

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

August 26, 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 until September 9, 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**.
2. **Postponed until September 9, 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**.
3. **Postponed until September 9, 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**.
4. **Postponed until September 9, 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**.

5. **Postponed until September 23, 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**.
6. **Postponed until September 23, 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**.
7. Conduct a public hearing on the Application for Class I-109288 liquor license submitted by Red Lobster Hospitality, LLC, dba Red Lobster #0835 located at 112 2nd Avenue East, consider the manager application for Sean Korth, and consider **Resolution No. 2014-164**.
8. Conduct a public hearing to consider **Resolution No. 2014-165** submitting the following question to the qualified electors of the City of Kearney at the General Election scheduled for November 4, 2014:

“Shall the City of Kearney, Nebraska issue general obligations bonds of said City in the principal amount not to exceed Seven Million Five Hundred Dollars (\$7,500,000) for the purpose of constructing a youth baseball and softball complex, said bonds dated and bear interest as may be fixed by the City Council, and become due and payable over ten years” and

“Shall the Mayor and City Council of the City of Kearney, Nebraska impose a restaurant and drinking place occupation tax commencing February 1, 2015 and terminating on or before January 31, 2025 in the amount of one percent in said City to pay the interest and principal of said bonds as the same become due?”

IV CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held August 12, 2014.
2. Approve the Claims.
3. Receive recommendations of Planning Commission and set September 9, 2014 at 5:30 p.m. as date and time for hearing on those applications where applicable.
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 September 6, 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 Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on September 13, 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 Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on September 13, 2014 from 3:00 p.m. until 1:00 a.m. for a reception.
7. Adopt **Resolution No. 2014-166** approving the final allocation of levy authority in the amount of \$147,900 for the Community Redevelopment Authority of the City of Kearney for fiscal year 2014-2015 and the final allocation of levy authority in the amount of \$47,003 for Offstreet Parking District No. 1 for fiscal year 2014-2015.
8. Adopt **Resolution No. 2014-167** approving Change Order No. 2 showing an increase in the amount of \$5,419.00 and Application and Certificate for Payment No. 5-Final in the amount of \$5,419.00 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.
9. Adopt **Resolution No. 2014-168** approving Change Order No. 1 showing an increase in the amount of \$3,598.00, Application and Certificate of Payment No. 1-Final in the amount of \$215,772.00, and accept the Certificate of Substantial Completion submitted by Dan Roeder Concrete and approved by Olsson Associates for the 2013 Part 11 Improvements; Box Butte Avenue Paving Project.
10. Adopt **Resolution No. 2014-169** approving Change Order No. 4 showing an increase in the amount of \$39,056.20, Application and Certificate for Payment No. 5-Final in the amount of \$124,225.55, and accept the Certificate of Substantial Completion submitted by Blessing, LLC and approved by Miller & Associates for the 2013 Part 7 Improvements; Downtown Lighting Improvements.
11. Adopt **Resolution No. 2014-170** approving Change Order No. 1 showing an increase in the amount of \$2,125.20 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.

12. Adopt **Resolution No. 2014-171** approving Change Order No. 1 showing an increase in the amount of \$17,375.00 and Application and Certificate for Payment No. 2 in the amount of \$260,271.50 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. 2014-172** approving Change Order No. 1 showing an increase in the amount of \$35,005.00 and Application and Certificate for Payment No. 1 in the amount of \$565,143.95 submitted by Dan Roeder Concrete and approved by Miller & Associates for the 2014 Part 3 Improvements; 16th Street and 5th Avenue Project.
14. Approve the Plans and Specifications for the 2014 Part 7 Improvements consisting of Paving Improvement District No. 2014-968 for 4th Street from 3rd Avenue to 6th Avenue; Sanitary Sewer Connection District No. 2014-1 from Avenue M westward in proposed Landon Street, if extended, then north to 4th Street and west in 4th Street to Central Avenue; the 8th Street Bridge Replacement and paving improvements between 2nd Avenue and 3rd Avenue; 4th Street Sanitary Sewer Rehabilitation in 4th Street from Central Avenue to 6th Avenue; and 4th Street Paving Rehabilitation from Central Avenue to 2nd Avenue and set the bid opening date for September 16, 2014 at 2:00 p.m.
15. Approve the Plans and Specifications for the 2014 Part 10 Improvements consisting of Paving Improvement District No. 2014-966, Water District No. 2014-576, and Sanitary Sewer District No. 2014-514 for 17th Street from Avenue M east to the east lot line of Lot 5, Block Two, Marlatt Addition, and water and sanitary sewer extending to the center line of Avenue O, and set the bid opening date for September 16, 2014 at 2:00 p.m.
16. Adopt **Resolution No. 2014-173** approving the Professional Construction Engineering Services Agreement between the City of Kearney and Miller & Associates to provide engineering services for NDOR Project No. DPS-STP-10-2(116); Cherry Avenue Utility Relocations.
17. Adopt **Resolution No. 2014-174** approving Supplemental Agreement No. 1 to the Planning Project Program Agreement between the City of Kearney and the Nebraska Department of Roads amending the method of payment for the preliminary engineering work and including reporting requirement for the project.
18. Adopt **Resolution No. 2014-175** approving the Developer Constructed Infrastructure Agreement between the City of Kearney and The Evangelical Lutheran Good Samaritan Society for the construction of paving, water and sanitary sewer improvements in Good Samaritan Society Kearney Village.
19. 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 September 20, 2014 from 3:00 p.m. until 1:00 a.m. for a reception.

* ***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. 7926** creating Paving Improvement District No. 2014-968 for 4th Street from 3rd Avenue to 6th Avenue.
2. Approve **Ordinance No. 7927** creating Sanitary Sewer Connection District No. 2014-1 from Avenue M westward in proposed Landon Street, if extended, then north to 4th Street and west in 4th Street to Central Avenue.
3. Approve **Ordinance No. 7928** selling 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 to Bosselman Energy, Inc.

VI REGULAR AGENDA

1. Consider the redevelopment project (University Self Storage) for Redevelopment Area #5 for an area described as Lot 1 except the north 150 feet, Anderson Park 5th Subdivision to the City of Kearney, Buffalo County, Nebraska (northeast corner of Avenue Q and Highway 30) and consider **Resolution No. 2014-176**.
2. Consider the redevelopment project (Avenue G Storage) for Redevelopment Area #3 for an area described as Lot 596 together with the vacated south half of the alley abutting said lot on the north and Lot 597, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska (Avenue G and 19th Street) and consider **Resolution No. 2014-177**.
3. Open Account Claim to Stan Clouse - \$598.52.

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