

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

March 24, 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 on the Application submitted by Miller & Associates for Paul and Linda Younes to rezone from District M-1, Limited Industrial District to District C-2, Community Commercial District property described as a tract of land being part of Government Lot 5 and part of accretions to Government Lot 5, and part of accretions to Government Lot 9, all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (adjacent to 1st Street and 4th Avenue) and consider **Ordinance No. 7975**.
2. Conduct a public hearing on the Application submitted by Miller & Associates for Paul and Linda Younes for the Final Plat for Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of Government Lot 5 and part of accretions to Government Lot 5, and part of accretions to Government Lot 9, all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (adjacent to 1st Street and 4th Avenue) and consider **Resolution No. 2015-50**.
3. Conduct a public hearing on the Application submitted by Miller & Associates for Paul and Linda Younes for the annexation of Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of Government Lot 5 and part of accretions to Government Lot 5, and part of accretions to Government Lot 9, all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (adjacent to 1st Street and 4th Avenue) and consider **Resolution No. 2015-51**.

4. Conduct a public hearing on the proposed acquisition for recreational purposes a part of Lot 1, Wiebe's Subdivision, a subdivision being part of the Southeast Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., and part of Government Lot 1 of Section 5, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider **Resolution No. 2015-52**.

IV CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held March 10, 2015.
2. Approve the Claims.
3. Receive recommendations of Planning Commission and set April 13, 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 Thunderhead Brewing in connection with their Class LK-047920 catering liquor license to dispense beer at the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on May 8 and 9, 2015 from 5:00 p.m. until 11:00 p.m. each day for a fund raiser.
5. Approve the application 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 April 25, 2015 from 10:00 p.m. until 4:00 p.m. for Spring Game Tailgating.
6. Adopt **Resolution No. 2015-53** accepting the public storm sewer constructed under a Developer Constructed Infrastructure Agreement serving Lots 3 and 4, Oak Park Center.
7. Adopt **Resolution No. 2015-54** approving amendments to the Limited English Proficiency (LEP) Assistance Plan to included programs funded by HUD and other federal agencies.
8. Adopt **Resolution No. 2015-55** authorizing the City Manager to enter into an Agreement with Troy & Banks, Inc. for the auditing of cable television service companies which operate with the City of Kearney.
9. Adopt **Resolution No. 2015-56** on the intent to issue tax exempt bonds for the 2014 Part 12 Improvements; Airport Water System Project.
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 in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N on April 18, 2015 from 3:00 p.m. until 12:00 a.m. for a fund raiser.
11. Adopt **Resolution No. 2015-57** accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement for Starostka View Addition.

12. Adopt **Resolution No. 2015-58** accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement for Starostka Estates Addition.
13. Adopt **Resolution No. 2015-59** approving the Developer Constructed Infrastructure Agreement for Lot 1, Bearcat Corner Addition between the City of Kearney and Buffalo County School District 10-007.
14. Adopt **Resolution No. 2015-60** approving the Developer Constructed Infrastructure Agreement for Cherry Avenue Industrial Park between the City of Kearney and Norris and Lori Marshall.
15. Adopt **Resolution No. 2015-61** approving the Sanitary Sewer Service Agreement for Brandt's Lakewood Subdivision, Brandt's Lakewood Estates, Brandt's Lakewood 2nd Addition, Brandt's Lakewood 4th Addition, Brandt's Lakewood 5th Addition, Brandt's Lakewood 6th Addition, Brandt's Lakewood 7th Addition, and Brandt's Lakewood 8th Addition between the City of Kearney and Brandt's Lakewood Homeowners Association.
16. Adopt **Resolution No. 2015-62** approving Application and Certificate for Payment No. 5 in the amount of \$221,187.78 submitted by Midlands Contracting and approved by Miller & Associates for the 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.
17. Adopt **Resolution No. 2015-63** approving Application and Certificate for Payment No. 4 in the amount of \$231,095.82 submitted by Midlands Contracting and approved by Miller & Associates for 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.
18. Adopt **Resolution No. 2015-64** approving Change Order No. 1 showing a decrease in the amount of \$5,993.00, Application and Certificate for Payment No. 2-Final in the amount of \$51,233.10 and accept the Certificate of Substantial Completion submitted by Midlands Contracting and approved by Miller & Associates for the 2014 Part 10 Improvements – Bid A consisting of 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.
19. Adopt **Resolution No. 2015-65** approving Application and Certificate for Payment No. 1 in the amount of \$347,265.00 submitted by Midlands Contracting and approved by Miller & Associates for the UV Disinfection Building at the Platte River Well Field.
20. Approve setting April 13, 2015 at 5:30 p.m. as the time and date to meet as the Board of Equalization to assess costs in connection with Paving Improvement District Nos. 2012-957, 2012-958, 2012-959, 2012-960, 2013-962; Water District Nos. 2012-568, 2013-570; Sanitary Sewer District Nos. 2012-507 and 2013-508.

21. Approve the application for a Special Designated License submitted by Kearney Steak Company, dba Whiskey Creek in connection with their Class IK-035628 catering liquor license to dispense beer, wine, and distilled spirits in The Archway located at 3060 East 1st Street on May 1, 2015 from 4:30 p.m. until 8:00 p.m. for a reception.
22. Approve the application for a Special Designated License submitted by Kearney Dawn Rotary to dispense beer and wine in the Museum of Nebraska Art located at 2401 Central Avenue on April 17, 2015 from 4:00 p.m. until 11:00 p.m. for a fund raiser.
23. Approve the request submitted by Terry Broadfoot to extend Conditional Use Permit No. 2000-03 locating a mining of gravel operation on property located $\frac{3}{4}$ mile west of Kearney Best Western Plus Mid-Nebraska Inn and Suites (formerly Fort Kearny Inn) and south of Interstate 80 for a period of five years.
24. Adopt **Resolution No. 2015-66** rescheduling the regular Council meeting scheduled for April 14, 2015 at 5:30 p.m. to April 13, 2015 at 5:30 p.m. as required by Section 1-210 of the Kearney City Code.
25. Adopt **Resolution No. 2015-67** reaffirming the Excessive Force Certification prohibiting the use of excessive force against any individual engaged in nonviolent civil rights demonstrations by law enforcement agencies within the City's jurisdiction as required for receiving federal grant funding.
26. Approve the purchase of a Caterpillar 938M Series Loader submitted by Nebraska Machinery under the National Joint Powers Alliance in the amount of \$207,958.75 to be used in Public Works/Transportation.
27. Adopt **Resolution No. 2015-68** approving the Agreements for Acquisition of Road Right-of-Way with YB Investments, LLC, Turkey Creek Properties, LLC, and Paul and Linda Younes for the purpose of extending 1st Street and drainage for said road and/or City street for the purpose of connecting 1st Street with Kea West Avenue.

* *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. 7976** creating Paving Improvement District No. 2015-972 for 29th Street from 6th Avenue to 8th Avenue.

VI REGULAR AGENDA

1. Consider **Resolution No. 2015-69** approving the redevelopment project (Younes Center Third Addition) for Redevelopment Area #8 for an area described as Lot 2, Younes Center Addition and proposed Lots 1 and 2, Younes Center Third Addition all in the City of Kearney, Buffalo County, Nebraska.
2. Open Account Claim to NPPD - \$79,539.78.

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