

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

October 28, 2008

7:00 p.m.

I ROUTINE BUSINESS

1. Invocation (President or Designee of KMA).
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. **TABLED OCTOBER 14, 2008.** Conduct a public hearing on the Application submitted by Big O Tires (Applicant) for LPJ Limited Partnership Association (Owner) for Revised Planned District Development Plan Approval for exterior displays on property zoned "District C-2/PD, Community Commercial/Planned Development Overlay District" and described as Lot 3, Skiview Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska; EXCEPT that part conveyed to the State of Nebraska Department of Roads by Deed filed July 16, 1999 as Instrument 1999-5822 (116 West 56th Street) and approve **Resolution No. 2008-178.**
2. Conduct a public hearing on the application for a Class C-83194 submitted by BARLEY STOP LLC, dba "O Bar" to be located at 2400 Central Avenue, consider the manager application for Jacob Sikes, and approve **Resolution No. 2008-187.**

IV CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held October 14, 2008.
2. Approve the Claims.
3. Receive recommendations of Planning Commission and set November 11, 2008 at 7:00 p.m. as date and time for hearing on those applications where applicable.

4. Approve Change Order No. 3 showing an increase in the amount of \$3,241.00, Change Order No. 4 showing an increase in the amount of \$4,380.00, Change Order No. 5 showing an increase in the amount of \$12,517.30, Application and Certificate for Payment No. 4 in the amount of \$251,376.30 submitted by Blessing, LLC and approved by Brungardt Engineering for the construction of the E.K. & Mary Yanney Heritage Park North Parking Lot Addition and approve **Resolution No. 2008-188**.
5. Accept the report from the City Clerk on the insufficiency of objection/protest filed in connection with Ordinance No. 7462 creating Water District No. 2008-553 in 56th Street from the southwest corner of Lot 11 of Block 6, Eastbrooke Eighth Addition east to the southeast corner of Lot 1 of Block 7, Eastbrooke Eighth Addition.
6. Approve the City of Kearney Identity Theft Prevention Program and approve **Resolution No. 2008-189**.
7. Approve the bid received for the 2008 Part 9 Improvements – Manhole Rehabilitation Project and approve **Resolution No. 2008-190** awarding the bid to Midlands Contracting in the amount of \$164,820.00.
8. Approve **Resolution No. 2008-179A** correcting the number listed for the distance in the legal description for the proposed acquisition for an Avigation and Hazard Easement on property located south of the Union Pacific Railroad right-of-way and south of the main runway at the Kearney Regional Airport.
9. Approve Application and Certificate for Payment No. 2 in the amount of \$134,303.82 submitted by Wilke Contracting Corp. and approved by Miller & Associates for the 2007 Part V Improvements consisting of the bridge work on 4th Street between 2nd Avenue and 3rd Avenue and approve **Resolution No. 2008-191**.
10. Approve Change Order No. 1 showing an increase in the amount of \$27,624.92, Application and Certificate for Payment No. 2 in the amount of \$139,599.67 submitted by Concrete Workers, Inc. and approved by Miller & Associates for the 2008 Part 2 Improvements consisting of Paving Improvement District No. 2007-920 for the alley lying between 24th Street to 25th Street from 1st Avenue to 2nd Avenue; Paving Improvement District No. 2007-921 for the alley lying between 1st Avenue and 2nd Avenue from 23rd Street to 24th Street; Paving Improvement District No. 2007-922 for the alley lying between 25th Street and 26th Street from Central Avenue to Avenue A; Paving Improvement District No. 2007-923 for the alley lying between Central Avenue and Avenue A from 23rd Street to 24th Street; Paving Improvement District No. 2007-924 for the alley lying between Central Avenue and 1st Avenue from 23rd Street to 24th Street and approve **Resolution No. 2008-192**.
11. Approve Change Order No. 1 showing a decrease in the amount of \$4,217.60, Application and Certificate for Payment No. 2-Final in the amount of \$10,130.09, and Certificate of Substantial Completion submitted by Midlands Contracting, Inc. and approved by Miller & Associates for the 2008 Part 8 Improvements – Bid A consisting of Water District No. 2008-551 for 62nd Street, Avenue S Avenue T and Avenue U as said streets abut Lots 1 and 2 of Block 1; Lots 1, 2, 3, 4, 5, 6, and 7 of Block 2; Lots 1 and 2 of Block 3; Lots 1, 2, 3 of Block 4; Lot 1 of Block 5, all in Eastbrooke Tenth; and Sanitary Sewer District No. 2008-493 for 62nd Street, Avenue T and Avenue U as said streets abut Lots 1 and 2 of Block 1; Lots 1, 2, 3, 4 of Block 2; Lots 1 and 2 of Block 4; Lot 1 of Block 5, all in Eastbrooke Tenth and approve **Resolution No. 2008-193**.
12. Approve Change Order No. 1 showing an increase in the amount of \$4,900.00, Application and Certificate for Payment No. 2 in the amount of \$214,253.28 submitted by Dan Roeder Concrete and approved by Miller & Associates for the 2008 Part 8 Improvements – Bid B consisting of

Paving Improvement District No. 2008-927 for 62nd Street, Avenue S, Avenue T and Avenue U as said streets abut Lots 1 and 2 of Block 1; Lots 1, 2, 3, 4, 5, 6, and 7 of Block 2; Lots 1 and 2 of Block 3; Lots 1, 2, 3 of Block 4; Lot 1 of Block 5, all in Eastbrooke Tenth and approve **Resolution No. 2008-194.**

13. Approve Application and Certificate for Payment No. 9 in the amount of \$35,509.55 submitted by Starostka Group and approved by Miller & Associates for the Northwest Well Field Improvements; Phase II - Water Transmission Main and approve **Resolution No. 2008-195.**
14. Accept the public improvements constructed under, and in accordance with, the terms of the Developer Constructed Infrastructure Agreement for Lot 1 of Block 7, Lighthouse Point Addition; Lots 1, 2, 3, 4, Village Plaza Addition; Lots 7 and 8 of Block 4, Kearney Plaza Second; Lots 11 through 19 of Block 2 and Lots 1 through 9 of Block 4, Kearney Plaza Third; Eastbrooke Seventh Addition; and Talmadge Center Addition, all in the City of Kearney, Buffalo County, Nebraska and approve **Resolution No. 2008-196.**
15. Approve the bids received for the 2008 Part 11 Improvements consisting of Paving Improvement District No. 2008-928 for 4th Avenue from the north line of 4th Street to the south line of 8th Street; Paving Improvement District No. 2008-929 for 4th Street from 6th Avenue to the west boundary of Cash-Wa Second Addition; Water District No. 2008-552 for 4th Street from 6th Avenue to the west boundary of Cash-Wa Second Addition and approve **Resolution No. 2008-197** awarding the bid to Midlands Contracting, Inc. in the amount of \$158,222.00 for Bid A and to Dan Roeder Concrete in the amount of \$370,787.00 for Bid B.
16. Approve Application and Certificate for Payment No. 4 in the amount of \$159,172.20 submitted by Paulsen, Inc. and approved by Kirkham Michael for the construction of the Airport Road Relocation Project and approve **Resolution No. 2008-198.**
17. Approve the Technical and Professional Services Contract between the City of Kearney and Miller & Associates for Community Development Block Grant No. 08-CR-004 for grant administration services relating to the Community Revitalization Program and approve **Resolution No. 2008-199.**
18. Approve the application for deferral of special assessments submitted by Vernon and Bob Brooke in connection with Water District No. 2008-553 in 56th Street from the southwest corner of Lot 11 of Block 6, Eastbrooke Eighth Addition east to the southeast corner of Lot 1 of Block 7, Eastbrooke Eighth Addition.
19. Approve **Resolution No. 2008-200** acknowledging Buffalo County vacating part of Airport Road running north to south from Highway 30 to 39th Street as it was previously laid out prior to its current relocation.
20. Approve the application submitted by Delmar Nelson on behalf of the American Legion Post 52 to conduct the Veterans Day Parade on November 11, 2008 beginning at 4:00 p.m. with the parade starting at Railroad Street, north on Central Avenue and ending at the parking lot located north of the Museum of Nebraska Art which includes reserving two parking spaces in front of Redman Shoes, 2116 Central 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 *

None.

VI REGULAR AGENDA

1. Consider the Self-Evaluation required by the American with Disabilities Act for the City of Kearney and approve **Resolution No. 2008-201**.
2. Consider establishing a Grievance Procedure in accordance with the Americans with Disabilities Act and approve **Resolution No. 2008-202**.
3. Consider the bids received for the construction of the Peterson Senior Activity Center located at the E.K. and Mary Yanney Heritage Park and approve **Resolution No. 2008-203** awarding the bid to Hausmann Construction in the amount of \$2,879,000.00.
4. Council discussion on the proposed one percent Restaurant Occupation Tax.
5. Open Account Claims: **NPPD - \$387.55, Platte Valley State Bank - \$47,624.02**

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