

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

September 14, 2010

7:00 p.m.

I ROUTINE BUSINESS

1. Roll call.
2. Oral Communication.

II UNFINISHED BUSINESS

1. **Postponed from August 24, 2010 Meeting.** 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.
2. **Postponed from August 24, 2010 Meeting.** 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.
3. **Postponed from August 24, 2010 Meeting.** 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.
4. **Postponed from August 24, 2010 Meeting.** 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.
5. **Postponed from August 24, 2010 Meeting.** 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.

6. **Postponed from August 24, 2010 Meeting.** 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 adopt **Resolution No. 2010-164.**
7. **Postponed from August 24, 2010 Meeting.** Approve Open Account Claims: **NPPD - \$91,094.30, Platte Valley State Bank - \$48,266.17, School District #7 - \$2,094.50.**

III PUBLIC HEARINGS

1. Conduct a public hearing on the Application submitted by Danny Starostka (Applicant and Owner) for Planned District Development Plan Approval for the construction of a duplex residential development on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 1 of Block 2, North Acre Sixth, an addition to the City of Kearney, Buffalo County, Nebraska (6112 4th Avenue) and adopt **Resolution No. 2010-165.**
2. Conduct a public hearing on the proposed acquisition for a Permanent Water and Sanitary Sewer Easement on a tract of land described as part of Lot 1, Stoneridge Fourth Addition to the City of Kearney, Buffalo County, Nebraska and adopt **Resolution No. 2010-166.**
3. Conduct a public hearing on an application to the Department of Economic Development for Community Development Block Grant funds to assist Xpanxion in expanding their existing operations to a new location in Kearney and adopt **Resolution No. 2010-167.**
4. Conduct a public hearing on an application to the Department of Economic Development for Community Development Block Grant for 2009 community revitalization supplemental funds and adopt **Resolution No. 2010-168.**
5. Conduct a public hearing for the purpose of adopting the City of Kearney Budget for the 2010-2011 Fiscal Year.
6. Conduct a public hearing for the purpose of adopting the City of Kearney Offstreet Parking District No. 1 Budget for the 2010-2011 Fiscal Year.
7. Conduct a public hearing for setting the 2010 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 adopt **Resolution No. 2010-169.**

IV CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held August 24, 2010.
2. Approve the Claims.
3. Approve the Memorandum of Understanding between the City of Kearney, the Nebraska Department of Economic Development, the Buffalo County Economic Development Council and Xpanxion for job creation and loan repayment and adopt **Resolution No. 2010-170.**
4. Approve Subrecipient Agreement for Administration of Non-Profit Development Organization funds between the City of Kearney and the Buffalo County Economic Development Council for CDBG Project No. 10-ED-001 (Xpanxion) and adopt **Resolution No. 2010-171.**

5. 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 economic development data center and adopt **Resolution No. 2010-172**.
6. Adopt **Resolution No. 2010-173** allowing the City of Kearney to increase its "Budget Authority" by an additional one percent or \$108,835.26 which will be carried over to the 2010-2011 Budget as "Unused Budget Authority".
7. Approve the recommendation submitted by the Keno Committee on the allocation on non-departmental keno funds designed for outside agencies.
8. Adopt the 2010-2011 Comprehensive Fee Schedule setting forth the fees for items and services to be provided by the City during the 2010-2011 year and adopt **Resolution No. 2010-174**.
9. 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 September 25, 2010 from 6:00 p.m. until 1:00 a.m. for a dance.
10. 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 Extension Building located at the Buffalo County Fairgrounds, 1400 East 34th Street, on September 25, 2010 from 3:00 p.m. until 1:00 a.m. for a reception.
11. Approve the application to conduct a parade submitted by UNK's Music Department for UNK Band Day to be held on October 2, 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 October 2. The staging area to be closed beginning at 6:00 a.m. include Railroad Street from 5th Avenue to Avenue E, 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, and Avenues B, C, D and E from Railroad Street to 22nd Street. This request will also allow for the selling of refreshments during the parade.
12. Approve the Interlocal Agreement for Cooperative Public Safety Services with the counties of Adams, Buffalo, Chase, Clay, Custer, Dawson, Dundy, Franklin, Frontier, Furnas, Gosper, Hall, Hamilton, Harlan, Hays, Hitchcock, Kearney, Lincoln, Nuckolls, Phelps, Perkins, Red Willow, Sherman and Webster and the cities and villages within said counties to provide interoperable communications for the purposes of mutual aid and adopt **Resolution No. 2010-175**.
13. 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-54354 liquor license to dispense beer in an outdoor area measuring 200 feet by 300 feet and enclosed by cattle panels located at the Buffalo County Fairgrounds, 3807 Avenue N on October 3, 2010 (alternate date is October 10, 2010) from 12:00 p.m. until 12:00 a.m. for a demolition derby.
14. Approve Change Order No. 3 showing an increase in the amount of \$6,565.00 submitted by JLC, Inc. and approved by Wilkins Hinrichs Stober Architects in connection with the Kearney Public Library Addition & Renovation Project and adopt **Resolution No. 2010-176**.
15. Approve the recommendation from the City Manager on the appointment of Kent Swanson to serve as a member on the Examining Board for Plumbers and adopt **Resolution No. 2010-177**.

16. Approve the application for a Special Designated License submitted by the World Theatre Foundation located at 2318 Central Avenue to dispense beer, wine and distilled spirits on September 17, 2010 from 8:00 p.m. until 1:00 a.m. for a reception.
 17. Approve the request submitted C.L.A.S.S. Act and the Kearney Public Schools Foundation to temporarily block off eight parking stalls located in the northwest corner of the parking lot located north of the Museum of Nebraska Art from 5:00 p.m. until 9:30 p.m. on December 1, 2, 7, 8, 9, 14, 15, 16, 2010 for the *Polar Express* fundraiser.
 18. Approve the application for a Special Designated License submitted by Make-A-Wish Foundation to dispense beer, wine and distilled spirits in the Extension Building located at the Buffalo County Fairgrounds, 1400 East 34th Street, on October 9, 2010 from 11:00 a.m. until 1:00 a.m. for a fund raiser.
 19. Approve the application for a Special Designated License submitted by Alley Rose Inc. of Kearney, NE, dba Alley Rose in connection with their Class IK-21763 catering liquor license to dispense beer, wine and distilled spirits in the Great Platte River Archway Monument, 3060 1st Street on October 6, 2010 from 6:00 p.m. until 9:00 p.m. for a dance/reception.
 20. Approve the application for a Special Designated License submitted by Karen Martin, dba The Sandbar in connection with their Class CK-85038 catering liquor license to dispense beer, wine and distilled spirits in the Extension Building located at the Buffalo County Fairgrounds, 1400 East 34th Street, on September 18, 2010 from 5:00 p.m. until 1:00 a.m. for a reception.
 21. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-59311 catering liquor license to dispense beer, wine and distilled spirits inside an outdoor tent area and beer garden located in the parking lot located north of the Museum of Nebraska Art, 2401 Central Avenue, on October 2, 2010 from 2:00 p.m. until 10:00 p.m. for a fund raiser.
 22. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-59311 catering liquor license to dispense beer, wine and distilled spirits in the Extension Building located at the Buffalo County Fairgrounds, 1400 East 34th Street, on October 9, 2010 from 4:00 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 *

1. Approve **Ordinance No. 7612** adopting the 2010-2011 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 5*)
2. Approve **Ordinance No. 7613** repealing Ordinance No. 7543 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.
3. Approve **Ordinance No. 7614** amending Division II "Advisory Board of Cable Commissioners" of Article 16 "General Provisions" of Chapter 3 "Business Regulations" of the Kearney City

Code by deleting in their entirety the following sections: Section 3-1657 "Advisory Board of Cable Commissioners; Defined", Section 3-1658 "Created", Section 3-1659 "Composition", Section 3-1660 "Appointment", Section 3-1661 "Terms", Section 3-1662 "Filling Vacancies", Section 3-1663 "Ex-Officio Members", Section 3-1664 "Election of Chairperson", Section 3-1665 "Quorum", Section 3-1666 "Meetings; Records", Section 3-1667 "Duties Generally", Section 3-1668 "Rules and Regulations", and Section 3-1669 "Penalty".

4. Approve **Ordinance No. 7615** amending Section 43-102 "Floodplain and Floodway overlay Districts; Findings of Fact" of Chapter 43 "District FP-FW, Floodplain and Floodway Overlay District" of the Kearney City Code to recognize the effective date of the Flood Insurance Study (FIS) and the Flood Insurance Rate Map (FIRM) as November 26, 2010.

VI REGULAR AGENDA

1. Consider the request to partially fund the paving of the entrance road at Kearney Raceway Park in the amount of \$10,000.00.
2. Consider the request submitted by Kearney Gaming, LLC to provide keno-type lottery operation at Fanatics located at 2021 Central Avenue and approve **Resolution No. 2010-178**.
3. Open Account Claims: **NPPD - \$94,698.93, Platte Valley State Bank - \$95,892.05, School District #7 - \$4,608.50, Stan Clouse - \$217.20**

VII REPORTS

VIII ADJOURN

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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