

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

August 24, 2010

7:00 p.m.

I ROUTINE BUSINESS

1. Invocation by Pastor Kurt Schaser from Good Shepherd Lutheran Church.
2. Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Oral Communication:
Oath of Office to Police Officer Jennifer Caudillo

II UNFINISHED BUSINESS

None.

III PUBLIC HEARINGS

1. Conduct a public hearing for the Council to meet as a Board of Equalization to assess costs in connection with 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; 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. 2010-148**.

2. Conduct a public hearing on an application to the Department of Economic Development for Community Development block Grant funds pertaining to the development of a technology park and approve **Resolution No. 2010-149.**
3. Conduct a public hearing on the proposed acquisition to develop a technology park of a tract of land described as all that part of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, lying north of the north right-of-way line of the NRD Outfall Channel and excepting a tract deeded to N.P.P.D., containing 116.1 acres more or less, all in Buffalo County, Nebraska and approve **Resolution No. 2010-150.**
4. Conduct a public hearing on the proposed acquisition for future expansion of a technology park of a tract of land described as all that part of the Northwest Quarter of the Northeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, lying north of the north right-of-way line of the NRD Outfall Channel and excepting a tract deeded to N.P.P.D., containing 40.8 acres more or less, all in Buffalo County, Nebraska and approve **Resolution No. 2010-151.**

IV CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held August 10, 2010.
2. Approve the Claims.
3. Receive recommendations of Planning Commission and set September 14, 2010 at 7:00 p.m. as date and time for hearing on those applications where applicable.
4. Approve the Stock Purchase Agreement between the City of Kearney and Donaly Farms for the purchase of 116 acres on a tract of land described as all that part of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, lying north of the north right-of-way line of the NRD Outfall Channel and excepting a tract deeded to N.P.P.D., all in Buffalo County, Nebraska and approve **Resolution No. 2010-152.**
5. Approve the Option Agreement between the City of Kearney and Donaly Farms for the purchase of 40 additional acres on a tract of land described as all that part of the Northwest Quarter of the Northeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, lying north of the north right-of-way line of the NRD Outfall Channel and excepting a tract deeded to N.P.P.D., all in Buffalo County, Nebraska and approve **Resolution No. 2010-153.**
6. Approve the final allocation of levy authority in the amount of \$147,900.00 for the Community Redevelopment Authority of the City of Kearney for fiscal year 2010-2011 and the final allocation of levy authority in the amount of \$42,583.00 for Offstreet Parking District No. 1 for fiscal year 2010-2011 and approve **Resolution No. 2010-154.**
7. Approve the application to conduct a parade submitted by the Kearney Visitors Bureau and UNK's Music Department for UNK Band Day to be held on September 18, 2010 beginning at 9:00 a.m. starting at Central Avenue and Railroad Street, north on Central Avenue to 27th Street, west on 27th Street and ending at the UNK Campus. Parking will be banned on Central Avenue from North Railroad Street to 25th Street beginning at 2:00 a.m. on the

morning of September 18. The staging area to be closed beginning at 6:00 a.m. include Railroad Street from 4th Avenue to Avenue E, Avenue A from 21st Street to Railroad Street, and Avenues B, C and D from Railroad Street to 22nd Street, 3rd Avenue from Railroad Street to 22nd Street, and 1st Avenue from Railroad Street to 21st Street. This request will also allow for the selling of refreshments during the parade.

8. Approve the Agreement for Project No. RD-30-4(1043) between the City of Kearney and the Nebraska Department of Roads for improvements to East Highway 30 and approve **Resolution No. 2010-155.**
9. Approve the Technical and Professional Services Contract between the City of Kearney and Miller & Associates as the Project Administrator for management and supervision services under an Economic Development Assistance Program for Xpanxion and approve **Resolution No. 2010-156.**
10. Approve the recommendation submitted by the Fire Chief to include the following as members of the Kearney Volunteer Fire Department: Aaron Jameson, Joe "Shane" Johnston, Lonny Reeder, and Adam Van Cleave and approve **Resolution No. 2010-157.**
11. Approve Change Order No. 1 showing an increase in the amount of \$5,812.40 and Application and Certificate for Payment No. 4 in the amount of \$375,808.05 submitted by Blessing LLC and approved by Miller & Associates for the 2010 Part 1 Improvements consisting of Paving of 16th Street from 30th Avenue east to its terminus and the paving of 30th Avenue from North Railroad Street and 11th Street and approve **Resolution No. 2010-158.**
12. Approve Application and Certificate for Payment No. 5 in the amount of \$165,852.21 submitted by Midlands Contracting and approved by Miller & Associates for the 2009 Part 12 Improvements consisting of Water Connection District No. 2009-4 and Sanitary Sewer Connection District No. 2009-2 in 11th Street from the existing main in 11th Street and Kea West Avenue to 30th Avenue, 30th Avenue between North Railroad Street and 11th Street, and 16th Street from 30th Avenue east to its terminus and approve **Resolution No. 2010-159.**
13. Approve Application and Certificate for Payment No. 2 in the amount of \$253,332.34 submitted by Midlands Contracting and approved by Miller & Associates for the 2010 Part 2 Improvements – Bid A consisting of Water District No. 2010-559 for 8th Street from 16th Avenue east to the east line of Block One of Park View Estates Fifth Addition; and for 15th Avenue from 8th Street to 11th Street; and for 16th Avenue from 8th Street to 11th Street; and Sanitary Sewer District No. 2010-499 for 8th Street from 16th Avenue east to the east line of Block One of Park View Estates Fifth Addition; and for 15th Avenue from 8th Street to 11th Street; and for 16th Avenue from 8th Street to 11th Street and approve **Resolution No. 2010-160.**
14. Approve Change Order No. 1 showing an increase in the amount of \$21,852.58, Application and Certificate for Payment No. 2-Final in the amount of \$70,704.33, and accept the Certificate of Substantial Completion submitted by Wilke Contracting, Inc. and approved by Miller & Associates for the 2009 Part 9 Improvements – 2nd Avenue Pedestrian Bridge and approve **Resolution No. 2010-161.**
15. Approve Application and Certificate for Payment No. 1 in the amount of \$40,422.60 submitted by Dan Roeder Concrete, Inc. and approved by Miller & Associates for the 2010

Part 3 Improvements – Bid B consisting of Paving Improvement District No. 2010-941 for Talmadge Street from the west lot line of Lot 1, Interstate Fifth Addition east to the east lot line of Lot B, Interstate Subdivision and approve **Resolution No. 2010-162**.

16. Approve Change Order No. 1 showing a decrease in the amount of \$4,940.00, Application and Certificate for Payment No. 1-Final in the amount of \$148,238.00, and accept the Certificate of Substantial Completion submitted by Midlands Contracting and approved by Miller & Associates for the 2010 Part 3 Improvements – Bid A consisting of Water District No. 2010-560 for Talmadge Street from the west lot line of Lot 1, Interstate Fifth Addition east a distance of 118.52± feet; Sanitary Sewer District No. 2010-500 for Talmadge Street from the west lot line of Lot 1, Interstate Fifth Addition east to a point that is 14.13± feet west of the northeast corner of said Lot 1, Interstate Fifth Addition and approve **Resolution No. 2010-163**.
 17. Approve the application for a Special Designated License submitted by Sports Fans, LLC, dba Fanatics in connection with their Class C-78257 liquor license to dispense beer, wine and distilled spirits in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on September 11, 2010 from 3:00 p.m. until 1:00 a.m. for a reception.
 18. Approve the application for a Special Designated License submitted by Chicken Bones of Kearney, Inc., dba Mid Towne Event Center in connection with their Class I-88719 liquor license to dispense beer, wine and distilled spirits in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N on September 25, 2010 from 11:00 a.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 *

1. Approve **Ordinance No. 7608** creating Paving Improvement District No. 2010-944 commencing at a point 250 feet east of 11th Avenue and from a point 250 feet west of 11th Avenue in and including all of 56th Street, and commencing at the south line of 56th Street thence northerly to the north line of Spruce Hollow Boulevard in and including all 11th Avenue, 57th Street Place, 59th Street, 61st Street, 61st Street Place, 62nd Street Place and Spruce Hollow Boulevard.
2. Approve **Ordinance No. 7609** creating Water District No. 2010-561 commencing at the south line of 56th Street thence northerly to the north line of Spruce Hollow Boulevard in and including all 11th Avenue, 57th Street Place, 59th Street, 61st Street, 61st Street Place, 62nd Street Place and Spruce Hollow Boulevard.
3. Approve **Ordinance No. 7610** creating Sanitary Sewer District No. 2010-501 commencing at the south line of 56th Street thence northerly to the north line of Spruce Hollow Boulevard in and including all 11th Avenue, 57th Street Place, 59th Street, 61st Street, 61st Street Place, 62nd Street Place and Spruce Hollow Boulevard.
4. Approve **Ordinance No. 7611** selling a tract of land described as Lot 6 excepting the north 229 feet thereof, all of Lots 7 and 8, and Lot 9 excepting the north 229 feet thereof in the Airport Industrial Subdivision, Kearney Airfield in Buffalo County, Nebraska, situated in Sections 15, 16, 21, 22, 23, 26, 27, 28, 33 and 34 of Township 9 North, Range 15 West of

the 6th P.M., Buffalo County, Nebraska (also known as 4650 Airport Road, Kearney, Nebraska) to Delux Mfg. Co., Inc. subject to approval by F.A.A.

- 5. Approve **Ordinance No. 7607A** amending Ordinance No. 7607 to provide for an increase in the authorized drawable principal amount for the borrowing from the Nebraska Department of Environmental Quality for wastewater treatment works for the purpose of paying the costs of improvements to the City's Combined Utilities; authorizing the issuance of Combined Utilities Revenue Bonds in the increased drawable principal amount for wastewater treatment purposes of up to \$1,250,000; approving the execution and delivery of a revised separate Loan Contract for the sewer system; approving related documents with respect to said increased amount; confirming the terms of the original ordinance and specifically amending in whole each of Sections 1 and 3 of the original Ordinance; repealing original Sections 1 and 3 of Ordinance No. 7607.

VI REGULAR AGENDA

- 1. Consider the Interlocal Agreement between the City of Kearney and Buffalo County Economic Development Council for the operation of a Non-profit Development Organization (NDO) and approve **Resolution No. 2010-164**.
- 2. Open Account Claims: **NPPD - \$91,094.30, Platte Valley State Bank - \$48,266.17, School District #7 - \$2,094.50**

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
 238-2265 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