

Kearney, Nebraska
January 14, 2025
5:30 p.m.

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 5:30 p.m. on January 14, 2025 in the Council Chambers at City Hall. Present were: Jonathan Nikkila, President of the Council; Peggy Eynetich, City Clerk; Council Members Randy Buschkoetter, Tami James Moore, Kurt Schmidt and Alex Straatmann. Absent: None. Brenda Jensen, City Manager; Michael Tye, City Attorney; Kayla James, Director of Finance; Sarah Sawin, Director of Utilities; Melissa Dougherty-O'Hara, City Planner; Luke Dutcher, Assistant Public Works Director; Bryan Waugh, Chief of Police and Brad DeMers, Assistant to the City Manager, were also present. Members of the media present included: Mike Konz, Kearney Hub.

Notice of the meeting was given in advance thereof by publication in the Kearney Hub, the designated method for giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to the City Council and a copy of their acknowledgment or receipt of such notice is attached to these minutes. Availability of the Agenda was communicated in the advance notice and in the notice to the Mayor and City Council. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

The Council held a moment of silence.

PLEDGE OF ALLEGIANCE

Council members led the audience in the Pledge of Allegiance.

ANNOUNCEMENT

Mayor Nikkila announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and is posted on the wall of the Council Chambers.

ORAL COMMUNICATIONS

There were no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

VACATIONS AND AMENDMENT TO LAND USE MAP FOR PROPERTY LOCATED EAST OF AVENUE M, NORTH OF EAST 17TH STREET

Public Hearings 1 through 3 were discussed together but voted on separately.

Mayor Nikkila opened the Public Hearing on the applications submitted by Miller & Associates (Applicant) for Kearney Area Habitat for Humanity, Inc; KDIVER, LLC; EXHUNTING, LLC; and City of Kearney (Owners) to (1) vacate the alley in Block 25, Whiteaker's Grove Addition, to the City of Kearney, Buffalo County, Nebraska located in Government Lot 5 of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska abutting and lying on the West side of Lots 5 through 7 (inclusive), and abutting and lying on the East side of Lots 8 through 10 (inclusive) and consider Ordinance No. 8703; (2) vacate the alley in Block 26, Whiteaker's Grove Addition, to the City of Kearney, Buffalo County, Nebraska located in Government Lot 5 of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska abutting and lying on the West side Lots 1 through 6 (inclusive), and abutting and lying on the East side of Lots 7 through 13 (inclusive) and consider Ordinance No. 8704; (3) vacate the alley in Block 27, Whiteaker's Grove Addition, to the City of Kearney, Buffalo County, Nebraska located in Government Lot 5 of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska abutting and lying on the West side of Lots 1 through 5 (inclusive), and abutting and lying on the East side of Lots 6 through 11 (inclusive) and consider Ordinance No. 8705; (4) vacate the alley in Block 28, Whiteaker's Grove Addition, to the City of Kearney, Buffalo County, Nebraska located in Government Lot 5 of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska abutting and lying on the West side of Lots 1 through 4 (inclusive); and abutting and lying on the East side of Lots 5 through 9 (inclusive) and consider Ordinance No. 8706; (5) vacate N Avenue abutting and lying on the East side of Lots 1 through 7 (inclusive), Block 25, and abutting and lying West of Lots 7 through 13 (inclusive), Block 26, Whiteaker's Grove Addition, to the City of Kearney, Buffalo County, Nebraska located in Government Lot 5 of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8707; (6) vacate O Avenue abutting and lying on the East side of Lots 1 through 6 (inclusive), Block 26, and abutting and lying West of Lots 6 through 11 (inclusive), Block 27, Whiteaker's Grove Addition, to the City of Kearney, Buffalo County, Nebraska located in Government Lot 5 of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8708; (7) vacate P Avenue abutting and lying on the East side of Lots 1 through 5 (inclusive), Block 27, and abutting and lying West of Lots 5 through 9 (inclusive), Block 28, Whiteaker's Grove Addition, to the City of Kearney, Buffalo County, Nebraska located in Government Lot 5 of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8709; (8) vacate Lots 5, 6, and 7, Block 25, Whiteaker's Grove Addition, to the City of Kearney, Buffalo County, Nebraska located in Government Lot 5 of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8710; (9) vacate Lots 1 through 13 (inclusive), Block 26, Whiteaker's Grove Addition, to the City of Kearney, Buffalo County, Nebraska located in Government Lot 5 of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8711; (10) vacate Lots 1 through 11 (inclusive), Block 27, Whiteaker's

Grove Addition, to the City of Kearney, Buffalo County, Nebraska located in Government Lot 5 of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8712; (11) vacate Lots 1 through 9 (inclusive), Block 28, Whiteaker's Grove Addition, to the City of Kearney, Buffalo County, Nebraska located in Government Lot 5 of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8713; and (12) amend the Land Use Map of the City of Kearney Comprehensive Development Plan from Light Industrial (LI) and Low Density Residential (LDR) to Low Density Residential (LDR) for property described as a tract of land being Lots 5, 6, and 7, Block 25, along with the East half of the alley and the West half of "N" Avenue abutting said Lots in Block 25 (now vacated); part of Lots 1, 2 and 12, all of Lots 3 through 11 (inclusive), Block 26, along with the East half of "N" Avenue, and the West half of "O" Avenue, and the alley abutting said Lots in Block 26 (now vacated); part of Lots 1, 2, and 10, all of Lots 3 through 9 (inclusive), Block 27, along with the East half of "O" Avenue, the West half of "P" Avenue and the alley abutting said Lots in Block 27 (now vacated); part of Lots 1, 2, and 8, all of Lots 3 through 7 (inclusive), Block 28, along with the East half of "P" Avenue and the alley abutting said Lots in Block 28 (now vacated) in Whiteaker's Grove Addition to the City of Kearney, Buffalo County, Nebraska being part of Government Lot 5; the North half of the Northeast Quarter of Government Lot 6 also referred to as Tax Lot 5, and the North half of the Northwest Quarter of said Government Lot 6 also referred to as Tax Lot 6, all in Section 6, Township 8 North, Range 15 West of the 6th P. M., Buffalo County, Nebraska (east of Avenue M, north of East 17th Street) and consider Resolution No. 2025-1.

Craig Bennett, Miller and Associates presented this matter to the Council. Mr. Bennett reviewed the location of the property in relation to the surrounding property and noted the Developers are requesting the Future Land Use Map for the entire piece be amended to Low-Density Residential and further stated the rezoning request provides the Developer with the opportunity to develop duplexes on the lots. Mr. Bennett outlined water service and sanitary sewer access to the proposed Addition and noted there is a house that will remain on the property through agreements between the Developer and the homeowner. This property will be developed in three (3) phases with the proposed items this evening pertaining to Phase 1. Phase 1 will include 48 lots which encompass two (2) Outlots and the lot with the existing home.

Council Member Randy Buschkoetter questioned drainage to the old railroad track location north of the development. Mr. Bennett noted Miller and Associates completed a drainage study for the area and stated there will be a robust channel for drainage in this area. Brenda Jensen, City Manager stated drainage for the site will be comparable to the existing drainage in the northeast part of Kearney.

Mayor Nikkila questioned if the City owns the area where the railroad tracks were previously located? Ms. Jensen stated the City does own that property.

Council Member Alex Straatmann requested clarification on the number of lots in the proposed Addition. Mr. Bennett stated there will be 48 lots total including two (2) Outlots and the lot with the preexisting home; there will be 45 buildable lots. Ms. Jensen stated Phase 1, will consist of 18 lots. Council Member Straatmann thanked the members of Kearney Area Habitat for Humanity for continuing development in Kearney.

Council Member Buschkoetter noted with a community the size of Kearney, Kearney Area Habitat for Humanity is improving numerous lives with the number of houses they complete each year.

There was no one present in opposition to this hearing.

Moved by Straatmann to close the Public Hearing on the applications submitted applications submitted by Miller & Associates (Applicant) for Kearney Area Habitat for Humanity, Inc; KDIVER, LLC; EXHUNTING, LLC; and City of Kearney (Owners) to (1) vacate the alley in Block 25, Whiteaker's Grove Addition, to the City of Kearney, Buffalo County, Nebraska located in Government Lot 5 of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska abutting and lying on the West side of Lots 5 through 7 (inclusive), and abutting and lying on the East side of Lots 8 through 10 (inclusive) and consider Ordinance No. 8703; (2) vacate the alley in Block 26, Whiteaker's Grove Addition, to the City of Kearney, Buffalo County, Nebraska located in Government Lot 5 of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska abutting and lying on the West side Lots 1 through 6 (inclusive), and abutting and lying on the East side of Lots 7 through 13 (inclusive) and consider Ordinance No. 8704; (3) vacate the alley in Block 27, Whiteaker's Grove Addition, to the City of Kearney, Buffalo County, Nebraska located in Government Lot 5 of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska abutting and lying on the West side of Lots 1 through 5 (inclusive), and abutting and lying on the East side of Lots 6 through 11 (inclusive) and consider Ordinance No. 8705; (4) vacate the alley in Block 28, Whiteaker's Grove Addition, to the City of Kearney, Buffalo County, Nebraska located in Government Lot 5 of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska abutting and lying on the West side of Lots 1 through 4 (inclusive); and abutting and lying on the East side of Lots 5 through 9 (inclusive) and consider Ordinance No. 8706; (5) vacate N Avenue abutting and lying on the East side of Lots 1 through 7 (inclusive), Block 25, and abutting and lying West of Lots 7 through 13 (inclusive), Block 26, Whiteaker's Grove Addition, to the City of Kearney, Buffalo County, Nebraska located in Government Lot 5 of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8707; (6) vacate O Avenue abutting and lying on the East side of Lots 1 through 6 (inclusive), Block 26, and abutting and lying West of Lots 6 through 11 (inclusive), Block 27, Whiteaker's Grove Addition, to the City of Kearney, Buffalo County, Nebraska located in Government Lot 5 of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8708; (7) vacate P Avenue abutting and lying on the East side of Lots 1 through 5 (inclusive), Block 27, and abutting and lying West of Lots 5 through 9 (inclusive), Block 28, Whiteaker's Grove Addition, to the City of Kearney, Buffalo County, Nebraska located in Government Lot 5 of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8709; (8) vacate Lots 5, 6, and 7, Block 25, Whiteaker's Grove Addition, to the City of Kearney, Buffalo County, Nebraska located in Government Lot 5 of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8710; (9) vacate Lots 1 through 13 (inclusive), Block 26, Whiteaker's Grove Addition, to the City of Kearney, Buffalo County, Nebraska located in Government Lot 5 of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8711; (10) vacate Lots 1 through 11 (inclusive), Block 27, Whiteaker's Grove Addition, to the City of Kearney, Buffalo County, Nebraska located in Government

Lot 5 of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8712; (11) vacate Lots 1 through 9 (inclusive), Block 28, Whiteaker's Grove Addition, to the City of Kearney, Buffalo County, Nebraska located in Government Lot 5 of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8713; and (12) amend the Land Use Map of the City of Kearney Comprehensive Development Plan from Light Industrial (LI) and Low Density Residential (LDR) to Low Density Residential (LDR) for property described as a tract of land being Lots 5, 6, and 7, Block 25, along with the East half of the alley and the West half of "N" Avenue abutting said Lots in Block 25 (now vacated); part of Lots 1, 2 and 12, all of Lots 3 through 11 (inclusive), Block 26, along with the East half of "N" Avenue, and the West half of "O" Avenue, and the alley abutting said Lots in Block 26 (now vacated); part of Lots 1, 2, and 10, all of Lots 3 through 9 (inclusive), Block 27, along with the East half of "O" Avenue, the West half of "P" Avenue and the alley abutting said Lots in Block 27 (now vacated); part of Lots 1, 2, and 8, all of Lots 3 through 7 (inclusive), Block 28, along with the East half of "P" Avenue and the alley abutting said Lots in Block 28 (now vacated) in Whiteaker's Grove Addition to the City of Kearney, Buffalo County, Nebraska being part of Government Lot 5; the North half of the Northeast Quarter of Government Lot 6 also referred to as Tax Lot 5, and the North half of the Northwest Quarter of said Government Lot 6 also referred to as Tax Lot 6, all in Section 6, Township 8 North, Range 15 West of the 6th P. M., Buffalo County, Nebraska (east of Avenue M, north of East 17th Street) and consider Resolution No. 2025-1 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinances on their first reading and then upon its final passage. Council Member Moore seconded the motion to close the hearing and suspend the rules for Ordinance Nos. 8703 through 8713. President of the Council asked for discussion or if anyone in the audience was interested in the ordinances. No one responded. Clerk called the roll which resulted as follows: Aye: Nikkila, Moore, Schmidt, Straatmann, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance Nos. 8703 through 8713 by number. Roll call of those in favor of the passage of said ordinances on the first reading resulted as follows: Aye: Nikkila, Moore, Schmidt, Straatmann, Buschkoetter. Nay: None. Motion carried. Ordinances were read by number.

Moved by Moore seconded by Schmidt that Ordinance Nos. 8703 through 8713 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Nikkila, Schmidt, Straatmann, Buschkoetter, Moore. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance Nos. 8703 through 8713 were declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the office of the City Clerk and the Kearney Public Library.

Moved by Schmidt seconded by Buschkoetter to adopt Resolution No. 2025-2 approving the amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Light Industrial (LI) and Low Density Residential (LDR) to Low Density Residential (LDR) for property described as a tract of land being Lots 5, 6, and 7, Block

25, along with the East half of the alley and the West half of "N" Avenue abutting said Lots in Block 25 (now vacated); part of Lots 1, 2 and 12, all of Lots 3 through 11 (inclusive), Block 26, along with the East half of "N" Avenue, and the West half of "O" Avenue, and the alley abutting said Lots in Block 26 (now vacated); part of Lots 1, 2, and 10, all of Lots 3 through 9 (inclusive), Block 27, along with the East half of "O" Avenue, the West half of "P" Avenue and the alley abutting said Lots in Block 27 (now vacated); part of Lots 1, 2, and 8, all of Lots 3 through 7 (inclusive), Block 28, along with the East half of "P" Avenue and the alley abutting said Lots in Block 28 (now vacated) in Whiteaker's Grove Addition to the City of Kearney, Buffalo County, Nebraska being part of Government Lot 5; the North half of the Northeast Quarter of Government Lot 6 also referred to as Tax Lot 5, and the North half of the Northwest Quarter of said Government Lot 6 also referred to as Tax Lot 6, all in Section 6, Township 8 North, Range 15 West of the 6th P. M., Buffalo County, Nebraska (east of Avenue M, north of East 17th Street). Roll call resulted as follows: Aye: Nikkila, Straatmann, Buschkoetter, Moore, Schmidt. Nay: None. Motion carried.

RESOLUTION NO. 2025-1

WHEREAS, an application for a revision of the Land Use Map of the Comprehensive Plan has been filed in conjunction with and as a requisite part of its application for a change in the zoning for a tract of land being Lots 5, 6, and 7, Block 25, along with the East half of the alley and the West half of "N" Avenue abutting said Lots in Block 25 (now vacated); part of Lots 1, 2 and 12, all of Lots 3 through 11 (inclusive), Block 26, along with the East half of "N" Avenue, and the West half of "O" Avenue, and the alley abutting said Lots in Block 26 (now vacated); part of Lots 1, 2, and 10, all of Lots 3 through 9 (inclusive), Block 27, along with the East half of "O" Avenue, the West half of "P" Avenue and the alley abutting said Lots in Block 27 (now vacated); part of Lots 1, 2, and 8, all of Lots 3 through 7 (inclusive), Block 28, along with the East half of "P" Avenue and the alley abutting said Lots in Block 28 (now vacated) in Whiteaker's Grove Addition to the City of Kearney, Buffalo County, Nebraska being part of Government Lot 5; the North half of the Northeast Quarter of Government Lot 6 also referred to as Tax Lot 5, and the North half of the Northwest Quarter of said Government Lot 6 also referred to as Tax Lot 6, all in Section 6, Township 8 North, Range 15 West of the 6th P. M., Buffalo County, Nebraska, and more particularly described as follows: BEGINNING at the Northwest corner of Government Lot 6 of Section 6; thence S 89°29'09" E on the North line of said Government Lot 6 and on the South line of Lot 8, Block 25 of Whiteaker's Grove Addition to the City of Kearney, Buffalo County, Nebraska, and all bearings herein are relative thereto, a distance of 175.19 feet to the centerline of the alley in said Block 25 of Whiteaker's Grove Addition; thence N 01°16'01" E on said centerline of the alley a distance of 130.27 feet to the Westerly extension of the South line of Lot 4 in said Block 25; thence S 88°45'05" E on said Westerly extension and on the South line of said Lot 4 and its Easterly extension a distance of 141.67 feet; thence Northeasterly on a non-tangent curve to the Right having a central angle of 34°13'05", a radius of 50.00 feet, an arc length of 29.86 feet, and a chord bearing of N 50°34'39" E a distance of 29.42 feet to the centerline of "N" Avenue as dedicated in said Whiteaker's Grove Addition (now vacated); thence N 01°15'53" E on said centerline a distance of 110.72 feet to the South line of a 50.00 foot wide strip of land lying Southerly of, and abutting, the South line of the CB&Q Railroad (now abandoned), said line being parallel with and 50.00 feet Southerly, measured at right angles, of said South line of the abandoned CB&Q Railroad right-of-

way; thence S 80°28'25" E on said South line of the 50.00 foot wide strip of land a distance of 359.18 feet; thence S 89°29'03" E a distance of 140.00 feet; thence S 00°30'57" W a distance of 22.20 feet to said South line of the 50.00 foot wide strip of land; thence S 80°28'25" E on said South line of the 50.00 foot wide strip of land a distance of 459.79 feet to the West line of "Q" Avenue as dedicated in said Whiteaker's Grove Addition (now vacated); thence S 01°15'27" W on said West line of "Q" Avenue a distance of 107.56 feet to the North line of said Government Lot 6; thence S 89°29'09" E on said North line of Government Lot 6 a distance of 33.00 feet to the Northeast corner of said Government Lot 6; thence S 01°15'27" W on the East line of said Government Lot 6 a distance of 325.33 feet to the Southeast corner of the North half of the Northeast Quarter of Government Lot 6, also referred to as Tax Lot 5, and the Northeast corner of Lot 4, Austin Dean Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 89°46'10" W on the North line of said Lot 4 and on the North line of Marlatt Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska a distance of 296.10 feet; thence N 89°54'24" W continuing on said North line of Marlatt Third Addition a distance of 367.43 feet; thence N 89°51'32" W continuing on said North line of Marlatt Third Addition and on the North line of Marlatt Addition, an addition to the City of Kearney, Buffalo County, Nebraska, a distance of 663.85 feet to the West line of said Government Lot 6; thence N 01°58'43" E on said West line of Government Lot 6 a distance of 333.90 feet to the Point of Beginning, containing 14.54 acres, more or less all located in Buffalo County, Nebraska (east of Avenue M, north of East 17th Street) from Light Industrial (LI) and Low Density Residential (LDR) to Low Density Residential (LDR); and

WHEREAS, the said application for change in the Comprehensive Land Use Plan has been approved by the City Planning Commission, after a Public Hearing properly published and held, and

WHEREAS, the City Council has held a Public Hearing upon the said revision and voted in favor of a motion to approve the change in the Land Use Plan as requested by the applicant.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Comprehensive Land Use Plan be and is hereby amended to change from Light Industrial (LI) and Low Density Residential (LDR) to Low Density Residential (LDR) the use classification for a tract of land being Lots 5, 6, and 7, Block 25, along with the East half of the alley and the West half of "N" Avenue abutting said Lots in Block 25 (now vacated); part of Lots 1, 2 and 12, all of Lots 3 through 11 (inclusive), Block 26, along with the East half of "N" Avenue, and the West half of "O" Avenue, and the alley abutting said Lots in Block 26 (now vacated); part of Lots 1, 2, and 10, all of Lots 3 through 9 (inclusive), Block 27, along with the East half of "O" Avenue, the West half of "P" Avenue and the alley abutting said Lots in Block 27 (now vacated); part of Lots 1, 2, and 8, all of Lots 3 through 7 (inclusive), Block 28, along with the East half of "P" Avenue and the alley abutting said Lots in Block 28 (now vacated) in Whiteaker's Grove Addition to the City of Kearney, Buffalo County, Nebraska being part of Government Lot 5; the North half of the Northeast Quarter of Government Lot 6 also referred to as Tax Lot 5, and the North half of the Northwest Quarter of said Government Lot 6 also referred to as Tax Lot 6, all in Section 6, Township 8 North, Range 15 West of the 6th P. M., Buffalo County, Nebraska, and more particularly described as follows: BEGINNING at the Northwest corner of Government Lot 6 of Section 6; thence S 89°29'09" E on the North line of said Government Lot 6 and on the South line of Lot 8, Block 25 of Whiteaker's Grove Addition to the City of Kearney, Buffalo County, Nebraska, and all bearings herein are relative thereto, a distance of 175.19 feet to the centerline of the alley in said Block

25 of Whiteaker's Grove Addition; thence N 01°16'01" E on said centerline of the alley a distance of 130.27 feet to the Westerly extension of the South line of Lot 4 in said Block 25; thence S 88°45'05" E on said Westerly extension and on the South line of said Lot 4 and its Easterly extension a distance of 141.67 feet; thence Northeasterly on a non-tangent curve to the Right having a central angle of 34°13'05", a radius of 50.00 feet, an arc length of 29.86 feet, and a chord bearing of N 50°34'39" E a distance of 29.42 feet to the centerline of "N" Avenue as dedicated in said Whiteaker's Grove Addition (now vacated); thence N 01°15'53" E on said centerline a distance of 110.72 feet to the South line of a 50.00 foot wide strip of land lying Southerly of, and abutting, the South line of the CB&Q Railroad (now abandoned), said line being parallel with and 50.00 feet Southerly, measured at right angles, of said South line of the abandoned CB&Q Railroad right-of-way; thence S 80°28'25" E on said South line of the 50.00 foot wide strip of land a distance of 359.18 feet; thence S 89°29'03" E a distance of 140.00 feet; thence S 00°30'57" W a distance of 22.20 feet to said South line of the 50.00 foot wide strip of land; thence S 80°28'25" E on said South line of the 50.00 foot wide strip of land a distance of 459.79 feet to the West line of "Q" Avenue as dedicated in said Whiteaker's Grove Addition (now vacated); thence S 01°15'27" W on said West line of "Q" Avenue a distance of 107.56 feet to the North line of said Government Lot 6; thence S 89°29'09" E on said North line of Government Lot 6 a distance of 33.00 feet to the Northeast corner of said Government Lot 6; thence S 01°15'27" W on the East line of said Government Lot 6 a distance of 325.33 feet to the Southeast corner of the North half of the Northeast Quarter of Government Lot 6, also referred to as Tax Lot 5, and the Northeast corner of Lot 4, Austin Dean Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 89°46'10" W on the North line of said Lot 4 and on the North line of Marlatt Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska a distance of 296.10 feet; thence N 89°54'24" W continuing on said North line of Marlatt Third Addition a distance of 367.43 feet; thence N 89°51'32" W continuing on said North line of Marlatt Third Addition and on the North line of Marlatt Addition, an addition to the City of Kearney, Buffalo County, Nebraska, a distance of 663.85 feet to the West line of said Government Lot 6; thence N 01°58'43" E on said West line of Government Lot 6 a distance of 333.90 feet to the Point of Beginning, containing 14.54 acres, more or less all located in Buffalo County, Nebraska (east of Avenue M, north of East 17th Street).

PASSED AND APPROVED THIS 14TH DAY OF JANUARY, 2025.

ATTEST:
PEGGY EYNETICH
CITY CLERK

JONATHAN NIKKILA
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

REZONING OF PROPERTY LOCATED EAST OF AVENUE M, NORTH OF EAST 17TH STREET

Public Hearings 1 through 3 were discussed together but voted on separately.

Mayor Nikkila opened the Public Hearing on the application submitted by Miller & Associates (Applicant) for Kearney Area Habitat for Humanity, Inc; KDIVER, LLC; EXHUNTING, LLC; and City of Kearney (Owners) to rezone from District R-1, Urban Residential Single-Family District (Low Density), to District R-1D, Residential District for property described as a tract of land being Lots 5, 6, and 7, Block 25, along with the East half of the alley and the West half of "N" Avenue abutting said Lots in Block 25 (now

vacated); part of Lots 1, 2 and 12, all of Lots 3 through 11 (inclusive), Block 26, along with the East half of "N" Avenue, and the West half of "O" Avenue, and the alley abutting said Lots in Block 26 (now vacated); part of Lots 1, 2, and 10, all of Lots 3 through 9 (inclusive), Block 27, along with the East half of "O" Avenue, the West half of "P" Avenue and the alley abutting said Lots in Block 27 (now vacated); part of Lots 1, 2, and 8, all of Lots 3 through 7 (inclusive), Block 28, along with the East half of "P" Avenue and the alley abutting said Lots in Block 28 (now vacated) in Whiteaker's Grove Addition to the City of Kearney, Buffalo County, Nebraska being part of Government Lot 5; the North half of the Northeast Quarter of Government Lot 6 also referred to as Tax Lot 5, and the North half of the Northwest Quarter of said Government Lot 6 also referred to as Tax Lot 6, all in Section 6, Township 8 North, Range 15 West of the 6th P. M., Buffalo County, Nebraska (east of Avenue M, north of East 17th Street) and consider Ordinance No. 8714.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the Public Hearing on the application submitted by Miller & Associates (Applicant) for Kearney Area Habitat for Humanity, Inc; KDIVER, LLC; EXHUNTING, LLC; and City of Kearney (Owners) and introduced Ordinance No. 8714 rezoning from District R-1, Urban Residential Single-Family District (Low Density), to District R-1D, Residential District for property described as a tract of land being Lots 5, 6, and 7, Block 25, along with the East half of the alley and the West half of "N" Avenue abutting said Lots in Block 25 (now vacated); part of Lots 1, 2 and 12, all of Lots 3 through 11 (inclusive), Block 26, along with the East half of "N" Avenue, and the West half of "O" Avenue, and the alley abutting said Lots in Block 26 (now vacated); part of Lots 1, 2, and 10, all of Lots 3 through 9 (inclusive), Block 27, along with the East half of "O" Avenue, the West half of "P" Avenue and the alley abutting said Lots in Block 27 (now vacated); part of Lots 1, 2, and 8, all of Lots 3 through 7 (inclusive), Block 28, along with the East half of "P" Avenue and the alley abutting said Lots in Block 28 (now vacated) in Whiteaker's Grove Addition to the City of Kearney, Buffalo County, Nebraska being part of Government Lot 5; the North half of the Northeast Quarter of Government Lot 6 also referred to as Tax Lot 5, and the North half of the Northwest Quarter of said Government Lot 6 also referred to as Tax Lot 6, all in Section 6, Township 8 North, Range 15 West of the 6th P. M., Buffalo County, Nebraska (east of Avenue M, north of East 17th Street) and consider Ordinance No. 8714 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Nikkila seconded the motion to close the hearing and suspend the rules for Ordinance No. 8714. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Nikkila, Buschkoetter, Moore, Schmidt, Straatmann. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8714 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Nikkila, Buschkoetter, Moore, Schmidt, Straatmann. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Straatmann that Ordinance No. 8714 be passed, approved

and published as required by law. Roll call resulted as follows: Aye: Nikkila, Moore, Schmidt, Straatmann, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8714 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk and the Kearney Public Library.

FINAL PLAT AND SUBDIVISION AGREEMENT FOR MARLATT FOURTH ADDITION

Public Hearings 1 through 3 were discussed together but voted on separately.

Mayor Nikkila opened the Public Hearing on the application submitted by Miller & Associates (Applicant) for Kearney Area Habitat for Humanity, Inc; KDIVER, LLC; EXHUNTING, LLC; and City of Kearney (Owners), for the Final Plat and Subdivision Agreement for Marlatt Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska being described as a tract of land being Lots 5, 6, and 7, Block 25, along with the East half of the alley and the West half of "N" Avenue abutting said Lots in Block 25 (now vacated); part of Lot 12 and all of Lots 7 through 11 (inclusive), Block 26, along with the East Half of "N" Avenue and part of the alley abutting said Lots in Block 26 (now vacated), part of the West half of "O" Avenue abutting Lots 5 and 6, Block 26 (now vacated); part of Lots 6 and 7, Block 27, along with part of the East half of "O" Avenue and part of the alley abutting said Lots in Block 27 (now vacated), all in Whiteaker's Grove Addition to the City of Kearney, Buffalo County, Nebraska being part of Government Lot 5 in Section 6, part of the North half of the Northeast Quarter of Government Lot 6 in Section 6 also referred to as Tax Lot 5, and part of the North half of the Northwest Quarter of said Government Lot 6 in Section 6 also referred to as Tax Lot 6, all in Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east of Avenue M, north of East 17th Street) and consider Resolution No. 2025-2.

There was no one present in opposition to this hearing.

Moved by Straatmann seconded by Moore to close the hearing and adopt Resolution No. 2025-2 approving the Final Plat and Subdivision Agreement for Marlatt Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska being described as a tract of land being Lots 5, 6, and 7, Block 25, along with the East half of the alley and the West half of "N" Avenue abutting said Lots in Block 25 (now vacated); part of Lot 12 and all of Lots 7 through 11 (inclusive), Block 26, along with the East Half of "N" Avenue and part of the alley abutting said Lots in Block 26 (now vacated), part of the West half of "O" Avenue abutting Lots 5 and 6, Block 26 (now vacated); part of Lots 6 and 7, Block 27, along with part of the East half of "O" Avenue and part of the alley abutting said Lots in Block 27 (now vacated), all in Whiteaker's Grove Addition to the City of Kearney, Buffalo County, Nebraska being part of Government Lot 5 in Section 6, part of the North half of the Northeast Quarter of Government Lot 6 in Section 6 also referred to as Tax Lot 5, and part of the North half of the Northwest Quarter of said Government Lot 6 in Section 6 also referred to as Tax Lot 6, all in Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east of Avenue M, north of East 17th Street). Roll call resulted as follows: Aye: Nikkila, Schmidt, Straatmann, Buschkoetter, Moore. Nay: None. Motion carried.

RESOLUTION NO. 2025-2

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Marlatt Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being Lots 5, 6, and 7, Block 25, along with the East half of the alley and the West half of "N" Avenue abutting said Lots in Block 25 (now vacated); part of Lot 12 and all of Lots 7 through 11 (inclusive), Block 26, along with the East Half of "N" Avenue and part of the alley abutting said Lots in Block 26 (now vacated), part of the West half of "O" Avenue abutting Lots 5 and 6, Block 26 (now vacated); part of Lots 6 and 7, Block 27, along with part of the East half of "O" Avenue and part of the alley abutting said Lots in Block 27 (now vacated), all in Whiteaker's Grove Addition to the City of Kearney, Buffalo County, Nebraska being part of Government Lot 5 in Section 6, part of the North half of the Northeast Quarter of Government Lot 6 in Section 6 also referred to as Tax Lot 5, and part of the North half of the Northwest Quarter of said Government Lot 6 in Section 6 also referred to as Tax Lot 6, all in Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: BEGINNING at a spike at the Northwest corner of Government Lot 6 of Section 6; thence S 89°29'09" E on the North line of said Government Lot 6 and on the South line of Whiteaker's Grove Addition to the City of Kearney a distance of 175.19 feet to a 5/8" rebar with cap on the centerline of the alley (now vacated) in Block 25 of said Whiteaker's Grove Addition; thence N 01°16'01" E on said centerline of the alley (now vacated) a distance of 130.27 feet to a 5/8" rebar with cap on the Westerly extension of the South line of Lot 4 in said Block 25; thence S 88°45'05" E on said Westerly extension and on the South line of said Lot 4 and its Easterly extension a distance of 141.67 feet to a 5/8" rebar with cap; thence Northeasterly on a non-tangent curve to the Right having a central angle of 34°13'05", a radius of 50.00 feet, an arc length of 29.86 feet, and a chord bearing of N 50°34'39" E a distance of 29.42 feet to a 5/8" rebar with cap on the centerline of "N" Avenue (now vacated); thence N 01°15'53" E on said centerline a distance of 110.72 feet to a 5/8" rebar with cap on the South line of a 50.00 foot wide strip of land lying Southerly and abutting the South line of the CB&Q Railroad (now abandoned), said line being parallel with and 50.00 feet Southerly, as measured at right angles, of said South line of the abandoned CB&Q railroad right-of-way; thence S 80°28'25" E on said South line of the 50.00 foot wide strip of land a distance of 162.76 feet to a 5/8" rebar with cap; thence S 00°30'57" W a distance of 357.63 feet to a 5/8" rebar with cap; thence Easterly on a non-tangent curve to the Left having a central angle of 8°12'46", a radius of 770.00 feet, an arc length of 110.37 feet, and a chord bearing of S 85°22'46" E a distance of 110.28 feet to a 5/8" rebar with cap; thence S 89°29'09" E a distance of 24.01 feet to a 5/8" rebar with cap; thence N 00°30'57" E a distance of 200.08 feet to a 5/8" rebar with cap; thence S 89°29'03" E a distance of 200.00 feet to a 5/8" rebar with cap; thence S 00°30'57" W a distance of 65.08 feet to a 5/8" rebar with cap; thence N 89°29'03" W a distance of 140.00 feet to a 5/8" rebar with cap; thence S 00°30'57" W a distance of 195.00 feet to a 5/8" rebar with cap; thence N 89°29'09" W a distance of 84.00 feet to a 5/8" rebar with cap; thence Westerly on a tangent curve to the Right having a central angle of 3°44'43", a radius of 830.00 feet, an arc length of 54.26 feet, and a chord bearing of N 87°36'47" W a distance of 54.25 feet to a 5/8" rebar with cap; thence S 00°30'51" W a distance of 138.88 feet to a 5/8" rebar with cap on the North line of Marlatt Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 89°51'32" W on said North line of Marlatt Third Addition and on the

North line of Marlatt Addition, an addition to the City of Kearney, Buffalo County, Nebraska, and its Westerly extension a distance of 567.63 feet to the West line of said Government Lot 6; thence N 01°58'43" E on said West line of Government Lot 6 a distance of 333.90 feet to the Point of Beginning Containing 6.21 Acres, more or less all located in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

BE IT FURTHER RESOLVED that the Subdivision Agreement, marked as Exhibit "A" attached hereto and made a part hereof by reference, be and is hereby approved and that the President of the Council be and is hereby authorized and directed to execute said agreement on behalf of the City of Kearney, Nebraska. Said Subdivision Agreement shall be filed with the final plat with the Buffalo County Register of Deeds.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the final plat on behalf of the City of Kearney, Nebraska.

PASSED AND APPROVED THIS 14TH DAY OF JANUARY, 2025.

ATTEST:
PEGGY EYNETICH
CITY CLERK

JONATHAN NIKKILA
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

REZONING PROPERTY LOCATED SOUTH OF 56TH STREET AND WEST OF CHASE AVENUE

Public Hearings 4 and 5 were discussed together but voted on separately.

Mayor Nikkila opened the Public Hearing on the application submitted by Miller & Associates (Applicant) for City of Kearney (Owner) to rezone from District BP/PD, Business Park District/ Planned Development Overlay District to District BP, Business Park District for property described as a tract of land being part of the Northwest Quarter of the Northeast Quarter, part of the Southwest Quarter of the Northeast Quarter, part of the Northeast Quarter of the Northwest Quarter, and part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (south of 56th Street and west of Chase Avenue) and consider Ordinance No. 8715.

Craig Bennett, Miller and Associates presented this matter to the Council. Mr. Bennett stated the proposed development encompasses 30.18 acres and is located east of the NPPD substation expansion. Mr. Bennett described connectivity to water and sewer for the proposed development and explained that the proposed request for rezoning would remove the Planned Development Overlay District (PD) designation. Drainage will flow to the outfall channel located south of the proposed development; a flood zone in the area is confined to areas along the outfall channel. The proposed Subdivision will have an offset cul-de-sac and will include a total of four (4) lots.

There was no one present in opposition to this hearing.

Moved by Moore to close the Public Hearing on the Applications submitted by application submitted by Miller & Associates (Applicant) for City of Kearney (Owner) and introduced Ordinance No. 8715 rezoning from District BP/PD, Business Park District/ Planned Development Overlay District to District BP, Business Park District for property described as a tract of land being part of the Northwest Quarter of the Northeast Quarter, part of the Southwest Quarter of the Northeast Quarter, part of the Northeast Quarter of the Northwest Quarter, and part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (south of 56th Street and west of Chase Avenue) and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council member Schmidt seconded the motion to close the hearing and suspend the rules for Ordinance No. 8715. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Nikkila, Straatmann, Buschkoetter, Moore, Schmidt. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8715 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Nikkila, Straatmann, Buschkoetter, Moore, Schmidt. Nay: None. Motion carried. Ordinance was read by number.

Moved by Schmidt seconded by Buschkoetter that Ordinance No. 8715 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Nikkila, Buschkoetter, Moore, Schmidt, Straatmann. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8715 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the office of the City Clerk and the Kearney Public Library.

FINAL PLAT AND SUBDIVISION AGREEMENT FOR TECH ONE FOURTH SUBDIVISION

Public Hearings 4 and 5 were discussed together but voted on separately.

Mayor Nikkila opened the Public Hearing on the application submitted by Miller & Associates (Applicant) for City of Kearney (Owner), for the Final Plat and Subdivision Agreement for Tech One Fourth Subdivision, a subdivision being a tract of land being part of the Northwest Quarter of the Northeast Quarter, part of the Southwest Quarter of the Northeast Quarter, part of the Northeast Quarter of the Northwest Quarter, and part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (south of 56th Street and west of Chase Avenue) and consider Resolution No. 2025-3.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Nikkila to close the hearing and adopt Resolution No. 2025-3 approving the Final Plat and Subdivision Agreement for Tech One Fourth Subdivision, a subdivision being a tract of land being part of the Northwest Quarter of the Northeast Quarter, part of the Southwest Quarter of the Northeast Quarter, part of the Northeast Quarter of the Northwest Quarter, and part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (south of 56th Street and west of Chase Avenue). Roll call resulted as follows: Aye: Nikkila, Moore, Schmidt, Straatmann, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2025-3

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Tech One Fourth Subdivision, a subdivision being a tract of land being part of the Northwest Quarter of the Northeast Quarter, part of the Southwest Quarter of the Northeast Quarter, part of the Northeast Quarter of the Northwest Quarter, and part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska for a tract of land being part of the Northwest Quarter of the Northeast Quarter, part of the Southwest Quarter of the Northeast Quarter, part of the Northeast Quarter of the Northwest Quarter, and part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Commencing at a mag nail at the Northwest Corner of the Northeast Quarter of Section 29; thence S 89°26'00" E on the North line of said Northeast Quarter, and all bearings contained herein are relative thereto, a distance of 169.84 feet to the Northerly extension of the East line of a tract of land deeded to Nebraska Public Power District and recorded in Document #2020-05864 in the Buffalo County Register of Deeds Office; thence continuing S 89°26'00" E on said North line a distance of 1158.91 feet to the Northeast corner of the Northwest Quarter of said Northeast Quarter of Section 29; thence S 00°07'19" W on the East line of said Northwest Quarter of the Northeast Quarter and the East line of the Southwest Quarter of said Northeast Quarter a distance of 1339.30 feet to a 5/8" rebar w/cap on the North line of a Storm Drainage Channel Easement recorded as Inst. 2002-8421 in the Buffalo County Register of Deeds Office; thence N 89°27'30" W on the North line of said Storm Drainage Channel Easement a distance of 1327.53 feet to a 5/8" rebar w/cap on the West line of said Southwest Quarter of the Northeast Quarter; thence S 00°04'16" W on said West line of the Southwest Quarter of the Northeast Quarter a distance of 18.00 feet to the North line of a tract of land deeded to the City of Kearney and recorded in Inst. #2012-3393 in the Buffalo County Register of Deeds Office; thence N 89°42'34" W on said North line of the City of Kearney tract a distance of 43.17 feet; thence S 00°17'26" W continuing on said North line of the City of Kearney tract a distance of 2.00 feet; thence N 89°42'34" W continuing on said North line of the City of Kearney tract a distance of 15.10 feet; thence Southwesterly continuing on said North line of the City of Kearney tract and on a tangent curve to the Left having a central angle of 24°05'57", a radius of 552.00 feet, an arc length of 232.18 feet, and a chord bearing of S 78°14'28" W a distance of 230.47 feet to the Southerly extension of the West line of said Nebraska Public Power District tract; thence N 00°04'12" E on said Southerly extension of the West line of the Nebraska Public

Power District tract a distance of 306.42 feet to a 5/8" rebar w/cap at the Southwest corner of said Nebraska Public Power District tract; thence S 89°26'00" E on the South line of said Nebraska Public Power District tract a distance of 979.96 feet to a 5/8' rebar w/cap at the Southeast corner of said Nebraska Public Power District tract; thence N 00°34'34" E on the East line of said Nebraska Public Power District tract a distance of 670.00 feet to a 5/8" rebar w/cap at the Northeast corner of said Nebraska Public Power District tract; thence N 89°26'00" W on the North line of said Nebraska Public Power District tract a distance of 536.00 feet to a 5/8" rebar w/cap; thence N 00°34'34" E on said East line of the Nebraska Public Power District tract a distance of 432.92 feet to the Point of Beginning containing 30.18 acres more or less all located in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabits of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

BE IT FURTHER RESOLVED that the Subdivision Agreement, marked as Exhibit "A" attached hereto and made a part hereof by reference, be and is hereby approved and that the President of the Council be and is hereby authorized and directed to execute said agreement on behalf of the City of Kearney, Nebraska. Said Subdivision Agreement shall be filed with the final plat with the Buffalo County Register of Deeds.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the final plat on behalf of the City of Kearney, Nebraska.

PASSED AND APPROVED THIS 14TH DAY OF JANUARY, 2025.

ATTEST:
PEGGY EYNETICH
CITY CLERK

JONATHAN NIKKILA
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

CODE AMENDMENTS TO CHAPTER 12, "DEFINITIONS"

Public Hearings 6 through 9 were discussed together but voted on separately.

Mayor Nikkila opened the Public Hearing on the proposed amendments to the following chapters/sections of the City Code as follows: Sections: 12-106 "C", 12-107 "D", 12-118 "O", 12-119 "P", 12-123 "T" of Section 12-103 "Definition of Terms"; of Chapter 12, "Definitions" and consider Ordinance No. 8716.

Melissa Dougherty-O'Hara, City Planner presented this matter to the Council. Ms. Dougherty-O'Hara reviewed Staff's proposed Code amendments to Chapters 12, 13, 14, and 59 and noted the amendments are for clarification and consistency in Kearney City Code.

Council Member Straatmann questioned why the Planning Commission vote was not unanimous. Ms. Dougherty-O'Hara stated the Planning Commission member who did not vote to approve the amendment to Chapter 14 had concerns with the temporary nature of a Conditional Use Permit (CUP) and felt that sunset clauses included in CUP's might

present a business risk. Mayor Nikkila noted as long as the business continued to meet City Code the CUP would not end. Ms. Dougherty-O'Hara stated if a business is transferred to a new owner, the CUP would transfer as well and noted conditions of the CUP are reviewed extensively with business owners prior to a CUP being issued.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the Public Hearing on the proposed code amendments and introduced Ordinance No. 8716 amending the following chapters/sections of the City Code as follows: Sections: 12-106 "C", 12-107 "D", 12-118 "O", 12-119 "P", 12-123 "T" of Section 12-103 "Definition of Terms"; of Chapter 12, "Definitions" and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Straatmann seconded the motion to close the hearing and suspend the rules for Ordinance No. 8716. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Nikkila, Moore, Schmidt, Straatmann, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8716 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Nikkila, Moore, Schmidt, Straatmann, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Straatmann seconded by Moore that Ordinance No. 8716 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Nikkila, Schmidt, Straatmann, Buschkoetter, Moore. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8716 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

CODE AMENDMENTS TO CHAPTER 13 "USE TYPES"

Public Hearings 6 through 9 were discussed together but voted on separately.

Mayor Nikkila opened the Public Hearing on the proposed amendments to the following chapters/sections of the City Code as follows: Section 13-104 "Residential Use Types" and Section 13-105 "Civic Use Types" of Chapter 13 "Use Types" and consider Ordinance No. 8717.

There was no one present in opposition to this hearing.

Moved by Moore to close the Public Hearing on the proposed code amendments and introduced Ordinance No. 8717 amending the following chapters/sections of the City Code as follows: Section 13-104 "Residential Use Types" and Section 13-105 "Civic Use

Types” of Chapter 13 “Use Types” and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Schmidt seconded the motion to close the hearing and suspend the rules for Ordinance No. 8717. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Nikkila, Straatmann, Buschkoetter, Moore, Schmidt. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8717 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Nikkila, Straatmann, Buschkoetter, Moore, Schmidt. Nay: None. Motion carried. Ordinance was read by number.

Moved by Schmidt seconded by Buschkoetter that Ordinance No. 8717 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Nikkila, Buschkoetter, Moore, Schmidt, Straatmann. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8717 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

CODE AMENDMENTS TO CHAPTER 14, “ZONING DISTRICT REGULATIONS”

Public Hearings 6 through 9 were discussed together but voted on separately.

Mayor Nikkila opened the Public Hearing on the proposed amendments to the following chapters/sections of the City Code as follows: various use type tables of Table 14-1 of Section 14-112 “Use Matrix: Levels of Permitted Uses” of Chapter 14, “Zoning District Regulations” and consider Ordinance No. 8718.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the Public Hearing on the proposed code amendments and introduced Ordinance No. 8718 amending the following chapters/sections of the City Code as follows: various use type tables of Table 14-1 of Section 14-112 “Use Matrix: Levels of Permitted Uses” of Chapter 14, “Zoning District Regulations” and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Nikkila seconded the motion to close the hearing and suspend the rules for Ordinance No. 8718. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Nikkila, Moore, Schmidt, Straatmann, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk

read Ordinance No. 8718 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Nikkila, Moore, Schmidt, Straatmann, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Straatmann that Ordinance No. 8718 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Nikkila, Schmidt, Straatmann, Buschkoetter, Moore. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8718 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

CODE AMENDMENTS TO CHAPTER 59 "ADMINISTRATION AND PROCEDURES"

Public Hearings 6 through 9 were discussed together but voted on separately.

Mayor Nikkila opened the Public Hearing on the proposed amendments to the following chapters/sections of the City Code as follows: Sub-Section F "Scope of Approval" of Section 59-103 "Conditional Use Permit Procedure" of Chapter 59 "Administration and Procedures and consider Ordinance No. 8719.

There was no one present in opposition to this hearing.

Moved by Straatmann to close the Public Hearing on the proposed code amendments and introduced Ordinance No. 8719 amending the following chapters/sections of the City Code as follows: Sub-Section F "Scope of Approval" of Section 59-103 "Conditional Use Permit Procedure" of Chapter 59 "Administration and Procedures" and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Moore seconded the motion to close the hearing and suspend the rules for Ordinance No. 8719. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Nikkila, Straatmann, Buschkoetter, Moore, Schmidt. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8719 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Nikkila, Straatmann, Buschkoetter, Moore, Schmidt. Nay: None. Motion carried. Ordinance was read by number.

Moved by Moore seconded by Schmidt that Ordinance No. 8719 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Nikkila, Buschkoetter, Moore, Schmidt, Straatmann. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8719 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney

Police Department and the Kearney Public Library.

IV. CONSENT AGENDA

Moved by Schmidt seconded by Buschkoetter that Subsections 1 through 9 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Nikkila, Moore, Schmidt, Straatmann, Buschkoetter. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held December 17, 2024.
2. Approve the following Claims:

| | |
|------|--|
| PS | Personnel Services |
| SMCS | Supplies, Materials & Contractual Services |
| ER | Equipment Rental |
| CO | Capital Outlay |
| DS | Debt Service |

1000bulbs.com \$2,107.68 smcs; 4imprint \$3,636.03 smcs; Accent Wire-Tie \$1,178.14 smcs; Ace Hardware \$304.90 smcs; Ace Irrigation \$744.16 smcs,co; Acushnet \$578.23 smcs; Advance Auto Parts \$72.73 smcs; Advanced Prop Exposure \$3,800.00 smcs; Agri Coop \$240.44 smcs; Alert All \$1,116.00 smcs; Alert Internat'l \$40.00 smcs; Alfred Benesch \$17,106.17 smcs,co; All Copy \$142.97 smcs; All Partitions \$57.78 smcs; All Safe Industries \$1,990.00 smcs; Allo \$297.00 smcs; Ally B Designs \$175.00 smcs; Amazon \$18,133.31 smcs,co; American \$766.26 smcs; American Airlines \$107.98 smcs; American Electric \$2,900.00 co; American Fence \$62.35 smcs; American Instants \$105.24 smcs; American Red Cross \$144.00 smcs; Anypromo.com \$462.92 smcs; Anything Truck \$376.48 smcs; Apple \$7.96 smcs; Arch, the \$1,196.98 smcs; Area Services \$572.50 smcs; Arnold Motor Supply \$177.45 smcs; Artisans Photography \$280.00 smcs; Ask Supply \$1,560.30 smcs; Assn. Threat Assessment \$200.00 smcs; AT&T \$1,844.01 smcs; Auhorize.net \$10.00 smcs; Aurora Coop \$586.32 smcs; Automatic Systems \$787.50 smcs; Avalon King \$99.99 smcs; AvFuel \$128,615.54 smcs; B&H Photo \$10,699.76 smcs,co; Baker & Taylor \$3,800.56 smcs; Baristas \$150.25 smcs; Baum Hydraulics \$1,008.62 smcs; Bauman,T \$1.48 smcs; Beard,C \$150.00 smcs; Beehive Industries \$12,534.00 smcs; Beisheim,S \$594.00 smcs; Bennett,K \$70.93 smcs; BerganKDV \$20,000.00 smcs; Big Rack Shack \$15,553.00 co; Big Red Auto Glass \$968.34 smcs; Bitwarden \$543.04 smcs; Blackstone Library \$1,154.38 smcs; Blevins,B \$462.24 smcs; Blick Art Materials \$107.68 smcs; Blue Tees Golf \$973.34 smcs; BlueCross BlueShield \$544,255.83 smcs; Bomgaars \$1,006.18 smcs,co; Books Galore \$371.92 smcs; Bosselman \$35,820.92 smcs; Bossfuels \$72,913.89 smcs; BP of Brooking \$25.93 smcs; Brady Worldwide \$170.18 smcs; Branson Marketing \$250.00 smcs; Broadfoot's \$1,554.58 smcs; Brown,H \$2.74 smcs; Buckle \$102.21 smcs; Buffalo Co. Election \$3,127.90 smcs; Buffalo Co. Redi-Mix \$3,299.00 smcs; Buffalo Co. Sheriff \$257,323.25 smcs; Buffalo Co. Treasurer \$134.25 smcs,co; Builders \$316.73 smcs; CA Wing Specialties \$275.00 smcs; Cabela's \$159.78 smcs; Cal/Amp \$808.50 smcs; Candlewood Suites \$3,531.00 smcs; Canva \$269.30 smcs; Carhartt \$85.59 smcs; Carquest \$115.51 smcs; Casey's \$208.76 smcs; Cash-Wa \$53.30 smcs; CDW \$3,540.93 smcs,co; CE247 \$96.00 smcs; Cedar Rapids Tire \$319.90 smcs; Cellebrite \$330.00 smcs; Cenex \$123.25 smcs; Center Point \$81.81 smcs; Central

Hydraulic \$31.12 smcs; Central NE Bobcat \$435.66 smcs; Central States Safety \$1,250.00 smcs; Charlton,K \$28.71 smcs; Charter \$50.00 smcs; Chesterman \$564.00 smcs; Cintas \$352.15 smcs; Ciox Health \$42.00 smcs; City of Kearney \$507,515.89 smcs,ps; City Plumbing \$167.47 smcs; Coldspring \$372.75 smcs; Comfy Bowl \$150.00 smcs; Commonwealth Electric \$943.06 smcs; Computer Hardware \$2,124.85 smcs; Consolidated Concrete \$2,591.76 smcs,co; Consolidated Mgmt. \$346.75 smcs; Constant Contact \$157.00 smcs; Construction Rental \$4,594.58 smcs,co; Control Yours \$110.00 smcs; Cooperative Producers \$1,773.58 smcs; Copycat \$4,172.70 smcs; Core & Main \$13,320.44 smcs; Coslor,B \$92.66 smcs; Court Reserve \$179.65 smcs; Courtyard Marriott \$401.62 smcs; Critical Hire \$25.00 smcs; Culligan \$562.86 smcs; Cunningham's Journal \$83.15 smcs; Cutting Edge Cleaning \$85.00 smcs; Danburg,A \$141.48 smcs; Dandee Concrete \$11,106.20 co; Dashlane USA \$4,680.00 smcs; Data Shield \$131.06 smcs; David Barth \$9,073.05 smcs; Davis,J \$87.84 smcs; Dawson Public Power \$22,514.20 smcs; Del City \$610.72 smcs; Dell \$976.50 smcs; Depository Trust \$1,490,822.09 ds; Dettman,J \$336.32 smcs; Digi Key \$90.19 smcs; DigiCert \$618.00 smcs; Discount Filters \$108.49 smcs; Dish \$146.10 smcs; Divas \$525.00 smcs; Dmilaco \$36.00 smcs; Dollar General \$24.45 smcs; Dollar Tree \$10.70 smcs; Donkey Towing \$125.00 smcs; DTS Technology \$32.09 smcs; Dunham's \$213.93 smcs; Dunkin \$44.97 smcs; Dunlop \$1,802.80 smcs; Eakes \$4,389.81 smcs; Echo Electric \$157.34 co; Ecolab \$741.93 smcs; Ed Broadfoot & Sons \$92.25 smcs; Eileen's Cookies \$10.70 smcs; Elliott Equipment \$5,853.68 smcs; EMC Insurance \$295.47 smcs; ESRI \$605.00 smcs; Etsy \$2.40 smcs; Evident \$150.10 smcs; Expression Wear \$1,176.88 smcs; Eyemed \$2,273.43 smcs; Facebook \$539.57 smcs; Family Practice \$462.00 smcs, ps; Fast Gas \$48.25 smcs; Fastenal \$2,084.14 smcs; Fehringer, Adam \$67.40 smcs; Fire Line Equipment \$399.58 smcs; FP Leasing Group \$549.00 co; Friesen Chevrolet \$32.38 smcs; Frontier \$423.38 smcs; Frontier AI \$30.98 smcs; Gale/Cengage \$1,355.52 smcs; Galeton \$202.20 smcs; Galls \$25.42 smcs; Gametime \$14,884.20 co; Gap \$55.64 smcs; Garrett Tires \$1,222.73 smcs; GDIT FAA \$5.00 smcs; Genesis Lamp \$405.90 smcs; Get Sling \$128.18 smcs; Give Nebraska \$6.00 ps; Global Plumbing \$149.80 smcs; Glow Forge \$239.40 smcs; Go Physical Therapy \$55.00 ps; Golf Course Super. \$700.00 smcs; Good Sportsman \$67.26 smcs; Goodwin Tucker \$575.00 smcs; Govt. Finance Officer \$490.00 smcs; Graczyk Lawn \$2,167.00 smcs; Graham Tire \$1,959.24 smcs; Grainger \$1,138.04 smcs; Grand Hyatt \$853.17 smcs; Great Plains Comm. \$987.56 smcs; Great Plains Nursery \$1,334.50 smcs; Greater NE Cities \$1,000.00 smcs; Green Part Store \$579.85 smcs; Grey House Publishing \$2,085.00 smcs; Hagmo \$324.45 smcs; Harbor Freight Tools \$477.84 smcs; Heater,T \$175.93 smcs; Helly Hansen U.S. \$984.40 smcs; Hobby Lobby \$1,423.53 smcs; Hockemeier,A \$31.00 smcs; Holiday Inn Express \$629.96 smcs; Holmes Plumbing \$800.19 smcs,co; Holtz Industries \$211.95 smcs; Home Depot \$1,825.78 smcs; Hometown Leasing \$830.32 smcs; Huso, Brody \$15.00 smcs; Hydrovac Supply \$1,098.18 smcs; Hydro Verge \$2,035.00 smcs; Hy-vee \$619.34 smcs; ID Security \$614.00 smcs; Ihydrant \$1,160.35 smcs; Imperial Supplies \$412.86 smcs; Indelco Plastics \$2,906.79 smcs; Infobase \$10,174.32 smcs; Insight \$9,654.48 smcs; Integrated Security \$864.22 smcs; Interlight \$374.12 smcs; Invoice Home \$5.28 smcs; Iprint \$938.00 smcs; IRS \$434,349.24 ps; ISA 2024 Virtual \$250.00 smcs; J Higgins Ltd. \$111.00 smcs; Jackson Services \$473.83 smcs; Jack Lederman \$2,076.77 smcs; Jack's Uniforms \$498.69 smcs; Jensen-Beisheim,J \$351.00 smcs; Jesse's Last Stop \$34.50 smcs; Jimmy Johns \$35.34 smcs; Jmac Supply \$272.60 smcs; John T. Jones Const. \$1,622,874.91 co; Johnstone

Supply \$888.47 smcs; Joseph Elliott \$1,992.27 smcs; Kart-Man \$109.79 smcs; Kearney Animal Shelter \$15,675.50 smcs; Kearney Crete & Block \$6,038.88 smcs; Kearney Cultural Partners \$300.00 smcs; Kearney Hub \$1,336.08 smcs; Kearney Power Sports \$79.25 smcs; Kearney Sew & Vac \$21.98 smcs; Kearney Tire & Auto \$792.07 smcs; Kearney Towing \$300.00 smcs; Kearney Warehouse \$1,154.44 smcs; Kelly Supply \$694.35 smcs; KGFW \$817.50 smcs; Kings 111 Emergency \$40.00 smcs; Kirschner,A \$10.00 smcs; Koettters,J \$150.00 smcs; Konica Minolta \$612.11 smcs; Kovarik,K \$16.14 smcs; KRVN \$225.00 smcs; Kum & Go \$41.37 smcs; Kwik Kar \$22.00 smcs; L2 Brands \$1,183.46 smcs; Landmark Implement \$1,387.85 smcs; Language Line \$330.00 smcs; Lerbakken,B \$411.72 smcs; Lincoln National Life \$10,305.33 smcs; Lockmobile \$6.76 smcs; Loebig,J \$150.00 smcs; Love's \$138.34 smcs; Lowes \$173.91 smcs; Luethke,S \$4.48 smcs; Magic Cleaning \$8,690.00 smcs; Maloley,B \$111.14 smcs; MARA USA \$169,576.82 smcs; Marriott \$310.40 smcs; Marvel Industrial \$1,204.00 smcs; Matheson Trigas \$338.94 smcs; Mathieson,R \$37.29 smcs; MB Companies \$496.55 smcs; Menards \$4,177.38 smcs,co; Merrill Company \$238.13 smcs; Merryman Performing \$482.00 smcs; Michael Forsberg Photo \$117.11 smcs; Microfilm Imaging \$1,040.00 smcs; Microsoft \$106.99 smcs; Mid NE Mobility \$220.00 smcs; Mid-NE Garage Doors \$8,500.00 smcs; Midplains Equipment \$24.75 smcs; Midwest Connect \$11,442.36 smcs; Midwest Turf \$989.13 smcs; Miller & Associates \$1,250.00 co; Miracle Recreation \$136.83 co; Mirror Image \$148.10 smcs; Misko Sports \$485.00 smcs; Mission Square \$17,475.12 ps; Modern Imaging \$212.85 smcs; Moonlight Embroidery \$2,304.25 smcs; MPP Tools \$70.72 smcs; MTM Hydro Parts \$54.23 smcs; Municipal Supply \$58,764.67 smcs; Napa \$1,287.68 smcs; Nat'l Assn. School \$50.00 smcs; Nat'l Fire Protections \$822.05 smcs; Nat'l Petroleum \$530.40 smcs; Nat'l Safety \$815.86 smcs; NE Arboretum \$145.00 smcs; NE Chapter IAIE \$616.50 smcs; NE Child Support \$2,908.68 ps; NE Dept. of Revenue \$119,593.07 smcs,ps; NE Floodplain \$20.00 smcs; NE Games & Parks \$400.00 smcs; NE GSCA \$260.00 smcs; NE Library Commission \$2,858.68 smcs; NE Machinery \$2,508.40 smcs; NE Public Health \$2,567.00 smcs; NE Safety & fire \$635.00 smcs; NE School Resource \$30.00 smcs; NE Secretary State \$30.00 smcs; NE State Fire Marshal \$240.00 smcs; NE Truck Center \$2,761.94 smcs; NE Turf Assn. \$500.00 smcs; Network Solutions \$143.09 smcs; New China Express \$16.19 smcs; Newage Products \$935.17 smcs; NIAIA \$125.00 smcs; Nielsen Contracting \$163,154.75 co; Noetzelman,J \$150.00 smcs; Northern Safety \$130.24 smcs; Northwest Electric \$723.68 smcs; Northwestern Energy \$6,772.55 smcs; NPPD \$6,641.04 smcs; Office Depot \$381.33 smcs; Office Max \$3,064.81 smcs; Old Navy \$101.62 smcs; One Call Concepts \$318.94 smcs; O'Neill Wood Resources \$103,120.00 smcs; O'Reilly Auto \$2,806.98 smcs; OTC Brands \$192.16 smcs; Otto Environmental \$13,314.50 smcs; Overhead Door \$60.00 smcs; Overhead Recreation \$673.00 co; Paessler \$2,879.42 smcs; Paint Paradise \$168.75 smcs; Parts Tree \$57.11 smcs; PATC Training \$350.00 smcs; PCAN \$200.00 smcs; Penworthy \$332.32 smcs; Pep Co. \$275.63 smcs; Perez,B \$24.66 smcs; Perkins \$52.01 smcs; Petsmart \$426.34 smcs; Phelps,C \$13.30 smcs; Phillips 66 \$40.24 smcs; Ping \$55.49 smcs; Pitney Bowes \$517.50 smcs; Platinum Awards \$410.39 smcs; Platte Valley Auto \$3,456.80 smcs,co; Platte Valley Comm. \$77.18 smcs; POS Guys \$1,898.00 co; Poster My Wall \$44.90 smcs; Presto-X \$753.17 smcs; Priceline \$1,494.02 smcs; Prim Secured \$1,709.80 smcs; Prima \$425.00 smcs; Prime Secured \$1,344.15 smcs; Prime Video \$6.41 smcs; PSHRA \$420.00 smcs; Public Agency \$350.00 smcs; Pump & Pantry \$2.59 smcs; Quickdraw Caricatures \$415.00 smcs; Quill \$1,068.54 smcs; R&R Repair \$5,198.76 smcs; Rachel Gabel \$48.00 smcs;

Rapid Fire \$14,228.80 smcs; Rasmussen Mechanical \$2,277.63 smcs; Raycon Global \$256.78 smcs; RDG Planning \$62,304.42 co; Reams Supply \$298.18 smcs; Research Assn. Lab \$100.00 smcs; Recreonics \$7,023.69 co; Redman's Shoes \$2,936.90 smcs,co; Reinke's \$5,266.95 smcs; Remarkable \$682.01 smcs; Rentokil \$470.09 smcs; Reverse Osmosis \$79.11 smcs; Rheome Tree \$2,884.00 co; River Run Property \$1,125.18 smcs; S & B Heating \$1,981.50 smcs; Safety Products \$49.21 smcs; Sapp Bros. \$1,030.12 smcs; Sawyer,R \$375.50 smcs; Sayler Screenprinting \$3,304.05 smcs,co; Scheides,R \$20.00 smcs; Schiermeyer,K \$28.15 smcs; School District #7 \$2,220.00 smcs; Schukei,L \$195.00 smcs; Schumacher Fencing \$1,777.95 smcs; Scooter's \$200.00 smcs; Sheepdog Guardian \$450.00 smcs; Sherwin Industries \$610.81 smcs; Sherwin Williams \$309.50 smcs; Shoutbomb \$612.00 smcs; Sign Up Genius \$269.89 smcs; Siteone Landscape \$2,464.97 smcs,co; SLA Corp. \$246.78 smcs; Sonetics Corp. \$625.00 smcs; Spectrum \$785.45 smcs; Speedy's \$29.96 smcs; Sportsturf Irrigation \$3,588.93 smcs; Sprayers Plus \$141.99 smcs; Sprinkler Warehouse \$109.05 smcs; State of NE/DAS \$33.39 smcs; State Supply \$823.98 smcs; Steinbrink Landscaping \$139.99 smcs; Stitch Upholstery \$75.00 smcs; Stover,K \$86.00 smcs; Stutsman \$3,843.00 smcs; Sun Life \$80,846.20 smcs; Sunbelt Rentals \$2,837.61 smcs,co; Supply House \$27.10 smcs; Surgent \$152.60 smcs; Sybrant Machining \$100.00 smcs; T&T Mobile Washing \$110.00 smcs; Tank Scan \$400.00 smcs; Target \$276.85 smcs; Teknephos \$1,685.00 co; Text Alerts \$228.00 smcs; Thrasher Basement \$3,492.48 smcs; Tingley \$1,640.05 smcs; Titan Machinery \$2,660.45 smcs; Tmobile \$35.40 smcs; Tommy's Express \$270.00 smcs; Tractor Supply \$1,205.99 smcs; Transunion \$110.80 smcs; Tri County Glass \$165.00 smcs; Tri State Oil \$37.50 smcs; Tri-Cities Roofing \$850.75 smcs; Triple Crown Products \$4,681.37 smcs; Tru Green \$1,740.82 smcs; Tru Value \$256.23 smcs; Turbo Technologies \$1,593.67 smcs; Turner Body Shop \$1,077.16 smcs; Tye & Rowling \$16,356.74 smcs; U of M Minitex \$1,130.00 smcs; UI \$820.00 smcs,co; Uline \$1,471.75 smcs; Uncommon USA \$714.76 smcs; Unifirst \$177.15 smcs; Union Bank & Trust \$240,175.32 ps; Unique Mgmt. \$198.05 smcs; United Way \$54.00 ps; UPS \$152.43 smcs; USPS \$1,126.11 smcs; UVT \$3,565.00 smcs; Verizon \$15,716.99 smcs; Vestil Manufacturing \$534.02 smcs; Vestis \$316.67 smcs; Video Kingdom \$2,929.96 co; Village Services \$483.07 smcs; VW Golf \$163.65 smcs; Waldinger Corporation \$1,911.68 smcs; Walgreens \$137.92 smcs; Walker Display \$25.96 smcs; Walmart \$2,044.70 smcs,co; Ward Laboratories \$118.25 smcs; Warren-T Plumbing \$190.00 smcs; Waugh,B \$94.50 smcs; Weaver,N \$149.96 smcs; Western NRG \$225.00 smcs; Wilcac Life \$5.00 ps; Winlectric \$6,574.71 smcs,co; Winnelson \$2,045.75 smcs; Winter Equipment \$1,622.27 smcs; World Book \$1,259.00 smcs; WPCI \$912.58 ps; Youtube \$426.80 smcs; Zoro Tools \$195.16 smcs; Payroll Ending 12/14/2024 -- \$658,910.52; Payroll Ending 12/28/2024 -- \$658,428.91. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Appointment of Jonathan Nikkila to serve on the Kearney Visitors Bureau, the appointment of Kurt Schmidt and Tami James Moore to serve on the Buffalo County Economic Development Council, and the appointment of Tami James Moore, Alex Straatmann and Chuck Ogle to serve on the Joint Airport Zoning Board.

4. Approve the application submitted by Sean Vontz from Vontz Paving, Inc, to extend Conditional Use Permit No. 2019-04 to operate a resource extraction operation

(sand & gravel) generally located south of East 11th Street and East of Imperial Avenue for a period of five years.

5. Approve the application submitted by Sean Vontz from Vontz Paving, Inc, to extend Conditional Use Permit No. 2019-05 to operate an asphalt batch plant generally located south of East 11th Street and East of Imperial Avenue for a period of two years.
6. Adopt Resolution No. 2025-4 approving the Annual Redevelopment Project Report as required by State Statute 18.2117.02.

RESOLUTION NO. 2025-4

WHEREAS, on March 21, 2018, Governor Ricketts signed LB 874, which took effect on July 19, 2018; and

WHEREAS, Section 18-2117.02 of LB 874 states that on or before May 1 of each year, each authority shall compile information regarding the approval and progress of redevelopment projects that are financed in whole or in part through the division of taxes as provided in section 18-2147 and report such information to the governing body of the city and to the governing body of each county, school district, community college area, educational service unit, and natural resources district whose property taxes are affected by such division of taxes; and

WHEREAS, the report is required to include the following information:

1. Total number of active redevelopment projects within the city that have been financed in whole or in part through the division of taxes as provided in section 18-2147.
2. Total estimated project costs for such redevelopment projects.
3. A comparison between the initial projected valuation for property included in each such redevelopment project as described in the redevelopment contract and the assessed value of the property included in each such redevelopment project as of January 1 of the year of the report.
4. The number of such redevelopment projects approved by the governing body in the previous calendar year.
5. Information specific to each such redevelopment project approved by the governing body in the previous calendar year, including the project area, project type, amount of financing approved, and total estimated project costs.
6. The number of such redevelopment projects for which financing has been paid in full during the previous calendar year and for which taxes are no longer being divided pursuant to section 18-2147.
7. The percentage of the city that has been designated as blighted; and

WHEREAS, on January 6, 2025, the Community Redevelopment Authority approved the Annual Report.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Annual Redevelopment Report required by Section 18-2117.02 of LB 874 as set forth in the attached report, marked Exhibit "A," attached hereto and made a part hereof by reference, is hereby approved.

PASSED AND APPROVED THIS 14TH DAY OF JANUARY, 2025.

ATTEST:
PEGGY EYNETICH
CITY CLERK

JONATHAN NIKKILA
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

7. Accept the bids received for the 2025 Part 1 Improvements; 30th Avenue Overpass Rehabilitation project and adopt Resolution No. 2025-5 awarding the bid to KEA Constructors in the amount of \$1,536,241.10.

RESOLUTION NO. 2025-5

WHEREAS, Oak Creek Engineering and the City of Kearney have reviewed the sealed bids which were opened on January 7, 2025 at 2:00 p.m. for the 2025 Part 1 Improvements; 30th Avenue Overpass Rehabilitation; and

WHEREAS, the Engineer’s Opinion of Probable Construction Cost for the project was \$2,591,261.00; and

WHEREAS, Oak Creek Engineering and the City have recommended the bid offered by KEA Constructors of Milford, Nebraska in the amount of \$1,536,241.10 be accepted as the lowest responsible bid for the 2020 Part 3 Improvements; 2nd Avenue Overpass Extension Joint Repair.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the said Engineer’s recommendation is hereby accepted, that Wilke Contracting Corp. be and is the lowest responsible bidder for the 2025 Part 1 Improvements; 30th Avenue Overpass Rehabilitation to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of KEA Constructors in the amount of \$1,536,241.10, be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer’s Opinion of Probable Construction Cost in the amount of \$2,591,261.00 be and is hereby accepted.

BE IT FURTHER RESOLVED that the President of the Council of the City of Kearney, Nebraska, be and is hereby authorized and directed to execute contracts for such improvements in accordance with the bid, plans, specifications, and general stipulations pertaining thereto.

PASSED AND APPROVED THIS 14TH DAY OF JANUARY, 2025.

ATTEST:
PEGGY EYNETICH
CITY CLERK

JONATHAN NIKKILA
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

8. Accept the bids received for the Kearney Public Library HVAC Replacement project and award the bid to Rutt’s Heating & A/C Inc. in the amount of \$190,750.00.

9. Adopt Resolution No. 2025-6 appointing City employee Brandon Shafto (License No. S-1572, Class A) to serve as the City Street Superintendent during January 1 thru December 31, 2025, with regard to requirements and duties with the Nebraska Department of Transportation as he has served in this capacity since November 6, 2015 and for the purpose of the 2025 calendar year Highway Incentive Payment, to be issued to the City of Kearney by the Nebraska Department of Transportation, in February 2026.

RESOLUTION NO. 2025-6

WHEREAS, City employee Brandon Shafto (License No. S-1572, Class A) will serve as the City Street Superintendent during January 1 thru December 31, 2025, with regard to requirements and duties with the Nebraska Department of Transportation, as he has served in this capacity since November 6, 2015; and

WHEREAS, City employee Brandon Shafto (License No. S-1572, Class A) will continue to serve as the City Street Superintendent for the purpose of the 2025 calendar year Highway Incentive Payment, to be issued to the City of Kearney by the Nebraska Department of Transportation, in February 2025.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, authorizes and approves City employee Brandon Shafto (License No. S-1572, Class A) to serve as the City Street Superintendent during January 1 thru December 31, 2025, with regard to requirements and duties with the Nebraska Department of Transportation, as he has served in this capacity since November 6, 2015; and for the purpose of the 2025 calendar year Highway Incentive Payment, to be issued to the City of Kearney by the Nebraska Department of Transportation, in February 2026.

PASSED AND APPROVED THIS 14TH DAY OF JANUARY, 2025.

ATTEST:
PEGGY EYNETICH
CITY CLERK

JONATHAN NIKKILA
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

DEVELOPER CONSTRUCTED INFRASTRUCTURE AGREEMENT FOR “VILLAGE PLAZA SECOND ADDITION - KCHS APARTMENTS”

Mayor Nikkila introduced Resolution No. 2025-7 approving the Developer Constructed Infrastructure Agreement for Village Plaza Second Addition - KCSH Apartments an addition to the City of Kearney, Buffalo County, Nebraska between the City of Kearney and Kearney Community Sustainable Housing, LLC, a Nebraska Non-Profit Corporation, for the construction of public improvements, water main and sanitary sewer main to serve Lot 2, Block 1 Village Plaza Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

Moved by Buschkoetter seconded by Nikkila to approve Resolution No. 2025-7 approving the Developer Constructed Infrastructure Agreement for Village Plaza Second Addition - KCSH Apartments an addition to the City of Kearney, Buffalo County, Nebraska between the City of Kearney and Kearney Community Sustainable Housing, LLC, a Nebraska Non-Profit Corporation, for the construction of public improvements, water main and sanitary sewer main to serve Lot 2, Block 1 Village Plaza Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Nikkila, Schmidt, Straatmann, Buschkoetter. Nay: None. Moore, abstain. Motion carried.

RESOLUTION NO. 2025-7

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled “Developer Constructed Infrastructure Agreement for Village Plaza Second Addition - KCHS Apartments, an addition to the City of Kearney, Buffalo County, Nebraska” between the City of Kearney and Tami Moore, Executive Director of Kearney Community Sustainable Housing, a Nebraska Non-Profit Corporation for the construction of public improvements, water main and sanitary sewer main for Lot 2, Block 1 Village Plaza Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska be and is hereby accepted and approved. The Agreement, marked as Exhibit “A” is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the same agreement on behalf of the City of Kearney. PASSED AND APPROVED THIS 14TH DAY OF JANUARY, 2025.

ATTEST:
PEGGY EYNETICH
CITY CLERK

JONATHAN NIKKILA
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

VII. REPORTS

Mayor Nikkila announced anyone wishing to address the City Council on a matter not on this evening’s agenda is asked to approach the podium at this time. Hearing none, Mayor Nikkila moved on to Council and City Manager reports.

Ms. Jensen stated the DCIA for Village Plaza Second Addition is standard for multi-family development projects and further noted that the meeting of the Legislature began with approximately 30 Bills thus far being introduced that could have potential impact on the City. The Bills will be followed closely and updates will be provided in the future.

VIII. ADJOURN

Moved by Nikkila seconded by Buschkoetter that Council adjourn at 6:12 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

ATTEST:

JONATHAN NIKKILA
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

PEGGY EYNETICH
CITY CLERK