

*Kearney, Nebraska  
February 11, 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 February 11, 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; Andy Harter, Director of Public Works; Bryan Waugh, Chief of Police; Melissa Dougherty-O'Hara, City Planner; 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**

With the absence of a minister, 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**

#### **DEVELOPMENT OF GARDNER SCHROER ADDITION**

Mayor Nikkila opened the public hearing on the Applications submitted by Trenton Snow (Applicant) for RAINBOW GROUP, INC/ MRS Properties, LLC (Owners) to 1) vacate Lot 1, Fast Phil Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8722; and 2) the Final Plat and Subdivision Agreement for Gardner Schroer Addition, an addition to the City of Kearney, Buffalo County, Nebraska being described as a tract of land being part of the Southwest Quarter of the Northwest Quarter of Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, said tract containing Lot 1 (now vacated), Fast Phil Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska (405 & 407 2nd Avenue East) and consider Resolution No. 2025-15.

Trenton Snow presented this matter to the Council. Mr. Snow demonstrated the property's boundary line, which cuts through Whiskey Creek's parking lot, and explained that the new gas station owner intended to sell that portion of the property to Whiskey Creek. The proposed plat is due to the property Whiskey Creek is located on never being platted; Mr. Snow noted that all easements will remain the same.

There was no one present in opposition to this hearing.

Moved by Straatmann to close the public hearing on the Applications submitted by Trenton Snow (Applicant) for RAINBOW GROUP, INC/ MRS Properties, LLC (Owners) and introduced Ordinance No. 8722 vacating Lot 1, Fast Phil Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska 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. 8722. 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. 8722 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 Moore seconded by Schmidt that Ordinance No. 8722 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. 8722 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.

Moved by Schmidt seconded by Buschkoetter to adopt Resolution No. 2025-15 approving the Final Plat and Subdivision Agreement for Gardner Schroer Addition, an addition to the City of Kearney, Buffalo County, Nebraska being described as a tract of land being part of the Southwest Quarter of the Northwest Quarter of Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, said tract containing Lot 1 (now vacated), Fast Phil Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska (405 & 407 2nd Avenue East). Roll call resulted as follows: Aye: Nikkila, Straatmann, Buschkoetter, Moore, Schmidt. Nay: None. Motion carried.

### **RESOLUTION NO. 2025-15**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Gardner Schroer Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of the Southwest Quarter of the Northwest Quarter of Section 12, Township 8 North, Range 16 West of the Sixth P. M., Buffalo County, Nebraska, said tract containing Lot 1 (now vacated), Fast Phil Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, all more particularly described as follows: Referring to the point of intersection of the east line of Second Avenue, a street in the City of Kearney, Buffalo County, Nebraska, formerly known as Nebraska State Highway No. 10, and the north line of 4th Street, a street in the City of Kearney, Buffalo County, Nebraska, and assuming the north line of said 4th Street as bearing EAST and all bearings contained herein are relative thereto; thence EAST on the aforesaid north line a distance of 60.0 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being the southwest corner of said Lot 1; thence N 01°50' E on the west line of said lot (if extended north) a distance of 250.0 feet; thence N 00°16'45" W a distance of 41.0 feet; thence N 89°54' E a distance of 183.5 feet; thence S 01°50' W a distance of 28.0 feet; thence N 89°54' E a distance of 18.55 feet; thence S 00°08'42" E on the east line of said Lot 1 (if extended north) a distance of 263.0 feet to the southeast corner of said lot, said point being on the north line of said 4th Street; thence WEST on the aforesaid north line and the south line of said Lot 1 a distance of 209.7 feet to the place of beginning, 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 11TH DAY OF FEBRUARY, 2025.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

JONATHAN NIKKILA  
PRESIDENT OF THE COUNCIL  
AND EX-OFFICIO MAYOR

**REZONING OF PROPERTY LOCATED AT 320 EAST 31ST STREET**

Public Hearings 2 and 3 were discussed together but voted on separately.

Mayor Nikkila opened the public hearing on the application submitted by Miller & Associates (Applicant) for GAMMA XV, LLC, Russell G. Hilliard (Owners) to rezone from R-1, Urban Residential Single-Family District (Low Density), to District R-1D, Residential District for property described as Lots, 57, 58, 59, and 60, Forest Park, an Addition to the City of Kearney, Buffalo County, Nebraska (320 East 31st Street) and consider Ordinance No. 8723.

Craig Bennett, Miller & Associates, presented this matter to the Council. Mr. Bennett reviewed the property where the rezoning and Conditional Use Permit (CUP) would occur and stated that the rezoning would not require an amendment to the Future Land Use Map. Mr. Bennett also reviewed the parking layout, elevator certificate and inspections, and the conditions for the CUP and also explained the adaptive reuse strategy for preserving the building's historical integrity.

Mayor Nikkila asked how the hours of operation would be enforced. Brenda Jensen, City Manager explained that it would be enforced on a complaint basis.

Council Member Tami James Moore stated that this type of use for historical homes is commonplace in the Pacific Northwest and seems to work very well there.

Council Member Alex Straatmaann expressed his appreciation for the work put forth with the application and stated his belief that the CUP will be heavily scrutinized by the public.

Council Member Randy Buschkoetter stated that the options for the home are limited and believes the CUP is one of the best options available.

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 GAMMA XV, LLC, Russell G. Hilliard (Owners) and introduced Ordinance No. 8723 rezoning from R-1, Urban Residential Single-Family District (Low Density), to District R-1D, Residential District for property described as Lots, 57, 58, 59, and 60, Forest Park, an Addition to the City of Kearney, Buffalo County, Nebraska (320 East 31st Street) 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. 8723. 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. 8723 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. 8723 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. 8723 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.

### **CONDITIONAL USE PERMIT FOR PROPERTY LOCATED AT 320 EAST 31ST STREET**

Public Hearings 2 and 3 were discussed together but voted on separately.

Mayor Nikkila opened the public hearing on the application submitted by Miller & Associates (Applicant) for GAMMA XV, LLC, Russell G. Hilliard (Owners), for a Conditional Use Permit for a General Office, for property described as Lots, 57, 58, 59, and 60, Forest Park, an Addition to the City of Kearney, Buffalo County, Nebraska (320 East 31st Street) and consider Ordinance No. 8724.

There was no one present in opposition to this hearing.

Moved by Straatmann to close the public hearing on the Application submitted by submitted by Miller & Associates (Applicant) for GAMMA XV, LLC, Russell G. Hilliard (Owners) and introduced Ordinance No. 8724 for a Conditional Use Permit for a General Office, for property described as Lots, 57, 58, 59, and 60, Forest Park, an Addition to the City of Kearney, Buffalo County, Nebraska (320 East 31st Street) 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. 8724. 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, Schmidt, Straatmann, Buschkoetter, Moore. 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. 8724 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Nikkila, Schmidt, Straatmann, Buschkoetter, Moore. Nay: None. Motion carried. Ordinance was read by number.

Moved by Moore seconded by Schmidt that Ordinance No. 8724 be passed, approved

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

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8724 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.

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

Moved by Schmidt seconded by Buschkoetter that Subsections 1 through 12 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Nikkila, Buschkoetter, Moore, Schmidt, Straatmann. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held January 28, 2025.

2. Approve the following Claims:

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

A T & T \$70.00 smcs; Agri Coop \$349.93 smcs; All Copy \$108.34 smcs; American Fence \$6,540.00 smcs; Archivesocial \$10,444.39 smcs; Ask Supply \$2,660.38 smcs; Aurora Coop \$2,004.26 smcs; Automatic Systems \$7,998.48 smcs,co; AvFuel \$23,320.83 smcs; Baird Holm \$427.00 smcs; Baker & Taylor \$2,164.88 smcs; Barcell Landscape \$3,520.00 smcs; Baye, S \$122.50 smcs; BenchMark \$460.10 smcs; Blackstrap \$3,605.42 smcs; BlueCross BlueShield \$221,521.75 smcs; Bossfuels \$20,013.57 smcs; Broadfoot's \$1,478.39 smcs; Buffalo Co. Sheriff \$691.30 smcs; Builders \$69.96 smcs,co; Cash Wa \$247.18 smcs; Center Point \$81.81 smcs; Central District Health \$4,912.00 smcs; Central States Wire \$6,786.43 smcs; Chesterman \$348.00 smcs; City of KY \$815,106.86 smcs,ps; Civic Plus \$19,609.80 smcs; Cold Spring \$900.75 smcs; Comcate \$2,636.07 smcs; Comm. Action Partnership \$5,759.00 smcs; Donkey Towing \$375.00 smcs; Dowhy Towing \$86.00 smcs; Eakes \$571.70 smcs; Fuller, A \$270.00 smcs; Gale/Cengage \$230.28 smcs; Garrett Tires \$6,068.37 smcs; Give Nebraska \$30.00 ps; Greater NE Cities \$1,000.00 smcs; Hach Company \$9,328.50 smcs; Heller, B \$138.50 smcs; Highland Park \$6,134.19 smcs; Hird, J \$150.00 smcs; Integrated Security \$1,080.00 smcs; IRS \$212,966.26 ps; Jack Lederman \$41.40 smcs; Jack's Uniforms \$409.19 smcs; John T. Jones Const. \$173,086.60 co; Jones, C \$504.00 smcs; Kaslon, D \$335.00 smcs; KY Animal Shelter \$5,000.00 smcs; KY Catholic HS \$324.00 smcs; KY High School \$80.00 smcs; KY Storytelling Fest. \$350.00 smcs; KY Towing \$125.00 smcs; KY Winlectric \$96,929.89 co; Kehl, S \$150.00 smcs; Klingelhoef, C \$48.13 smcs; Kociemba, T \$122.50 smcs; Kohnen, B \$113.85 smcs; LeadsOnline \$4,946.00 smcs; Levander's \$216.00 smcs; Lincoln Nat'l Life \$13,394.70 smcs; Love Signs \$12,671.23 co; Luke Derek \$330.00 smcs; M & E Plastic Repair \$1,400.00 smcs; Magic Cleaning \$9,090.00 smcs; May, K \$50.00 smcs; MCL Construction \$935,108.55 co; McLaughin, P \$94.50 smcs; Menards \$138.83 smcs; Midwest Connect \$10,604.09 smcs; Midwest

Management \$965.00 smcs; Midwest Petroleum \$5,168.77 smcs; Milco Environmental \$3,364.27 smcs; Miller & Associates \$31,784.75 smcs,co; Miller, D \$150.00 smcs; Mission Square \$8,572.43 ps; Municipal Supply \$102,328.77 smcs; Murphy Tractor \$385,000.00 co; NE Child Support \$1,454.34 ps; NE Dept. of Revenue \$97,737.01 ps; NE Law Enf. Training \$120.00 smcs; NE Public Health \$37.00 smcs; NE Safety and Fire \$150.00 smcs; NE Truck Center \$6,055.39 smcs; New Deal Deicing \$47,575.00 smcs; Northwestern Energy \$8,384.30 smcs; NPPD \$6,979.54 smcs; Olsson Associates \$30,920.00 co; One Call Concepts \$18.86 smcs; O'Neill Wood Resources \$3,675.00 smcs; O'Reilly Auto \$4,466.11 smcs,co; Patterson, T \$138.50 smcs; Payton, D \$150.00 smcs; Pep Co. \$220.51 smcs; Platinum Awards \$206.80 smcs; Presto-X \$164.48 smcs; Prime Secured \$18,551.45 smcs,co; Rasmussen Mechanical \$1,237.20 smcs; Rasmussen, J \$67.00 smcs; Resource Mgmt. \$2,440.00 smcs; Rheome Tree \$3,500.00 smcs; S&B Heating \$35.00 smcs; Safelite Auto Glass \$379.29 smcs; School District #7 \$895.00 smcs; See Clear Cleaning \$1,472.50 smcs; Sign Center \$1,809.00 smcs; SignIt \$54.00 smcs; Snap-On Tools \$387.00 smcs; Soccer Master/Ebrtos \$11,428.00 co; Sontiq \$489.15 ps; State of NE/DAS \$76.23 smcs; Stutsman \$2,745.00 smcs; Sun Life \$81,501.60 smcs; Titleist/Acushnet \$3,513.39 smcs; TK Elevator \$2,466.94 smcs; Trausch, A \$283.50 smcs; Tri Co. Glass \$125.00 smcs; Trojan Technologies \$26,104.04 smcs; Turner Body Shop \$250.00 smcs; Twin City Hardware \$515.40 smcs; Union Bank & Trust \$118,017.97 ps; United Way \$30.00 ps; US Air Purifiers \$3,640.66 smcs; Verizon \$14,116.65 smcs; Vertical Lift \$1,436.36 smcs; Village Uniform \$224.28 smcs; Vogt, M \$150.00 smcs; Warrington, D \$326.41 smcs; Waugh, B \$173.60 smcs; Web Resource \$20,705.40 co; Payroll Ending 01/25/2025 -- \$667,811.39. 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. Approve the application submitted by Rick Shoemaker, owner of Huss Livestock Market, to extend Conditional Use Permit No. 1978-01 to locate a manufactured home for security purposes located at 1202 West 19th Street for a period of three (3) years.
4. Approve the application submitted by Rick Shoemaker, owner of Huss Livestock Market, to extend Conditional Use Permit No. 2006-03 to stockpile snow and manure at 1202 West 19th Street for a period of three (3) years.
5. Adopt Resolution No. 2025-16 approving the Towing Agreement between the City of Kearney and 4 States Towing.

### **RESOLUTION NO. 2025-16**

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the City Manager is authorized and directed to execute the Towing Agreement on behalf of the City of Kearney, Nebraska with 4 States Towing for towing services within the City of Kearney. The Towing Agreement, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 11TH DAY OF FEBRUARY, 2025.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

JONATHAN NIKKILA  
PRESIDENT OF THE COUNCIL  
AND EX-OFFICIO MAYOR

6. Adopt Resolution No. 2025-17 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement for Arbor View First, an addition to the City of Kearney, Buffalo County, Nebraska.

**RESOLUTION NO. 2025-17**

WHEREAS, on the 10th day of March, 2020 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2020-39 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Timothy J. Norwood, being an Owner and the Developer, to construct paving, water main, sanitary sewer main, and storm sewer to serve Arbor View First, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, the Developer has constructed the public improvements in accordance with the requirements and standards set forth in Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney; and

WHEREAS, in accordance with Section 9-1318 "Acceptance of Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney the Developer has certified to the City that there are no liens or other encumbrances against the construction work; and

WHEREAS, the City's Engineers have determined that the work is in compliance with the design and is complete.

NOW THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the public improvements for paving, water main, sanitary sewer main, and storm sewer to serve the property described as Arbor View First, an addition to the City of Kearney, Buffalo County, Nebraska constructed under, and in accordance with, Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney be and are hereby accepted.

PASSED AND APPROVED THIS 11TH DAY OF FEBRUARY, 2025.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

JONATHAN NIKKILA  
PRESIDENT OF THE COUNCIL  
AND EX-OFFICIO MAYOR

7. Approve the purchase of a Vactor 2100I Sewer Jet/Vac Truck, equipped with a Vaporooter root foaming/treatment and Douglas grease release systems in the amount of \$625,448.43 submitted by Macqueen Equipment under the Sourcewell Cooperative Purchasing Contract program to be used in maintaining the sanitary sewer collection system infrastructure for the City of Kearney.

8. Accept the bids received for the Kearney Regional Airport Apron Reconstruction Project (Grant No.: 3-31-0045-040/041/042) and adopt Resolution No. 2025-18 awarding the bid to Constructors Inc. in the amount of \$8,591,888.16.

**RESOLUTION NO. 2025-18**

WHEREAS, Alfred Benesch and Company and the City of Kearney have reviewed the sealed bids which were opened on January 21, 2025 at 2:00 p.m. for the Apron Reconstruction Project (Grant No.: 3-31-0045-040/041/042); and

WHEREAS, the Engineer’s Opinion of Probable Construction Cost for the project was \$9,057,965.00; and

WHEREAS, Alfred Benesch and Company and the City have recommended the bid offered by Constructors, Inc. of Lincoln, Nebraska in the amount of \$8,591,888.16 be accepted as the lowest responsible bid for the Apron Reconstruction Project (Grant No.: 3-31-0045-040/041/042), subject to FAA concurrence.

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 Constructors, Inc. be and is the lowest responsible bidder for the Apron Reconstruction Project (Grant No.: 3-31-0045-040/041/042) to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Constructors, Inc. in the amount of \$8,591,888.16, subject to FAA concurrence, be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer’s Opinion of Probable Construction Cost in the amount of \$9,057,965.00 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 11TH DAY OF FEBRUARY, 2025.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

JONATHAN NIKKILA  
PRESIDENT OF THE COUNCIL  
AND EX-OFFICIO MAYOR

9. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class C liquor license and manager applications for Matthew Epp, Manager submitted by Primodity LLC dba Primodity LLC located at 2001 Avenue A.

10. Adopt Resolution No. 2025-19 approving Change Order No. 1 showing an increase in the amount of \$1,800.00 submitted by Nielsen Contracting, LLC and approved by Miller & Associates for the 2024 Part 5 Improvements - 29th Avenue and West La Platte Road.

**RESOLUTION NO. 2025-19**

WHEREAS, Nielsen Contracting, LLC of Kearney, Nebraska has performed services in connection with 2024 Part 5 Improvements - 29th Avenue and West LaPlatte Road, and the City’s engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing an increase in the amount of \$1,800.00 as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 490,279.50
Changer Order No. 1	<u>+ 1,800.00</u>
Contract Sum To Date	\$ 492,079.50

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1, as shown on Exhibit “A”, be and are hereby accepted and approved.

PASSED AND APPROVED THIS 11TH DAY OF FEBRUARY, 2025.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

JONATHAN NIKKILA  
PRESIDENT OF THE COUNCIL  
AND EX-OFFICIO MAYOR

11. Adopt Resolution No. 2025-20 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement for Lot 579 and all of vacated "L" Avenue in Block 0 of the Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska.

**RESOLUTION NO. 2025-20**

WHEREAS, on the 27th day of August, 2024 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2024-113 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Brandon Green, Owner/Manager of 922 Enterprises - Kearney Storage, LLC, a Nebraska Limited Liability Company, to construct water main to serve Lot 579 and all of vacated "L" Avenue in Block 0 of the Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska.; and

WHEREAS, the Developer has constructed the public improvements in accordance with the requirements and standards set forth in Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney; and

WHEREAS, in accordance with Section 9-1318 "Acceptance of Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney the Developer has certified to the City that there are no liens or other encumbrances against the construction work; and

WHEREAS, the City's Engineers have determined that the work is in compliance with the design and is complete.

NOW THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the public improvements for water main to serve the property described as Lot 579 and all of vacated "L" Avenue in Block 0 of the Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska. constructed under, and in accordance with, Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney be and are hereby accepted.

PASSED AND APPROVED THIS 11TH DAY OF FEBRUARY, 2025.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

JONATHAN NIKKILA  
PRESIDENT OF THE COUNCIL  
AND EX-OFFICIO MAYOR

12. Approve the application submitted by Turkey Creek Properties, LLC, a Nebraska Corporation to extend Conditional Use Permit No. 2019-06 for a resource extraction (sand & gravel mining) located west of Yanney Avenue and north of Interstate 80 for a period of five years.

**V. CONSENT AGENDA ORDINANCES**

None.

**VI. REGULAR AGENDA**

**OPEN ACCOUNT CLAIM**

Moved by Buschkoetter seconded by Nikkila that the Open Account Claim in the amount

of \$190.00 payable to University of NE and \$360.00 payable to UNK Emarket be allowed. Roll call resulted as follows: Aye: Nikkila Schmidt, Buschkoetter. Nay: None. Moore and Straatmann abstained. Motion carried.

Moved by Nikkila seconded by Straatmann that the Open Account Claim in the amount of \$217.00 payable to Grant Buschkoetter be allowed. Roll call resulted as follows: Aye: Nikkila, Schmidt, Straatmann, Moore. Nay: None. Buschkoetter abstained. Motion carried.

## **VII. REPORTS**

Council Member Kurt Schmidt welcomed 7 Brew Coffee to the community.

Mayor Nikkila thanked the Public Works department for their extra work during the weather events.

Council Member Moore stated that she is interested to see the house on East 31st Street turned into offices.

Ms. Jensen reviewed changes to flight times at the Kearney Regional Airport.

## **VIII. ADJOURN**

Moved by Nikkila seconded by Straatmann that Council adjourn at 6:03 p.m. Roll call resulted as follows: Aye: Nikkila, Straatmann, Buschkoetter, Moore, Schmidt. Nay: None. Motion carried.

**ATTEST:**

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**JONATHAN NIKKILA  
PRESIDENT OF THE COUNCIL  
AND EX-OFFICIO MAYOR**

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**PEGGY EYNETICH  
CITY CLERK**