

KEARNEY CITY COUNCIL

AMENDED AGENDA

City Council Chambers, 18 East 22nd Street

August 9, 2011

7:00 p.m.

I ROUTINE BUSINESS

1. Invocation by Pastor Eric Leshar from First Lutheran Church.
2. Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Oral Communication:
 - Recognize Danny Baer, Amateur Radio Emergency Service.
 - Recognize Phil Kozera, Outgoing Member of the Airport Advisory Board; Pastor Doug Shada, Outgoing Member of the Kearney Housing Agency; and Norman Vinderslev, Outgoing Member of the Examining Board for Plumbers.

II UNFINISHED BUSINESS

None.

III PUBLIC HEARINGS

1. Conduct a public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Daniel Roeder (Owner) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Mixed Use 1 to Low Density Residential for property described as a tract of land being part of the West Half of the Northeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (2401 East 56th Street – ½ mile east of 56th Street and Avenue N) and consider **Resolution No. 2011-88**.
2. Conduct a public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Daniel Roeder (Owner) to rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) property described as a tract of land being part of the West Half of the Northeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (2401 East 56th Street – ½ mile east of 56th Street and Avenue N) and consider **Ordinance No. 7660**.
3. **Postponed 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**.

4. Conduct a public hearing on the proposed Restaurant and Drinking Place Occupation Tax and consider one of the following alternatives:
 - **Resolution No. 2011-89** submitting the question of "Shall the Mayor and City Council of the City of Kearney, Nebraska, impose a restaurant and drinking place occupation tax commencing December 1, 2011 in the amount of two percent (2%) to fund Community Betterment Purposes as defined in Section 9-604 of the Nebraska Revised Statutes?" to the qualified electors of the City of Kearney at a special election to be held within the City on October 11, 2011.
 - **Ordinance No. 7662** amending the City Code by adding a new Article 30 entitled "Restaurant and Drinking Place Occupation Tax" to Chapter 3 "Business Regulations" providing a purpose; definitions; tax imposed – collection of tax; return; tax cumulative; use of revenue; failure to file return – delinquency – assessment by Director of Finance; administration of article – miscellaneous provisions; recovery of unpaid tax by action at law; suspension or revocation of licenses for failure to pay tax – hearing.
 - Take no action.

IV CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held July 26, 2011.
2. Approve the Claims.
3. Approve the application for a Special Designated License submitted by Alley Rose in connection with their Class IK-21763 catering liquor license to dispense beer, wine and distilled spirits in the Museum of Nebraska Art on September 10, 2011 from 5:00 p.m. until 11:00 p.m. for a reception.
4. Approve the Federal-Aid Transportation Fund Purchase-Sale Agreement between the City of Kearney and the Nebraska Department of Roads providing a way for NDOR to purchase federal funds currently used by Local Public Agencies in exchange for state cash and adopt **Resolution No. 2011-90**.
5. Adopt the 2011-2012 Comprehensive Fee Schedule setting forth the fees for items and services to be provided by the City during the 2011-2012 year and adopt **Resolution No. 2011-91**.
6. Approve Change Order No. 8 showing an increase in the amount of \$43,513.00 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. 2011-92**.
7. Adopt **Resolution No. 2011-93** approving the University of Nebraska at Kearney Homecoming and Band Day Parade scheduled for September 24, 2011 at 10:00 a.m.

beginning at Railroad Street and Central Avenue, 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 24. The staging area to be closed beginning at 6:00 a.m. include Railroad Street from 4th Avenue to Avenue E, Avenues A, B, C and D from Railroad Street to 21st Street, 4th Avenue from Railroad Street to 21st 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. Grant a 30-foot Telecommunications Easement to the City of Kearney for a tract of land located in part of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (TechOne Crossing) and adopt **Resolution No. 2011-94.**
 9. Grant a 5-foot Telecommunications Easement to NebraskaLink, Inc. for a tract of land located in part of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (TechOne Crossing) and adopt **Resolution No. 2011-95.**
 10. Approve a Carrier Hotel Lease between the City of Kearney and NebraskaLink, Inc. to house telecommunications equipment and to connect fiber optic line to the Point of Presence (POP) building located at TechOne Crossing and adopt **Resolution No. 2011-96.**
- * *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 *

None.

VI REGULAR AGENDA

1. Consider the recommendation from the Advisory Board of Park & Recreation Commissioners on naming the Inclusive Playground located at Harmon Park as "Leafie Mae's Playground" and adopt **Resolution No. 2011-97.**
2. Consider authorizing the redemption of \$330,000 of City of Kearney Facilities Corporation Refunding Bonds, Series 2001 (Golf Course Bonds) on October 15, 2011 and adopt **Resolution No. 2011-98.**
3. Consider **Resolution No. 2011-99** on the intent to annex into the City limits a tract of land being 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) and to set the public hearing date for August 23, 2011 at 7:00 p.m.
4. Consider **Resolution No. 2011-100** on the intent to annex into the City limits a tract of

land located in 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) and to set the public hearing date for August 23, 2011 at 7:00 p.m.

5. Consider **Resolution No. 2011-101** on the intent to annex into the City limits a tract of 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) and to set the public hearing date for August 23, 2011 at 7:00 p.m.
6. Open Account Claims: **NPPD - \$351.66, Platte Valley State Bank - \$53,147.50, School District #7 - \$3,671.75**

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

11. Adopt **Resolution No. 2011-102** appointing Kevin Witte to fulfill the term of Kristin Olmstead-Furstenberg on the Advisory Board of Park & Recreation Commissioners.