

# **KEARNEY CITY COUNCIL**

## **AMENDED AGENDA**

**City Council Chambers, 18 East 22nd Street**

**November 10, 2009**

**7:00 p.m.**

### **I ROUTINE BUSINESS**

1. Invocation by Brother Greg Brown, Church of Jesus Christ Later Day Saints.
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 Mitch Humphrey from Buffalo Surveying (Applicant) for Ralph and Sue Wise (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 located in the South Half of the Northeast Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska together with a 60-foot ingress and egress road as located in the Northeast Quarter of said Section 32, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (3210 Cottonwood Lane).
2. Conduct a public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Ralph and Sue Wise (Owner) for the Final Plat for Wise Subdivision, a subdivision being part of the South Half of the Northeast Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska together with a 60-foot ingress and egress road as located in the Northeast Quarter of said Section 32, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (3210 Cottonwood Lane) and approve **Resolution No. 2009-192**.
3. Conduct a public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Thomas and Bethany Clinch and Kearney Country Club, Inc. (Owner) for the Final Plat for Westlake Acres Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of Lot 1 of Block 1 (to be vacated), Westlake Acres Subdivision to the City of Kearney, Buffalo County, Nebraska with said Lot 1 of Block 1, Westlake Acres Subdivision being part of the Southeast Quarter of the Northeast Quarter of Section 34, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (3215 19th Avenue) and approve **Resolution No. 2009-193**.
4. Conduct a public hearing for the Council to meet as the Board of Equalization to assess costs

for Paving Improvement District No. 2007-916 for 9th Avenue from 13th Street to 14th Street; and to assess costs for the east 250 feet of Lot 1 of Block 3, Windsor Estates Seventh Addition to the City of Kearney, Buffalo County, Nebraska in connection with Paving Improvement District No. 2005-906 for 4th Avenue from 44th Street to 48th Street and approve **Resolution No. 2009-194**.

#### IV CONSENT AGENDA \*

1. Approve Minutes of Regular Meeting held October 27, 2009.
2. Approve the Claims.
3. Approve Change Order No. 12 showing an increase in the amount of \$10,746.75, Change Order No. 13 showing an increase in the amount of \$1,660.00, and Application and Certificate for Payment No. 11 in the amount of \$241,133.49 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. 2009-195**.
4. Approve the Request for Proposal submitted by Ameritas Investment Corp. of Omaha, Nebraska and approve **Resolution No. 2009-196** designating them as the City's Fiscal Agent.
5. Approve the Pipeline Crossing Agreement between the City of Kearney and the Union Pacific Railroad Company to bore under the railroad tracks at 30th Avenue and to install a 16-inch ductile iron water main for transporting and conveying water only and approve **Resolution No. 2009-197**.
6. Approve the application for a Special Designated License submitted by THE GARAGE PRODUCTION COMPANY, dba The Garage in connection with their Class CK-83704 catering liquor license to dispense beer and distilled spirits in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on November 20, 2009 from 12:00 p.m. until 1:00 a.m. for a cage fighting event.
7. Approve the application for a Special Designated License submitted by KEARNEY BBQ CO., dba Skeeter Barnes in connection with their Class I-55865 liquor license to dispense beer, wine and distilled spirits in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on December 5, 2009 from 5:00 p.m. until 12:00 a.m. for a reception.
8. Approve the application for a Special Designated License submitted by APPLE FUN CENTER, dba Big Apple Fun Center in connection with their Class C-24505 liquor license to dispense beer, wine and distilled spirits in the Great Platte River Archway Monument, 3060 1st Street, on December 5, 2009 from 5:00 p.m. until 1:00 a.m. for a Christmas Party.
9. Approve the Plans and Specifications for the 2009 Part 14 Improvements consisting of Water Connection District No. 2009-3 and Sewer Connection District No. 2009-1 for 17th Street from Avenue K to Avenue M, paving of 17th Street from Avenue K to Avenue M, and paving of Avenue K from 17th Street to 18th Street and set the bid opening date for December 1, 2009 at 2:00 p.m.
10. Approve the application for a Special Designated License submitted by KEARNEY STEAK COMPANY, dba Whiskey Creek in connection with their Class IK-35628 catering liquor license to dispense beer, wine and distilled spirits in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on November 28, 2009 from 5:00 p.m. until 1:00 a.m. for a reception.

\* **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 **Ordinance No. 7555** to rezone from District AG, Agricultural District to District RR-1, Rural Residential (Rural Standards) District for property described as a tract of land located in the South Half of the Northeast Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska together with a 60-foot ingress and egress road as located in the Northeast Quarter of said Section 32, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (3210 Cottonwood Lane). *(Pertains to Public Hearing 1)*
2. Consider **Ordinance No. 7556** to vacate Lot 1 of Block 1, Westlake Acres Subdivision to the City of Kearney, Buffalo County, Nebraska (3215 19th Avenue). *(Pertains to Public Hearing 3)*
3. Consider the request to partially fund renovations in the amount of \$25,000.00 for The World Theater project.
4. Consider amending the application to the Nebraska Department of Economic Development for a Community Development Block Grant to plan and develop a power park site to attract data center facilities and approve **Resolution No. 2009-198**.
5. Open Account Claims: **NPPD - \$6,636.64, Platte Valley State Bank - \$48,072.64, School District #7 - \$9,595.25, Stan Clouse - \$23.10**

## VII REPORTS

Update from Director of Finance on Special Sales Tax – Capital Improvements/Equipment Fund.

## VIII ADJOURN

Mayor Stanley Clouse  
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 238-5210 office  
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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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 234-2424 office  
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Council Member Bob Lammers  
 8 Crestview Place  
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 234-2577 office  
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City Manager Michael 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](http://www.cityofkearney.org)

**ADDENDUM NO. 1**

**IV CONSENT AGENDA**

11. Approve the application submitted by Delmar Nelson on behalf of the American Legion Post 52 to conduct the Veterans Day Parade on November 11, 2009 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.

**ADDENDUM NO. 2**

**VI REGULAR AGENDA**

6. Consider the bids received for the 2009 Part 9 Improvements – 2nd Avenue Pedestrian Bridge and approve **Resolution No. 2009-199** awarding the bid to Wilke Contracting from Kearney, Nebraska in the amount of \$170,700.50.