

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

September 24, 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. **Postponed until October 8, 2013.** Conduct a public hearing on the Application submitted by Buffalo Surveying (Applicant) for D.R. and Marilyn Nelson and Jim and Pamela Wilkinson (Owner) to rezone from District Ag, Agricultural District to District RR-1, Rural Residential District (Rural Standards) property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska excepting therefrom a tract of land conveyed to Buffalo County, Nebraska as described in Warranty Deed filed at Instrument No. 1999-7128 recorded September 1, 1999 in the Office of the Buffalo County Register of Deeds (1/2 mile east of Cottonmill Avenue and 56th Street) and consider **Ordinance No. 7830**.
2. **Postponed until October 8, 2013.** Conduct a public hearing on the Application submitted by Buffalo Surveying (Applicant) for D.R. and Marilyn Nelson and Jim and Pamela Wilkinson (Owner) for the Final Plat and Subdivision Agreement for D. R. Nelson Subdivision, Buffalo County Nebraska, for property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska excepting therefrom a tract of land conveyed to Buffalo County, Nebraska as described in Warranty Deed filed at Instrument No. 1999-7128 recorded September 1, 1999 in the Office of the Buffalo County Register of Deeds (1/2 mile east of Cottonmill Avenue and 56th Street) and consider **Resolution No. 2013-170**.

IV CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held September 10, 2013.

2. Approve the Claims.
3. Receive recommendations of Planning Commission and set October 8, 2013 at 7:00 p.m. as date and time for hearing on those applications where applicable.
4. Adopt **Resolution No. 2013-185** approving the following T-Hangar Lease Agreements at the Kearney Regional Airport: Little Note Enterprises, Thrifty Car Rental (3), Roger Carlson, Darrel Albers, Premier Aviation Training & Management (4), Richard Fiese, Randal Klinginsmith, John Goodbrake Exec Direct, David Huebner, David Benavides, Brandon Potter, Harold Sindt, Ed Spillman, Acme Aero, JD Air, Rodger's Helicopter, Roger Townsend, Mark Markes, Saadat Hosseini, Norman Hand, John Schulte, Dennis McGowan (2), E.J. Webber.
5. Adopt **Resolution No. 2013-186** approving the Lease Agreement at the Kearney Regional Airport between the City of Kearney and Bosselman Energy.
6. Adopt **Resolution No. 2013-187** approving Application and Certificate for Payment No. 3 in the amount of \$421,260.17 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.
7. Adopt **Resolution No. 2013-188** approving Application and Certificate for Payment No. 1 in the amount of \$23,385.00 submitted by Blessing, LLC and approved by Miller & Associates for the 2012 Part 9 Improvements; CDBG Sidewalks in the Emerson School Area.
8. Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropicito 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 October 19, 2013 from 6:00 p.m. until 1:00 a.m. for a dance.
9. 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 October 12, 2013 from 5:00 p.m. until 1:00 a.m. for a reception.
10. 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 October 19, 2013 from 6:00 p.m. until 1:00 a.m. for a reception.
11. Adopt **Resolution No. 2013-189** approving the recommendation submitted by the Fire Chief to include the following as members of the Kearney Volunteer Fire Department: Alex Brush and Joshua Paczosa.
12. Amend **Resolution No. 2013-167** removing the reference of Facility Plan as stated in paragraph 3 of said Resolution and replace with repair and improvement of portions of the City public water supply system.

13. Accept the bids received for the 2013 Part 3 Improvements consisting of Paving Improvement District No. 2012-957 for Emerald Drive and its extension beginning at the west line of Tahoe Drive and terminating at a point 250 feet east of the of the centerline of Ontario Road; Paving Improvement District No. 2012-958 for Ontario Road beginning at the south line of Emerald Drive and terminating at the north line of Huron Drive; Paving Improvement District No. 2012-959 for Winnipeg Road beginning at the south line of Emerald Drive and terminating at a point 293 feet southwesterly; Paving Improvement District No. 2012-960 for Tahoe Drive beginning at the south line of Emerald Drive and terminating at a point 241 feet southwesterly; Water District No. 2012-568 in Emerald Drive and its extension beginning at the East line of Winnipeg Road and terminating at a point 250 feet East of the centerline line of Ontario Road, and all of Ontario Road beginning at the south line of Emerald Drive and terminating at the north line of Huron Drive; Sanitary Sewer District No. 2012-507 in Emerald Drive and its extension beginning at the west line of Winnipeg Road and terminating at a point 250 feet east of the of the centerline of Ontario Road, and all of Ontario Road beginning at the south line of Emerald Drive and terminating 349 feet southerly and adopt **Resolution No. 2013-190** awarding the bid to Midlands Contracting in the amount of \$366,415.00 for water and sanitary sewer and to Blessing Construction in the amount of \$542,906.65 for paving.
14. Adopt **Resolution No. 2013-191** granting a Permit to ATC Acquisition, LLC for a railroad spur line across a portion of a utility easement which lies in Lot 1, Kearney Industrial Park Second Subdivision.
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 Extension Building located at the Buffalo County Fairgrounds, 1400 East 34th Street, on October 19, 2013 from 3:00 p.m. until 12:00 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. Approve **Ordinance No. 7840** extending the Permit to ATC Acquisition, LLC to continue to conduct a salvage and recycling operation on property zoned District M-1, Limited Industrial District and described as Lot 1, Kearney Industrial Park Second Subdivision and located at 4211 East 43rd Street.

VI REGULAR AGENDA

1. Consider **Resolution No. 2013-192** calling for the redemption of the General Obligation Various Purpose Bonds, Series 2008 in the amount of \$3,740,000.
2. Consider **Ordinance No. 7841** authorizing the issuance of General Obligation Refunding Bonds of the City of Kearney for the purpose of providing funds which, along with City funds on hand, will pay and redeem \$3,740,000 of the City's outstanding General Obligation Various Purpose Bonds, Series 2008, date of original issue – July 1, 2008; directing the application of the proceeds of said Bonds; prescribing the form of said Bonds; providing for the levy and collection of taxes to pay the same; providing for the sale of the Bonds, and authorizing the delivery of the bonds to the purchaser.

3. Consider **Resolution No. 2013-193** calling for the redemption of the Highway Allocation Fund Pledge Bonds, Series 2008 in the amount of \$1,045,000.
4. Consider **Ordinance No. 7842** authorizing the issuance of Highway Allocation Fund Pledge Refunding Bonds, Series 2013 of the City of Kearney for the purpose of paying and redeeming the City's Highway Allocation Fund Pledge Bonds, Series 2008, dated May 27, 2008, presently outstanding in the amount of \$1,045,000; prescribing the form of said bonds; pledging funds to be received by the City from the State of Nebraska Highway Allocation Fund for the payment of said bonds; providing for the levy and collection of taxes to pay the same; providing for the sale of the Bonds, and authorizing the delivery of the bonds to the purchaser.
5. Consider the manager application for Jennifer Scheribel submitted by GMRI, Inc., dba Red Lobster in connection with their Class I-032484 liquor license located at 121 2nd Avenue East.
6. Consider accepting the Kearney Housing Agency Annual Report submitted by Executive Director Carrie Hardage.
7. Consider amending the City Code to provide regulations for Vertical Axis Wind Turbines in residential districts.
8. Open Account Claim to NPPD – \$102,604.35.

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