

# **KEARNEY CITY COUNCIL**

## **AMENDED AGENDA**

**City Council Chambers, 18 East 22nd Street**

**July 22, 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:  
**Oath of Office to Police Officers Brady Plunkett and Christopher Walkemeyer.**

### **II UNFINISHED BUSINESS**

None.

### **III PUBLIC HEARINGS**

1. **Postponed on July 8, 2014.** Conduct a public hearing on the Application for Catering to Liquor License submitted by Sozo American Cuisine, LLC, dba Sozo American Cuisine in connection with their Class I-101648 liquor license located at 110 South 2nd Avenue and to consider **Resolution No. 2014-128.**
2. Conduct a public hearing on the Application for Catering to Liquor License submitted by Earn & Return Investments Inc. dba The Cellar Bar & Grill in connection with their Class I-064728 liquor license located at 3901 North 2nd Avenue and consider **Resolution No. 2014-136.**
3. Conduct a public hearing on the Application for a Class I-107216 liquor license submitted by Felicia Fowler-Alexander & Jason Alexander dba The Flippin Sweet located at 203 East 25th Street which includes both inside the building and an enclosed 27' by 10' outdoor fenced patio and consider **Resolution No. 2014-137.**

### **IV CONSENT AGENDA \***

1. Approve Minutes of Regular Meeting held July 8, 2014 and Minutes of Special Meeting held July 10, 2014.

2. Approve the Claims.
3. Receive recommendations of Planning Commission and set August 12, 2014 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Adopt **Resolution No. 2014-138** approving the Grant Agreement between the City of Kearney and the Federal Aviation Administration in connection with AIP No. 3-31-0045-029-2014 to acquire an Aircraft Rescue & Fire Fighting Vehicle (Class III) for the Kearney Regional Airport.
5. Adopt **Resolution No. 2014-139** approving T-Hangar C-6 Lease Agreement between the City of Kearney and John and Kristen Graczyk for storage at the Kearney Regional Airport.
6. Adopt **Resolution No. 2014-140** approving Change Order No. 1 showing an increase in the amount of \$26,040.87 submitted by Blessing LLC and approved by Miller & Associates for the paving improvements for Avenue M from 11th Street 1st Street to 11th Street.
7. Adopt **Resolution No. 2014-141** approving the Developer Constructed Infrastructure Agreement between the City of Kearney and Jean and Dan Wurtz, Trustees, for the construction of water and sanitary sewer improvements for the north 240 feet of Lots 2, 3 and 4 of Lincoln Way Villa Plots (Logan View Apartments).
8. Adopt **Resolution No. 2014-142** approving the Release of Easement lying within a tract of land located in 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 side of 56th Street near proposed 11th Avenue).
9. Adopt **Resolution No. 2014-143** approving Change Order No. 2 showing a decrease in the amount of \$41,862.00, Application and Certificate for Payment No. 9-Final in the amount of \$75,095.30 and accept the Certificate of Substantial Completion submitted by Midlands Contracting and approved by Miller & Associates for the 2013 Part 1 Improvements – Bid A consisting of Water District No. 2013-570, 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.
10. Adopt **Resolution No. 2014-144** approving Application and Certificate for Payment No. 4 in the amount of \$254,141.31 submitted by Paulsen, Inc. and approved by Miller & Associates for the 2013 Part 1 Improvements – Bid B consisting of 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.

11. Adopt **Resolution No. 2014-145** approving Application and Certificate for Payment No. 3 in the amount of \$337,277.42 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.
12. Adopt **Resolution No. 2014-146** approving Application and Certificate for Payment No. 1 in the amount of \$54,141.21 submitted by Blessing, LLC and approved by Miller & Associates for the 2014 Part 2 Improvements consisting of Paving Improvement District No. 2014-964 for Central Avenue from 31st Street to a point 150 feet south of 26th Street and 26th Street from Central Avenue to Avenue C.
13. Adopt **Resolution No. 2014-147** approving Application and Certificate for Payment No. 3 in the amount of \$136,314.17 submitted by Midlands Contracting and approved by Miller & Associates for the 2014 Part 1 Improvements; Northeast Trunk Sanitary Sewer consisting of Sanitary Sewer District No. 2014-510 beginning at the southeast corner of Remington Heights Second Addition, northwesterly in an easement along the south side of Block Three, Remington Heights Second to the west line of Remington Heights Second, then northerly along the west line of Remington Heights Second to the north line of Remington Heights Second, then westerly and following the north line of the Southeast Quarter of Section 24, Township 9 North, Range 16 West to the northwest corner of the Southeast Quarter of Section 24.
14. Adopt **Resolution No. 2014-148** approving the Purchase Agreement between the City of Kearney and Bosselman Energy, Inc. for a tract of land being part of the North Half of the Southwest Quarter and part of the North Half of the Southeast Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska.
15. Adopt **Resolution No. 2014-149** appointing citizens to serve on the Advisory Board of Park & Recreation Commissioners, Airport Advisory Board, Community Redevelopment Authority, Downtown Improvement Board, Golf Advisory Board, Kearney Housing Agency, Library Advisory Board, Planning Commission, and Senior Services Advisory Board.

\* ***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 Michelle Matzek submitted by RT Omaha Franchise, LLC, dba Ruby Tuesday in connection with their Class I-070404 liquor license and located at 108 1st Avenue Place.

## VII REPORTS

## VIII ADJOURN

Mayor Stanley Clouse  
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Vice-President Randy Buschkoetter  
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City Manager Michael Morgan  
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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](http://www.cityofkearney.org)

## ADDENDUM NO. 1

## IV CONSENT AGENDA \*

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-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 August 16, 2014 from 3:00 p.m. until 12:00 a.m. for a reception.
17. 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 August 16, 2014 from 3:00 p.m. until 1:00 a.m. for a reception.

- 18.** 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 August 23, 2014 from 3:00 p.m. until 1:00 a.m. for a reception.
- 19.** 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 Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on August 16, 2014 from 6:00 p.m. until 1:00 a.m. for a dance.