

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

May 14, 2013

7:00 p.m.

I ROUTINE BUSINESS

1. Invocation/Moment of Silent Prayer.
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. Conduct a public hearing on the Application submitted by SBA Towers IV, LLC (Applicant and Owner) for a Conditional Use Permit to continue with the existing telecommunications tower on property zoned District R-1, Urban Residential Single-Family District (Low Density) and described as a tract of land located in the Southwest Quarter of the Northwest Quarter of Section 35, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (3406 Lakeview Drive) and consider **Ordinance No. 7800**.
2. Conduct a public hearing to receive input concerning community revitalization projects under Grant Nos. 11-CR-004 and 12-CR-004.
3. Conduct a public hearing on the proposed acquisition for sanitary sewer easement purposes a tract of land described as being part of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., and part of Outlot A, Fountain Hills Sixth Addition to the City of Kearney, all in Buffalo County, Nebraska and consider **Resolution No. 2013-74**.

IV CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held April 23, 2013.
2. Approve the Claims.

3. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine and distilled spirits inside an outdoor fenced area located in the parking lot of Kearney Powersports, 511 South 2nd Avenue, on June 20, 2013 from 4:00 p.m. until 11:00 p.m. for a beer garden (alternate location inside Kearney Powersports).
4. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine and distilled spirits inside an outdoor fenced area located in the parking lot of Kearney Powersports, 511 South 2nd Avenue, on August 1, 2013 from 4:00 p.m. until 11:00 p.m. for a beer garden (alternate location inside Kearney Powersports).
5. Authorize administration to make request to the Nebraska Department of Economic Development to extend the grant contract for CDBG #11-CR-004 to November 8, 2013 to complete the improvements for sidewalks and ADA ramp improvements.
6. Adopt **Resolution No. 2013-75** approving the Development Agreement for Northeast Industrial Sixth Subdivision between the City of Kearney and Michael Meier, Marta Meier, Wendell Dubbs and Sally Dubbs for water and storm sewer improvements for Box Butte Avenue for Lot 1, Northeast Industrial Sixth Subdivision.
7. Adopt **Resolution No. 2013-76** approving Change Order No. 2 showing a decrease in the amount of \$605.20 and accept the Certificate of Substantial Completion submitted by Ardent Lighting Group and approved by Miller & Associates for 2012 Part 4 Improvements; Harmon Park Tennis Court Lighting.
8. Accept the bids received 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 adopt **Resolution No. 2013-77** awarding the bid to Dan Roeder Concrete in the amount of \$105,372.80.
9. Approve the application for a Special Designated License submitted by the Nebraska Aids Project, Inc. to dispense beer, wine and distilled spirits on the main floor inside the Museum of Nebraska Art and in the sculpture garden, 2401 Central Avenue on June 15, 2013 from 4:00 p.m. until 10:00 p.m. for a fund raiser.
10. Adopt **Resolution No. 2013-78** amending the Money Accumulation Plan for Employees of the City of Kearney and authorize the Mayor and other appropriate officers of the City of Kearney to execute any document or amendment necessary to amend and administer the Plan.
11. Adopt **Resolution No. 2013-79** approving the submission of an application for a Nebraska Community Mural Project grant from the Mid-America Arts Alliance (M-AAA) in partnership with the Nebraska Arts Council.
12. Adopt **Resolution No. 2013-80** approving T-Hangar A-6 Lease Agreement between the City of Kearney and Richard Fiese for storage purposes at the Kearney Regional Airport.

13. 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 Exposition Building (alternate location is Exhibit Building) located at the Buffalo County Fairgrounds, 3807 Avenue N, on June 7, 2013 from 6:00 p.m. until 1:00 a.m. for a dance.
14. 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 Exposition Building (alternate location is Exhibit Building) located at the Buffalo County Fairgrounds, 3807 Avenue N, on June 22, 2013 from 6:00 p.m. until 1:00 a.m. for a dance.
15. Amend **Resolution No. 2008-132** to correct the legal description for the specific area on the redevelopment project submitted by Cash-Wa for an expansion to its facility located in Redevelopment Area 8 (615 West 4th Street).
16. Amend **Resolution No. 2013-73** to correct the legal description for the specific area on the redevelopment project submitted by Cash-Wa for a cold storage expansion located in Redevelopment Area 8 (401 4th Avenue).
17. Reject the bids received for the construction of the 2013 Kearney Regional Airport concrete paving improvements.
18. Approve the Plans and Specifications for the 2013 Airport Asphalt Pavement Improvements and set the bid opening date for June 4, 2013 at 2:00 p.m.
19. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 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 1, 2013 from 4:00 p.m. until 12:00 a.m. for a reception.
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-059311 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 15, 2013 from 4:00 p.m. until 12:00 a.m. for a reception.
21. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 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 21, 2013 from 4:00 p.m. until 12:00 a.m. for a reception.
22. Approve the recommendation from the Downtown Improvement Board to temporarily close the parking lot located north of the Museum of Nebraska Art, 2401 Central Avenue, on June 15, 2013 from 6:00 a.m. until 11:00 p.m. in conjunction with the Queen's Birthday 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 *

1. Approve **Ordinance No. 7801** creating Paving Improvement District No. 2013-962 for 50th Street from 11th Avenue to 17th Avenue, 51st Street Place from 15th Avenue Place to 16th Avenue Place, all of 14th Avenue Place, all of 15th Avenue Place, all of 16th Avenue Place, all of Loveland Drive all in Fountain Hills Fifth Addition, 11th Avenue from 48th Street north to the north lot line of Lot 10 of Block 3, Fountain Hills Third Addition, all in the City of Kearney, Buffalo County, Nebraska.
2. Approve **Ordinance No. 7802** creating Water District No. 2013-570 in 50th Street from 11th Avenue to 17th Avenue, 51st Street Place from 15th Avenue Place to 16th Avenue Place, all of 14th Avenue Place, all of 15th Avenue Place, all of 16th Avenue Place, all of Loveland Drive all in Fountain Hills Fifth Addition, 11th Avenue from 48th Street north to the north lot line of Lot 10 of Block 3, Fountain Hills Third Addition, all in the City of Kearney, Buffalo County, Nebraska.
3. Approve **Ordinance No. 7803** creating Sanitary Sewer District No. 2013-508 in 50th Street from 11th Avenue to 17th Avenue, 51st Street Place from 15th Avenue Place to 16th Avenue Place, all of 14th Avenue Place, all of 15th Avenue Place, all of 16th Avenue Place, all of Loveland Drive all in Fountain Hills Fifth Addition, 11th Avenue from 48th Street north to the north lot line of Lot 10 of Block 3, Fountain Hills Third Addition, and in a sanitary sewer easement located in part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska.
4. Approve **Ordinance No. 7804** creating Sanitary Sewer Connection District No. 2013-1 beginning at the intersection of the centerlines of 16th Avenue Place and 51st Street Place as platted in Fountain Hills Fifth Addition west to the west line of 17th Avenue, thence north to the northeast corner of Lot 1, Smith Addition.
5. Approve **Ordinance No. 7805** creating Sanitary Sewer Connection District No. 2013-2 in a sanitary sewer easement located in part of Outlot A, Fountain Hills Sixth Addition; and part of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; and 11th Avenue as platted in Fountain Hills Second Addition.
6. Approve **Ordinance No. 7806** creating Water District No. 2013-571 in Box Butte Avenue from 39th Street south to the south line of Northeast Industrial Second Subdivision and Northeast Industrial Sixth Subdivision.
7. Approve **Ordinance No. 7807** amending Section 8-1310 "Large Animal Pets, Livestock, and Fowl Prohibited Within the City Limits" of Chapter 8 "Police" and Section 46-102 "Supplemental Use Regulations: Agricultural Uses" of Chapter 46 "Supplemental Use Regulations" of the Code of the City of Kearney to eliminate the reference of chickens in District R-1 Urban Residential Single-Family District.

VI REGULAR AGENDA

1. Third and Final Reading of **Ordinance No. 7798** annexing the following tracts of land to be included within the corporate limits: 5110, 5120, 5308, 5410, 5514 17th Avenue, 2407 West 56th Street, 5710 19th Avenue, and the northwest corner of 56th Street and 17th Avenue.
2. Consider **Resolution No. 2013-81** 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 to include the annexed land described as 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).
3. Open Account Claims: None.

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