north line of the Northeast Quarter of said Section; thence easterly on the aforesaid south right-of-way line of 56th Street and 50.0 feet southerly from and parallel with the north line of the Northeast Quarter of said Section a distance of 354.82 feet; thence southerly parallel with the east line of said Northeast Quarter a distance of 434.43 feet; thence easterly parallel with the north line of said Northeast Quarter a distance of 601.61 feet to the place of beginning, containing 15.99 acres, more or less, Buffalo County, Nebraska (5410 17th Avenue).

TRACT 5.

Lot 1 and part of Lot 2, Block One, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, with that part of Lot 2 being more particularly described as follows: Referring to the southeast corner of Lot 1, Northridge Retirement Subdivision and assuming the east line of Lot 1 and Lot 2 of said

Northridge Retirement Subdivision as bearing south and all bearings contained herein are relative thereto; thence south on the east line of said Lot 2 a distance of 25.00 feet; thence S89°33'08"W and parallel with the north line of said Lot 1 a distance of 568.99 feet; thence north on a line being 17.29 feet westerly of as measured at right angles from the west line of said Lot 1 a distance of 459.49 feet to a point on the North line of said Lot 2; thence N89°33'08"E and on the north line of said Lot 2 a distance of 17.29 feet to the northwest corner of said Lot 1; thence south on the west line of said Lot 1 a distance of 434.43 feet to the southwest corner of said Lot 1; thence N89°33'08"E and on the south line of said Lot 1 a distance of 551.61 feet to the place of beginning, all in Buffalo County, Nebraska (5514 17th Avenue).

TRACT 6.

Lot 1 of Block One, Lots 1 and 2 of Block Two, and Outlot A, Spruce Hollow Estates Third, being part of the Southeast Quarter of Section 22, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (northwest corner of 56th Street and 17th Avenue).

TRACT 7.

Part of Lot 1, Bent Bar C Subdivision East, a subdivision being part of the Southwest Quarter of the Southeast Quarter and part of the Southeast Quarter of the Southwest Quarter and part of the Southwest Quarter of the Southeast Quarter all located in Section 22, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (2407 West 56th Street).

2. Open Account Claims: None.
3. Presentation by Kearney Community Learning Center on Dark Sky Night and to declare March as Dark Sky Night Month.

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