

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

September 8, 2009

7:00 p.m.

I ROUTINE BUSINESS

1. Invocation by Reverend Phyl Holmead, First Christian Church.
2. Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Oral Communication - Recognition of visitors.

II UNFINISHED BUSINESS

1. Postponed until November 30, 2009 the action on the renewal of the annual manufactured home court license for Wood River Trailer Court, 865 West 78th Street.

III PUBLIC HEARINGS

1. Conduct a public hearing on the Application submitted by Trenton Snow (Applicant) for Lawrence Richter, Trustee – Daniel and Eleanor Arens (Owner) to rezone from District AG, Agricultural District to District RR-1, Rural Residential (Rural Standards) District for property described as a tract of land being part of the North Half of the Northwest Quarter of Section 13, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (east side of Highway 10 approximately .3 mile north of 78th Street).
2. Conduct a public hearing on the Application submitted by Trenton Snow (Applicant) for Lawrence Richter, Trustee – Daniel and Eleanor Arens (Owner) for the Final Plat for Richter's 5th Subdivision, Buffalo County, Nebraska for property described as Lots 2, 3 and 9 (to be vacated), Richter's 2nd Subdivision, Buffalo County, Nebraska AND part of the North Half of the Northwest Quarter of Section 13, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (east side of Highway 10 approximately .3 mile north of 78th Street) and approve **Resolution No. 2009-136**.
3. Conduct a public hearing for the Council to meet as the Board of Equalization to assess costs for Paving Improvement District No. 2005-905, Water District No. 2005-541 and Sewer District No. 2005-484 for 47th Street Place from 6th Avenue to its terminus in a cul-de-sac; Paving Improvement District No. 2005-906, Water District No. 2005-542A and Sewer District No. 2005-485A for 4th Avenue from 44th Street north to 48th Street; Paving Improvement District No. 2008-925, Water District No. 2008-549 and Sewer District No. 2008-491 for 9th Street Place from west line of Block 1, Park View Estates Fourth to its terminus in a cul-de-sac; Paving Improvement District No. 2008-926, Water District No. 2008-550, Sewer District No. 2008-492 for 8th Street from the west line of Block 3, Park View Estates Fourth, thence to its terminus

being the east line of Park View Estates Fourth, and together with 10th Avenue from 8th Street, thence south to its terminus being the south line of Park View Estates Fourth and approve **Resolution No. 2009-137.**

4. Conduct a public hearing for the purpose of adopting the City of Kearney Budget for the 2009-2010 Fiscal Year.
5. Conduct a public hearing for the purpose of adopting the City of Kearney Offstreet Parking District No. 1 Budget for the 2009-2010 Fiscal Year.
6. Conduct a public hearing for the of setting the 2009 City of Kearney property tax levy at a different amount than the preliminary property tax levy set for the City of Kearney by the Buffalo County Clerk and approve **Resolution No. 2009-138.**
7. Conduct a public hearing for the purpose of revising the City of Kearney Budget for the 2008-2009 Fiscal Year.
8. Conduct a public hearing on the proposed acquisition of Lots 481 through 488 inclusive, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska (2005 1st Avenue) and approve **Resolution No. 2009-139.**

IV CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held August 25, 2009.
2. Approve the Claims.
3. Approve **Resolution No. 2009-140** allowing the City of Kearney to increase its "Budget Authority" by an additional one percent or \$104,538.72 which will be carried over to the 2009-2010 Budget as "Unused Budget Authority".
4. Approve the recommendation submitted by the Keno Committee on the allocation on non-departmental keno funds designed for outside agencies.
5. Adopt the 2009-2010 Comprehensive Fee Schedule setting forth the fees for items and services to be provided by the City during the 2009-2010 year and approve **Resolution No. 2009-141.**
6. Approve Change Order No. 2 showing an increase in the amount of \$8,425.00, Change Order No. 3 showing a decrease in the amount of \$29,261.00, Application and Certificate for Payment No. 5-Final in the amount of \$56,403.06, accept the Certificate of Substantial Completion 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. 2009-142.**
7. Approve Change Order No. 9 and Change Order No. 10 showing an increase in the amount of \$3,466.00 submitted by Hausmann Construction and approved by Wilkins Hinrichs Stober Architects for the construction of the Peterson Senior Activity Center located at the E.K. and Mary Yanney Heritage Park and approve **Resolution No. 2009-143.**

8. Approve the Development Agreement for Aaron Rents between the City of Kearney and Dave Hanson from Hanson Holding Company, Inc. pertaining to they alley abutting their property located at 1210 2nd Avenue and approve **Resolution No. 2009-144.**
9. Approve **Resolution No. 2009-116A** accepting the final plat for Interstate Fourth Addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of Lot 1 and all of Lot 2 of Block 1 (now vacated), Interstate Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska AND a tract of land being part of Government Lot 5 located in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (108 3rd Avenue) correcting a typographical error in the legal description.
10. Approve **Resolution No. 2009-117A** accepting the annexation of Interstate Fourth Addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of Lot 1 and all of Lot 2 of Block 1 (now vacated), Interstate Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska AND a tract of land being part of Government Lot 5 located in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (108 3rd Avenue) correcting a typographical error in the legal description.
11. Accept the bids received for the 2009 Part 11 Improvements consisting of Paving Improvement District No. 2009-936 for the alley lying between Avenue A and Avenue B from 25th Street and 26th Street and approve **Resolution No. 2009-145** awarding the bid to Dan Roeder Concrete in the amount of \$37,525.00.
12. Accept the bids received for a new 4-Wheel Drive, Class IV, Hi-Speed Snow Plow Vehicle for use at the Kearney Regional Airport and approve **Resolution No. 2009-146** awarding the bid to Wausau Equipment Company from New Berlin, Wisconsin in the amount of \$256,960.00 contingent upon approval by the F.A.A.
13. Repeal Resolution No. 2009-101 and approve **Resolution No. 2009-147** to comply with the requirements of the Nebraska Local Public Agencies (LPA) Manual for federal-aid transportation projects for Consultant Services Evaluation and Selection; Financing, Accounting and Record Keeping; Uniform Relocation Assistance and Real Property Acquisition Policies Act; the National Environmental Policy Act; and designate Director of Public Works and City Engineer as the Responsible Charge for projects and to authorize Wendell Wessels as Director of Finance and Administration to sign the Financial Management Systems Certification.
14. Approve the application to extend Conditional Use Permit No. 1979-06 granted to Susan Underhill to locate a Day Care Facility at 2803 Avenue I for a period of one year.
15. Approve the Peterson Senior Activity Center Annual Nutrition Service Contract between the City of Kearney and Community Action Partnership of Mid-Nebraska to serve as the meal service provider and approve **Resolution No. 2009-148.**
16. Approve the request submitted by ABC Drug to block off seven parking stalls in front of the Kaufman Center, 2202 Central Avenue, on September 15, 2009 from 7:00 a.m. until 1:00 p.m. to park the Health Across America bus.
17. Approve the application for a Special Designated License submitted by McDOWELL INVESTMENTS, dba Ravenna Super Foods in connection with their Class DK liquor license to dispense beer, wine and distilled spirits in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on October 3, 2009 from 5:00 p.m. until 1:00 a.m. for a wedding dance/reception.

18. Award the bid to Sorensen Group in the amount of \$46,528.00 for the construction of the Airport Signage, approve Change Order No. 1 revising the completion date to November 25, 2009 and approve **Resolution No. 2009-149**.
19. Approve submitting an extension to the Nebraska Department of Economic Development for the Phase III of the Community Revitalization project until August 31, 2010.
20. Approve the City of Kearney MS4 Assistance: Project Phase I and the Letter Agreement Standard Provisions between the City of Kearney and Felsburg, Holt & Ullevig to provide services regarding the vital construction program development pertaining to the City's Stormwater Management Plan and approve **Resolution No. 2009-150**.
21. Approve the application for a Special Designated License submitted by KEARNEY STEAK COMPANY, dba Whiskey Creek in connection with their Class IK catering liquor license to dispense beer, wine and distilled spirits in the Extension Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on October 2, 2009, 2009 from 5:00 p.m. until 11:00 p.m. for a fund raiser event.
22. Approve the application for a Special Designated License submitted by STONEBRIDGE VINEYARD INC., dba Schilling Bridge Winery & Microbrewery in connection with their Class L, IDK and Y liquor licenses to dispense beer inside an enclosed 150' x 150' fenced area located in the parking lot north of the Museum of Nebraska Art, 2401 Central Avenue, on October 3, 2009 from 3:00 p.m. until 11:00 p.m. in connection with the Harvest Fest Ale event.
23. Approve the application for a Special Designated License submitted by ADAM DAAKE, dba Platte Valley Brewery in connection with their Class C and L liquor licenses to dispense beer inside an enclosed 150' x 150' fenced area located in the parking lot north of the Museum of Nebraska Art, 2401 Central Avenue, on October 3, 2009 from 4:00 p.m. until 11:00 p.m. in connection with the Harvest Fest Ale event.
24. Approve the application for a Special Designated License submitted by Thunderhead Brewing Co. in connection with their Class LK liquor license to dispense beer inside an enclosed 150' x 150' fenced area located in the parking lot north of the Museum of Nebraska Art, 2401 Central Avenue, on October 3, 2009 from 4:00 p.m. until 11:00 p.m. in connection with the Harvest Fest Ale event.
25. Approve the application for a Special Designated License submitted by Nebraska Brewing Company in connection with their Class C and LK liquor licenses to dispense beer inside an enclosed 150' x 150' fenced area located in the parking lot north of the Museum of Nebraska Art, 2401 Central Avenue, on October 3, 2009 from 4:00 p.m. until 11:00 p.m. in connection with the Harvest Fest Ale event.
26. Approve the application for a Special Designated License submitted by KEARNEY SHOOTERS INC., dba Shooters in connection with their Class C liquor license to dispense beer, wine and distilled spirits in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on October 10, 2009 from 4:00 p.m. until 1:00 a.m. for a reception.
27. Approve the application for a Special Designated License submitted by CHICKEN BONES OF KEARNEY, INC., dba "Chicken Coop Sports Bar & Grill in connection with their Class I liquor license to dispense beer and distilled spirits in the Outdoor Arena, formerly known as the Exposition Building, located at the Buffalo County Fairgrounds, 3807 Avenue N on September

13, 2009 (alternate date is September 20, 2009) from 12:00 p.m. until 12:00 a.m. for a demolition derby.

- * ***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. 7541** to adopt the 2009-2010 City of Kearney Budget Statement to be termed the Annual Appropriation Bill and to appropriate sums for necessary expenses and liabilities. *(Pertains to Public Hearing 4)*
2. Approve **Ordinance No. 7542** adopting the 2008-2009 City of Kearney Revised Budget Statement to be termed the Annual Appropriation Bill and to appropriate sums for necessary expenses and liabilities. *(Pertains to Public Hearing 7)*
3. Approve **Ordinance No. 7543** to repeal Ordinance No. 7461 and classify the officers and employees of the City; fix the ranges of compensation of such officers and employees; establish the hours and work period for overtime eligibility; provide for payments of clothing and/or uniform allowances; provide for payment of vehicle allowance; and provide for payment of cell phone allowance.
4. Approve **Ordinance No. 7540A** to rezone from District M-1, Limited Industrial District to District C-2, Community Commercial District for a tract of land being part of Government Lot 5 located in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (108 3rd Avenue) correcting a typographical error in the legal description.
5. Approve **Ordinance No. 7544** to amend Section 1-1402 "Officers" of Article 14 "Community Redevelopment Authority" of Chapter 1 "Administration" to provide three members shall constitute a quorum for the transaction of business.

VI REGULAR AGENDA

1. Approve **Ordinance No. 7545** to vacate Lots 2, 3 and 9, Richter's 2nd Subdivision, Buffalo County, Nebraska (east side of Highway 10 approximately .3 miles north of 78th Street). *(Pertains to Public Hearings 1 and 2)*
2. Approve **Ordinance No. 7546** to rezone from District AG, Agricultural District to District RR-1, Rural Residential (Rural Standards) District for property described as a tract of land being part of the North Half of the Northwest Quarter of Section 13, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (east side of Highway 10 approximately .3 mile north of 78th Street). *(Pertains to Public Hearings 1 and 2)*
3. Consider the appeal submitted by Clair Boroff for Kearney Evangelical Free Church on the review and evaluation of site development features by Administration for property zoned District R-1, Urban Residential Single-Family (Low Density) District and District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as Lot 1, Windsor Estates Third, an Addition to the City of Kearney, Buffalo County, Nebraska as it pertains to paved parking (4010 7th Avenue).
4. Open Account Claims: **NPPD - \$232.65, Platte Valley State Bank - \$46,768.94, School District #7 - \$2,548.05, Stanley Clouse - \$115.20**

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