

KEARNEY CITY COUNCIL

AMENDED AGENDA

City Council Chambers, 18 East 22nd Street

September 22, 2009

7:00 p.m.

I ROUTINE BUSINESS

1. Invocation by Father Matthew Koperski, St. James Catholic Church.
2. Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Oral Communication - Recognition of visitors.
 - **Oath of Office – Police Officer Ricardo Garcia-Jimenez.**
 - **Women of Today Week Proclamation.**

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 concerning an application to the 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. 2009-151.**

IV CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held September 8, 2009.
2. Approve the Claims.
3. Receive recommendations of Planning Commission and set October 13, 2009 at 7:00 p.m. as date and time for hearing on those applications where applicable.
4. Approve the Plans and Specifications for the 2009 Part 2 Improvements; Manhole Rehabilitation Project and set the bid opening date for October 13, 2009 at 2:00 p.m.
5. Approve the Plans and Specifications for the 2009 Part 13 Improvements consisting of Water Connection District No. 2009-1 for 56th Street from Antelope Avenue west a distance of 2643.85± feet, Water Connection District No. 2009-2 for 56th Street from Antelope Avenue east a distance of 2637.55± feet and set the bid opening date for October 13, 2009 at 3:00 p.m.
6. Approve the Non-Owned Corporate T-925 Hangar Lease between the City of Kearney and

Marshall Aviation, Inc. and approve **Resolution No. 2009-152.**

7. Approve Agreement and Permit for Aeronautical Services between the City of Kearney and Buffalo Air Service for crop spraying service and approve **Resolution No. 2009-153.**
8. Approve the Tenant Use and Operations Agreement for Loading Dock at the Kearney Regional Airport between the City of Kearney and Buffalo Air Service and approve **Resolution No. 2009-154.**
9. Approve Application and Certificate for Payment No. 1 in the amount of \$45,612.00 submitted by Blessing, LLC and approved by Miller & Associates for the 2008 Part 4 Improvements; 39th Street and 17th Avenue Intersection Improvements and approve **Resolution No. 2009-155.**
10. Approve Application and Certificate for Payment No. 2 in the amount of \$53,722.01 submitted by Midlands Contracting, Inc. 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. 2009-156.**
11. Approve Application and Certificate for Payment No. 1 in the amount of \$124,252.20 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. 2009-157.**
12. Approve Application and Certificate for Payment No. 2-Final in the amount of \$4,325.50 and accept the Certificate of Substantial Completion submitted by Ardent Lighting Group, LLC and approved by Miller & Associates for the Centennial Park Ball Field Lighting Project and approve **Resolution No. 2009-158.**
13. Accept the Certificate of Substantial Completion submitted by Paulsen, Inc. and approved by Miller & Associates for the 2009 Part 1 Improvements for the 5th Avenue Asphalt Overlay Project and approve **Resolution No. 2009-159.**
14. Approve the Agreement between the City of Kearney and Sorensen Group, Inc. to lease all of Lot 13 and part of Lot 14 of Block 2, Kearney Land and Investment Company's Choice Addition (lying south of the Union Pacific Railroad and east of 8th Avenue) and approve **Resolution No. 2009-160.**

15. Approve the request submitted by the Kearney Police Department/Buffalo County Sheriff's Office to temporarily block off Avenue B from North Railroad Street to 21st Street for the auto auction to be held on October 10, 2009 from 7:30 a.m. until 1:00 p.m.
16. Approve the Right-of-Way Agreement between the City of Kearney and Gavilon Grain, LLC, dba Peavey Company for 27th Street immediately north of their elevator building located at 2610 Grand Avenue and approve **Resolution No. 2009-161.**
17. Approve Supplemental Agreement No. 2 between the City of Kearney and the Nebraska Department of Roads for Project No. STPD-30-4(148) to improve Highway 30 from Avenue B to Avenue L and approve **Resolution No. 2009-162.**
18. Approve Application and Certificate for Payment No. 9 in the amount of \$116,155.80 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. 2009-163.**
19. Approve the application for a Special Designated License submitted by Alley Rose, Inc., dba Alley Rose in connection with their Class IK-21763 catering liquor license to dispense beer, wine and distilled spirits in the Extension Building located at the Buffalo County Fairgrounds, 3807 Avenue N on October 10, 2009 from 6:00 p.m. until 1:00 a.m. for a reception.
20. 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 Extension Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on October 17, 2009 from 5:30 p.m. until 1:00 a.m. for a reception.
21. 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 October 10, 2009 from 6:00 p.m. until 1:00 a.m. for a Mexican dance.
22. Approve Change Order No. 10 showing an increase in the amount of \$700.00, Application and Certificate for Payment No. 9 in the amount 40,600.00 submitted by Blessing, LLC and approved by Brungardt Engineering for the construction of the E.K. & Mary Yanney Heritage Park North Parking Lot Addition and approve **Resolution No. 2009-164.**
23. Authorize the City Manager to execute the Purchase Agreement between the City of Kearney and the Kearney Area Children's Museum for property described as Lots 481 through 488 inclusive, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska (2005 1st Avenue) and approve **Resolution No. 2009-165.**
- * *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. 7547** to create Water Connection District No. 2009-1 for 56th Street from Antelope Avenue west a distance of 2643.85± feet.

2. Approve **Ordinance No. 7548** to create Water Connection District No. 2009-2 for 56th Street from Antelope Avenue east a distance of 2637.55± feet.
3. Approve **Ordinance No. 7549** to create Water Connection District No. 2009-3 for 17th Street from Avenue K to Avenue M.
4. Approve **Ordinance No. 7550** to create Sanitary Sewer Connection District No. 2009-1 for 17th Street from Avenue K to Avenue M.

VI REGULAR AGENDA

1. Consider accepting the Kearney Housing Agency Annual Report submitted by Executive Director Elaine Wiseman.
2. Consider **Ordinance No. 7551** amending the City Code by adding a new article entitled Article 16 entitled "Senior Services Advisory Board" to Chapter 1 "Administration"; to create a Senior Services Advisory Board to recommend policies and procedures for development of the senior services; to recommend services and programs for the senior citizens of the City and to promote and stimulate public interest which encourages social, recreational, and business interaction of the citizens of the City of Kearney; to assist in developing short and long-range priorities for the provision of senior services; and to promote coordination of senior services activities with those of public officials, civic groups and other organizations.
3. Consider the proposal submitted by the World Theatre Foundation to replace the existing sidewalk at 2318 Central Avenue with a non-standard material and granite.
4. Consider rejecting the bids received for the construction of the South Parks Maintenance Building located at E.K. and Mary Yanney Heritage Park.
5. Consider closing out the Nebraska Department of Roads Safe Routes to School Grant and approve **Resolution No. 2009-166**.
6. Open Account Claims: **NPPD - \$82,701.35, Platte Valley State Bank - \$46,118.12**

VII REPORTS

VIII ADJOURN

Mayor Stanley Clouse
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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

ADDENDUM NO. 1

IV CONSENT AGENDA

- 24.** Approve the request submitted by Heath Smallcomb on behalf of The Garage to block off 10-11 parking stalls in front of their business located at 15 East 24th Street and the Thurston building on September 25, 2009 from 2:00 p.m. until 1:00 a.m. to allow the bus to stop and allow the bands to load and unload their equipment.