

Kearney, Nebraska
August 26, 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 August 26, 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; Brian Schultz, Director of Finance; Andy Harter, Director of Public Works; Sarah Sawin, Director of Utilities; Shawna Erbsen, Director of Administrative Services; Jason Whalen, Fire Administrator; Jake Misener, Deputy City Clerk; Gabriel Kowalek, Chief of Police; Neil Miller, Buffalo County Sheriff; Dan Schleusener, Chief Deputy Sheriff and several members of the Kearney Police Department were also present. Members of the media present included: Brian Neben, NRG Media and Peter Rice, News Channel Nebraska - Panhandle.

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

Members of the Kearney Police Department Honor Guard presented the colors. 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/RECOGNITION

OATH OF OFFICE TO POLICE CHIEF GABRIEL KOWALEK

Brenda Jensen, City Manager, congratulated Chief Kowalek, noting the competitive hiring process for Police Chief due to the caliber of internal leadership. Ms. Jensen stated Chief Kowalek brings an amazing amount of experience to his new position.

Chief Kowalek stated he can't imagine being a Police Officer anywhere else and feels blessed to be Kearney's Police Chief. Chief Kowalek noted his full commitment to continuing the partnerships that the Kearney Police Department currently has with the Buffalo County Sheriff's Department and the Nebraska State Patrol. Chief Kowalek extended his thanks to Ms. Jensen for the assignment, City Council members for the continued team effort that the Police Department shares with Council, and to his family for supporting him throughout his career.

OATH OF OFFICE TO POLICE OFFICER GAVYNN WEST

Chief Kowalek introduced Officer Gavynn West, noting that Officer West is a graduate of Hastings High School, served in the Air Force and currently serves in the Nebraska Air National Guard.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

CONSIDER TRANSFER OF KENO PROGRESSIVE JACKPOT FUNDS

Mayor Nikkila opened the public hearing on the transfer of Keno Progressive Jackpot Funds to the City of Kearney Community Betterment Fund and consider Resolution No. 2025-97.

Mike Tye, City Attorney, presented this matter to the Council. Mr. Tye explained that the Progressive Jackpot Funds were received by certified check from the City's previous Keno Operator and stated that, pursuant to Nebraska Department of Revenue Rules, a Public Hearing must be conducted to determine what to do with the funds. Mr. Tye stated that, after consulting the Nebraska Department of Revenue, it is recommended that the funds be deposited into the Community Betterment Fund.

Council Member Alex Straatmann asked if the Community Betterment Fund is where Keno proceeds are deposited. Mr. Tye confirmed this and explained that a committee reviews applications from local non-profit organizations and recommends disbursement of those funds for Community Betterment projects.

There was no one present in opposition to this hearing.

Moved by Straatmann seconded by Moore to close the public hearing and adopt Resolution No. 2025-97 approving the transfer of Keno Progressive Jackpot Funds to the City of Kearney Community Betterment Fund. Roll call resulted as follows: Aye: Nikkila, Moore, Schmidt, Straatmann, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2025-97

WHEREAS, on June 24, 2025, the Kearney City Council approved the recommendation of the Keno RFP Review Committee, awarding EHPV Lotter Services LLC, known as “Big Red Keno,” as Kearney’s next Keno operator; and

WHEREAS, on August 16, 2025, Big Red Keno began operations as Kearney’s Keno operator, thereby closing the progressive jackpot game with Kearney Keno; and

WHEREAS, the Department of Revenue’s rules require a public hearing when a progressive jackpot game is closed on the intended use of the remaining progressive jackpot game funds; and

WHEREAS, the Department of Revenue has confirmed that the City of Kearney’s intent to place these funds into the City’s Lottery Trust Fund Account (community betterment funds) to be disbursed to local nonprofit organizations for community betterment projects as recommended by the Lottery Trust Fund committee and approved by City Council is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the excess funds from Kearney Keno’s progressive jackpot game be placed into the City’s Lottery Trust Fund Account (community betterment account) to be disbursed to local nonprofits for community betterment projects as recommended by the Lottery Trust Fund committee and approved by City Council.

PASSED AND APPROVED THIS 26TH DAY OF AUGUST, 2025.

ATTEST:
PEGGY EYNETICH
CITY CLERK

JONATHAN NIKKILA
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

IV. CONSENT AGENDA

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

1. Approve Minutes of Regular Meeting held August 12, 2025.

2. Approve the following Claims:

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

5.11 \$856.00 smcs; 1000Bulbs.Com \$239.65 co; 2025 Governors \$500.00 smcs; 2025 Tree City USA \$20.00 smcs; AA Kiosk \$40.00 smcs; Ace Hardware \$1,224.09 smcs,co; Ace Irrigation \$51.00 smcs; Acushnet \$11,201.26 smcs; Adobe \$21.39 smcs; Advance Auto Parts \$63.82 smcs; Advocacy Academy \$159.00 smcs; Allo \$708.04 smcs; Alltemp Refrigeration \$1,500.00 smcs; AM Leonard \$525.91 smcs; Amazon \$13,722.75 smcs,co; American Air \$137.48 smcs; American Red Cross \$151.00 smcs; Anatum Geomobile \$9,476.86 co; Apple \$128.94 smcs; Apple Market \$64.92 smcs; Arbico; Organics \$1,054.08 smcs; Arnold Motor Supply \$505.20 smcs; Ask Supply \$1,871.52 smcs; Assn. Of Bookmobile \$49.00 smcs; AT&T \$2,475.62 smcs; At-A-Glance US \$40.41 smcs; Aurora co;op \$146.65 smcs; Aussie Hydraulics \$632.96 smcs; Automatic Systems

\$1,707.53 smcs; Automation Direct \$278.21 smcs; Avid -\$28.38 smcs; B & B Autoglass \$365.50 smcs; B L Anderson \$1,345.31 smcs; B&H Photo \$4,933.20 smcs,co; B2B Prime \$179.00 smcs; Babbitts \$304.74 smcs; Baker & Taylor \$3,562.64 smcs; Battery Junction \$67.06 smcs; Baum Hydraulics \$103.49 smcs; Bayly \$77.95 smcs; Benchmark Govt. \$515.60 smcs; Bioair Solutions \$3,231.60 smcs; Blackstone Library \$1,075.88 smcs; Blackstrap \$6,572.71 smcs; Blue Book Publications \$34.95 smcs; BlueCross BlueShield \$69,765.06 smcs; Bomgaars \$1,148.90 smcs,co; Boogaarts \$3.86 smcs; Breeze Transports \$510.30 smcs; Brummels,J \$0.41 smcs; Buffalo co;. Redi-Mix \$11,064.51 smcs; Buffalo co;. Sheriff \$421.80 smcs; Buffalo Co. Treasurer \$30.75 smcs; Buffalo Outdoor Power \$1,197.76 smcs; Builders \$1,800.76 smcs,co; C & I Equipment \$1,018.00 co; Canva \$120.00 smcs; Casey's \$22.71 smcs; Cash Wa \$7,087.02 smcs; Cedar Rapids Tire \$615.48 smcs; Central District Health \$5,556.00 smcs; Central NE Bobcat \$660.12 smcs; Century Lumber \$28.54 smcs; Chargepoint \$2,794.80 smcs; Chemsearch \$395.00 smcs; Chesterman \$802.00 smcs; Chicago Books \$51.87 smcs; Cintas \$793.20 smcs; City of Ky \$38,804.10 smcs,ps; CityServiceValcon \$68,389.56 smcs; Clean Earth Systems \$1,360.00 smcs; Clean Harbors \$17,528.89 smcs; Clever Waiver \$49.99 smcs; CMA \$400.00 smcs; Cobblestone Inn \$825.36 smcs; Coldspring \$387.45 smcs; Comm. Action of Mid NE \$52,694.50 smcs; Computer Hardware \$1,164.90 smcs; Consolidated Concrete \$12,715.19 smcs,co; Constant Contact \$802.30 smcs; Construction Rental \$3,477.18 smcs,co; Constructors \$343,470.02 co; Control Yours \$110.00 smcs; Copycat Printing \$935.85 smcs; Cordova,T \$150.00 smcs; Core & Main \$17,802.88 smcs; Court Reserve \$173.10 smcs; CR Toys \$60.00 smcs; Credit Mgmt. \$157.60 smcs; Cricut \$40.70 smcs; Crouch Recreation \$669.29 smcs; Crown Awards \$803.74 smcs; Crystal Clean Carpet \$1,800.00 smcs; Culligan \$227.90 smcs; Cummins \$2,801.56 smcs; Cunningham,C \$2,548.26 smcs; Dan Roeder Concrete \$203,882.61 co; Data Shield \$191.56 smcs; David Barth \$1,125.00 smcs; Davis Equipment \$351.03 smcs; Davis,S \$120.00 smcs; Dawson Public Power \$48,716.01 smcs; Daylight Donuts \$310.52 smcs; Del City \$44.40 smcs; DemCo \$206.39 smcs; Deterdings \$2,634.17 smcs; Dish Network \$146.10 smcs; Ditch Witch \$1,715.85 smcs; Dobson, Daniel \$300.00 smcs; Dollar General \$18.35 smcs; Domino's \$151.08 smcs; Donkey Towing \$375.00 smcs; DTS Technology \$32.09 smcs; Dunham's \$99.46 smcs; DXP Enterprises \$5,533.30 smcs; Eagle Distributing \$2,065.73 smcs; Eakes \$4,491.47 smcs; Earl May \$935.03 smcs; EcoLab \$134.54 smcs; Egenberger,M \$24.37 smcs; Eileen's co,okies \$127.50 smcs; Electric Pump \$112.03 smcs; Elk Rentals \$63.92 smcs; Elliott Equipment \$632.51 smcs; Emaint Enterprises \$3,936.87 smcs; Emily David \$350.00 smcs; Engineering Technologies \$3,180.00 co; Erickson,A \$21.38 smcs; ESR Tech Com \$126.59 co; Etsy \$3.75 smcs; Evident \$326.67 smcs; Eyemed \$2,485.59 smcs; Facebook \$607.71 smcs; Family Fresh Market \$67.11 smcs; Family Practice \$91.00 smcs; Fastenal \$466.44 smcs; FBI Nebraska \$20.00 smcs; Finley Holiday \$51.35 smcs; Fire Cam \$16.12 smcs; Fire Protection \$315.00 smcs; Fire.Com \$259.06 smcs; Firehouse Tables \$2,475.00 smcs; First Tactical \$409.98 smcs; FlightAware \$1,000.00 smcs; Floyd's Truck Center \$5,307.62 smcs; Friesen Ford \$346.06 smcs; Frontier \$3,038.59 smcs; Fun Express \$194.38 smcs; Fuse Sport \$735.00 smcs; Gale/Cengage \$241.36 smcs; Gammon Technical \$66.99 smcs; Garrett Tires \$15,058.76 smcs; Gaunt,E \$35.00 smcs; Gaylord Texan \$2,248.10 smcs; General Parts \$575.67 smcs; Get Sling \$498.11 smcs; Global ARFF Services \$616.80 smcs; Global Industrial \$338.97 smcs; Go Physical Therapy \$165.00 ps; Golf Genius \$975.00 smcs; Good Sportsman \$68.00 smcs; Google Play \$25.00 smcs; Govt. Finance Officers \$475.00 smcs; GPM Truck Center \$296.54 smcs; Graczyk Lawn \$1,622.00 smcs; Graham Tire \$126.00 smcs; Grainger \$1,434.61 smcs;

Grammarly \$144.00 smcs; Great Plains Comm. \$1,031.49 smcs; Great Plains Safety \$200.00 smcs; Greenhouse Megastore \$771.24 smcs; GT Distributors \$23,265.95 smcs; Hach company \$961.00 smcs; Hagmo \$737.78 smcs; Hampton Inns \$343.80 smcs; Hanger Hardware \$410.88 co; Harbor Freight Tools \$195.94 smcs; Hasbrouck,B \$144.76 smcs; Hawkins,J \$346.50 smcs; Heggemeyer,L \$150.00 smcs; Heiman Fire Equip. \$887.75 smcs; Higgins,B \$43.95 smcs; Hi-Line Motors \$921.15 smcs; Historical Info Gatherers \$1,620.00 smcs; Hobby Lobby \$433.35 smcs; Holiday Inn \$1,224.48 smcs; Holmes Plumbing \$1,238.21 smcs; Holtz Industries \$197.15 smcs; Home Depot \$3,828.52 smcs,co; Hometown Leasing \$309.28 smcs; Hooker Bros Sand Gravel \$338.00 smcs; Howard,A \$30.63 smcs; Hy-Vee \$3,553.08 smcs; Hydroapps: \$144.00 smcs; Hydrovac Supply \$3,306.50 smcs; Id Security Online \$2,240.00 smcs; Integrated Security \$5,584.60 smcs; Invoice Home \$5.28 smcs; IOBD \$20.80 smcs; Iprint Technologies \$2,348.00 smcs; IRS \$228,625.90 smcs; Island Supply \$158.00 smcs; Jack Lederman \$910.18 smcs; Jacks Small Engines \$62.94 smcs; Jack's Uniforms \$426.74 smcs; Jackson Services \$414.45 smcs; Jimmy Johns \$57.16 smcs; JMAC Supply \$334.88 smcs; Johnson Brothers \$666.00 smcs; Johnson Hardware \$1,242.00 smcs; Johnson Landscape \$483.25 smcs; Johnstone Supply \$103.12 smcs; K2 Awards \$32.68 smcs; Kalahari Resort \$933.92 smcs; Kart-Man \$2,932.11 smcs; Kasson B & B \$360.00 smcs; Kea Constructors \$135,767.61 co; Ky Animal Shelter \$16,551.50 smcs; Ky Chamber co;mm. \$1,545.00 smcs; Ky Comm. Found. \$567.01 smcs; Ky Crete And Block \$1,004.65 smcs; Ky High School \$2,000.00 smcs; Ky Hub \$2,314.07 smcs; Ky Power Sports \$1,531.49 smcs; Ky Tire & Auto \$926.69 smcs; Ky Warehouse \$102.10 smcs; Kelly Supply \$1,013.47 smcs; KeyMe Locksmiths \$5.33 smcs; KGFW KQKY KRNK \$503.00 smcs; Knox company \$721.00 smcs; Konica Minolta \$122.82 smcs; Kowalek,G \$150.00 smcs; Landmark Implement \$15,179.49 smcs,co; League NE Municipalities \$61,260.00 smcs; Lincoln Journal Star \$24.99 smcs; LMN Graphics \$150.00 smcs; Lulzbot \$148.42 smcs; MacQueen \$4,059.57 smcs; Mara USA \$172,977.25 smcs; Masek Golf Car \$125.66 smcs; Matheson Trigas \$207.74 smcs; McCartney,E Chpt. 13 \$254.00 smcs; McClary,D \$68.60 smcs; McCormack Distributing \$580.50 smcs; McKinstry-Brown,S \$500.00 smcs; Mead Lumber \$18.79 smcs; Mefferd,E \$1,097.50 smcs; Mellen & Associates \$6,244.00 smcs; Menards \$6,951.46 smcs,co; Mena-Werth,P \$224.00 smcs; Merrill company \$709.46 smcs; MES Service \$1,199.93 ps; Michael Todd & Co \$6,413.00 smcs; Microsoft \$32.10 smcs; Mid NE Aggregate \$931.65 smcs; Mid-America Golf \$4,500.00 smcs; Midland Scientific \$68.87 smcs; Midlands Contracting \$21,320.00 smcs; Midplains Equipment \$12.92 smcs; MOCIC \$195.00 smcs; Midwest Connect \$6,118.81 smcs; Midwest Restaurant \$1,083.57 smcs; Midwest Turf \$871.14 smcs; Miller & Associates \$35,616.00 co; Milliman \$2,315.00 smcs; Mirror Image \$280.68 smcs; Mission Square \$7,476.75 smcs; Motorola Solutions \$59,417.94 smcs; MPLC \$339.31 smcs; Municipal Supply \$18,082.10 smcs,co; Murphy Tractor \$1,036.34 smcs; My Downtown Gift Cards \$30.00 smcs; Napa \$585.91 smcs; National Registry \$18.00 smcs; Navigator Motorcoaches \$4,200.00 smcs; Nays Youth Sports \$20.00 smcs; NCL Of Wisconsin \$1,806.11 smcs; NDA Device \$82.50 smcs; NE Arboretum \$480.00 smcs; NE Child Support \$1,531.72 smcs; NE Coalition \$65.00 smcs; NE Flight School \$45.00 smcs; NE Generator \$29,191.69 smcs,co; NE Golf Assn. \$150.00 smcs; NE Library Assn. \$125.00 smcs; NE Machinery \$5,904.84 smcs; NE Society CPAs \$239.00 smcs; NE Softball Assn. \$2,180.00 smcs; Nebraskaland Distrib. \$2,829.74 smcs; Network Solutions \$19.98 smcs; Nevco Sports \$707.96 smcs; Nielsen Contracting \$637,670.55 co; Northern Safety \$101.06 smcs; Northwestern Energy \$492.32 smcs; NPPD \$125,368.66 smcs; Nutrien Ag \$386.13 smcs; Oak Creek Engineering \$24,360.00 co; ODP Business \$206.80

smcs; Office Max \$980.70 smcs,co; Olsson \$70,503.57 co; Omaha South Garage \$36.00 smcs; Omnify \$567.00 smcs; One Call Concepts \$576.19 smcs; Online Postage \$1,030.00 smcs; O'Reilly \$1,061.43 smcs; Orkin \$298.00 smcs; Papa John's \$225.07 smcs; Peerless Machine \$112.00 smcs; Penworthy \$1,076.72 smcs; Pep Co. \$110.25 smcs; Pepperball \$650.00 smcs; Peterbilt \$1,602.73 smcs; Petersen,R \$100.00 smcs; Petsmart \$451.09 smcs; Pettigrew,M \$3,436.00 smcs; PGA Members \$683.92 smcs; Pitney Bowes \$65.97 smcs; Platinum Awards \$265.92 smcs; Platte Valley Auto Mart \$750.53 smcs; Police Officers' Assn. \$20.00 smcs; Poster My Wall \$44.90 smcs; Power DMS \$10,575.79 smcs; Powertech \$1,644.39 smcs; Presto-X \$704.26 smcs; Prime Video \$7.48 smcs; ProQuest \$532.35 smcs; Pump & Pantry \$9.61 smcs; PVS Chemicals \$12,463.89 smcs; Quicken \$131.88 smcs; Quill \$150.35 smcs; Rancisco,P \$29.26 smcs; Rapid Fire Protection \$2,110.00 smcs; Rasmussen Mechanical \$233.29 smcs; Ready Mixed Concrete \$18,452.00 co; Reams Supply \$681.41 smcs; Redman's Shoes \$149.99 co; Rentokil \$437.76 smcs; Replacement Parts \$66.27 smcs; Resource Mgmt. \$6,110.00 smcs; Reverse Osmosis \$135.86 smcs; Rheome Tree \$4,000.00 smcs; Ricos Products \$501.40 smcs; Rotronic Instrument \$556.40 smcs; S&S Worldwide \$39.60 smcs; Safety Products \$330.89 smcs; Sahling Kenworth \$711.91 smcs; Sandhill Slims \$163.20 smcs; Sandhills Truck \$152.72 smcs; Sapp Bros. \$1,911.80 smcs; Saylor Screenprinting \$4,639.30 smcs,co; Scholastic Education \$1,033.49 smcs; Schumacher Fencing \$1,316.44 smcs; Schwab,K \$32.55 smcs; Secretary of State \$65.00 smcs; See Clear Cleaning \$1,472.50 smcs; Select Sprayers \$6.81 smcs; SFM Boiler \$72.00 smcs; Sherwin Industries \$530.00 smcs; Sherwin Williams \$2,194.75 smcs; Sig Sauer \$2,760.00 smcs; Sign Center \$248.19 smcs; Sitka Gear \$168.80 smcs; SLA Corp \$407.92 smcs; Smartsign \$461.82 smcs; Snap-On \$795.00 smcs; Spectrum \$557.46 smcs; Sprinkler Warehouse \$1,632.02 smcs; Staybridge Suites \$256.82 smcs; Steinbrink Landscaping \$95.33 smcs; Stutsman \$2,745.00 smcs; Supply House \$114.04 smcs; Swana \$255.00 smcs; T&T Mobile Washing \$110.00 smcs; Target \$115.14 smcs; Tech Masters \$315.00 smcs; Tifosi Optics \$406.23 smcs; Titan Machinery \$2,086.59 smcs; TK Elevator \$1,496.00 smcs; T-Mobile \$35.60 smcs; Todd Valley Farms \$387.00 smcs; Tractor Supply \$1,118.06 smcs,co; Transunion \$111.60 smcs; Tri-County Glass \$465.25 smcs; True Value \$472.16 smcs,co; Tumbleweed \$3,393.50 smcs; Turner Body Shop \$3,431.65 smcs,co; UA \$385.20 smcs; UI \$433.50 co; Underground Construction \$1,690.00 smcs; Unifirst \$118.10 smcs; Union Bank & Trust \$116,088.39 smcs; Unique Mgmt. \$151.45 smcs; United \$580.40 smcs; Ups \$355.12 smcs; USPS \$492.73 smcs; Vestis Services \$573.94 smcs; Village Services \$270.70 smcs; VW Golf \$43.95 smcs; W.W. Grainger \$4,984.00 smcs; Walmart \$3,338.25 smcs; Walters Electric \$426.71 smcs; Webstaurant Store \$2,836.31 smcs; Western NRG \$337.50 smcs; Wilkie,H \$1,370.00 smcs; Winlectric \$8,775.57 smcs,co; Winnelson \$3,151.98 smcs,co; WonderIdea \$299.00 smcs; World Herald Newspaper \$37.99 smcs; WPCI \$1,015.58 ps; Xello \$839.00 smcs; YouTube \$292.03 smcs; Zimco Supply \$211.80 smcs; Zoro Tools \$583.68 smcs; Payroll Ending 08/09/2025 -- \$769,883.65; Manual Check-Bonnie Davidson \$447.54. 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. Receive recommendations of Planning Commission and set September 9, 2025 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Adopt Resolution No. 2025-98 approving the final allocation of levy authority in the

amount of \$249,470.00 for the Community Redevelopment Authority of the City of Kearney for fiscal year 2025-2026 and the final allocation of levy authority in the amount of \$71,668.00 for Offstreet Parking District No. 1 for fiscal year 2025-2026.

RESOLUTION NO. 2025-98

WHEREAS, Neb. Rev. Stat. Section 77-3443.03, (R.R.S. 1943), as amended), requires Community Redevelopment Authorities and Off-street Parking Districts to submit a preliminary request for levy allocation, on or before August 1, to the City Council; and

WHEREAS, the Community Redevelopment Authority of the City of Kearney submitted to the City, on July 7, 2025, a preliminary request for levy allocation in the amount of \$249,470.00; and

WHEREAS, the Downtown Improvement Board, on behalf of Off-street Parking District No. 1, submitted to the City, on July 2, 2025, a preliminary request for levy allocation in the amount of \$71,668.00; and

WHEREAS, Neb. Rev. Stat. Section 77-3443.04, as amended, requires the City Council to adopt, by September 1, a resolution (by a majority vote of members present) which determines a final allocation of levy authority to the Community Redevelopment Authority and Off-street Parking District No. 1.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that, pursuant to the provisions of Neb. Rev. Stat. Section 77-3443.04 (R.R.S. 1943), as amended, a final allocation of levy authority of \$249,470.00 is hereby approved for the Community Redevelopment Authority of the City of Kearney for 2025 and a final allocation of levy authority of \$71,668.00 is hereby approved for Off-street Parking District No. 1 for 2025.

BE IT FURTHER RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that, pursuant to the provisions of Neb. Rev. Stat. Section 77-3443.04 (R.R.S. 1943), the City Clerk is ordered to forward a copy of this resolution to the chairperson of the Community Redevelopment Authority of the City of Kearney and the chairperson of the Downtown Improvement Board.

BE IT FURTHER RESOLVED that all ordinances and resolutions or parts of ordinances and resolutions in conflict herewith are hereby repealed.

BE IT FURTHER RESOLVED that this Resolution shall be in full force and effect September 1, 2025, and shall be published in pamphlet form.

PASSED AND APPROVED THIS 26TH DAY OF AUGUST, 2025.

ATTEST:
PEGGY EYNETICH
CITY CLERK

JONATHAN NIKKILA
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

5. Adopt Resolution No. 2025-99 amending the City of Kearney, Nebraska Police Pension Plan due to the passage of LB 179 by the Nebraska Legislature earlier this year pertaining to changes to the Cities of the First-Class Police Retirement Act (State Statutes 16-1005 through 16-1027).

RESOLUTION NO. 2025-99

NOW, BE IT RESOLVED, that the City shall amend and it hereby does adopt a First Amendment to the City of Kearney, Nebraska Police Officers' Pension Plan (the "Plan") in the form of the First Amendment attached hereto and by this reference fully incorporated herein. The purpose of said Amendment is to increase the employee contributions required under the Plan to 9% of the Employee's Compensation, effective October 1, 2025, in accordance with 2025 Nebraska Legislative Bill 179, and to make such other amendments as the City deems necessary and desirable.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Mayor and other appropriate elected officials and officers of the City of Kearney shall be, and they hereby are, authorized to do all things necessary to carry out and accomplish the foregoing Resolution, including the execution of any document or amendment which may be necessary or appropriate to amend and administer the Plan, including such actions as may be necessary or appropriate to achieve and maintain qualification of the Plan under Section 401(a) of the Internal Revenue Code of 1986, as amended, as such sections apply to government plans.

PASSED AND APPROVED THIS 26TH DAY OF AUGUST, 2025.

ATTEST:
PEGGY EYNETICH
CITY CLERK

JONATHAN NIKKILA
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

6. Adopt Resolution No. 2025-100 approving the utilization of the Construction Management at Risk Method for the proposed Fire Station No. 3 in accordance with Sections §13-2901 through §13-2914 of the Nebraska Revised Statutes and Section 1-1520 "Political Subdivision Construction Alternatives Act" to Article 15 "Purchasing" of Chapter 1 "Administration".

RESOLUTION NO. 2025-100

WHEREAS, the City of Kearney, Nebraska desires approval to utilize the process of the Construction Management at Risk method for the proposed Fire Station #3 in accordance with Sections §13-2901 through §13-2914 of the Nebraska Revised Statutes and Section 1-1520 "Political Subdivision Construction Alternatives Act" of Article 15 "Purchasing" of Chapter 1 "Administration" of Kearney City Code; and

WHEREAS, City Council by Ordinance No. 8551 adopted on January 11, 2022, added a new section entitled Section 1-1520 "Political Subdivision Construction Alternatives Act" to Article 15 "Purchasing" of Chapter 1 "Administration" to the Code of the City of Kearney, that approved the utilization of alternative construction methods including Construction Management at Risk for eligible projects; and

WHEREAS, City staff believes the proposed construction of Fire Station #3 is an appropriate project for use of this method and requests approval of the same.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Construction Management at Risk option for construction of the proposed Fire Station #3, in accord with Sections §13-2901 through §13-2914 of the Nebraska Revised Statutes and Section 1-1520 "Political Subdivision Construction Alternatives Act" of Article 15 "Purchasing" of Chapter 1 "Administration" of Kearney City Code, is approved.

PASSED AND APPROVED THIS 26TH DAY OF AUGUST, 2025.

ATTEST:
PEGGY EYNETICH
CITY CLERK

JONATHAN NIKKILA
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

7. Adopt Resolution No. 2025-101 approving the extension of the Recreational Use Agreement between Nebraska Public Power District, a public corporation and political subdivision of the State of Nebraska, and the City of Kearney, Nebraska, a municipal corporation, for the continued use of half-mile segment of the Canal Tailrace for recreational activities, including kayaking, canoeing and tubing activities.

RESOLUTION NO. 2025-101

WHEREAS, on August 27, 2013, the Kearney City Council approved the Recreational Use Agreement between the City of Kearney, Nebraska, a municipal corporation and Nebraska Public Power District, a public corporation and political subdivision of the State of Nebraska specifying the requirements of use, maintenance and boundaries of the Canal Tailrace for the City of Kearney; and

WHEREAS, the City of Kearney and Nebraska Public Power District, now wish to extend the Recreation Use Agreement for the public use of the half-mile segment of the Canal Tailrace beginning on the south side of the West 11th Street Bridge on 11th Street, continuing downstream in the Canal Tailrace and ending where the Canal Tailrace enters into the north channel of the Platte River for the continued use by the public for recreational activities, including kayaking, canoeing and tubing activities.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Recreational Use Agreement, marked as Exhibit A, attached hereto and made a part hereof by reference, be and is hereby approved.

BE IT FURTHER RESOLVED that the City Manager be and is hereby authorized and directed to execute the Recreational Use Agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 26TH DAY OF AUGUST, 2025.

ATTEST:
PEGGY EYNETICH
CITY CLERK

JONATHAN NIKKILA
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

8. Adopt Resolution No. 2025-102 approving the Municipality Maintenance Agreement State Projects, a supplemental agreement between the City of Kearney, a municipal corporation of the State of Nebraska, and the State of Nebraska, Department of Transportation for the installation of four Rectangular Rapid Flashing Beacon (RRFB) crossings on US-30 at the intersection of US-30 and University Drive.

RESOLUTION NO. 2025-102

WHEREAS, the City of Kearney, a municipal corporation of the State of Nebraska and the State of Nebraska, Department of Transportation entered into the original agreement on June 5, 2024, providing improvements to State Highway US-30; and

WHEREAS, the final approved project design proposed the installation of four new Rectangular Rapid Flashing Beacon (RRFB) crossings on US-30 at the intersection of US-30 and University Drive; and

WHEREAS, the State agrees to the installation, operation, and maintenance of the RRFBs on US-30 by the City of Kearney based on the conditions set forth in the attached supplemental Municipality Maintenance Agreement State Projects, marked as Exhibit "A" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the supplemental Municipality Maintenance Agreement State Projects Agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 26TH DAY OF AUGUST, 2025.

ATTEST:
PEGGY EYNETICH
CITY CLERK

JONATHAN NIKKILA
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

- 9. Approve the Plans and Specifications for 2025 Part 5 Improvements: Marlatt Fourth and set the bid opening date for September 16, 2025 at 2:00 p.m.

RESOLUTION NO. 2025-102

WHEREAS, the City of Kearney, a municipal corporation of the State of Nebraska and the State of Nebraska, Department of Transportation entered into the original agreement on June 5, 2024, providing improvements to State Highway US-30; and

WHEREAS, the final approved project design proposed the installation of four new Rectangular Rapid Flashing Beacon (RRFB) crossings on US-30 at the intersection of US-30 and University Drive; and

WHEREAS, the State agrees to the installation, operation, and maintenance of the RRFBs on US-30 by the City of Kearney based on the conditions set forth in the attached supplemental Municipality Maintenance Agreement State Projects, marked as Exhibit "A" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the supplemental Municipality Maintenance Agreement State Projects Agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 26TH DAY OF AUGUST, 2025.

ATTEST:
PEGGY EYNETICH
CITY CLERK

JONATHAN NIKKILA
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8759

Council Member Schmidt introduced Ordinance No. 8759 amending: Section 8-804 "Specific Limits" to amend various streets, extents and speeds(MPH) of the table; Section 8-805 "School Zones" to amend street extents for various schools and update school name; and Section 8-807 "School Crossings – Yellow Flashing Lights" to add street to school crossings table all of Article 8 "Speed Limitations" of Chapter 8 "Police" of the City

Code, 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 Buschkoetter seconded the motion to suspend the rules for Ordinance No. 8759. 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. 8759 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 Buschkoetter seconded by Nikkila that Ordinance No. 8759 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. 8759 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.

ORDINANCE NO. 8760

Council Member Schmidt introduced Ordinance No. 8760 amending: Section 8-919 "Parking Limited for Nonmotorized or Recreational Vehicle" to update definitions and language; and Section 8-924 "Parking of Trucks and Trailers in Residential Uses" to update definitions and language all in Article 9 "Stopping, Standing and Parking" of Chapter 8 "Police" of the City Code, 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 Buschkoetter seconded the motion to suspend the rules for Ordinance No. 8760. 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. 8760 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 Buschkoetter seconded by Nikkila that Ordinance No. 8760 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. 8760 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.

VI. REGULAR AGENDA

PURCHASE AGREEMENT - SHAMROCK DATA, LLC

Regular Agenda Items 1 and 2 were discussed together but voted on separately.

Mayor Nikkila opened for discussion the approval of Resolution No. 2025-103 for the Purchase Agreement between City of Kearney, Nebraska, a Municipal Corporation and Shamrock Data, LLC, a Nebraska Limited Liability Company for the purchase of Lots 2 and 3, Block 2, Tech One Fourth Subdivision, a Subdivision being part of the Northwest Quarter of 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.

Mike Tye, City Attorney presented this matter to the Council. Mr. Tye described the location of the property, noting it will be used for a compact-sized Tier-3 data center. The data center will be located in an approximately 30,000 square foot building. The Right of First Refusal notes that if the developer has not pulled a building permit within the first year after closing on the property, the City maintains the option to purchase the property for the purchase price paid.

Mayor Nikkila asked if the size of the footprint of this facility is comparable to the existing data center in Tech One Park. Ms. Jensen explained that the existing data center uses approximately 100 MW of electrical power on 11 acres, while this facility has the potential to expand to 15 MW of electrical power on 15 acres of buildable ground.

Council Member Kurt Schmidt asked if a long-term lease was considered. Ms. Jensen explained that the developers desired to purchase the land; however, a lease would have been considered if the developers had requested one.

Moved by Nikkila seconded by Straatmann to approve the adoption of Resolution No. 2025-103 for the Purchase Agreement between City of Kearney, Nebraska, a Municipal Corporation and Shamrock Data, LLC, a Nebraska Limited Liability Company for the purchase of Lots 2 and 3, Block 2, Tech One Fourth Subdivision, a Subdivision being part of the Northwest Quarter of 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. Roll call resulted as follows: Aye: Nikkila, Moore, Schmidt, Straatmann, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2025-103

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the Real Estate Purchase Agreement between Shamrock Data, LLC, a Nebraska Limited Liability Company and the City of Kearney, Nebraska, a Municipal Corporation, for the purchase of real property which is legally described as:

Lots 2 and 3, Block 2, Tech One Fourth Subdivision, a Subdivision being part of the Northwest Quarter of 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

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 26TH DAY OF AUGUST, 2025.

ATTEST:
PEGGY EYNETICH
CITY CLERK

JONATHAN NIKKILA
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

DEED OF SALE

Regular Agenda Items 1 and 2 were discussed together but voted on separately.

Council Member Straatmann introduced Ordinance No. 8761 authorizing the deed of sale for Lots 2 and 3, Block 2, Tech One Fourth Subdivision, a Subdivision being part of the Northwest Quarter of 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 to Shamrock Data, LLC, a Nebraska Limited Liability Company 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 suspend the rules for Ordinance No. 8761. 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. 8761 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. 8761 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. 8761 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.

REDEVELOPMENT PROJECT FOR KEARNEY AREA HABITAT FOR HUMANITY

Mayor Nikkila opened for discussion the approval of Resolution No. 2025-104 approving the redevelopment project submitted by Kearney Area Habitat for Humanity, for Redevelopment Area No. 7 for an area described as Lots 1 through 9 in Block 1, Lots 1 through 2 in Block 2 and Lots 1 through 5 in Block 3 of Marlatt Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

Brian Schultz, Director of Finance presented this matter to the Council. Mr. Schultz stated Kearney Area Habitat for Humanity will be building sixteen single family homes in Marlatt Fourth Addition. Volunteers and homeowners will work to construct the homes. The homes will be located east of the East 18th St and Ave M intersection. The total new valuation of the property upon completion is estimated to be \$3,658,627 and the current valuation of the property is \$95,770. The incremental valuation is estimated to be \$3,562,857. The annual increment in real estate taxes upon total completion of the Project is estimated to be \$61,077. On August 6, 2025 the CRA moved that the Project be granted 100% of the annual increment in real estate taxes, not to exceed the certified eligible Project Costs over a period not to exceed fifteen years beginning with Tax Year 2026. Kearney Area Habitat will be 50% of the construction of the infrastructure through the Districting process and the City will be reimbursed through TIF for the remainder of the construction costs.

Ms. Jensen explained that the rezoning, platting, and district process had previously been presented and approved by Council. Ms. Jensen explained the district process in further detail. Council Member Straatmann asked if this was the final step before construction would start. Ms. Jensen confirmed this, noting that future phases are anticipated. Mr. Schultz stated Kearney Area Habitat's plan is to construct three houses per year.

Council Member Randy Buschkoetter stated it won't take long for them to reach the additional phases and noted the great work that Kearney Area Habitat for Humanity does.

Moved by Schmidt seconded by Buschkoetter to approve the adoption of Resolution No. 2025-104 approving the redevelopment project submitted by Kearney Area Habitat for Humanity, for Redevelopment Area No. 7 for an area described as Lots 1 through 9 in Block 1, Lots 1 through 2 in Block 2 and Lots 1 through 5 in Block 3 of Marlatt Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Nikkila, Buschkoetter, Moore, Schmidt, Straatmann. Nay: None. Motion carried.

RESOLUTION NO. 2025-104

WHEREAS, the City of Kearney, Nebraska, a municipal corporation and city of the first class, has determined it be desirable to undertake and carry out urban redevelopment

projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, the Nebraska Community Development Law, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 1991, as amended (the "Act"), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

WHEREAS, the City has declared an area of the City to be substandard and blighted and in need of redevelopment pursuant to the Act; and

WHEREAS, the Community Redevelopment Authority of the City of Kearney, Nebraska (the "Authority"), has prepared a Redevelopment Plan for Area #7 pursuant to Section 18-2111 of the Act ("Redevelopment Plan"), and recommended the Redevelopment Plan to the Planning Commission of the City; and

WHEREAS, the Planning Commission of the City reviewed the Redevelopment Plan pursuant to the Act and submitted its recommendations, if any, to the Authority, pursuant to Section 18-2114 of the Act; and

WHEREAS, in accordance with Section 18-2114 of the Act, the Authority submitted its recommendation, along with the recommendation from the Planning Commission to the City Council; and

WHEREAS, following consideration of the recommendations of the Planning Commission and the Authority, and following the public hearing with respect to the Redevelopment Plan, the City approved the Plan; and

WHEREAS, there has been presented to the City by the Authority for approval pursuant to and in accordance with Section 18-2119 of the Act a specific Redevelopment Project within the Redevelopment Plan and as authorized in the Redevelopment Plan, as legally described as the Lots 1 through 9 in Block 1, Lots 1 through 2 in Block 2 and Lots 1 through 5 in Block 3 of Marlatt Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska. and

WHEREAS, the City Council has determined that the proposed Redevelopment Project would not be economically feasible without the use of tax increment financing; that the proposed Redevelopment Project would not occur in the community without the use of tax increment financing, and; that the costs and benefits of the proposed Redevelopment Project have been found to be in the long-term best interests of the community.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that:

1. The Redevelopment Plan of the City previously approved for the area described on the attached Exhibit "A", including the Redevelopment Project legally described as Lots 1 through 9 in Block 1, Lots 1 through 2 in Block 2 and Lots 1 through 5 in Block 3 of Marlatt Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; is hereby determined to be feasible and in conformity with the general plan for the development of the City of Kearney as a whole and the Redevelopment Plan, including the Redevelopment Project identified on Exhibit "A", is in conformity with the legislative declarations and determinations set forth in the Act.

2. The City Council hereby determines that the proposed Redevelopment Project would not be economically feasible without the use of tax increment financing; that the proposed Redevelopment Project would not occur in the community without the use of tax increment financing, and; that the costs and benefits of the proposed Redevelopment Project are found to be in the long-term interests of the community.

3. Approval of the Redevelopment Plan is hereby ratified and reaffirmed, as

amended by this Resolution, and the Authority is hereby directed to implement the Redevelopment Plan in accordance with the Act.

4. Pursuant to Section 18-2147 of the Act, ad valorem taxes levied upon real property in a redevelopment project for the benefit of any public body, included or authorized in the Plan which is legally described as Lots 1 through 9 in Block 1, Lots 1 through 2 in Block 2 and Lots 1 through 5 in Block 3 of Marlatt Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; shall be divided, for a period not to exceed 15 years after the effective date of the provision, which effective date shall be identified in the Project Redevelopment Contract, as follows:

a. That portion of the ad valorem tax which is produced by the levy at the rate fixed each year by or for each public body upon the redevelopment project valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body; and

b. That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the Authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds, of loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, the redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premiums due, have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon taxable real property in such a redevelopment project shall be paid into the funds of the respective public bodies.

c. Any interest and penalties due for delinquent taxes shall be paid into the funds of each public body in the same proportion as are all other taxes collected by or for the public body.

5. The President and City Clerk are authorized and directed to execute and file with the Treasurer and Assessor of Buffalo County, Nebraska, an Allocation Agreement and Notice of Pledge of Taxes with respect to the Redevelopment Project substantially in the form attached hereto as Exhibit "B" with appropriate insertions.

6. Recognizing that, after the date of this Resolution, circumstances may arise necessitating changes, additions or deletions to the specific legal description of the Redevelopment Project (described in Paragraphs 1 and 4 above and the attached Exhibit "B"), the City Manager is hereby authorized to make such changes, additions or deletions to the legal description as the City Manager deems reasonable or necessary, together with the authority to execute all documents, certificates or instruments necessary in connection therewith, specifically including the execution of an Amended Allocation Agreement and Notice of Pledge of Taxes with respect to the Redevelopment Project.

PASSED AND APPROVED THIS 26TH DAY OF AUGUST, 2025.

ATTEST:
PEGGY EYNETICH
CITY CLERK

JONATHAN NIKKILA
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

VII. REPORTS

Council Member Kurt Schmidt congratulated Chief Kowalek.

Mayor Nikkila wished UNK students good luck on their upcoming year.

Council Member Straatmann congratulated Ms. Jensen on the negotiations for the Tech Park property and noted that citizens are happy that SkyWest is back as the air service provider at the Kearney Regional Airport.

Ms. Jensen stated there will be a Next Gen Nuclear Coffee and Conversation event hosted by NPPD, noting that the City has advanced to the second phase in the determination of a second site; 16 other communities have also reached this phase. Ms. Jensen further stated Destination Downtown will be held on Tuesday, followed by the City of Kearney Budget Hearing on Wednesday, September 3rd.

VIII. ADJOURN

Moved by Nikkila seconded by Straatmann that Council adjourn at 6:07 p.m. Roll call resulted as follows: Aye: Nikkila, Moore, Schmidt, Straatmann, Buschkoetter. Nay: None. Motion carried.

ATTEST:

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

**PEGGY EYNETICH
CITY CLERK**