

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

June 10, 2014

5:30 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. Postponed since May 13, 2014. Conduct a public hearing on the Application submitted by Miller & Associates for adjacent and north of Country Club Lane and 50th Street for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Medium Density Residential/Park to Low Density Residential and Medium Density Residential property described as a tract of land being part of the Northwest Quarter of Section 27, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (adjacent and north of Country Club Lane and 50th Street) and consider **Resolution No. 2014-86.**
2. Postponed since May 13, 2014. Conduct a public hearing on the Application submitted by Miller & Associates for The Evangelical Lutheran Good Samaritan Society to rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) and to District R-2, Urban Residential Mixed-Density District property described as a tract of land being part of the Northwest Quarter of Section 27, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (adjacent and north of Country Club Lane and 50th Street) and consider **Ordinance No. 7892.**
3. Postponed since May 13, 2014. Conduct a public hearing on the Application submitted by Miller & Associates for The Evangelical Lutheran Good Samaritan Society for the Final Plat and Subdivision Agreement for Good Samaritan Society Kearney Village Subdivision, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Northwest Quarter of Section 27, Township

9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (adjacent and north of Country Club Lane and 50th Street) and consider **Resolution No. 2014-87.**

4. Postponed since May 13, 2014. Conduct a public hearing on the Application submitted by Miller & Associates for The Evangelical Lutheran Good Samaritan Society for the annexation of Good Samaritan Society Kearney Village Subdivision, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Northwest Quarter of Section 27, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (adjacent and north of Country Club Lane and 50th Street) and consider **Resolution No. 2014-88.**
5. Conduct a public hearing on the Application for Class C-107532 liquor license submitted by Kearney Wine & Design, LLC, dba Corky Creations located at 1220 Central Avenue, consider the manager application for Corey Cline, and consider **Resolution No. 2014-104.**

IV CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held May 27, 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 the Exposition Building and in an outdoor area as designated on the diagram adjoining the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on July 4, 2014 from 4:00 p.m. until 1:00 a.m. for a beer garden.
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 the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on July 5, 2014 from 3:00 p.m. until 1:00 a.m. for a reception.
5. 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 the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on July 5, 2014 from 3:00 p.m. until 1:00 a.m. for a reception.
6. 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 the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on July 5, 2014 from 3:00 p.m. until 1:00 a.m. for a reception.
7. 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 area measuring 450' by 200' adjacent to the Exhibit Building as shown on the diagram located at the Buffalo County Fairgrounds, 3807 Avenue N, on July 11, 2014 from 4:00 p.m. until 1:00 a.m. for a BBQ Competition.

8. 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 the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on July 12, 2014 from 3:00 p.m. until 1:00 a.m. for a reception.
9. 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 the outdoor area measuring 120' by 200' and designated as the Outdoor Arena adjacent to the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on July 12, 2014 from 9:00 a.m. until 6:00 p.m. for a beer garden.
10. 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 the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on July 18, 2014 from 3:00 p.m. until 10:00 p.m. for a car auction.
11. 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 the Exposition Building, an outdoor area measuring 300' by 80' adjacent to the building, and an outdoor area measuring 400' by 550' adjacent to the building as shown on the diagram all located at the Buffalo County Fairgrounds, 3807 Avenue N, on July 24, 25, 26, 2014 from 4:00 p.m. until 1:00 a.m. and July 27, 2014 from 4:00 p.m. until 12:00 a.m. for the Buffalo County Fair.
12. Approve the plans and specifications for the Aircraft Rescue & Fire Fighting (ARFF) Vehicle Acquisition (AIP-3-31-0045-029) for the Kearney Regional Airport and set the bid opening date for July 1, 2014 at 2:00 p.m.
13. Adopt **Resolution No. 2014-105** approving the First Amendment to Communications Site Option and Land Lease Agreement and the First Amendment to Memorandum of Lease between the City of Kearney and Alltel Communications of Nebraska LLC d/b/a Verizon Wireless to install, build, operate, maintain, replace and repair a 5' x 8' generator lease area on property located at 3313 8th Avenue.
14. Adopt **Resolution No. 2014-106** to concur with the Nebraska Department of Roads on the selection to award the bid to Werner Construction in the amount of \$26,420,650.08 for the Project DPS-STP-10-2(116) on the new alignment near the existing Cherry Avenue from 11th Street to 56th Street.
15. Adopt **Resolution No. 2014-107** approving the Park Rules and Regulations as recommended by the Park & Recreation Advisory Board.

16. Accept the proposal received from Outdoor Recreation Products for the new splash pad equipment, surfacing and installation at Nina Hammer Park in the amount of \$61,978.00.
17. Adopt **Resolution No. 2014-108** approving the Developer Constructed Infrastructure Agreement for Fountain Hills Seventh Addition between the City of Kearney and Grand West, LLC and Morrison Enterprises, LLC.
18. Adopt **Resolution No. 2014-109** approving the Memorandum of Agreement No. DTFACN-15-L-00049 for the operation and maintenance of a navigation, communication and weather aid facilities at the Airport between the City of Kearney and the Federal Aviation Administration.
19. Adopt **Resolution No. 2014-110** approving Application and Certificate for Payment Nos. 1 in the amount of \$95,740.56 and Payment No. 2 in the amount of \$77,022.63 submitted by Blessing Construction and approved by Brungardt Engineering for the 2013 Part 3 Improvements – Bid B 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.
20. Adopt **Resolution No. 2014-111** accepting the bids received for the 2014 Part 9 Improvements consisting of Water District No. 2014-573 in Avenue A from a point located at the south line of Lot 717, Original Town of Kearney Junction northward to the north line of South Railroad Street, then easterly in South Railroad Street to the west line of Avenue B; and Sanitary Sewer District No. 2014-511 in In the easement located in Lot 1, Brown's Second Addition beginning at a point 132 feet south of the south line of Lot 2, Big Boy Addition northward to the south line of Lot 2, Big Boy Addition, then west along the south line of Big Boy Addition in the easement to the west line of Lot 2, Big Boy Addition then north along the west line of Big Boy Addition in an easement to the north line of Big Boy Addition and awarding the bid to Midlands Contracting in the amount of \$114,890.00.

* *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. 7891A** amending the legal description in Ordinance No. 7891 for the rezoning property described as part of Lot 9 of Block Four, Meadowlark Estates, an addition to the City of Kearney, Buffalo County, Nebraska (north of 35th Street and east of 29th Avenue).
2. Approve **Ordinance No. 7898** creating Water District No. 2014-574 in 27th Avenue from 11th Street south 850 feet.

3. Approve **Ordinance No. 7899** creating Water District No. 2014-575 in 30th Avenue from 11th Street south 1,500 feet.
4. Approve **Ordinance No. 7900** creating Sanitary Sewer District No. 2014-512 in 27th Avenue from 11th Street south 850 feet.
5. Approve **Ordinance No. 7901** creating Sanitary Sewer District No. 2014-513 in 30th Avenue from 11th Street south 1,500 feet.
6. Approve **Ordinance No. 7902** repealing Ordinance No. 7837 and to add the position of a full-time Custodian and to change the title of Fire Marshall to Fire Inspector.
7. Approve **Ordinance No. 7903** amending the following sections of Chapter 7 "Park and Recreation" of the Code of the City of Kearney as follows: Section 7-101 "Selling of Goods Prohibited; Exceptions" to clarify what is prohibited in the parks and to authorize the Park & Recreation Director to determine what is acceptable; Section 7-205 "Terms" requiring the Chairperson and the Vice-Chairperson to serve two years; Section 7-208 "Election of Chairperson" to allow for the election of a Vice-Chairperson; Section 7-213 "Rules and Regulations" to provide a violation of the rules to be punished by imposition of a fine by the court not to exceed \$100.00 for each violation; Section 7-215 "Duties Regarding Community Tree Plan" clarifying the duties and the annual work plan for the care of trees and shrubs in parks and public ways; Section 7-402 "Composition" to decrease the number of members on the Golf Advisory Board; Section 7-406 "Officers" to elect a Chairperson and a Vice-Chairperson; Section 7-409 "Quorum" to reflect four members of the Golf Advisory Board to be a quorum; Section 7-502 "Community Tree Plan" to delete the reference of Community Tree Plan and replace with Approved and Prohibited Tree(s) List; Section 7-504 "Street Trees on Private Property" providing for a list of where trees have been planted and the reasons for such plantings and be made available upon request; Section 7-508 "Issuance of Permit, Requirement Pertaining to Planting, Maintaining, Removal and Destruction" providing that failure to obtain a permit may result in removal of the tree by the owner; Section 7-510 "Trees; Duty to Trim and Maintain Trees in Right-of-Way" to provide the Development Services division to be the point of contact; Section 7-512 "Trees; Notice to Property Owners" to require the City Clerk to publish notice on the first Monday of February, May and September of each year; Section 7-516 "Trees; Removal of Trees by City; Assessment of Costs" to require the Development Services/Code Enforcement to keep an accurate record of the costs of tree maintenance; Section 7-519 "Trimming Branches Overhanging Streets and Sidewalks" to reference Sections 7-513 and 7-514.
8. Approve **Ordinance No. 7904** amending Section 1-1601 "Senior Services Advisory Board; Created" of Article 16 "Senior Services Advisory Board" of Chapter 1 "Administration" of the Code of the City of Kearney to clarify the language as to the creation of said Board.

VI REGULAR AGENDA

1. Consider cancelling the Ground Lease for Above Ground Fuel Storage Tanks between the City of Kearney and Premier Aviation Training and Management, LLC, dba Kearney Aviation Center effective July 1, 2014.

2. Consider allowing Premier Aviation Training and Management, LLC, dba Kearney Aviation Center to sublease office space to Midwest Management with regard to the Fixed Base Operator Use and Operations Agreement for T-927.
3. Consider **Resolution No. 2014-112** approving the Fixed Base Operator Use and Operations Agreement for T-926 between the City of Kearney and Premier Aviation Training and Management, LLC, dba Kearney Aviation Center.
4. Consider **Resolution No. 2014-113** approving the Use and Operations Agreement for T-385 between the City of Kearney and Premier Aviation Training and Management, LLC, dba Kearney Aviation Center.
5. Consider the Application for Addition to Liquor License submitted by Hy-Vee, Inc., dba Hy-Vee Restaurant #1323 located at 5212 3rd Avenue in connection with their Class C-105992 liquor license.
6. Open Account Claim to NPPD - \$172.80.

VII REPORTS

VIII ADJOURN

Mayor Stanley Clouse
4907 Linden Drive Place
627-6730 cell
238-5210 office
mayor@kearneygov.org

Vice-President Randy Buschkoetter
1110 13th Avenue
234-5553 home
440-0358 cell
citycouncil@kearneygov.org

Council Member Bruce Lear
4803 Avenue L Place
234-5354 home
237-2724 office
citycouncil@kearneygov.org

Council Member Bob Lammers
8 Crestview Place
236-5273 home
234-2577 office
citycouncil@kearneygov.org

Council Member Jonathan Nikkila
4 Regency Place
224-4309 cell
citycouncil@kearneygov.org

City Manager Michael Morgan
18 East 22nd Street
233-3214 office
mmorgan@kearneygov.org

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