

# **KEARNEY CITY COUNCIL**

## **AGENDA**

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

**April 28, 2015**

**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. Conduct a public hearing for the Council to meet as the Board of Equalization to assess costs in connection with Paving Improvement District No. 2013-962; Water District No. 2013-570; Sanitary Sewer District No. 2013-508 and consider **Resolution No. 2015-81**.
2. **Requested to Postpone Until May 12, 2015.** Conduct a public hearing on the Applications submitted by Miller & Associates for DT Development and First Baptist Church of Kearney: (1) to vacate part of Lot 1, Spruce Hollow Estates Fourth Addition, part of Outlot B, Lots 1 and 2 of Block Four, Spruce Hollow Estates Fifth Addition, additions to the City of Kearney, Buffalo County, Nebraska and consider **Ordinance No. 7989**; and vacate an easement being part of Lot 1, Spruce Hollow Estates Fourth Addition, part of Outlot B, part of Lots 1 and 2 of Block Four, Spruce Hollow Estates Fifth Addition, additions to the City of Kearney, Buffalo County, Nebraska and consider **Ordinance No. 7990**; (2) to rezone from District R-1, Urban Residential Single-Family District (Low Density) and District R-2, Urban Residential Mixed-Density District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District property described as a tract of land being Lot 1, Spruce Hollow Estates Fourth Addition to the City of Kearney, Buffalo County, Nebraska (east of 11th Avenue between West 57th Street Place and West 58th Street) and consider **Ordinance No. 7991**.
3. **Requested to Postpone Until May 12, 2015.** Conduct a public hearing on the Application submitted by Miller & Associates for DT Development, Inc. for the Final Plat and Subdivision Agreement for Spruce Hollow Estates Sixth Addition, an addition to the

City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (east of 11th Avenue between West 57th Street Place and West 58th Street) and consider **Resolution No. 2015-82**.

4. **Requested to Postpone Until May 12, 2015.** Conduct a public hearing on the Application submitted by Miller & Associates for DT Development, Inc. for Planned District Development Plan Approval to construct 15 single family condominium dwelling units on property to be zoned R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a tract of land being part of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (east of 11th Avenue between West 57th Street Place and west of 58th Street) and consider **Resolution No. 2015-83**.

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

1. Approve Minutes of Regular Meeting held April 13, 2015.
2. Approve the Claims.
3. Receive recommendations of Planning Commission and set May 12, 2015 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 Dady, Inc., dba Dad's Tavern in connection with their Class C-009081 liquor license to dispense beer, wine and distilled spirits outside in a 30' x 25' fenced area located north of their facility located at 1910 Central Avenue on May 15, 2015 from 10:00 p.m. until 1:00 a.m. and on May 16, 2015 from 9:00 a.m. until 1:00 a.m. for a beer garden.
5. Approve the application for a Special Designated License submitted by Dady, Inc., dba Dad's Tavern in connection with their Class C-009081 liquor license to dispense beer, wine and distilled spirits outside in a 30' x 25' fenced area located north of their facility located at 1910 Central Avenue on May 29 and 30, 2015 from 10:00 p.m. until 1:00 a.m. for a beer garden.
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 and wine in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N on May 16, 2015 from 3:00 p.m. until 12:00 a.m. for a graduation party.
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 in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N on May 17, 2015 from 12:00 p.m. until 12:00 a.m. for a graduation party.
8. Adopt **Resolution No. 2015-84** approving the Planning Grant Administrator for planning downtown revitalization activities for 2015.

9. Approve the Plans and Specifications for the 2015 Part 4 Improvements consisting of Paving Improvement District No. 2015-972 for 29th Street from 6th Avenue to 8th Avenue and set the bid opening date for May 18, 2015 at 2:00 p.m.
10. Approve the application for a Special Designated License submitted by Kearney Investment Corp., dba Holiday Inn in connection with their Class CK-17964 catering liquor license to dispense beer, wine and distilled spirits inside the First National Bank located at 2223 2nd Avenue on May 14, 2015 from 5:00 p.m. until 8:00 p.m. for a reception.
11. Adopt **Resolution No. 2015-85** approving Application and Certificate for Payment No. 1 in the amount of \$88,578.90 submitted by Dan Roeder Concrete and approved by Miller & Associates for 2014 Part 10 Improvements – Bid B consisting of Paving Improvement District No. 2014-966 for 17th Street from Avenue M east to the east lot line of Lot 5, Block Two, Marlatt Addition.
12. Adopt **Resolution No. 2015-86** approving Change Order No. 3 showing an increase in the amount of \$4,300.00, Application and Certificate for Payment No. 7 in the amount of \$232,532.10 submitted by Blessing LLC and approved by Miller & Associates for 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. 2015-87** approving Change Order No. 1 showing a decrease in the amount of \$28,521.20, Application and Certificate for Payment No. 5-Final in the amount of \$86,274.29, Certificate of Substantial Completion submitted by Midlands Contracting and approved by Miller & Associates for 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.
14. Adopt **Resolution No. 2015-88** approving Application and Certificate for Payment No. 6 in the amount of \$289,334.50 submitted by Midlands Contracting and approved by Miller & Associates for 2014 Part 7 Improvements consisting of Paving Improvement District No. 2014-968 for 4th Street from 3rd Avenue to 6th Avenue and Sanitary Sewer Connection District No. 2014-1 commencing at a point near the Kearney RV Park located at 315 Avenue M, northward and westward in an easement, Landon Street if extended, thence northward through Riverside Addition and Kreutz Addition to 4th Street, thence westward to Central Avenue.
15. Adopt **Resolution No. 2015-89** approving Application and Certificate for Payment No. 1 in the amount of \$183,232.80 submitted by Trojan Technologies and approved by Miller & Associates for the UV Disinfection Building Equipment at the Platte River Well Field.
16. Adopt **Resolution No. 2015-90** approving Application and Certificate for Payment No. 2 in the amount of \$420,840.00 submitted by Midlands Contracting and approved by Miller & Associates for the UV Disinfection Building at the Platte River Well Field.
17. Approve the Plans and Specifications for 2015 Part 8 Improvements consisting of Paving Improvement District No. 2015-973, Water District No. 2015-577, Sanitary Sewer District

No. 2015-515 for 3rd Street from 3rd Avenue westerly to the west line of Lot 1, Block One, Younes Center Third Addition; Paving Improvement District No. 2015-974 and Water District No. 2015-578 for 4th Avenue from Talmadge Street to the 3rd Street as platted in Younes Center Third Addition and set the bid opening date for May 18, 2015 at 2:00 p.m.

- 18. Approve the Plans and Specifications for 2015 Part 1 Improvements; 19th Street and Sidewalks/Ramps and set the bid opening date for May 18, 2015 at 2:00 p.m.

\* *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. Adopt **Ordinance No. 7992** amending the following sections of Article 6 “Fireworks” of Chapter 4 “Fire Regulations” of the Code of the City of Kearney as follows: Section 4-601 “Fireworks; Definitions” to remove the definition of permissible fireworks and adopt the definition of consumer fireworks which would coincide with state law; Section 4-602 “Generally” to remove the outdated wording and adopt what is allowed by state law; and Section 4-603 “Permit to Sell Fireworks” to remove the reference of permissible fireworks and replace with consumer fireworks which would coincide with state law.

## VI REGULAR AGENDA

- 1. Open Account Claim to NPPD - \$ 107,700.94.

## 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](http://www.cityofkearney.org)