

# KEARNEY CITY COUNCIL

## AMENDED AGENDA

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

**August 12, 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.  
**Recognize Dave Klone, Outgoing Member of the Park & Recreation Advisory Board; Priscilla Jepson, Outgoing Member of the Library Advisory Board; Doris Maurer and Sue Wright, Outgoing Members of the Senior Services Advisory Board; Kim Smith and Don Johnson, Outgoing Members of the Golf Advisory Board; Dave Waggoner, Kelly Tucker and Kully Thatcher, Outgoing Members of the Examining Board for Plumbers; and Rob Cunningham, Outgoing Member of the Planning Commission.**

### II UNFINISHED BUSINESS

None.

### III PUBLIC HEARINGS

1. Conduct a public hearing on the Application for a Class I-108528 liquor license submitted by Lagnaippe LLC, dba Bico's Bistro located at 3012 West Highway 30 which includes 2 outdoor areas: 53' by 22' to the north and 25' by 5' to the west, consider the manager application for Nikona Crocker and consider **Resolution No. 2014-150**.
2. **Postponed until August 26, 2014.** Conduct a public hearing on the Application submitted by Buffalo Surveying for Lynn and Sandra Tacha for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Agriculture/Open to Mixed Use 2 property described as a tract of land being part of the South Half of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (1170 30th Avenue) and consider **Resolution No. 2014-151**.
3. **Postponed until August 26, 2014.** Conduct a public hearing on the Application submitted by Buffalo Surveying for Lynn and Sandra Tacha to rezone from District AG, Agricultural District to District C-3, General Commercial District property described as a tract of land being part of the South Half of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (1170 30th Avenue) and consider **Ordinance No. 7916**.

4. **Postponed until August 26, 2014.** Conduct a public hearing on the Application submitted by Buffalo Surveying for Lynn and Sandra Tacha for the Final Plat and Subdivision Agreement for Tacha Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the South Half of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (1170 30th Avenue) and consider **Resolution No. 2014-152**.
5. **Postponed until August 26, 2014.** Conduct a public hearing on the Application submitted by Buffalo Surveying for Lynn and Sandra Tacha for the annexation of Tacha Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the South Half of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (1170 30th Avenue) and consider **Resolution No. 2014-153**.
6. **Postponed until August 26, 2014.** Conduct a public hearing on the Applications submitted by Miller & Associates for Tracy and Jacqueline Burns for (1) the vacation of Lot 12, Western Hills Subdivision, Buffalo County, Nebraska and consider **Ordinance No. 7917**; and (2) the rezoning 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 Northeast Quarter of Section 28, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (southwest corner of 56th Street and 30th Avenue) and consider **Ordinance No. 7918**.
7. **Postponed until August 26, 2014.** Conduct a public hearing on the Application submitted by Miller & Associates for Tracy and Jacqueline Burns for the Final Plat for Western Hills Second Subdivision, Buffalo County, Nebraska, for property described as a tract of land being part of the Northeast Quarter of the Northeast Quarter of Section 28, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (southwest corner of 56th Street and 30th Avenue) and consider **Resolution No. 2014-154**.
8. Conduct a public hearing on the Application submitted by Miller & Associates for TAAA Lakes, LLC, a Nebraska Limited Liability Company, to rezone from District AG/PD, Agricultural/Planned Development Overlay District to District C-3, General Commercial District property described as a tract of land being part of Government Lot 9 and accretion thereto, the Southeast Quarter of the Northeast Quarter of Section 14, Township 8 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (west of Platte Road and 2nd Avenue) and consider **Ordinance No. 7919**.
9. Conduct a public hearing on the Application submitted by Miller & Associates for TAAA Lakes, LLC, a Nebraska Limited Liability Company, for the Final Plat for TAAA Estates, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of Government Lot 9 and accretion thereto, the Southeast Quarter of the Northeast Quarter of Section 14, Township 8 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (west of Platte Road and 2nd Avenue) and consider **Resolution No. 2014-155**.
10. Conduct a public hearing on the Application submitted by Miller & Associates for TAAA Lakes, LLC, a Nebraska Limited Liability Company, for the annexation of TAAA Estates, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of Government Lot 9 and accretion thereto, the Southeast Quarter of the Northeast Quarter of Section 14, Township 8 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (west of Platte Road and 2nd Avenue) and consider **Resolution No. 2014-156**.

11. Conduct a public hearing on the Application submitted by Miller & Associates for Norris and Lori Marshall for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Agricultural Preserve to General Industrial property described as a tract of land being part of the Northwest Quarter of Section 33, Township 9 North, Range 15 West of 6th P.M., Buffalo County, Nebraska (southeast corner of Cherry Avenue and UPRR) and consider **Resolution No. 2014-157**.
12. Conduct a public hearing on the Application submitted by Miller & Associates for Norris and Lori Marshall to rezone from District AG, Agricultural District to District M-1, Limited Industrial District property described as a tract of land being part of the Northwest Quarter of Section 33, Township 9 North, Range 15 West of 6th P.M., Buffalo County, Nebraska (southeast corner of Cherry Avenue and UPRR) and consider **Ordinance No. 7920**.
13. Conduct a public hearing on the Application submitted by Miller & Associates for Norris and Lori Marshall for the Final Plat and Subdivision Agreement for Cherry Avenue Industrial Park, 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 33, Township 9 North, Range 15 West of 6th P.M., Buffalo County, Nebraska (southeast corner of Cherry Avenue and UPRR) and consider **Resolution No. 2014-158**.
14. Conduct a public hearing on the Application submitted by Miller & Associates for Norris and Lori Marshall for the annexation of Cherry Avenue Industrial Park, 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 33, Township 9 North, Range 15 West of 6th P.M., Buffalo County, Nebraska (southeast corner of Cherry Avenue and UPRR) and consider **Resolution No. 2014-159**.

#### IV CONSENT AGENDA \*

1. Approve Minutes of Regular Meeting held July 22, 2014 and Minutes of Joint City/County Budget Meeting held July 23, 2014.
2. Approve the Claims.
3. Adopt **Resolution No. 2014-160** approving Change Order No. 1 showing a decrease in the amount of \$11,057.05, Application and Certificate for Payment No. 4-Final in the amount of \$21,808.99, and accept the Certificate of Substantial Completion 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.
4. Approve the applications for a Special Designated License submitted by Earn & Return Investments, Inc., dba Cellar Bar & Grill in connection with their Class IK-064728 liquor license to dispense beer and distilled spirits in Parking Lot 12, Zone C on UNK Campus located at 905 West 25th Street on September 11, 2014 from 3:30 p.m. until 9:00 p.m.,

September 20 from 11:00 a.m. until 5:00 p.m., October 4 from 10:00 a.m. until 4:00 p.m., October 18 from 9:30 a.m. until 4:00 p.m., November 1 from 9:00 a.m. until 9:00 p.m., and November 15 from 9:30 a.m. until 4:00 p.m. for tailgating area.

5. Adopt **Resolution No. 2014-161** approving the recommendation submitted by the Fire Chief to include the following as members of the Kearney Volunteer Fire Department: Steven Brumbaugh, Christopher Kupec, Seth Lunbery, Matthew McDonald, Jarod Nitkiewicz, Philip Odom, and Emily Vincent.
6. Accept the bids received for the construction of the 2014 Part 8 Improvements consisting of Water District No. 2014-574 and Sanitary Sewer District No. 2014-512 in 27th Avenue from 11th Street south 850 feet; and Water District No. 2014-575 and Sanitary Sewer District No. 2014-513 in 30th Avenue from 11th Street south 1,500 feet and adopt **Resolution No. 2014-162** awarding the bid to Midlands Contracting Inc. in the amount of \$749,062.00.
7. Adopt **Resolution No. 2014-163** authorizing the City of Kearney to join with NPPD as a co-applicant to the Nebraska Power Review Board for an amendment to NPPD's retail service area to include the annexed land described as Cherry Avenue Industrial Park, 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 33, Township 9 North, Range 15 West of 6th P.M., Buffalo County, Nebraska (southeast corner of Cherry Avenue and UPRR).

\* *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. 7921** vacating the north five feet of the existing 15-foot wide sanitary sewer and utility easement located along the south side of Lot 1 and the south side of Lot 3, Big Boy Addition, an addition to the City of Kearney, Buffalo County, Nebraska (south of South Railroad Street between Avenue A and Avenue B).
2. Approve **Ordinance No. 7922** amending the following sections of Division III "Licensing and Regulation of Plumbers" of Article 10 "Plumbing Code" of Chapter 9 "Public Works" of the City Code: Section 9-1044, 9-1045, 9-1047, 9-1048, 9-1049, 9-1051, 9-1052, 9-1053, and 9-1055 eliminating the Examining Board for Plumbers and replacing any reference of said Board to the Chief Building Official and/or Development Services Director.
3. Approve **Ordinance No. 7923** creating Paving Improvement District No. 2014-967 for 49th Street from the west line of Lot 1, Block Four, Good Samaritan Society Kearney Village Subdivision, thence easterly to the south line of Lot 9, Block Four, Good Samaritan Society Kearney Village Subdivision, thence continuing northerly and easterly in 50th Street to the east line of Outlot B, Good Samaritan Society Kearney Village Subdivision and continuing easterly in 50th Street to a point located 140.38 feet east of the east line of Outlot B, Castle Ridge Fourth Addition.

## VI REGULAR AGENDA

1. Consider **Ordinance No. 7924** authorizing the issuance of Combined Utilities Revenue and Refunding Bonds, Series 2014E, of the City of Kearney, Nebraska, in the aggregate principal amount of \$4,000,000 for the purpose of providing for the payment and redemption of the

City's Series 2000, 2001A, 2001B and 2002 Bonds and paying the cost of maintaining, extending, enlarging and improving the waterworks plant and water system and the sewage disposal plant and sanitary sewer system of the City; directing the application of the proceeds of said bonds; prescribing the form, terms and details of said bonds; pledging and hypothecating the revenue and earnings of the waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system of said City for the payment of said bonds and interest thereon; providing for the collection, segregation and application of the revenues of said waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system; entering into a contract on behalf of the City with the holders of said bonds.

- 2. Consider **Ordinance No. 7925** amending the Kearney City Code by adding a section entitled "Residency Restrictions for Sex Offenders" to Article 15 "General Offenses" of Chapter 8 "Police".
- 3. Presentation from Little League Group.
- 4. Open Account Claim to NPPD - \$110,003.20.

## 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 \*

- 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 August 30, 2014 from 3:00 p.m. until 1:00 a.m. for a reception.