

# **KEARNEY CITY COUNCIL**

## **AGENDA**

**City Council Chambers, 18 East 22nd Street**

**September 10, 2019**

**5:30 p.m.**

### **I. ROUTINE BUSINESS**

1. Invocation by Pastor Chad Anderson.
2. Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Oral Communication; Recognition of visitors.

### **II. UNFINISHED BUSINESS**

### **III. PUBLIC HEARINGS**

1. Conduct a public hearing on the Applications submitted by Chad Softley for Prestige Exteriors, LLC c/o Chad Softley, to (1) vacate the Southwest Quarter of Lot 1755, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8372; and (2) the Final Plat for Prestige Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land known as the Southwest Quarter of Lot 1755 (to be vacated), Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska, together with the East 17.0 feet of Vacated Avenue "B" abutting said tract on the West and also together with the North half of Vacated 12th Street abutting said tract on the South and abutting the East 17.0 feet of vacated Avenue "B" (above mentioned) on the South, all being located in part of the Southeast Quarter of the Southwest Quarter of Section 1, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1201 Avenue B) and consider Resolution No. 2019-147.
2. Conduct a public hearing on the Application submitted by Chad Softley for Prestige Exteriors, LLC c/o Chad Softley, to rezone from District R-1, Urban Residential Single-Family District (Low Density) to District R-2, Urban Residential Mixed-Density District for property to be described as Lots 1 and 2, Prestige Addition, an addition to the City of Kearney, Buffalo County, Nebraska (1201 Avenue B) and consider Ordinance No. 8373.
3. Conduct a public hearing on the adoption of the One & Six Year Street Improvement Plan and consider Resolution No. 2019-148.
4. Conduct a public hearing for the purpose of adopting the City of Kearney Budget for the

2019-2020 Fiscal Year and consider Ordinance No. 8374.

5. Conduct a public hearing for the purpose of adopting the City of Kearney Offstreet Parking District No. 1 Budget for the 2019-2020 Fiscal Year and consider Resolution No. 2019-149.
6. Conduct a public hearing on setting the 2019 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. 2019-150.

#### **IV. CONSENT AGENDA \***

1. Approve Minutes of Regular Meeting held August 27, 2019.
2. Approve the Claims.
3. Adopt Resolution No. 2019-151 allowing the City of Kearney to increase its "Budget Authority" by an additional one percent or \$148,331.29 which will be carried over to the 2019-2020 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. Adopt Resolution No. 2019-152 repealing Resolution No. 2018-154 and adopt the 2019-2020 Comprehensive Fee Schedule setting forth the fees for items and services to be provided by the City during the 2019-2020 year.
6. Approve Agreement and Permit for Aeronautical Services between the City of Kearney and Buffalo Air Service for aerial applicator services and approve Resolution No. 2019-153.
7. Adopt Resolution No. 2019-154 approving the Use and Operations Agreement for Annex A in Hangar T-926 located at the Kearney Regional Airport between the City of Kearney and Rodgers Helicopter Services.
8. Adopt Resolution No. 2019-155 approving the Use and Operations Agreement for Annex B in Hangar T-926 located at the Kearney Regional Airport between the City of Kearney and Li'l Red Aero, Inc.
9. Adopt Resolution No. 2019-156 authorizing signing of the certification of the Municipal Annual Certification of Program Compliance Form 2019 to Nebraska Board of Public Roads Classifications and Standards as required by the Nebraska Department of Transportation.
10. Accept the proposal received for the 2019 Part 6 Improvement for East 1st Street Flood Repair and adopt Resolution No. 2019-157 awarding the proposal to Nielsen Contracting in the amount of \$101,713.20 and Change Order No. 1 adding special contract provisions to meet FEMA reimbursement guidelines.
11. Adopt Resolution No. 2019-158 approving Change Order No. 1 showing a decrease in the

amount of \$1,431.75 and extending to the date of completion by 35 days, Application and Certificate for Payment No. 4-Final in the amount of \$86,147.38 and accept the Certificate of Substantial Completion submitted by Blessing Construction and approved by Brungardt Engineering, LLC for 2018 Part 3 Improvements for Northridge Estates development including, the extension of 54th Street, beginning approximately 550 feet west of 17th Avenue and continuing 400 feet west to the city limits consisting of Paving Improvement District Nos. 2018-991, 2018-992, 2018-993, Water District Nos. 2018-589, 2018-590, 2018-591 and Sanitary Sewer Improvement District Nos. 2018-525, 2018-526, 2018-527.

12. Adopt Resolution No. 2019-159 approving the renewal of the Property Maintenance and Lease Agreement between the City of Kearney and Greg Dollman for a 40-acre detention cell located in northeast Kearney.
13. Adopt Resolution No. 2019-160 approving Application and Certificate for Payment No. 3 in the amount of \$35,023.50 submitted by Hellas Construction, Inc. and approved by Miller & Associates for Harvey Park Pickleball Court project.
14. Adopt Resolution No. 2019-161 approving Change Order No. 2 granting an increase to the contract time for the substantial completion date to GD Construction, Inc. and approved by Miller & Associates for the CDBG Community Development Sidewalk Replacement Project for the construction of the sidewalk replacement involving the area of Avenue C to 5th Avenue and 16th Street north to the Union Pacific Rail Line.
15. Adopt Resolution No. 2019-162 approving Application and Certificate for Payment No. 2 in the amount of \$27,516.52 submitted by Gary Smith Construction Co., Inc. and approved by Miller & Associates for 2019 Asphalt Improvements for 29th Street from 2nd Avenue to 6th Avenue, 9th Avenue from 25th Street to 29th Street and 5th Avenue from 28th Street to 30th Street.

\* ***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. 8375 amending several sections of Chapter 1 "Administration", Chapter 3 "Business Regulations", Chapter 5 "Health and Sanitation", Chapter 6 "Library", Chapter 8 "Police", Chapter 10 "Utilities" of the Code of the City of Kearney including Sections 1-304 "City Clerk" of Article 3 "Appointed Officials" to remove the reference of "and Administration" from the Director of Finance title; Section 1-402 "Bonds; City Manager and Director of Finance And Administration" of Article 4 "Bonds and Oaths" to remove the reference of "and Administration" from the Director of Finance title; Section 3-1803 "Payment and Collection" of Article 18 "Occupation, Business and Other Taxes" to remove the reference of "and Administration" from the Director of Finance title; Section 3-1805 "Issuance of Receipt" of Article 18 "Occupation, Business and Other Taxes" to remove the reference of City Clerk and add Director of Finance; Section 3-1806 "Accounting" of Article 18 "Occupation, Business and Other Taxes" to remove the reference of City Clerk and add Director of Finance; Section 3-1808 "Methods of Collecting Delinquent Taxes" of Article 18 "Occupation, Business and Other Taxes" to remove the reference of City Clerk and add Director of Finance; Section 3-1834 "Records"

of Article 18 "Occupation, Business and Other Taxes" to remove the reference of "and Administration" from the Director of Finance Title; Section 3-2106 "Quarterly Report of Gross Receipts" of Article 21 "Natural Gas Companies" to amend the title of the section by removing quarterly and replacing with monthly, remove the reference of City Clerk and add Director of Finance and change reference of quarterly payments to monthly payments; Section 3-2304 "Permit; Fee" of Article 23 "Pawnbrokers" to remove the reference of "and Administration" from the Director of Finance title; Section 5-506 "Removal of Diseased Trees; Trees on Private Lands" of Article 5 "Diseased Tress" to remove the reference of "and Administration" from the Director of Finance title; Section 6-109 "Library; Disposition of Moneys Received" of Article 1 "General Provisions" to remove the reference of "and Administration" from the Director of Finance title; Section 8-103 "Sale and Disposal of Abandoned, Impounded or Unclaimed Property" of Article 1 "General Provisions" to remove the reference of "and Administration" from the Director of Finance title; Section 8-509 "Disposition of Proceeds of Sale" of Article 5 "Abandoned Vehicles" to remove the reference of "and Administration" from the Director of Finance title; Section 8-944 "Violations Bureau; Record of Violations; Disposition of Penalties" of Article 9 "Stopping, Standing and Parking" to remove the reference of "and Administration" from the Director of Finance title; Section 10-102 "Determination of Rates and Charges" of Article 1 "General Provisions" to remove the reference of ordinance and replace with resolution; Section 10-205 "Charges; Collection; Reconnection Charges" of Article 2 "Sewers" to remove the reference of "and Administration" from the Director of Finance title; Section 10-316 "Discontinuance and Resumption of Service" of Article 3 "Water" to remove the reference of "and Administration" from the Director of Finance title.

## **VI. REGULAR AGENDA**

1. Consider authorizing submission of a Land and Water Conservation Fund (LWCF) grant application for funding for construction of the 8th Street pedestrian bridge connecting to Yanney Park and approve Resolution No. 2019-163.
2. Consider Resolution No. 2019-164 approving the redevelopment project submitted by Kruger Development for Redevelopment Area #5 for an area described as Lot 2, Fuller and Daley Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska (1205 West 16th Street).
3. Consider Harmon Park Sonatorium Restoration and Enhancement Proposal and approve Resolution No. 2019-165.
4. Consider Resolution No. 2019-166 authorizing the City Manager to enter into an agreement with the University of Nebraska at Kearney and Kearney University Village Facility Development Corporation to construct a community tennis complex, conditional to approval from the Board of Regents of University of Nebraska.
5. Open Account Claim to NPPD - \$120,167.12.

## **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](http://www.cityofkearney.org)