

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

November 25, 2008

7:00 p.m.

I ROUTINE BUSINESS

1. Invocation – Reverend Michelle Reed, Faith United Methodist Church.
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 proposed acquisition granted to the City of Kearney by The Yanney Heritage Park Foundation of a tract of land described as Lot 1 of E.K. and Mary Yanney Heritage Park Second, an addition to the City of Kearney, Buffalo County, Nebraska for recreational purposes and expansion of City facilities and approve **Resolution No. 2008-208.**

IV CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held November 11, 2008.
2. Approve the Claims.
3. Receive recommendations of Planning Commission and set December 9, 2008 at 7:00 p.m. as date and time for hearing on those applications where applicable.
4. Approve the Plans and Specifications for the 2008 Part 7 Improvements consisting of Water District No. 2008-553 for 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; and Sewer District No. 2008-494 in a 20-foot sanitary sewer easement located along the south side of Block 3, Bel Air Third Addition and set the bid opening date for December 16, 2008 at 2:00 p.m.
5. Approve canceling special assessments levied against certain lots and lands and to remove the said records and assessment schedules from the active files of the City of Kearney and

approve **Resolution No. 2008-209.**

6. Approve the recommendation from the Utilities Department for the purchase of a Four-Wheel Loader to be used by the Kearney Area Solid Waste Agency Landfill from Titan Machinery of Omaha, Nebraska in the amount of \$130,800.18.
7. Approve the recommendation from the Utilities Department for the purchase of a Four-Wheel Loader to be used by the Water Distribution Division from Titan Machinery of Omaha, Nebraska in the amount of \$110,791.00.
8. Approve the recommendation from the Public Works Department for the purchase of a dump truck, snow plow and snow plow hitch to be used by the Transportation Division from Nebraska Truck Center in the amount of \$123,001.00.
9. Approve Application and Certificate for Payment No. 3 in the amount of \$117,108.00 submitted by Blessing, LLC and approved by Miller & Associates for the 2008 Part III Improvements consisting of Paving Improvement District No. 2007-915 for 14th Street from 6th Avenue to 9th Avenue; Paving Improvement District No. 2007-916 for 9th Avenue from 13th Street to 14th Street; Paving Improvement District No. 2007-917 for 9th Avenue from 16th Street to 19th Street and approve **Resolution No. 2008-210.**
10. Approve Change Order No. 2 showing an increase in the amount of \$2,936.25, Change Order No. 3 showing a decrease in the amount of \$29,128.88, Application and Certificate for Payment No. 3-Final in the amount of \$60,564.62, and the Certificate of Substantial Completion 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. 2008-211.**
11. Approve Application and Certificate for Payment No. 5 in the amount of \$151,824.72 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. 2008-212.**
12. Approve T-Hangar Lease B-9 Lease Agreement between the City of Kearney and Phil Jossi/ Premier Aviation Training & Management for storage at the Kearney Regional Airport and approve **Resolution No. 2008-213.**
13. Approve the request submitted by the Downtown Improvement Board as follows: (1) place Santa's house in front of Nelson's Furniture, 2109 Central Avenue from November 26, 2008 until December 31, 2008; (2) Agreement to block off three parking stalls in front of KGFW Radio, 2223 Central Avenue for Santa's reindeer and sleigh on December 4, 2008 from 8:00 a.m. until 9:00 p.m.; (3) Agreement to block off three parking stalls in front of Time for Baby, 2123 Central Avenue to sell popcorn on December 4, 2008 from 8:00 a.m. until 9:00 p.m.; (4) Agreement to block off three parking stalls in front of Hogan's Sporting Goods, 2410 Central Avenue to sell popcorn on December 4, 2008 from 8:00 a.m. until 9:00 p.m.

and (5) Agreement to block off six parking stalls in front of the Kearney Hub, 13 East 22nd Street on December 4, 2008 from 8:00 a.m. until 9:00 p.m. for hayrack rides through downtown Kearney.

14. Approve Application and Certificate for Payment No. 5 in the amount of \$121,682.70 submitted by Paulsen, Inc. and approved by Kirkham Michael for the construction of the Airport Road Relocation Project and approve **Resolution No. 2008-214**.

* *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. **ORDINANCE NO. 7475A** – Amend Ordinance No. 7475 by correcting the legal description on vacating all of Avenue P located north of 27th Street, west of Lot 2, Con Agra Addition, an addition to the City of Kearney, Buffalo County, Nebraska, east of Lots 1 and 8 of Block 45, East Lawn Addition to the City of Kearney, Buffalo County, Nebraska (west of Grand Avenue, north of 27th Street, south of vacated 28th Street).
2. **ORDINANCE NO. 7478** – Amend Article 7 “Electricity” of Chapter 9 “Public Works” of the Code of the City of Kearney, Nebraska to delete in its entirety the following sections: Section 9-750 “Section 210.12 Amendment; Arc-Fault Circuit-Interrupter Protection”; Section 9-751 “Section 334.10 Amendment; Uses Permitted for Non-Metallic Sheathed Cable”; and Section 9-752 “Section 334.12 Amended; Uses Not Permitted for Non-Metallic Sheathed Cable”.
3. **ORDINANCE NO. 7479** – Create Paving Improvement District No. 2008-930 for 48th Street from the east right-of-way line of 11th Avenue to the east line of Lot 1, Block Four, Windsor Estates Seventh Addition.
4. **ORDINANCE NO. 7480** – Create Paving Improvement District No. 2008-931 for 10th Avenue Place from 48th Street to end of cul-de-sac.
5. **ORDINANCE NO. 7481** – Create Paving Improvement District No. 2008-932 for 11th Avenue from the north line of 48th Street south to the north lot line of Lot 1 of Block 6, Fountain Hills First Addition.
6. **ORDINANCE NO. 7482** – Create Paving Improvement District No. 2008-933 for 10th Avenue from the north line of 48th Street north to the north a distance of 293.98 feet to the northeast corner of Lot 24 of Block 3, Fountain Hills Third Addition.
7. **ORDINANCE NO. 7483** – Create Water District No. 2008-554 in 48th Street from the east lot line of Lot 10, Block 4 to the west lot line of Lot 10 of Block 4, Fountain Hills Third Addition.
8. **ORDINANCE NO. 7484** – Create Water District No. 2008-555 in 10th Avenue Place from 48th Street to its terminus in a cul-de-sac.
9. **ORDINANCE NO. 7485** – Create Water District No. 2008-556 in a 25-foot wide utility easement from the north line of 48th Street northeasterly to the north lot line of Lot 42 of Block 2, Fountain Hills Third Addition.

- 10. **ORDINANCE NO. 7486** – Create Sanitary Sewer District No. 2008-495 in 48th Street from the west line of 11th Avenue to the east lot line of Lot 1 of Block 4, Fountain Hills Third Addition; AND in 10th Avenue Place from the south line of 48th Street to its terminus in a cul-de-sac.
- 11. **ORDINANCE NO. 7487** – Create Sanitary Sewer District No. 2008-496 in a 25-foot wide utility easement from the north line of 48th Street northeasterly to the north lot line of Lot 42 of Block 2, Fountain Hills Third Addition.

VI REGULAR AGENDA

- 1. Consider Change Order No. 1 showing a decrease in the amount of \$21,081.00, Change Order No. 2 showing a decrease in the amount of \$40,000.00, Change Order No. 3 showing a decrease in the amount of \$25,000.00, and Change Order No. 4 showing an increase in the amount of \$4,900.00 submitted by Hausmann Construction, Inc. and approved by Wilkins Hinrichs Stober Architects in connection with the construction of the Peterson Senior Activity Center located at the E.K. and Mary Yanney Heritage Park and approve **Resolution No. 2008-215**.
- 2. Open Account Claims: **Stan Clouse - \$102.84, NPPD - \$58,820.05, Platte Valley State Bank - \$45,828.65**

VII REPORTS

VIII ADJOURN

Mayor Stanley Clouse
 4907 Linden Drive Place
 236-6193 home
 238-5210 office
mayor@kearneygov.org

Vice-President Randy Buschkoetter
 1110 13th Avenue
 234-5553 home
 698-8106 office
citycouncil@kearneygov.org

Council Member Don Kearney
 701 Huron Drive
 237-3225 home
 236-5411 office
citycouncil@kearneygov.org

Council Member Bruce Lear
 4803 Avenue L Place
 234-5354 home
 234-2424 office
citycouncil@kearneygov.org

Council Member Bob Lammers
 8 Crestview Place
 236-5273 home
 234-2577 office
citycouncil@kearneygov.org

City Manager Michael Morgan
 18 East 22nd Street
 233-3214 office
mmorgan@kearneygov.org

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