

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

July 23, 2013

7:00 p.m.

I ROUTINE BUSINESS

1. Invocation/Moment of Silence.
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 for a Class I-104047 liquor license submitted by Level 5 LLC, dba Country Inn & Suites located at 105 Talmadge Street, consider the manager application for Jodi Jacobitz, and consider **Resolution No. 2013-130**.
2. Conduct a public hearing on the Application submitted by Shannon Schmidt (Applicant) and Joyce Knajdl (Owner) for a Conditional Use Permit to locate a child care center on property zoned District R-3, Urban Residential Multi-Family District (Medium Density) and described as part of Lot 14, Southeast Quarter School Section Addition to the City of Kearney, Buffalo County, Nebraska (506 East 26th Street) and consider **Ordinance No. 7817**.
3. Conduct a public hearing on the Application submitted by Glen Miller (Applicant and Owner) to rezone from District C-2, Community Commercial District to District C-3/PD, General Commercial/Planned Development Overlay District property described as part of the Northwest Quarter of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (6205 2nd Avenue) and consider **Ordinance No. 7818**.
4. Conduct a public hearing on the Application submitted by Big Prairie Homes (Applicant) and Glen Miller (Owner) for Planned District Development Plan Approval for the location of a retail sales center for modular housing on property to be zoned District C-3/PD, General Commercial/Planned Development Overlay District on property described as part of the Northwest Quarter of the Southwest Quarter of Section 24, Township 9 North, Range 16

West of the 6th P.M., Buffalo County, Nebraska (6205 2nd Avenue) and consider **Resolution No. 2013-131**.

5. Conduct a public hearing on the Applications submitted by Olsson Associates (Applicant) for U.S. Bank National Association (Owner) for (1) to vacate Lots 115, 116 and the south 32 feet of Lot 117, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska and consider **Ordinance No. 7819**; and (2) the Final Plat for U.S. Bank Subdivision to the City of Kearney, Buffalo County, Nebraska for property described as Lots 115, 116 and the south 32 feet of Lot 117, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska (northeast corner of 1st Avenue and 22nd Street) and consider **Resolution No. 2013-132**.
6. Conduct a public hearing on the Application submitted by Craig Bennett (Applicant) for The Buckle, Inc. (Owner) to rezone from District C-3, General Commercial District to District C-3/PD, General Commercial/Planned Development Overlay District property described as being part of Lots 6 and 7 of Tract "G", a subdivision of the Southwest Quarter of Section 34, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; and Lot 2, Stansbury Addition, an addition to the City of Kearney, Buffalo County, Nebraska (northwest corner of Country Club Lane and 24th Street) and consider **Ordinance No. 7820**.
7. Conduct a public hearing on the Application submitted by Craig Bennett (Applicant) for The Buckle, Inc. (Owner) for Planned District Development Plan Approval for the location of a new corporate building on property to be zoned District C-3/PD, General Commercial District/Planned Development Overlay District on property described as being part of Lots 6 and 7 of Tract "G", a subdivision of the Southwest Quarter of Section 34, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; and Lot 2, Stansbury Addition, an addition to the City of Kearney, Buffalo County, Nebraska (northwest corner of Country Club Lane and 24th Street) and consider **Resolution No. 2013-133**.
8. Conduct a public hearing on the Application submitted by City of Kearney, Nebraska (Applicant and Owner) for Amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Light Industrial to Business Park property described as tract of land located in part of the South Half of the Southwest Quarter and part of the Southwest Quarter of the Southeast Quarter of Section 21, and part of the North Half of the Northwest Quarter and part of the Northwest Quarter of the Northeast Quarter of Section 28, all in Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east of Cherry Avenue, 1300 feet north and south of 56th Street) and consider **Resolution No. 2013-134**.
9. Conduct a public hearing on the Application submitted by City of Kearney, Nebraska (Applicant and Owner) to rezone from District M-1, Limited Industrial District to District BP/PD, Business Park/Planned Development Overlay District property described as tract of land located in part of the South Half of the Southwest Quarter and part of the Southwest Quarter of the Southeast Quarter of Section 21, and part of the North Half of the Northwest Quarter and part of the Northwest Quarter of the Northeast Quarter of Section 28, all in Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east of Cherry Avenue, 1300 feet north and south of 56th Street) and consider **Ordinance No. 7821**.

10. Conduct a public hearing on the Application for a Conditional Use Permit submitted by Tisdale Nebraska/Commnet Wireless (Applicant) and SBA Communications Corporation (Owner) to co-locate telecommunications equipment for wireless communications as provided in Paragraph H of Section 46-110 "Telecommunications Towers" of Chapter 46 "Supplemental Use Regulations" of the City Code 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. 7822**.

IV CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held July 9, 2013 and Special Meeting held July 11, 2013.
2. Approve the Claims.
3. Receive recommendations of Planning Commission and set August 13, 2013 at 7:00 p.m. as date and time for hearing on those applications where applicable.
4. Adopt **Resolution No. 2013-135** appointing Marta Moorman and Nicole Mailahn to the Advisory Board of Park & Recreation Commissioners; Leonard Skov to the Airport Advisory Board; Jonathan Brandt, Brett Jacobitz and Steve Lind to the Board of Adjustment; Larry Butler to the Community Redevelopment Authority; Walter Martin and SueZan King to the Downtown Improvement Board; Ken Nikels and Nick Erdman to the Golf Advisory Board; Maxine Lillis to the Kearney Housing Agency; and Paul Fredrickson, John Lowe and Jason Peck to the Planning Commission.
5. 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 inside the KRave Underground located in the Kaufmann Center, 2202 Central Avenue on August 10, 2013 from 5:00 p.m. until 1:00 a.m. for a dance.
6. 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 inside the KRave Underground located in the Kaufmann Center, 2202 Central Avenue on August 17, 2013 from 5:00 p.m. until 1:00 a.m. for a dance.
7. Adopt **Resolution No. 2013-136** approving Change Order No. 1 showing an increase in the amount of \$3,025.00 submitted by RMV Construction and approved by Miller & Associates for the 2013 Part 5 Improvements; Interior Renovations at the City of Kearney/Buffalo County Law Enforcement Center.
8. Adopt **Resolution No. 2013-137** approving Change Order No. 2 showing an increase in the amount of \$2,852.50 submitted by Blessing, LLC and approved by Miller & Associates 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.

9. Adopt **Resolution No. 2013-138** authorizing the City Manager, Director of Finance and City Clerk to sign checks, drafts or other withdrawal orders issued against the funds of the City on deposit with designated depositories.
10. Approve the Plans and Specifications for the 2013 Part 8 Improvements consisting of Paving Improvement District No. 2013-961 for 57th Street from Avenue Q east to 57th Street Place and set the bid opening date for August 15, 2013 at 2:00 p.m.
11. Accept the bids received for the purchase of a tractor with cab and loader to be used in Cottonmill Park and award the bid to Fairbanks International of Kearney in the amount of \$44,540.00.
12. Approve the Agreement with the Museum of Nebraska Art for the temporary closing of the parking lot located north of MONA from 6:00 a.m. on April 2, 2014 through April 7, 2014; temporary closing of the parking stalls along the east side of Central Avenue between 24th Street and 25th Street on April 4 and 5, 2014 beginning 4:00 p.m. until 11:00 p.m. each day; temporary closing of the parking stalls along the north side of 24th Street between Central Avenue and Avenue A on April 4 and 5, 2014 from p.m. until 11:00 p.m. each day.
13. Adopt **Resolution No. 2013-139** approving the Central Nebraska Race for the Cure scheduled for September 28, 2013 at 7:30 a.m. for the temporary closing of the north lane of westbound Highway 30 from 9th Avenue west to University Drive, University Drive from Highway 30 northeasterly to 9th Avenue, and 9th Avenue from University Drive to Highway 30.
14. 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 August 17, 2013 from 4:00 p.m. until 12:00 a.m. for a reception.
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 in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on August 24, 2013 from 4:00 p.m. until 12:00 a.m. for a reception.
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 in an area designated as Demo Arena located north of the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on August 25, 2013 from 12:00 p.m. until 12:00 a.m. for a beer garden.

* ***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 the manager application for Glyn Lacy submitted by Kearney BBQ Co., dba Skeeter Barnes in connection with their Class I-55865 liquor license located at 516 2nd Avenue South.
2. 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