

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

October 14, 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. **Postpone until October 28, 2014.** Conduct a public hearing on the Applications submitted by Miller & Associates for BK Development, LLC, a Nebraska Limited Liability Company, for (1) the vacation of Lots 1 and 2 of Block 1, G & K Addition, together with a tract of land being part of 16th Avenue, G&K Third Addition and consider **Ordinance No. 7929**; and (2) an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Business Park to Medium Density Residential property described as all of Lot 1 of Block 1 and part of Lot 2 of Block 1 (to be vacated), all in G & K Addition an addition to the City of Kearney, Buffalo County, Nebraska (north of 16th Street between 11th Avenue and 16th Avenue) and consider **Resolution No. 2014-180**.
2. **Postpone until October 28, 2014.** Conduct a public hearing on the Application submitted by Miller & Associates for BK Development, LLC, a Nebraska Limited Liability Company, to rezone from District M-1, Limited Industrial District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and District M-1/PD, Limited Industrial/Planned Development Overlay District property described as all of Lot 1 of Block 1 and part of Lot 2 of Block 1 (to be vacated), all in G & K Addition an addition to the City of Kearney, Buffalo County, Nebraska (north of 16th Street between 11th Avenue and 16th Avenue) and consider **Ordinance No. 7930**.
3. **Postpone until October 28, 2014.** Conduct a public hearing on the Application submitted by Miller & Associates for BK Development, LLC, a Nebraska Limited Liability

Company, for the Final Plat and Subdivision Agreement for Fuller and Daley First Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as all of Lot 1 of Block 1 and part of Lot 2 of Block 1 (to be vacated), all in G & K Addition an addition to the City of Kearney, Buffalo County, Nebraska (north of 16th Street between 11th Avenue and 16th Avenue) and consider **Resolution No. 2014-181**.

4. **Postpone until October 28, 2014.** Conduct a public hearing on the Application submitted by Miller & Associates for BK Development, LLC, a Nebraska Limited Liability Company, for Planned District Development Plan Approval to construct a duplex and a tri-plex on property to be zoned R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District property described as all of Lot 1 of Block 1 and part of Lot 2 of Block 1 (to be vacated), all in G & K Addition an addition to the City of Kearney, Buffalo County, Nebraska (north of 16th Street between 11th Avenue and 16th Avenue) and consider **Resolution No. 2014-182**.
5. Conduct a public hearing on the Application submitted by Trenton Snow for Leland and Darla Skeen to rezone from District M-1, Limited Industrial District to District R-3, Urban Residential Multi-Family (Medium Density) District property described as Lots 11 and 12, Hartman and Drydens Subdivision to the City of Kearney, Buffalo County, Nebraska (1212 and 1216 East 27th Street) and consider **Ordinance No. 7935**.
6. Conduct a public hearing on the Application submitted by SBA GC Towers, Applicant and Purchaser, and Midtown Communications, Inc., Owner and Seller, for a Conditional Use Permit as provided in Section 46-110 "Telecommunications Towers" of Chapter 46 "Supplemental Use Regulations" of the City Code to continue the use of an existing telecommunications tower on property zoned District AG, Agricultural District and described as part of the Southwest Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (2811 West 39th Street) and to consider **Ordinance No. 7936**.
7. Conduct a public hearing on the proposed acquisition of a Permanent and Temporary Sanitary Sewer Easement granted by Conrad and Joan Smith for a tract of land being the west 15 feet of Lot 10, all of Lots 11 and 12, and the east 4 feet of Lot 13, Riverside Addition to the City of Kearney, Buffalo County, Nebraska and consider **Resolution No. 2014-204**.
8. Conduct a public hearing on the proposed acquisition of a Permanent and Temporary Sanitary Sewer Easement granted by Buffalo County, Nebraska for a tract of land being the west 40 feet of Lot 2 and the east 40 feet of Lot 3, Block 2, Kreutz Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider **Resolution No. 2014-205**.
9. Conduct a public hearing on the proposed acquisition of a Permanent and Temporary Sanitary Sewer Easement granted by Wasteland LLC for a tract of land being part of Lot 1, Fast Phil Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider **Resolution No. 2014-206**.
10. Conduct a public hearing on the proposed acquisition of a Permanent Sanitary Sewer Easement granted by FMR Enterprises LC for a tract of land being part of Government

Lot 4, Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider **Resolution No. 2014-207.**

11. Conduct a public hearing on the proposed acquisition of a Permanent and Temporary Sanitary Sewer Easement granted by Alexander and Eulah Gangwish for a tract of land being part of Government Lot 3, Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider **Resolution No. 2014-208.**
12. Conduct a public hearing on the proposed acquisition of a Permanent and Temporary Sanitary Sewer Easement granted by TCSM, LLC for a tract of land being part of Government Lot 3, Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider **Resolution No. 2014-209.**
13. Conduct a public hearing on the proposed acquisition of a Permanent and Temporary Sanitary Sewer Easement granted by O & O Farms Inc. for a tract of land being part of Government Lot 3, Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska AND a tract of land being part of Government Lot 4, Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider **Resolution No. 2014-210.**

IV CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held September 23, 2014 and Minutes of Special Meeting held October 3, 2014.
2. Approve the Claims.
3. Adopt **Resolution No. 2014-211** rescheduling the regular Council meeting scheduled for November 11, 2014 at 5:30 p.m. to November 12, 2014 at 5:30 p.m. as required by Section 1-210 of the Kearney City Code.
4. 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 October 25, 2014 (alternate date is November 1, 2014) from 6:00 p.m. until 1:00 a.m. for a dance.
5. Accept the bids received 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 adopt **Resolution No. 2014-212** awarding the bid to Midlands Contracting in the amount of \$119,030.00 for Bid A (water and sewer) and to Dan Roeder Concrete in the amount of \$203,669.00 for Bid B (paving).
6. Adopt **Resolution No. 2014-213** amending the Park Rules and Regulations as recommended by the Park & Recreation Advisory Board.

7. Adopt **Resolution No. 2014-214** approving the Technical and Professional Services Contract between the City of Kearney and Miller & Associates for Community Development Block Grant Program CR Phase II (Grant No. 14-CR-004).
 8. Adopt **Resolution No. 2014-215** amending the Tenant Use and Operations Agreement between the City of Kearney and Aurora Coop Elevator Company, dba Buffalo Air Service.
 9. Adopt **Resolution No. 2014-216** on the intent to issue tax exempt bonds of the 2014 Part 7 Improvements consisting of Paving Improvement District No. 2014-968 for 4th Street from 3rd Avenue to 6th Avenue.
 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 October 31, 2014 from 3:00 p.m. until 12:00 a.m. for a Monster Truck Show.
 11. Approve the application for a Special Designated License submitted by Miletta Vineyards & Winery Inc., dba Miletta Vista Winery in connection with their Class YK-07615 catering liquor license to dispense wine inside the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on November 8, 2014 from 9:00 a.m. until 4:00 p.m. for sampling/tasting.
- * *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. 7912A** amending Ordinance No. 7912 to provide for an increase in the authorized drawable principal amount for the borrowing from the Nebraska Department of Environmental Quality for the purpose of paying the costs of improvements to the City's sanitary sewer system; authorizing the issuance of Combined Utilities Revenue Bonds in the increased drawable principal amount of up to \$5,455,000 evidenced by a single amended and restated Promissory Note to NDEQ; approving the execution and delivery of Amendment No. 1 to Loan Contract and the delivery of an amended and restated Promissory Note to NDEQ; approving related documents with respect to said increased amount; confirming the terms of the original ordinance and specifically amending in who each of Sections 1 and 3 of the original ordinance; repealing original sections 1 and 3 of Ordinance No. 7912 and providing for publication of this ordinance in pamphlet form.

VI REGULAR AGENDA

1. Consider **Ordinance No. 7937** amending Section 3-1304 "Alcoholic Beverages; Hours of Operation" and Section 3-1306 "Alcoholic Beverages; Hours of Sale; New Year's Eve" of the City Code to allow for alcoholic beverages, including beer and wine, to be sold at retail and dispensed on Sunday from 11:00 a.m. until 12:00 a.m. (midnight).

2. Open Account Claim to Stan Clouse - \$376.66.

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