

# **KEARNEY CITY COUNCIL**

## **AGENDA**

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

**November 24, 2009**

**7:00 p.m.**

### **I ROUTINE BUSINESS**

1. Invocation by Reverend Gary Main, First 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**

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**

None.

### **IV CONSENT AGENDA \***

1. Approve Minutes of Regular Meeting held November 11, 2009.
2. Approve the Claims.
3. Receive recommendations of Planning Commission and set December 8, 2009 at 7:00 p.m. as date and time for hearing on those applications where applicable.
4. Approve the application for a Special Designated License submitted by JUAN LAZO, dba El Tropico in connection with their IBK-37623 catering liquor license to dispense beer and distilled spirits in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on December 5, 2009 from 6:00 p.m. until 1:00 a.m. for a Mexican dance.
5. Approve the application to extend Conditional Use Permit No. 2000-11 which was transferred to Shaila Hisey on September 11, 2007 to locate a Day Care facility at 1411 East 33rd Drive for a period of one year.
6. Approve Application and Certificate for Payment No. 4 in the amount of \$79,168.05 submitted by Midlands Contracting and approved by Miller & Associates for the 2009 Part 4 Improvements – Bid A consisting of Water District No. 2008-554 for 48th Street from the east lot line of Lot 7, Block 4 to the west lot line of Lot 10 of Block 4, Fountain Hills Third Addition; Water District No. 2008-555 for 10th Avenue Place from 48th Street to end of cul-de-sac; 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; Water District No. 2009-557 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; Sewer District No. 2008-495 for 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; 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; Sewer District No. 2009-497 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 and approve **Resolution No. 2009-200.**

7. Approve Application and Certificate for Payment No. 3 in the amount of \$112,526.98 submitted by Dan Roeder Concrete and approved by Miller & Associates for the 2009 Part 4 Improvements – Bid B consisting of 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; Paving Improvement District No. 2008-931 for 10th Avenue Place from 48th Street to end of cul-de-sac; 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; 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 and approve **Resolution No. 2009-201.**
8. Approve Change Order No. 1 showing an increase in the amount of \$2,125.00, Application and Certificate for Payment No. 1-Final in the amount of \$184,442.50, and accept the Certificate of Substantial Completion submitted by Blessing, LLC and approved by Miller & Associates for the 2009 Part 10 Improvements; Lighthouse Point to 17th Avenue Hike/Bike Trail and approve **Resolution No. 2009-202.**
9. 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 25, 2009 until December 31, 2009; (2) Block off three parking stalls in front of KGFV Radio, 2223 Central Avenue for Santa's reindeer and sleigh on December 3, 2009 from 8:00 a.m. until 9:00 p.m.; (3) Block off three parking stalls in front of Time for Baby, 2123 Central Avenue to sell popcorn on December 3, 2009 from 8:00 a.m. until 9:00 p.m.; (4) Block off four parking stalls in front of The Solid Rock, 2010 Central Avenue for a live nativity on December 3, 2009 from 8:00 a.m. until 9:00 p.m. and (5) Block off all parking stalls in front of the Kearney Hub, 13 East 22nd Street on December 3, 2009 from 8:00 a.m. until 9:00 p.m. for hayrack rides through downtown Kearney.
10. Approve the Agreement between the City of Kearney and Randy and Jennifer Volkmer setting forth the conditions waiving the collection of assessments in connection with Water District No. 2008-553 or to the existing sanitary sewer main located in 56th Street and the payment of the total amount of assessments levied at the time the property owner decides to connect the property to the water main or to the existing sanitary sewer main located in 56th Street and approve **Resolution No. 2009-203.**
11. Approve the Agreement between the City of Kearney and Kevin and Letta Taylor setting forth the conditions waiving the collection of assessments in connection with Water District No. 2008-553 or to the existing sanitary sewer main located in 56th Street and the payment of the total amount of assessments levied at the time the property owner decides to connect the property to the water main or to the existing sanitary sewer main located in 56th Street and approve **Resolution No. 2009-204.**
12. Approve the Agreement between the City of Kearney and Dee Hasselbalch-Artz setting forth the conditions waiving the collection of assessments in connection with Water District No. 2008-

553 or to the existing sanitary sewer main located in 56th Street and the payment of the total amount of assessments levied at the time the property owner decides to connect the property to the water main or to the existing sanitary sewer main located in 56th Street and approve **Resolution No. 2009-205.**

13. Approve the Agreement between the City of Kearney and Steven and Kelly Franks setting forth the conditions waiving the collection of assessments in connection with Water District No. 2008-553 or to the existing sanitary sewer main located in 56th Street and the payment of the total amount of assessments levied at the time the property owner decides to connect the property to the water main or to the existing sanitary sewer main located in 56th Street and approve **Resolution No. 2009-206.**
14. Approve the Agreement between the City of Kearney and Ronald and Diana Svacina setting forth the conditions waiving the collection of assessments in connection with Water District No. 2008-553 or to the existing sanitary sewer main located in 56th Street and the payment of the total amount of assessments levied at the time the property owner decides to connect the property to the water main or to the existing sanitary sewer main located in 56th Street and approve **Resolution No. 2009-207.**
15. Approve the Agreement between the City of Kearney and Betty Ann Snider, Joyce Sears, Marlene Dixon and Sharon Ott setting forth the conditions waiving the collection of assessments in connection with Water District No. 2008-553 or to the existing sanitary sewer main located in 56th Street and the payment of the total amount of assessments levied at the time the property owner decides to connect the property to the water main or to the existing sanitary sewer main located in 56th Street and approve **Resolution No. 2009-208.**
16. Approve setting December 8, 2009 at 7:00 p.m. as time and date for the Board of Equalization to assess costs in connection with 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 for Sanitary Sewer District No. 2008-494 in a 20-foot sanitary sewer easement located along the south side of Block 3, Bel Air Third Addition.
17. Approve Change Order No. 1 showing an increase in the amount of \$3,214.75, Application and Certificate for Payment No. 4-Final in the amount of \$10,634.25, and accept the Certificate of Substantial Completion submitted by Sorensen Group, Inc. and approved by Miller & Associates for the Harmon Park Foundation Improvements and approve **Resolution No. 2009-209.**
18. Approve the recommendation submitted by the Fire Chief to include the following as members of the Kearney Volunteer Fire Department: Rachael Carpenter and Matt Young and approve **Resolution No. 2009-210.**
19. Approve the updated Local Emergency Operating Plan and approve **Resolution No. 2009-211.**

\* *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. Consider **Ordinance No. 7557** to amend Section 8-502 "Determination" of Article 5 "Abandoned Vehicles" of Chapter 8 "Police" to prohibit a parked vehicle with no numbered plates, expired plates or expired intransit stickers affixed thereto for more than six hours on any public property.

## VI REGULAR AGENDA

1. Consider **Ordinance No. 7558** to amend Section 8-916 “Angle Parking” of Article 9 “Stopping, Standing, Parking” of Chapter 8 “Police” to allow angle parking on the west side of Central Avenue from 14th Street to 15th Street.
2. Open Account Claims: **NPPD - \$57,973.46, Platte Valley State Bank - \$47,996.10**

## VII REPORTS

## VIII ADJOURN

Mayor Stanley Clouse  
4907 Linden Drive Place  
236-6193 home  
238-5210 office  
[mayor@kearneygov.org](mailto:mayor@kearneygov.org)

Vice-President Randy Buschkoetter  
1110 13th Avenue  
234-5553 home  
698-8106 office  
[citycouncil@kearneygov.org](mailto:citycouncil@kearneygov.org)

Council Member Don Kearney  
701 Huron Drive  
237-3225 home  
238-2265 office  
[citycouncil@kearneygov.org](mailto:citycouncil@kearneygov.org)

Council Member Bruce Lear  
4803 Avenue L Place  
234-5354 home  
234-2424 office  
[citycouncil@kearneygov.org](mailto:citycouncil@kearneygov.org)

Council Member Bob Lammers  
8 Crestview Place  
236-5273 home  
234-2577 office  
[citycouncil@kearneygov.org](mailto:citycouncil@kearneygov.org)

City Manager Michael Morgan  
18 East 22nd Street  
233-3214 office  
[mmorgan@kearneygov.org](mailto: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](http://www.cityofkearney.org)