

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

June 23, 2009

7:00 p.m.

I ROUTINE BUSINESS

1. Invocation by Reverend Donald Franks from Church of God Prophecy.
2. Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Oral Communication - Recognition of visitors;
Presentation of Kearney Volunteer Fire Department Service Awards: Kelly Hardin 25 years, Jim Brooker 20 years, Mike Guenther 10 years, Bob Scarborough 10 years, Matt Ullman 5 years, Dan Thompson 5 years.

II UNFINISHED BUSINESS

1. Approve the annual manufactured home court license for L&M Mobile Home Park, 1122 Central Avenue.
2. Postponed until August 25, 2009 any action on the annual manufactured home court license for Wood River Trailer Court, 865 West 78th Street.

III PUBLIC HEARINGS

1. Conduct a public hearing to annex a tract of land being U.S. Highway 30 from the intersection of Antelope Avenue located on the west line of Government Lot 1, Section 32, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, thence east to the intersection of Cherry Avenue and U.S. Highway 30 located on the east line of said Section 32, as the same is located within part of Government Lots 1 and 5; and part of the Northeast Quarter of the Southwest Quarter of said Section 32 and lying north of the north right-of-way line of the Union Pacific Railroad and south of Lots 1 and 2 of Vantage Industrial Park, Buffalo County Nebraska; and part of the Northwest Quarter of the Southeast Quarter of said Section 32 lying north of the north right-of-way line of the Union Pacific Railroad; and part of the South Half of the Northeast Quarter of said Section 32, lying north of the north right-of-way line of the Union Pacific Railroad and abutting the east line of said Section 32 at Cherry Avenue, all in Buffalo County, Nebraska.
2. Conduct a public hearing to annex the following tracts of land: Lot 1 of Block 1, Platte River Commercial Park, a subdivision being part of Government Lot 1, part of Government Lot 2, part of Government Lot 4 and part of Government Lot 5 located in Section 32, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; Lots 1 and 2 of Block 1, Platte River Commercial Park Second Addition, a subdivision being part of Government Lot 2 and part of Government Lot 4 located in Section 32, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; Lot 1 of Block 2 and Lot 1 of Block 3, North Acre Third, an addition

being part of the Southeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; Lots 1 and 2, together with all of 56th Street abutting said Lot 2, Buffalo Commons Retirement Village, a subdivision being part of the South Half of the Southeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska.

3. Conduct a public hearing on the application for a Class C-85854 liquor license submitted by MONGOLIAN GRILL OF OMAHA LLC, dba Mongolian Grill located at 5012 3rd Avenue, Suite 178, and the Manager Application for Tamdan Ngo, and approve **Resolution No. 2009-80**.

IV CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held June 9, 2009.
2. Approve the Claims.
3. Receive recommendations of Planning Commission and set July 14, 2009 at 7:00 p.m. as date and time for hearing on those applications where applicable.
4. Approve the renewal of Non-Owned Corporate Hangar Lease (T-922A) between the City of Kearney and The Buckle for the storage of aircraft or aircraft parts, repair, maintenance and service of aircraft belonging to, leased to or under the control of The Buckle at the Kearney Regional Airport and approve **Resolution No. 2009-81**.
5. Approve T-Hangar A-7 Lease Agreement between the City of Kearney and Randal Klinginsmith for storage at the Kearney Regional Airport and approve **Resolution No. 2009-82**.
6. Approve the Permit between the City of Kearney and Larry Eggert on behalf of H&E Air Service to occupy the public right-of-way and approve **Resolution No. 2009-83**.
7. Approve the Technical and Professional Services Contract between the City of Kearney and Miller & Associates to perform technical and professional services for the administration of a federal Economic Development Assistance Program Grant for area economic development public works infrastructure for 2009-2010 and approve **Resolution No. 2009-84**.
8. Approve the Technical and Professional Services Contract between the City of Kearney and Miller & Associates to perform technical and professional services for the administration of a Community Development Block Grant for 2009-2010 and approve **Resolution No. 2009-85**.
9. Approve the selection of Miller & Associates for engineering design services, preliminary and final design for paving, storm sewer, water and sanitary sewer improvements for an area in southwest Kearney and approve **Resolution No. 2009-86**.
10. Approve the request submitted by the University of Nebraska at Kearney to conduct a Homecoming Parade on October 17, 2009 beginning at 10:00 a.m. The route will commence on North Railroad Street and Central Avenue, north on Central Avenue to 27th Street, west on 27th Street to 9th Avenue and ending at the Nebraskan Student Union. The staging area to be blocked off beginning at 7:00 a.m. is Railroad Street from Avenue E to 5th Avenue, 4th Avenue from Railroad Street to 22nd Street, 3rd Avenue from Railroad Street to 22nd Street, 21st Street from 3rd Avenue to 5th Avenue, 20th Street from 3rd Avenue to 5th Avenue, Avenue B from Railroad Street to 22nd Street, Avenue C from Railroad Street to 22nd Street, Avenue D from Railroad Street to 22nd Street, and Avenue E from Railroad Street to 22nd Street. Parking will be prohibited on Central Avenue between Railroad Street and 25th Street from 2:00 a.m. until

conclusion of the parade. This request will also allow for the selling of refreshments during the parade.

11. Approve submitting the Energy Efficiency and Conservation Block Grant to the Department of Energy for projects that implement energy efficiency and conservation strategies and approve **Resolution No. 2009-87.**
12. Approve the Agreement between the City of Kearney and WindStar Events & Marketing to temporarily close the parking lot located north of the Museum of Nebraska Art, 2401 Central Avenue, from 7:00 a.m. on October 2, 2009 until 2:00 p.m. on October 4, 2009 to conduct a downtown festival subject to the City receiving the Certificate of Insurance.
13. Approve Application and Certificate for Payment No. 1-Final in the amount of \$31,972.00 and the Certificate of Substantial Completion submitted by Wilke Contracting Corp. and approved by Miller & Associates for the 2009 Part 7 – Cherry Avenue Bridge Repair and approve **Resolution No. 2009-88.**
14. Approve Change Order No. 1 showing an increase in the amount of \$2,015.50, Application and Certificate for Payment No. 1 in the amount of \$50,702.60 submitted by Concrete Workers, Inc. and approved by Miller & Associates for the 2009 Part 3 Improvements for the construction of sidewalks in southeast Kearney and approve **Resolution No. 2009-89.**
15. Approve the Plans and Specifications for the Airport Signage Project and set the bid opening date for July 21, 2009 at 2:00 p.m.
16. Approve submitting the Justice Assistance Grant for the Kearney Police Department to go towards the purchase of a Direct-Link LifeLine crisis communications system as well as a Salient Stills digital recording system and approve **Resolution No. 2009-90.**
17. Approve the Joint City of Kearney-Buffalo County 2009 Byrne Justice Assistance Grant Program Award Interlocal Agreement for the purchase of a Direct-Link LifeLine crisis communications system as well as a Salient Stills digital recording system and approve **Resolution No. 2009-91.**
18. Approve the recommendation submitted by the Fire Chief to include the following as members of the Kearney Volunteer Fire Department: John Keeney, Brandon Koopman, Mark Panowicz and David Copp and approve **Resolution No. 2009-92.**

* *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. **First Reading of Ordinance No. 7528** to annex a tract of land being U.S. Highway 30 from the intersection of Antelope Avenue located on the west line of Government Lot 1, Section 32, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, thence east to the intersection of Cherry Avenue and U.S. Highway 30 located on the east line of said Section 32, as the same is located within part of Government Lots 1 and 5; and part of the Northeast Quarter of the Southwest Quarter of said Section 32 and lying north of the north right-of-way

line of the Union Pacific Railroad and south of Lots 1 and 2 of Vantage Industrial Park, Buffalo County Nebraska; and part of the Northwest Quarter of the Southeast Quarter of said Section 32 lying north of the north right-of-way line of the Union Pacific Railroad; and part of the South Half of the Northeast Quarter of said Section 32, lying north of the north right-of-way line of the Union Pacific Railroad and abutting the east line of said Section 32 at Cherry Avenue, all in Buffalo County, Nebraska. *(Pertains to Public Hearing 1)*

2. **First Reading of Ordinance No. 7529** to annex the following tracts of land: Lot 1 of Block 1, Platte River Commercial Park, a subdivision being part of Government Lot 1, part of Government Lot 2, part of Government Lot 4 and part of Government Lot 5 located in Section 32, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; Lots 1 and 2 of Block 1, Platte River Commercial Park Second Addition, a subdivision being part of Government Lot 2 and part of Government Lot 4 located in Section 32, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; Lot 1 of Block 2 and Lot 1 of Block 3, North Acre Third, an addition being part of the Southeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; Lots 1 and 2, together with all of 56th Street abutting said Lot 2, Buffalo Commons Retirement Village, a subdivision being part of the South Half of the Southeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. *(Pertains to Public Hearing 2)*
3. Consider **Ordinance No. 7530** to amend Section 3-1304 "Alcoholic Beverages; Hours of Sale; Generally" of Article 13 "Alcoholic Beverages" of Chapter 3 "Business Regulations" of the Kearney City Code to allow beer, wine and distilled spirits to be sold off the premise on Sunday between 12:00 p.m. until 12:00 a.m.; to delete in its entirety Section 3-1305 "Alcoholic Beverages; Hours of Sale; Sundays" of Article 13 "Alcoholic Beverages" of Chapter 3 "Business Regulations of the Kearney City Code.
4. Open Account Claims: **NPPD - \$58,242.08, Platte Valley State Bank - \$47,600.92**

VII REPORTS

VIII ADJOURN

Mayor Stanley A. Clouse
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236-6193 home
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Vice-President Randy Buschkoetter
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Council Member Don Kearney
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Council Member Bruce Lear
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City Manager Michael W. Morgan
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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