

KEARNEY CITY COUNCIL

AMENDED AGENDA

City Council Chambers, 18 East 22nd Street

September 13, 2011

7:00 p.m.

I ROUTINE BUSINESS

1. Roll call.
2. Oral Communication - Recognition of visitors.

II UNFINISHED BUSINESS

1. **Postponed August 23, 2011 by the Applicant.** Conduct a public hearing on the Application submitted by Randall Stones (Applicant and Owner) for a Conditional Use Permit to locate a facility for veterinary services for both large and small animals on property zoned District AG, Agricultural District and described as a tract of land located in the Southeast Quarter of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (404 East 56th Street) and consider **Ordinance No. 7661.**

III PUBLIC HEARINGS

1. Conduct a public hearing on the Application submitted by Ron Blessing (Applicant) for Coal Chute Park LLC (Owner) for a Conditional Use Permit to operate a fill dirt borrow site on property zoned District AG, Agricultural District and described as a tract of land located in Government Lots 2, 3 and 4, with exceptions, and the North Half of the Northwest Quarter, with exceptions, all located in Section 17, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (south of Archway Monument and I-80) and consider **Ordinance No. 7666.**
2. Conduct a public hearing on the Application submitted by City of Kearney (Applicant and Owner) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Light Industrial to Medium Density Residential for property described as Lot 13 and that part of Lot 14 lying south of the Union Pacific Railroad right-of-way, all in Block Two, Kearney Land and Investment Company's Choice Addition to the City of Kearney, Buffalo County, Nebraska (8th Avenue and 19th Street – South Railroad Street) and consider **Resolution No. 2011-111.**
3. Conduct a public hearing on the Application submitted by City of Kearney (Applicant and Owner) to rezone from District M-1, Limited Industrial District to District R-3, Urban Residential Multi-Family District (Medium Density) property described as Lot 13 and that part of Lot 14 lying south of the Union Pacific Railroad right-of-way, all in Block Two, Kearney Land and Investment Company's Choice Addition to the City of Kearney, Buffalo County, Nebraska (8th Avenue and 19th Street – South Railroad Street) and consider

Ordinance No. 7667.

4. Conduct a public hearing for the purpose of adopting the City of Kearney Budget for the 2011-2012 Fiscal Year and consider **Ordinance No. 7668.**
5. Conduct a public hearing for the purpose of adopting the City of Kearney Offstreet Parking District No. 1 Budget for the 2011-2012 Fiscal Year.
6. Conduct a public hearing for setting the 2011 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 consider **Resolution No. 2011-112.**
7. Conduct a public hearing on the proposed acquisition of a Permanent Water and Sanitary Sewer Easement granted to the City by the Prince of Peace Catholic Church, Inc. of a tract of land being part of the Southeast Quarter of Section 22, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; AND part of Lot 1, Bent Bar C Subdivision East, Buffalo County, Nebraska and consider **Resolution No. 2011-113.**

IV CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held August 23, 2011.
2. Approve the Claims.
3. Adopt **Resolution No. 2011-114** allowing the City of Kearney to increase its "Budget Authority" by an additional one percent or \$112,644.49 which will be carried over to the 2011-2012 Budget as "Unused Budget Authority".
4. Approve the recommendation submitted by the Keno Committee on the allocation of non-departmental keno funds designed for outside agencies.
5. Approve the recommendation from the Advisory Board of Park & Recreation Commissioners to approve the revised Park & Recreation Rules and adopt **Resolution No. 2011-115.**
6. Approve the Additional Software License Agreement between the City of Kearney and New World Systems Corporation for software and implementation services and adopt **Resolution No. 2011-116.**
7. Approve Change Order No. 1 showing an increase in the amount of \$4,332.91 submitted by Blessing LLC and approved by Alfred Benesch & Company for the Kearney Regional Airport Terminal Parking Rehabilitation Project (AIP Project No. 3-31-0045-23) and adopt **Resolution No. 2011-117.**
8. Approve the Grant Agreement between the City of Kearney and F.A.A. for the Airport Master Plan and Airport Layout Plan Update – Phase II for Kearney Regional Airport (Project No. 3-31-0045-26-2011) and adopt **Resolution No. 2011-118.**
9. Approve the Amendment of the Money Accumulation Plan for Employees of the City of

Kearney, the Amendment of the City of Kearney, Nebraska Police Officers' Pension Plan and Trust, and the Amendment to the City of Kearney, Nebraska Firefighters' Pension Plan and Trust and adopt **Resolution No. 2011-119** approving the Agreement with Union Bank & Trust Company.

10. Approve the Removal of Current Trustee of the Money Accumulation Plan for Employees of the City of Kearney, the Removal of Current Trustee of the City of Kearney, Nebraska Police Officers' Pension Plan and Trust, and the Removal of Current Trustee to the City of Kearney, Nebraska Firefighters' Pension Plan and Trust and to name Union Bank & Trust Company as successor Trustee of the Plans and adopt **Resolution No. 2011-120**.
11. Approve the request submitted by the Kearney Housing Agency to waive the Payment In Lieu of Taxes perpetually and adopt **Resolution No. 2011-121**.
12. Approve the Task Order Agreement between the City of Kearney and Miller & Associates for Phase I of the East Kearney Bypass project for the relocation of City owned sewer and water infrastructure and adopt **Resolution No. 2011-122**.
13. Approve the Plans and Specifications for the 2011 Part 6 Improvements consisting of Paving Improvement District No. 2010-946, Water District No. 2011-562 and Sanitary Sewer District No. 2011-502 for Country Club Lane from the south lot line of Lot 1 of Block Two, Aspen Meadows Second north to the north lot line of Lot 1 of Block One, Aspen Meadows Second; 37th Street from the west line of Country Club Lane to the west line of Lot 2 of Block Four, Meadowlark Estates Addition; and 25th Avenue Place from the north line of 37th Street to its terminus in a cul-de-sac and set the bid opening date for October 4, 2011 at 2:00 p.m.
14. 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 Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on October 1, 2011 from 6:00 p.m. until 1:00 a.m. for a dance (alternate date is October 8, 2011 from 6:00 p.m. until 1:00 a.m. in the Exhibit Building).
15. Approve the recommendation on awarding the bid submitted by Midwest Storage Solutions for the Library Shelving – Phase 2 for the Kearney Public Library.
16. 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.

* *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. 7669** repealing Ordinance No. 7636 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.

2. Approve **Ordinance No. 7670** amending the following sections of Article 2 “Advisory Board of Park and Recreation Commissioners” of Chapter 7 “Park and Recreation” of the Code of the City of Kearney: Section 7-203 “Composition” to eliminate the appointment of one additional alternate member who shall attend and vote only when any other member is unable to attend for any reason and to increase the number of resident freeholders to six; to amend Section 7-204 “Appointment” to eliminate the appointment of one additional alternate member and to increase the number of resident freeholders to six; and to amend Section 7-206 “Filling Vacancies” to eliminate the appointment of one additional alternate member and to increase the number of resident freeholders to six.
3. Approve **Ordinance No. 7671** amending Section 8-314 “Riding Bicycles on Sidewalks” of Article 3 “General Traffic Regulations” of Chapter 8 “Police” of the Code of the City of Kearney to allow riding bicycles on the sidewalks unless posted otherwise.
4. Approve **Ordinance No. 7672** amending the Code of the City of Kearney by adding a new section entitled Unlawful Scavenging to Article 16 “Offenses Against Property” of Chapter 8 “Police” to prohibit any person, other than the owner of a refuse container or the employees or agents of the City refuse collection services, to tamper with, rummage in, disturb, interfere with, scavenge, move or remove any refuse container or any refuse or recyclable material from such container.

VI REGULAR AGENDA

1. Place on second reading **Ordinance No. 7663** annexing the following tract of land to be included within the corporate limits: part of the Southwest Quarter of the Southwest Quarter of Section 2 and the Northwest Quarter of the Northwest Quarter of Section 11, all in Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1316 West 11th Street).
2. Place on second reading **Ordinance No. 7664** annexing the following tract of land to be included within the corporate limits: part of Government Lot 3 in Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Avenue M and the North Channel of the Platte River).
3. Place on second reading **Ordinance No. 7665** annexing the following tract of land to be included within the corporate limits: land located in the Southwest Quarter of Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (North Channel of the Platte River and Avenue M).
4. Open Account Claims: **NPPD - \$464.70, Platte Valley State Bank - \$98,920.96, School District #7 - \$4,677.55**

VII REPORTS

Presentation from City Administration on the Restaurant and Drinking Place Occupation Tax.

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

ADDENDUM NO. 1

IV CONSENT AGENDA

17. Approve the application for a Special Designated License submitted by Kearney Investment Corp., dba Holiday Inn in connection with their Class CK-17964 catering liquor license to dispense beer, wine and distilled spirits in the Training Room located at the Platte Valley State Bank, 2223 1st Avenue on September 29, 2011 from 6:00 p.m. until 8:00 p.m. for a reception.