

# **KEARNEY CITY COUNCIL**

## **AGENDA**

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

**October 22, 2019**

**5:30 p.m.**

### **I. ROUTINE BUSINESS**

1. Invocation by Pastor Brian Klein.
2. Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Oral Communication; Recognition of visitors.
  - a) Presentation from the Yanney Heritage Park Foundation of funds received for flood relief through the 25K in 25 Days Campaign and additional presentation of in-kind gifts.

### **II. UNFINISHED BUSINESS**

### **III. PUBLIC HEARINGS**

1. **POSTPONED SINCE OCTOBER 8, 2019. REMOVE FROM TABLE.** Conduct a public hearing on the Application submitted by Schug Ventures for USCOC of Nebraska/Kansas, LLC for a Conditional Use Permit as provided in Paragraph H of Section 46-110 "Telecommunications Towers" of Chapter 46 "Supplemental Use Regulations" of the City Code to co-locate telecommunications equipment for wireless communications on property zoned District M-1, Limited Industrial District and described as Lot 781, Original Town of Kearney Junction, now City of Kearney, Buffalo County, Nebraska (1808 2nd Avenue) and consider Ordinance No. 8380.

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

1. Approve Minutes of Regular Meeting held October 8, 2019 and Minutes of Special Meeting held on October 15, 2019.
2. Approve the Claims.
3. Receive recommendations of Planning Commission and set November 12, 2019 at 5:30 p.m. as date and time for hearing on those applications where applicable.

4. Approve the Plans and Specifications for the 2019 Part 7 Improvements; Alley Improvements in connection with Paving Improvement District No. 2019-999 for the construction of a concrete alley to replace an existing gravel section of alley between 5th Avenue and 6th Avenue, 21st Street and 22nd Street and set the bid opening date for November 12, 2019 at 2:00 p.m.
5. Adopt Resolution No. 2019-187 approving the recommendation submitted by the Fire Chief to include the following as members of the Kearney Volunteer Fire Department: Bryce Bohlander, Camron Berglund, Lucas Frey and Gregory Lippmann.
6. Adopt Resolution No. 2019-188 approving the Real Estate Purchase Agreement and Shot Drop Zone Easement between Fort Kearny Shooting Sports Association and the City of Kearney for the purchase of a tract of land described as the Northwest Quarter of Section 1, Township 9 North, Range 14 West of the 6th P.M., Buffalo County, Nebraska (South of 115th Road and East of Pool Road).
7. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class I-123297 liquor license application and manager application for Hugo Munoz Puga submitted by Tepeyac LLC dba Margaritas Family and Tradition located at 119 3rd Avenue.
8. Accept the bids received for the Kearney South Drainage – Lake Overflow Improvements and adopt Resolution No. 2019-189 awarding the bid to Midlands Contracting, Inc. in the amount of \$138,873.50.
9. Adopt Resolution No. 2019-190 approving Application and Certificate for Payment No. 6 in the amount of \$197,473.05 submitted by Dan Roeder Concrete, Inc. and approved by Miller & Associates for 2019 Part 1 Improvements; Younes Center Sixth in connection with Paving Improvement District Nos. 2019-996 and 2019-997 (Bid B).
10. Adopt Resolution No. 2019-191 approving Change Order No. 2 showing a decrease in the amount of \$766.65, Application and Certificate for Payment No. 3-Final in the amount of \$8,417.08, and accept the Certificate of Substantial Completion 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.
11. Adopt Resolution No. 2019-192 approving Change Order No. 3 showing an increase in the amount of \$11,802.06, Application and Certificate for Payment No. 6-Final in the amount of \$129,668.21, and accept the Certificate of Substantial Completion submitted by 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.
12. Adopt Resolution No. 2019-193 approving Application and Certificate for Payment No. 1 in the amount of \$63,707.76 submitted by Nielsen Contracting and approved by Oak Creek Engineering for the 2019 Part 6 Improvement for East 1st Street Flood Repair.

13. Adopt Resolution No. 2019-194 approving the Agreement for Management Services between the City of Kearney and the Great Platte River Road Memorial Foundation allowing the City to continue providing management services at The Archway.
14. Adopt Resolution No. 2019-195 approving the Agreement for Funding between the City of Kearney and the Kearney Visitor's Bureau for the purpose of providing funding for the management and operation of The Archway.
15. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Liam Mendoza Dalling submitted by Sozo American Cuisine dba Joy's Table located at 110 South 2nd Avenue in connection with their Class I-118115 liquor license.
16. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class I-123329 liquor license application and manager application for Travis Evans submitted by PepperJax Development, LLC dba Good Evans located at 1010 3rd Avenue Suite F.
17. Adopt Resolution No. 2019-196 approving the Agreement between the City of Kearney and the Yanney Heritage Park Foundation to specifically define and divide the responsibilities inherent with the planning, development construction, equipping, operation, management and maintenance of the Yanney Heritage Park.

\* *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. 8383 amending several sections of the Code of the City of Kearney as follows: Section 1-1003 "Officers and Employees; Emergency Succession" of Article 10 "Officers and Employees" of Chapter 1 "Administration" to update position titles; Section 8-804 "Specific Limits" of Article 8 "Speed Limitations" of Chapter 8 "Police" to update specific locations detailed in the table; Section 8-805 "School Zones" of Article 8 "Speed Limitations" of Chapter 8 "Police" to remove obsolete locations detailed in the table; Section 8-912 "Parking Rules" of Article 9 "Stopping, Standing and Parking" of Chapter 8 "Police" to update and add specific locations where parking is prohibited at any time; Section 8-1301 "Definitions" of Article 13 "Animals Generally" of Chapter 8 "Police" to add definition and reference of Community Service Officer and remove reference of Animal Warden; Section 8-1421 "Veterinarians to Submit Records to Animal Control Authority" of Article 14 "Household Pets" of Chapter 8 "Police" to clarify language on the requirement that records on the issuance of rabies related documentation be open for inspection to the Animal Control Authority and remove the requirement of on a monthly basis; Section 8-1501 "Curfew; Established; Exceptions" of Article 15 "General Offenses" of Chapter 8 "Police" to add similar provision found in Nebraska Revised Statute 60-4,124.
2. Approve Ordinance No. 8384 repealing the sections and articles in their entirety of the Code of the City of Kearney as follows: Section 1-1011 "Social Security; Acceptance; Construction of Terms" of Article 10 "Officers and Employees" of Chapter 1 "Administration"; Section 1-1012 "Social Security; Contracts and Agreements to Effectuate System" of Article 10 "Officers and

Employees” of Chapter 1 “Administration”; Section 1-1013 “Social Security; Employees Included in System” of Article 10 “Officers and Employees” of Chapter 1 “Administration”; Section 1-1014 “Social Security; Employees Excluded from System” of Article 10 “Officers and Employees” of Chapter 1 “Administration”; Section 1-1015 “Social Security; Withholdings from Salaries Authorized” of Article 10 “Officers and Employees” of Chapter 1 “Administration”; Section 1-1016 “Social Security Fund; Created; Payments into Fund” of Article 10 “Officers and Employees” of Chapter 1 “Administration”; Section 1-1017 “Social Security Fund; Payments from Fund to Administrator” of Article 10 “Officers and Employees” of Chapter 1 “Administration”; Section 1-1018 “Social Security; City Records and Reports” of Article 10 “Officers and Employees” of Chapter 1 “Administration”; Article 8 “Firefighter Retirement System” of Chapter 4 “Fire Regulations”; and Article 2 “Retirement System” of Chapter 8 “Police”.

3. Approve Ordinance No. 8385 amending the Code of the City of Kearney by adding a new Article 18 entitled “Retirement and Pension Plans” to Chapter 1 “Administration”.

## VI. REGULAR AGENDA

1. Receive an update on the Kearney Area Animal Shelter as presented by Executive Director Olivia Derr.
2. Open Account Claims to Tami James Moore - \$190.80 (postponed since October 8, 2019) and NPPD - \$112,315.76.

## 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).