

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

November 26, 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
 - **Lady Stars State Volleyball Championship Proclamation**

II UNFINISHED BUSINESS

None.

III PUBLIC HEARINGS

1. Postponed on November 12, 2013. Conduct a public hearing on the Applications submitted by Miller & Associates (Applicant) for Grand West LLC, a Nebraska Limited Liability Company (Owner): (1) to vacate Lots 1 and 2 of Block One, Fountain Hills Second Addition to the City of Kearney, Buffalo County, Nebraska and consider **Ordinance No. 7853**; and (2) to rezone from District AG, Agricultural District and District C-2, Community Commercial District to District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (south of 56th Street and east of 11th Avenue) and consider **Ordinance No. 7854**.
2. Postponed on November 12, 2013. Conduct a public hearing on the Application submitted by Miller & Associates (Applicant) for Grand West LLC, a Nebraska Limited Liability Company (Owner) for the Final Plat and Subdivision Agreement for Fountain Hills Seventh Addition, an addition to the City of Kearney, Buffalo County Nebraska, for property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (south of 56th Street and east of 11th Avenue) and consider **Resolution No. 2013-212**.

3. Postponed on November 12, 2013. Conduct a public hearing on the Application submitted by Miller & Associates (Applicant) for Grand West LLC, a Nebraska Limited Liability Company (Owner) for the annexation of Fountain Hills Seventh Addition, an addition to the City of Kearney, Buffalo County Nebraska, for property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (south of 56th Street and east of 11th Avenue) and consider **Resolution No. 2013-213**.
4. Postponed on November 12, 2013. Conduct a public hearing on the Application submitted by Miller & Associates (Applicant) for Grand West LLC, a Nebraska Limited Liability Company (Owner) for Planned District Development Plan Approval for an apartment complex on property to be zoned District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District on property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (south of 56th Street and east of 11th Avenue) and consider **Resolution No. 2013-214**.
5. Conduct a public hearing on the proposed acquisition of a tract of land described as the east 15 feet of the northerly 400 feet of Lot 4, Block 8, Lighthouse Point, an addition to the City of Kearney, Buffalo County, Nebraska for a Permanent Sanitary Sewer Main Easement and a tract of land described as the east 50 feet of the northerly 425 feet of Lot 4, Block 8, Lighthouse Point, an addition to the City of Kearney, Buffalo County, Nebraska for a Temporary Sanitary Sewer Main Easement and consider **Resolution No. 2013-219**.
6. Conduct a public hearing on the proposed acquisition of a tract of land described as part of Lot 3 and the North Half of the Northeast Quarter lying north of the Interstate 80 all in Section 13, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska for municipal purposes and consider **Resolution No. 2013-220**.

IV CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held November 12, 2013.
2. Approve the Claims.
3. Receive recommendations of Planning Commission and set December 10, 2013 at 7:00 p.m. as date and time for hearing on those applications where applicable.
4. Approve the Plans and Specifications for the Ultra Violet Disinfection Equipment Procurement and set the bid opening date for January 7, 2014 at 2:00 p.m.
5. Adopt **Resolution No. 2013-221** approving Application and Certificate for Payment No. 2 in the amount of \$1,590.00 submitted by Blessing, LLC and approved by Miller & Associates for the 2012 Part 9 Improvements; CDBG Sidewalks in the Emerson School Area.
6. Adopt **Resolution No. 2013-222** approving Application and Certificate for Payment No. 1 in the amount of \$99,160.57 submitted by Midlands Contracting, Inc. and approved by Miller & Associates for the 2013 Part 1 Improvements – Bid A consisting of Water District

No. 2013-570 and Sanitary Sewer District No. 2013-508 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; 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; and 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.

7. Adopt **Resolution No. 2013-223** approving Change Order No. 1 showing an increase in the amount of \$6,138.00, Application and Certificate for Payment No. 1 in the amount of \$326,166.93 submitted by Dan Roeder Concrete and approved by Miller & Associates for the 2013 Part 4 Improvements consisting of Paving Improvement District No. 2013-963, Sanitary Sewer District No. 2013-509 for Talmadge Street from the west line of 6th Avenue west a distance of 532.09 feet and for 6th Avenue from the north line of Talmadge Street north a distance of 366.09 feet, Water District No. 2013-572 in Talmadge Street from the west line of 6th Avenue west a distance of 532.09 feet.
8. Adopt **Resolution No. 2013-224** approving Change Order No. 3 showing an increase in the amount of \$13,044.15, Application and Certificate for Payment No. 4-Final in the amount of \$144,058.34, and accept the Certificate of Substantial Completion 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. 2013-225** approving Change Order No. 2 showing an increase in the amount of \$3,819.15 submitted by JIL Asphalt for the 2013 Airport Asphalt Pavement Improvements, Bid A (Asphalt).
10. Adopt **Resolution No. 2013-226** appointing David Brandt to fulfill the term vacated on the Downtown Improvement Board.
11. Adopt **Resolution No. 2013-227** repealing Resolution No. 2013-72 pertaining to the redevelopment project (TFD Investments) for Redevelopment Area #5 for an area described as Lots 6 and 7 of Block 3, Kearney Land & Investment Company's Choice Addition to the City of Kearney, Buffalo County, Nebraska (1804 8th Avenue).
12. Adopt **Resolution No. 2013-71A** amending Resolution No. 2013-71 to correct the legal description for the specific area on the redevelopment project submitted by Old Towne Enterprises for a personal and commercial storage facility located in Redevelopment Area 5 (north side of South Railroad Street between Avenue A and Avenue B).
13. Adopt **Resolution No. 2012-195A** amending Resolution No. 2012-195 to correct the legal description for the specific area on the redevelopment project submitted by Paul Younes for the construction of a hotel located in Redevelopment Area 8 (northwest of 4th Avenue and Talmadge Street).

14. Adopt **Resolution No. 2013-228** repealing Resolution No. 2013-183 and approve the redevelopment project submitted by Habitat for Humanity for Redevelopment Area #7 for an area described as Lots 1 through 5 and Outlot A of Block Two and Lots 1 through 6 of Block 3, Marlatt Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Avenue M and east 17th Street).
15. Adopt **Resolution No. 2013-229** approving Change Order No. 1 showing a decrease in the amount of \$566.00, Application and Certificate for Payment No. 1-Final in the amount of \$49,169.00 and accept the Certificate of Substantial Completion submitted by Midlands Contracting and approved by Olsson Associates for the 2013 Part 11 Improvements consisting of Water District No. 2013-571 for Box Butte Avenue from 39th Street south to the south line of Northeast Industrial Second Subdivision and Northeast Industrial Sixth Subdivision.
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 the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on December 5, 2013 from 3:00 p.m. until 12:00 a.m. for a rodeo.

* *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 Ashley Lewis submitted by The Cigarette Store Corp., dba Smoker Friendly #017/SF Liquors in connection with their Class C-102050 liquor license located at 620 East 25th Street, Suite F.
2. Consider the redevelopment project for warehouse space (Big Boy Phase II) for Redevelopment Area #3 for an area described as all of Lots 688, 689, 690 and the North Half of Lot 691 and the North Half of Lot 712, and all of Lots 713 and 714, and the vacated alley lying between said Lots in the Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska, together with the vacated West 10 feet of Avenue "B" abutting said Lots 688, 689, 690, and the North Half of Lot 691 on the East, and together with the vacated East 10 feet of Avenue "A" abutting the North Half of Lot 712, and all of Lots 713 and 714 to the West, all in the City of Kearney, Buffalo County, Nebraska (south of Railroad Street west of Avenue B) and adopt **Resolution No. 2013-230**.
3. Consider the redevelopment project (JD Investments) for Redevelopment Area #10 for an area described the north 240 feet of Lots 2, 3 and 4, Lincoln Way Villa Plots to the City of Kearney, Buffalo County, Nebraska (1906 West 24th Street and adjacent property) and adopt **Resolution No. 2013-231**.

4. Consider the Agreement for Management Services between the City of Kearney and the Great Platte River Road Memorial Foundation allowing the City to provide management services to the Archway and consider **Resolution No. 2013-232**.
5. Open Account Claim to NPPD - \$4,165.59.

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