

*Kearney, Nebraska
October 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 October 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; Brian Schultz, Director of Finance; Andy Harter, Director of Public Works; Sarah Sawin, Director of Utilities; Melissa Dougherty-O'Hara, City Planner; Gabe Kowalek, Chief of Police; Bradley DeMers, Assistant To The City Manager, were also present. Members of the media present included: Mike Konz, Kearney Hub; Peter Rice, News Channel Nebraska.

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.

RECOGNITION/ORAL COMMUNICATIONS

City Clerk administered the oath of office to Police K-9 Officer, Kuba.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

VACATION OF UTILITY EASEMENT AT 2105 WEST TALMADGE STREET

Mayor Nikkila opened the public hearing on the application submitted by Miller & Associates (applicant) for Sean and Lindsay Pietrini (owners) to vacate all of a 10.00 foot wide Utility Easement in Lot 1, Turkey Creek Third Subdivision, a subdivision being part of Government Lots 6, 7, 9, and Accretions thereto, Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, EXCEPTING the West 10.00 feet thereof, to release the retention of easements for right of ingress and egress to all existing utilities (2105 West Talmadge Street) and consider Ordinance No. 8764.

Craig Bennett, Miller and Associates presented this matter to Council. Mr. Miller described the location of the easement and stated it existed on the original Turkey Creek Subdivision plat and had to remain when it was replatted. Since the replatting, the utilities have been moved, so this easement can now be vacated to make the lot fully buildable.

Council Member Alex Straatmann questioned whether, if a building were placed over this easement location, anything would be found where the utilities were going to be located? Mr. Bennett stated conduit may be found, but was abandoned when the utilities were relocated.

There was no one present in opposition to this hearing.

Moved by Straatmann to close the public hearing on the application submitted by Miller & Associates (applicant) for Sean and Lindsay Pietrini (owners) and introduced Ordinance No. 8764 vacating all of a 10.00 foot wide Utility Easement in Lot 1, Turkey Creek Third Subdivision, a subdivision being part of Government Lots 6, 7, 9, and Accretions thereto, Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, EXCEPTING the West 10.00 feet thereof, to release the retention of easements for right of ingress and egress to all existing utilities (2105 West Talmadge 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. 8764. 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. 8764 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. 8764 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. 8764 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.

REZONING OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF 56TH STREET AND CHASE AVENUE

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

Mayor Nikkila opened the public hearing on the submitted by Miller & Associates (applicant) for Dan Werdel, Butler Machinery Company, Inc (owner) to rezone from District AG, Agricultural District to District BP, Business Park District for property described as a tract of land being part of the a tract of land being part of the Northeast Quarter of the Northeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Southwest corner of the intersection of 56th Street and Chase Avenue) and consider Ordinance No. 8765.

Craig Bennett, Miller and Associates, presented this matter to Council. Mr. Bennett described the location of the proposed Subdivision, noting it is not contiguous with City limits. Water and sanitary sewer would be available to the lot, and onsite stormwater detention is required. The proposed Final Plat includes one lot totaling 5.00 acres.

There was no one present in opposition to this hearing.

Moved by Schmidt to close the public hearing on the application submitted by Miller & Associates (applicant) for Dan Werdel, Butler Machinery Company, Inc (owner) and introduced Ordinance No. 8765 rezoning from District AG, Agricultural District to District BP, Business Park District for property described as a tract of land being part of the a tract of land being part of the Northeast Quarter of the Northeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Southwest corner of the intersection of 56th Street and 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 Buschkoetter seconded the motion to close the hearing and suspend the rules for Ordinance No. 8765. 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. 8765 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. 8765 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. 8765 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 BUTLER SECOND SUBDIVISION

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

Mayor Nikkila opened the public hearing on the Application submitted by Miller & Associates (applicant) for Dan Werdel, Butler Machinery Company, Inc (owner) for the Final Plat and Subdivision Agreement for Butler Second Subdivision, a subdivision being part of the Northeast Quarter of the Northeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Southwest corner of the intersection of 56th Street and Chase Avenue) and consider Resolution No. 2025-118.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Straatmann to close the hearing and adopt Resolution No. 2025-118 approving the Final Plat and Subdivision Agreement for Butler Second Subdivision, a subdivision being part of the Northeast Quarter of the Northeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Southwest corner of the intersection of 56th Street and Chase Avenue). Roll call resulted as follows: Aye: Nikkila, Moore, Schmidt, Straatmann, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2025-118

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Butler Second Subdivision, a subdivision being part of a tract of land being part of the Northeast Quarter of the Northeast 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 drill hole in concrete at the Northeast corner of the Northeast Quarter of the Northeast Quarter of Section 29; thence N 89°26'00" W on the North line of said Northeast Quarter of the Northeast Quarter, and all bearings contained herein are relative thereto, a distance of 769.58 feet to the Northerly extension of the East line of a 66.00 feet Permanent Right of Way and Utility Easement recorded as Document # 2021-06406 in the Buffalo County Register of Deeds Office and the POINT OF BEGINNING; thence S 00°07'19" W on said Northerly extension and on the East line of a 66.00 feet Permanent Right of Way and Utility Easement a distance of 492.19 feet to a 5/8" rebar w/cap; thence N 89°26'00" W parallel with said North line of the Northeast Quarter of the Northeast Quarter a distance of 559.16 feet to a 5/8" rebar w/cap on the West line of said Northeast Quarter of the Northeast Quarter and on the East line of Tech One Fourth Subdivision, a subdivision 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; thence N 00°07'19" E on said West line of the Northeast Quarter of the Northeast Quarter and on the East line of said Tech One Fourth Subdivision a distance of 492.19 feet to a mag nail at the Northwest corner of said Northeast Quarter of the Northeast Quarter; thence S 89°26'00" E on said North line of the Northeast Quarter of the Northeast Quarter a distance of 559.16 feet to the Point of Beginning. Containing 6.32 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 OCTOBER, 2025.

ATTEST:
PEGGY EYNETICH
CITY CLERK

JONATHAN NIKKILA
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

PROPOSED ACQUISITION OF LAND FOR PERMANENT SANITARY SEWER AND TEMPORARY CONSTRUCTION EASEMENT PURPOSES

Public Hearings 4 through 9 were discussed together but voted on separately.

Mayor Nikkila opened the public hearing on the proposed acquisition of a tract of land being part of Government Lot 3 in Section 29, Township 9 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska and part of Outlot "A" of Northeast Industrial Fifth Subdivision, a subdivision being part of Government Lots 3 and 4 in Section 29, Township 9 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska, dedicated for Permanent Sanitary Sewer Easement purposes from Gary L. Henderson and consider Resolution No. 2025-119.

Sarah Sawin, Director of Utilities, presented this matter to Council. Ms. Sawin noted there are three Temporary Easements and three Permanent Easements and described the location of each.

Mayor Nikkila questioned whether Temporary Easements are typical. Ms. Sawin stated they are. City Manager Brenda Jensen noted property south of 39th Street has not been developed and therefore requires an easement with the owners to be able to place pipe to serve this area.

There was no one present in opposition to this hearing.

Moved by Straatmann seconded by Moore to close the hearing and adopt Resolution Nos. 2025-119 and 2025-120 approving the acquisition of a tract of land being part of Government Lot 3 in Section 29, Township 9 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska and part of Outlot "A" of Northeast Industrial Fifth Subdivision, a subdivision being part of Government Lots 3 and 4 in Section 29, Township 9 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska, dedicated for Permanent Sanitary Sewer Easement and Temporary Construction Easement purposes from Gary L. Henderson. Roll call resulted as follows: Aye: Nikkila, Moore, Schmidt, Straatmann, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2025-119

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Sanitary Sewer Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Gary L. Henderson, has granted to the City of Kearney, Nebraska a Permanent Sanitary Sewer Easement as follows:

PERMANENT SANITARY SEWER EASEMENT

A tract of land being part of Government Lot 3 in Section 29, Township 9 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska and part of Outlot "A" of Northeast Industrial Fifth Subdivision, a subdivision being part of Government Lots 3 and 4 in Section 29, Township 9 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska and more particularly described as follows: Commencing at the Southwest corner of said Government Lot 3; thence N 00°14'11" E on the West line of said Government Lot 3, and all bearings contained herein are relative thereto, a distance of 80.00 feet; thence S 89°45'49" E a distance of 30.00 feet to the Southerly extension of the East line of said Outlot "A" and the POINT OF BEGINNING; thence N 00°14'11" E on said Southerly extension and on the East line of said Outlot "A" a distance of 732.12 feet to a point which is 30.00 feet Southerly of the North line of said Outlot "A"; thence N 89°48'54" W, parallel with and 30.00 feet South, measured at right angles, of the North line of said Outlot "A" a distance of 30.00 feet to the West line of said Outlot "A"; thence N 00°14'11" E on said West line of Outlot "A" a distance of 20.00 feet; thence S 89°48'54" E parallel with and 10.00 feet South, measured at right angles, of the North line of said Outlot "A" a distance of 30.00 feet to the East line of said Outlot "A"; thence N 00°14'11" E on the East line of said Outlot "A" a distance of 10.00 feet to the North line of said Government Lot 3; thence S 89°48'54" E on said North line of Government Lot 3 a distance of 1030.46 feet; thence S 00°00'34" E a distance of 746.88 feet to the West right-of-way line of Highway No. 10; thence S 89°37'46" W on said West right-of-way line of Highway No. 10 a distance of 30.00 feet; thence

N 00°00'34" W a distance of 727.17 feet; thence N 89°48'54" W, parallel with and 20.00 feet South, measured at right angles, of the North line of said Government Lot 3 a distance of 970.55 feet; thence S 00°14'11" W parallel with and 30.00 East, measured at right angles, of the East line of said Outlot "A" a distance of 742.15 feet to the North line of 39th Street; thence N 89°45'49" W on said North line of 39th Street a distance of 30.00 feet to the Point of Beginning. Containing 1.50 Acres, more or less located in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Sanitary Sewer Easement granted by Gary L. Henderson, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

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

ATTEST:
PEGGY EYNETICH
CITY CLERK

JONATHAN NIKKILA
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

RESOLUTION NO. 2025-120

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Temporary Construction Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Gary L. Henderson, has granted to the City of Kearney, Nebraska a Temporary Construction Easement as follows:

TEMPORARY CONSTRUCTION EASEMENT

The South 20.00 feet of the North 50.00 feet of Outlot "A" of Northeast Industrial Fifth Subdivision, a subdivision being part of Government Lots 3 and 4 in Section 29, Township 9 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska, containing 0.01 Acres. TOGETHER WITH: a tract of land being part of Government Lot 3 in Section 29, Township 9 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Commencing at the Southwest corner of said Government Lot 3; thence N 00°14'11" E on the West line of said Government Lot 3, and all bearings contained herein are relative thereto, a distance of 80.00 feet to the Westerly extension of the North line of 39th/ Street; thence S 89°45'49" E on said Westerly extension and on said North line of 39th/ Street a distance of 60.00 feet; thence N 00°14'11" E parallel with and 30.00 feet East,

measured at right angles, of the East line of said Outlot "A" a distance of 742.15 feet to the POINT OF BEGINNING; thence S 89°48'54" E, parallel with and 20.00 feet South, measured at right angles, of the North line of said Government Lot 3 a distance of 970.55 feet; thence S 00°00'34" E a distance of 727.17 feet to the West right-of-way line of Highway No. 10; thence S 89°37'46" W on said West right-of-way line of Hwy No. 10 a distance of 20.00 feet; thence N 00°00'34" W a distance of 707.37 feet; thence N 89°48'54" W, parallel with and 40.00 feet South, measured at right angles, of the North line of said Government Lot 3 a distance of 950.64 feet; thence N 00°14'11" E parallel with and 30.00 feet East, measured at right angles, of the East line of said Outlot "A" a distance of 20.00 feet to the Point of Beginning. Containing 0.77 Acres, more or less located in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Temporary Construction Easement granted by Gary L. Henderson, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

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

ATTEST:
PEGGY EYNETICH
CITY CLERK

JONATHAN NIKKILA
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

PROPOSED ACQUISITION OF LAND FOR PERMANENT SANITARY SEWER AND TEMPORARY CONSTRUCTION EASEMENT PURPOSES

Public Hearings 4 through 9 were discussed together but voted on separately.

Mayor Nikkila opened the public hearing on the proposed acquisition of a tract of land being part of the Northeast Quarter of Section 32, Township 9 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska, dedicated for a 30.00 foot wide Permanent Sanitary Sewer Easement Brent S. Henderson and consider Resolution No. 2025-121.

There was no one present in opposition to this hearing.

Moved by Moore seconded by Schmidt to close the hearing and adopt Resolution Nos. 2025-121 and 2025-122 approving the acquisition of a tract of land being part of the Northeast Quarter of Section 32, Township 9 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska, dedicated for a 30.00 foot wide Permanent Sanitary Sewer Easement and a 20.00 foot wide Temporary Construction Easement purposes from Brent S. Henderson. Roll call resulted as follows: Aye: Nikkila, Schmidt, Straatmann, Buschkoetter, Moore. Nay: None. Motion carried.

RESOLUTION NO. 2025-121

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Sanitary Sewer Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Brent S. Henderson, has granted to the City of Kearney, Nebraska a Permanent Sanitary Sewer Easement as follows:

PERMANENT SANITARY SEWER EASEMENT

A tract of land being part of the Northeast Quarter of Section 32, Township 9 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska, dedicated for a 30.00 foot wide Sanitary Sewer Easement, said 30.00 foot wide Sanitary Sewer Easement to be 15.00 feet on each side of the following described centerline: Commencing at the Northeast corner of the Northeast Quarter of said Section 32; thence N 89°45'49" W on the North line of said Northeast Quarter of Section 32, and all bearings contained herein are relative thereto, a distance of 1599.53 feet; thence S 00°00'34" E a distance of 29.26 feet to the West right-of-way line of Highway No. 10 and the POINT OF BEGINNING; thence continuing S 00°00'34" E on said centerline a distance of 1607.53 feet; thence S 89°41'02" E parallel with and 15.00 feet, measured at right angles, North of the South line of Brent S. Henderson property described in Roll 89, Page 206, Buffalo County Records, also being the North line of Cabela's Tract as shown on Wayne Humphreys 2/3&4/1988 Survey, a distance of 704.07 feet to said West right-of-way line of Highway No. 10 and the Point of Termination. The side lines of said 30.00 foot wide Sanitary Sewer Easement to be lengthened or shortened to form a continuous strip. Containing 1.59 Acres, more or less located in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Sanitary Sewer Easement granted by Brent S. Henderson, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

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

ATTEST:
PEGGY EYNETICH
CITY CLERK

JONATHAN NIKKILA
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

RESOLUTION NO. 2025-122

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Temporary Construction Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Brent S. Henderson, has granted to the City of Kearney, Nebraska a Temporary Construction Easement as follows:

TEMPORARY CONSTRUCTION EASEMENT

A tract of land being part of the Northeast Quarter of Section 32, Township 9 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska, dedicated for a 20.00 foot wide Temporary Construction Easement, said 20.00 foot wide Temporary Construction Easement to be 10.00 feet on each side of the following described centerline: Commencing at the Northeast corner of the Northeast Quarter of said Section 32; thence N 89°45'49" W on the North line of said Northeast Quarter of Section 32, and all bearings contained herein are relative thereto, a distance of 1574.53 feet; thence S 00°00'34" E a distance of 30.51 feet to the West right-of-way line of Highway No. 10 and the POINT OF BEGINNING; thence continuing S 00°00'34" E on said centerline a distance of 1581.32 feet; thence S 89°41'02" E parallel with and 40.00 feet, measured at right angles, North of the South line of Brent S. Henderson property described in Roll 89, Page 206, Buffalo County Records, also being the North line of Cabela's Tract as shown on Wayne Humphreys 2/3&4/1988 Survey, a distance of 680.84 feet to said West right-of-way line of Highway No. 10 and the Point of Termination. The side lines of said 20.00 foot wide Temporary Construction Easement to be lengthened or shortened to form a continuous strip. Containing 1.04 Acres, more or less located in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Temporary Construction Easement granted by Brent S. Henderson, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

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

ATTEST:
PEGGY EYNETICH
CITY CLERK

JONATHAN NIKKILA
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

PROPOSED ACQUISITION OF LAND FOR PERMANENT SANITARY SEWER AND TEMPORARY CONSTRUCTION EASEMENT PURPOSES

Public Hearings 4 through 9 were discussed together but voted on separately.

Mayor Nikkila opened the public hearing on the proposed acquisition of the South 20.00 feet of the North 30.00 feet of Lot 1, Northeast Industrial Fifth Subdivision, a subdivision being part of Government Lots 3 and 4 in Section 29, Township 9 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska dedicated for Permanent Sanitary Sewer Easement purposes from Curtis Baetz, Sole Managing Member of Baetz Properties, LLC and consider Resolution No. 2025-123.

There was no one present in opposition to this hearing.

Moved by Schmidt seconded by Buschkoetter to close the hearing and adopt Resolution No. 2025-123 and 2025-124 approving the acquisition of the South 20.00 feet of the North 30.00 feet of Lot 1, Northeast Industrial Fifth Subdivision, a subdivision being part of Government Lots 3 and 4 in Section 29, Township 9 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska dedicated for Permanent Sanitary Sewer Easement and Temporary Construction Easement purposes from Curtis Baetz, Sole Managing Member of Baetz Properties, LLC. Roll call resulted as follows: Aye: Nikkila, Straatmann, Buschkoetter, Moore, Schmidt. Nay: None. Motion carried.

RESOLUTION NO. 2025-123

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Sanitary Sewer Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Curtis Baetz, Sole Managing Member of Baetz Properties, LLC, has granted to the City of Kearney, Nebraska a Permanent Sanitary Sewer Easement as follows:

PERMANENT SANITARY SEWER EASEMENT

The South 20.00 feet of the North 30.00 feet of Lot 1, Northeast Industrial Fifth Subdivision, a subdivision being part of Government Lots 3 and 4 in Section 29, Township 9 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska. Containing 0.45 Acres, more or less.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Sanitary Sewer Easement granted by Curtis Baetz, Sole Managing Member of Baetz Properties, LLC, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the

specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

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

ATTEST:
PEGGY EYNETICH
CITY CLERK

JONATHAN NIKKILA
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

RESOLUTION NO. 2025-124

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Temporary Construction Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Curtis Baetz, Sole Managing Member of Baetz Properties, LLC, has granted to the City of Kearney, Nebraska a Temporary Construction Easement as follows:

TEMPORARY CONSTRUCTION EASEMENT

The South 20.00 feet of the North 50.00 feet of Lot 1, Northeast Industrial Fifth Subdivision, a subdivision being part of Government Lots 3 and 4 in Section 29, Township 9 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska. Containing 0.45 Acres, more or less

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Temporary Construction Easement granted by Curtis Baetz, Sole Managing Member of Baetz Properties, LLC, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

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

ATTEST:
PEGGY EYNETICH
CITY CLERK

JONATHAN NIKKILA
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

IV. CONSENT AGENDA

Moved by Buschkoetter seconded by Nikkila that Subsections 1 through 13 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 September 23, 2025.
2. Approve the following Claims:

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

Accent Sales \$769.61 smcs; Agri Coop \$4,014.47 smcs; Alfred Benesch \$85,560.22 co; All Copy \$337.48 smcs; Amax Contracting \$117.60 smcs; American Electric \$1,520.00 smcs; Antelope Sprinkler \$2,246.01 co; Ask Supply \$2,820.60 smcs; Aurora Coop \$607.26 smcs; Baird Holm \$1,380.00 smcs; Baker & Taylor \$2,048.61 smcs; Barney Insurance \$529,749.00 smcs; Baxter, M \$132.67 smcs; BeyondTrust Corp. \$6,905.89 smcs; Birdwell, R \$150.00 smcs; Blackstrap \$3,373.87 smcs; BlueCross BlueShield \$174,811.00 smcs; Boehler, C \$60.00 smcs; Bosselman Energy \$22,667.49 smcs; Bossfuels \$41,045.76 smcs; Bpad Group \$2,105.00 smcs; Broadfoot Sand & Gravel \$793.52 smcs; Brooks, G \$150.00 smcs; Buffalo Co. Clerk \$3,061.25 smcs; Buffalo Co. Redi-Mix \$34,457.63 co; Builders \$56.88 smcs; Butler, J \$31.00 smcs; Cal/Amp \$808.50 smcs; Cash Wa \$3,325.95 smcs; Center Point Publishing \$83.76 smcs; Central Mercantile \$30.00 smcs; Central Square \$1,950.00 smcs; Chase, B \$122.50 smcs; Chesterman \$588.75 smcs; City of KY \$576,284.99 smcs,ps; CityServiceValcon \$110,469.43 smcs; Cold Spring \$1,346.90 smcs; Comcate \$10,544.28 smcs; Comm. Act. Part. Mid NE \$4,390.50 smcs; Conner, D \$31.00 smcs; Consolidated Concrete \$1,727.50 co; Cook, K \$31.00 smcs; Country Partners \$20,231.87 smcs; Credit Mgmt. Services \$157.60 ps; Crisis24 \$7,350.00 smcs; Critical Hire \$25.00 smcs; CSI/Contractor Services \$29,610.00 smcs; Culligan \$101.43 smcs; D & K Products \$2,624.00 smcs; D&D Industries \$40.00 smcs; Dandee Concrete \$4,233.20 co; Dawson Public Power \$51,413.21 smcs; Denver Int. Airport \$1,500.00 smcs; Depository Trust \$85,165.00 ds; Downey Drilling \$14,094.48 smcs; DWEE Onsite Section \$7,500.00 smcs; Eagle Distributing \$280.38 smcs; Eakes \$2,008.47 smcs; Elliott Equipment \$6,591.98 smcs; Engineered Controls \$490.00 smcs; Entenmann-Rovin Co. \$241.75 smcs; EZ Turf \$964.70 co; Family Practice \$1,238.00 ps; Fedex \$50.21 smcs; Financial Partners Group \$2,887.09 co; Flock Safety \$3,800.00 smcs; Frontier \$2,733.91 smcs; Gale/Cengage \$108.75 smcs; Gillming, R \$150.00 smcs; Give Nebraska \$20.00 ps; Greater NE Cities \$12,000.00 smcs; Halstead, A \$31.00 smcs; Hinrichs, A \$200.00 smcs; Hometown Leasing \$2,009.35 smcs; Hydraulic Equipment \$1,555.00 smcs; IRS \$216,539.23 ps; Jack Lederman \$132.00 smcs; Johnson Controls \$870.15 ps; Johnson Hardware \$1,303.00 smcs; KEA Constructors \$210,559.62 co; KY Crete & Block \$94.08 co; Kelly Equipment \$11,485.00 smcs; Konica Minolta \$122.82 smcs; Kyle Sayler Band \$1,200.00 smcs; Lincoln Nat'l Life \$10,475.96 smcs; Lindner, S \$132.23 smcs; Luke, D \$150.00 smcs; Lunbery, S \$94.50 smcs; Macqueen Equipment \$313,155.27 co; Magic Cleaning \$7,390.00 smcs; Mallory Safety \$70.30 smcs; McCartney, Erin Chpt. 13 \$254.00 ps; MCL Construction \$168,556.93 co; Menards \$33.47 smcs; MES \$161.99 smcs; Mid-NE Digging \$5,100.00 co; Midwest Connect \$4,733.24 smcs; Milco Environmental \$4,515.05 smcs; Mission Square \$7,513.37 ps; Municipal Supply \$80,919.67 smcs; NDEE \$39,928.66 smcs; NE Child Support \$1,531.72 ps; NE Dept. Revenue \$123,330.07 ps; NE Public Health \$1,852.50 smcs; Nebraskaland Distrib. \$745.66 smcs; News Bank

\$500.00 smcs; Nielsen Contracting \$290,798.64 co; Nore, B \$40.00 smcs; Northwestern Energy \$770.13 smcs; NPPD \$130,689.82 smcs; Olsson Assn. \$44,115.65 co; One Call Concepts \$664.63 smcs; Paint Paradise \$318.75 smcs; Pep Co. \$371.93 smcs; Platte Valley Comm. \$1,652.26 smcs; Porter, P \$200.00 smcs; Prairie View Roofing \$460.00 smcs; Presto-X \$503.04 smcs; PVS DX \$12,222.61 smcs; Pye-Barker \$2,248.66 smcs; Quintana, A \$150.00 smcs; Rasmussen Mechanical \$401.00 smcs; Ready Mixed Concrete \$25,341.90 smcs,co; RecDesk \$4,000.00 smcs; Rouse, H \$150.00 smcs; S&J Construction \$12,738.00 co; Sapp Brothers \$4,190.12 smcs; Schindler Elevator \$1,329.36 smcs; School District #7 \$2,625.00 smcs; Schultz, B \$3,993.21 smcs; Schumacher Elevator \$28,651.25 co; See Clear Cleaning \$1,472.50 smcs; SignIt \$196.25 smcs; Sirsi Corporation \$41,214.93 smcs; Sontiq \$609.03 ps; SOS Portable Toilets \$461.00 smcs; Southern Glazier's \$1,396.20 smcs; Starkey, E \$226.50 smcs; State of NE/DAS \$82.53 smcs; Stutsman \$3,843.00 smcs; Sun Life \$82,339.24 smcs; Superior/Central Square \$10,923.55 smcs; Trade Well Pallet \$1,300.00 smcs; Traush, A \$226.50 smcs; Travelers \$1,314,338.00 smcs; Trumbull, W \$40.00 smcs; Tye & Rowling \$16,888.92 smcs; Union Bank & Trust \$120,152.28 ps; United Way \$20.00 ps; Verizon \$14,487.80 smcs; Victor Outdoor Advertising \$16,800.00 smcs; Volaire Aviation \$2,000.00 smcs; Weiler, B \$135.00 smcs; Whalen, J \$122.50 smcs; Widger, S \$31.00 smcs; Wilkins Architecture \$233,088.68 co; Yanda's Music \$2,000.00 smcs; Payroll Ending 09/20/2025 -- \$701,902.19; Payroll ending 10/04/2025 -- \$724,852.49 and Manual Check -- Jeff Schwarz: \$63.01. 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. Adopt Resolution No. 2025-125 authorizing the City Manager, Director of Finance, Assistant Director of Finance, and City Clerk to sign checks, drafts or other withdrawal orders issued against the funds of the City on deposit with designated depositories.

RESOLUTION NO. 2025-125

WHEREAS, the President and City Council have determined that it is appropriate and proper to designate various banks as depositories for funds of the City of Kearney.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the following banks be and are hereby designated as City depository banks:

- Wells Fargo Bank Nebraska, N.A.
- 1st National Bank of Omaha
- Farmers & Merchants Bank
- US Bank
- Exchange Bank
- Great Western Bank
- Five Points Bank
- Heartland Bank
- Bank of the West
- FirsTier Bank
- NebraskaLand National Bank
- Pinnacle Bank

- Bruning Bank

However, such designation as a City depository shall not be exclusive and shall not be determined in any way to constitute a franchise to the exclusion of other designated depositories.

BE IT FURTHER RESOLVED by the President and City Council of the City of Kearney, Nebraska that checks, drafts or other withdrawal orders issued against the funds of the City on deposit with said depositories be signed by any one of the following who now hold offices or positions with the City:

Brenda Jensen, City Manager
 Brian Schultz, Director of Finance
 Taylor Jaeger, Assistant Director of Finance
 Peggy Eynetich, City Clerk

BE IT FURTHER RESOLVED that all resolutions and parts of resolutions in conflict herewith are hereby repealed and that Resolution No. 2025-82 is hereby specifically rescinded and repealed.

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

ATTEST:
 PEGGY EYNETICH
 CITY CLERK

JONATHAN NIKKILA
 PRESIDENT OF THE COUNCIL
 AND EX-OFFICIO MAYOR

4. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class C liquor license and manager application for Dixie Compton, Manager submitted by Palm Garden Lounge, LLC dba Palm Garden Lounge located at 6 West 22nd Street.
5. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class C liquor license manager application for Pamela Triplett, Manager submitted by Eagles Frat Order 2722 dba Eagles Frat Order 2722 located at 17 West 24th Street.
6. Approve the purchase of an Altec AT41M Bucket Truck, in the amount of \$229,948.00 submitted by Altec, Inc. under the Sourcewell Cooperative Purchasing Contract program to be used in the Public Works Department.
7. Adopt Resolution No. 2025-126 approving Change Order No. 1 showing an increase in the amount of \$38,780.76; an increase of six (6) calendar days to Phase 1A and total project duration and one (1) additional calendar day to the Phase 1B duration, submitted by Constructors, Inc. and approved by Alfred Benesch and Company for Grant No.: 3-31-0045-040/041/042 in connection with the Apron Reconstruction Project at the Kearney Regional Airport.

RESOLUTION NO. 2025-126

WHEREAS, Constructors, Inc. of Lincoln, Nebraska has performed services in connection with Apron Reconstruction Project (Grant No.: 3-31-0045-040/041/042) at the Kearney Regional Airport, and the City's engineer, Alfred Benesch and Company, have

filed with the City Clerk Change Order No. 1 showing an increase to the contract sum in the amount of \$38,780.76; an increase of six (6) calendar days to Phase 1A and total project duration and one (1) additional calendar day to the Phase 1B duration, as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows;

Original Contract Sum	\$ 8,591,888.16
Change Order No. 1 (10-14-2025)	- 38,780.76
Total New Revised Contract Amount	\$ 8,630,668.92

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 is hereby accepted and approved.

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

ATTEST:
 PEGGY EYNETICH
 CITY CLERK

JONATHAN NIKKILA
 PRESIDENT OF THE COUNCIL
 AND EX-OFFICIO MAYOR

- 8. Adopt Resolution No. 2025-127 approving the request by Endgame West, LLC dba Big Red Keno to provide a keno-type lottery operation at Eagles Frat Order 2722 located at 17 West 24th Street.

RESOLUTION NO. 2025-127

WHEREAS, the City of Kearney entered into an Interlocal Cooperation Agreement on July 8, 2025 with City of Omaha; and

WHEREAS, Section 6 KENO SALES OUTLET LOCATIONS of the Interlocal Cooperation Agreement requires Endgame West, LLC dba “Big Red Keno” to receive approval of the City Council prior to operating a keno-type lottery from any location within the City of Kearney; and

WHEREAS, Endgame West, LLC dba “Big Red Keno,” has requested that 17 West 24th Street, Kearney Nebraska (Eagles Frat Order 2722) be approved as a location to operate a keno-type lottery on behalf of the City of Kearney.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that 17 West 24th Street, Kearney Nebraska (Eagles Frat Order 2722) is hereby approved as a location for Endgame West, LLC dba “Big Red Keno” to operate a keno-type lottery on behalf of the City of Kearney.

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

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

ATTEST:
 PEGGY EYNETICH
 CITY CLERK

JONATHAN NIKKILA
 PRESIDENT OF THE COUNCIL
 AND EX-OFFICIO MAYOR

- 9. Adopt Resolution No. 2025-128 approving the request by Endgame West, LLC dba Big Red Keno to provide a keno-type lottery operation at Thirsty Travelers, LLC dba McCue’s Nebraska Taproom located at 2008 Avenue A.

RESOLUTION NO. 2025-128

WHEREAS, the City of Kearney entered into an Interlocal Cooperation Agreement on July 8, 2025 with City of Omaha; and

WHEREAS, Section 6 KENO SALES OUTLET LOCATIONS of the Interlocal Cooperation Agreement requires Endgame West, LLC dba "Big Red Keno" to receive approval of the City Council prior to operating a keno-type lottery from any location within the City of Kearney: and

WHEREAS, Endgame West, LLC dba "Big Red Keno," has requested that 2008 Avenue A, Kearney Nebraska (Thirsty Travelers, LLC dba McCue's Nebraska Taproom) be approved as a location to operate a keno-type lottery on behalf of the City of Kearney.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that 2008 Avenue A, Kearney Nebraska (Thirsty Travelers, LLC dba McCue's Nebraska Taproom) is hereby approved as a location for Endgame West, LLC dba "Big Red Keno" to operate a keno-type lottery on behalf of the City of Kearney.

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

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

ATTEST:
PEGGY EYNETICH
CITY CLERK

JONATHAN NIKKILA
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

- 10. Adopt Resolution No. 2025-129 approving Change Order No. 1 showing an increase in the amount of \$4,390.56, submitted by Miller Painting, Inc. for the Harmon Swimming Pool Tub Sandblasting and Painting Project.

RESOLUTION NO. 2025-129

WHEREAS, Miller Painting, Inc has performed services in connection with Harmon Swimming Pool Tub Sandblasting and Painting Project, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing an increase in the amount of \$4,390.56 as shown on Exhibit "A" attached hereto and made a part hereof by reference as follows:

Original Contract Sum	\$ 105,864.00
Change Order No. 1 (10-14-2025)	+ 4,390.56
Contract Sum To Date	\$ 110,254.56

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 is hereby accepted and approved.

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

ATTEST:
PEGGY EYNETICH
CITY CLERK

JONATHAN NIKKILA
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

- 11. Adopt Resolution No. 2025-130 authorizing the Mayor to execute the State Grant

Agreement between the Nebraska Department of Transportation Division of Aeronautics and the City of Kearney, in connection with the Apron Reconstruction Project at the Kearney Regional Airport (Project No. 3-31-0045-040/041/042 (A01)).

RESOLUTION NO. 2025-130

RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF A STATE GRANT AGREEMENT FOR PROJECT NO 3-31-0045-040/041/042, TO BE SUBMITTED TO THE NEBRASKA DEPARTMENT OF TRANSPORTATION, AERONAUTICS DIVISION TO OBTAIN STATE FINANCIAL AID IN THE DEVELOPMENT OF THE KEARNEY REGIONAL AIRPORT.

BE IT RESOLVED by the President and members of the City Council of Kearney Nebraska that:

1. The City of Kearney shall enter into a state Grant Agreement with the Nebraska Department of Transportation, Aeronautics Division for Project No. 3-31-0045-040/041/042 for the purpose of obtaining state financial aid in the development of the Kearney Regional Airport and that such agreement shall be as set forth hereinbelow.
2. The Mayor of the City of Kearney is hereby authorized and directed to execute said State Grant Agreement on behalf of the City of Kearney, and the City Clerk is hereby authorized and directed to attest said execution.
3. The said agreement referred to herein above is inserted in full and attached herewith, and made a part hereof as Exhibit "O"

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

ATTEST:
PEGGY EYNETICH
CITY CLERK

JONATHAN NIKKILA
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

12. Approve the purchase of a 2025 Larue D50 snow blower in the amount of \$218,116.00 submitted by MacQueen Equipment under the Sourcewell Cooperative Purchasing Contract program to be used in the Public Works Department.
13. Adopt Resolution No. 2025-131 approving the request by Endgame West, LLC dba Big Red Keno to provide a keno-type lottery operation at Apple Fun Center, Inc dba Big Apple Fun Center located at 500 West 4th Street.

RESOLUTION NO. 2025-131

WHEREAS, the City of Kearney entered into an Interlocal Cooperation Agreement on July 8, 2025 with City of Omaha; and

WHEREAS, Section 6 KENO SALES OUTLET LOCATIONS of the Interlocal Cooperation Agreement requires Endgame West, LLC dba "Big Red Keno" to receive approval of the City Council prior to operating a keno-type lottery from any location within the City of Kearney; and

WHEREAS, Endgame West, LLC dba "Big Red Keno," has requested that 800 W 4th Street, Kearney Nebraska (Apple Fun Center Inc. dba Big Apple Fun Center) be approved as a location to operate a keno-type lottery on behalf of the City of Kearney.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that 800 W 4th Street, Kearney Nebraska (Apple Fun Center Inc. dba Big Apple Fun Center) is hereby approved as a location for Endgame West, LLC dba "Big Red Keno" to operate a keno-type lottery on behalf of the City of Kearney.

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

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

ATTEST:
PEGGY EYNETICH
CITY CLERK

JONATHAN NIKKILA
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

V. CONSENT AGENDA ORDINANCES

VI. REGULAR AGENDA

REDEVELOPMENT PROJECT FOR TALMADGE JAM, LLC

Mayor Nikkila opened for discussion the approval of Resolution No. 2025-132 approving the redevelopment project submitted by Talmadge Jam, LLC, for Redevelopment Area No. 8 for an area described as Lot 2, Block 3, Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

Brian Schultz, Director of Finance presented this matter to the Council. Mr. Schultz described the location of the property and noted CRA's recommendation of 100% of eligible expenses be approved.

Craig Bennett with Miller and Associates stated the TIF would be used on the 1.51 acre lot for a restaurant with parking connecting to both 11th Street and Younes Drive.

Moved by Nikkila seconded by Straatmann finding that the redevelopment project set forth in the application submitted by Talmadge Jam, LLC would not be economically feasible without the use of tax-increment financing, that the proposed redevelopment project would not occur in the community redevelopment area 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 best interests of the community; and further move that the redevelopment project be granted 100 percent of the annual increment in real estate taxes, up to the certified eligible Project Costs over a period not to exceed fifteen years beginning with Tax Year 2026 and to adopt Resolution No. 2025-132 granting the Chairman and legal counsel the authority to negotiate and execute a redevelopment contract with Talmadge Jam, LLC. Roll call resulted as follows: Aye: Nikkila, Buschkoetter, Moore, Schmidt, Straatmann. Nay: None. Motion carried.

RESOLUTION NO. 2025-132

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 #8 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 Lot 2, Block 3, Younes Center Seventh 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 Lot 2, Block 3, Younes Center Seventh 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 Lot 2, Block 3, Younes Center Seventh 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 14TH DAY OF OCTOBER, 2025.

ATTEST:
PEGGY EYNETICH
CITY CLERK

JONATHAN NIKKILA
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

**ORDINANCE NO. 8766 AMENDING AND ADDING SECTIONS TO ARTICLE 3
"GENERAL TRAFFIC REGULATIONS: OF CHAPTER 8 "POLICE"**

Mayor Nikkila opened Regular Agenda Item 2 for consideration of Ordinance No. 8766 amending Sections: 8-301 "Definitions"; 8-312 "Equipment on Bicycles"; 8-313 "Riding Bicycles on Roadways, Bicycle Path"; 8-314 "Riding Bicycles on Sidewalks"; 8-315 "Clinging to Vehicles"; 8-316 "Trucks Prohibited on Certain Streets"; and 8-317 "Trucks Prohibited on Certain Streets"; and adding Sections: 8-319 "ATVs, UTVs, and Golf Cart Vehicles; Operation Prohibited, Exceptions"; 8-320 "Requirements for Use of All-Terrain

and Utility-Type Vehicles”; and 8-321 Violations of this Section” of Article 3 “General Traffic Regulations” of Chapter 8 “Police” of the Code of the City of Kearney.

Bradley DeMers Assistant To The City Manager presented this item to Council. Mr. DeMers stated after receiving complaints from the public regarding the use of scooters, members of the Park and Recreation Department, Kearney Police Department and the Trails Advisory Committee met to consider how to improve safety and clarify permitted use while supporting responsible transportation. Mr. DeMers reviewed the definitions added to the Chapter as well as sidewalk and trail usage guidelines and discussed plans on implementing education in schools on the use of electric scooters and bicycles safely in the community.

There was further discussion on how traffic rules and safety would be enforced, clarification for use in Downtown Kearney, how the three classes of electric bicycles would be identified and potential penalties if found in violation of Code. Mr. DeMers stated the intent of the amendments and additions to this Chapter are to enforce violations against frequent violators; however, the main intent is to educate the public on the safe use of electric scooters and e-bicycles throughout the community.

Mr. DeMers moved on to the discussion of the use of ATV, UTV and Golf carts on roadways within the City, stating the Legislature has addressed the issue; however, there is currently nothing in the Kearney City Code regarding their usage. Mr. DeMers reviewed the conditions of their usage in the proposed Code amendments.

Council Member Kurt Schmidt questioned Section 8-319C, which prohibits ATVs for snow removal between sunset and sunrise, and asked whether that was correct given how early sunset occurs during winter months. Council Member Schmidt expressed his concerns about limiting snow removal after dark.

There was further discussion on Section 8-319C and the hours snow removal should be allowed. City Attorney Michael Tye stated the reference to hours of snow removal in that Section could be removed when Council makes a motion on the amendments.

Council Member Alex Straatmann feels the Code amendments are important and appreciates that they are being proposed proactively, rather than reactively, for these modes of transportation.

Council Member Randy Buschkoetter noted the need for additional signage on the Hike Bike Trail. Mr. DeMers stated that speed limit signs on the Trail, especially on straightaway sections, are currently under discussion with the Trail Committee.

Council Member Straatmann introduced Ordinance No. 8766 amending Sections: 8-301 “Definitions”; 8-312 “Equipment on Bicycles”; 8-313 “Riding Bicycles on Roadways, Bicycle Path”; 8-314 “Riding Bicycles on Sidewalks”; 8-315 “Clinging to Vehicles”; 8-316 “Trucks Prohibited on Certain Streets”; and 8-317 “Trucks Prohibited on Certain Streets”; and adding Sections: 8-319 “ATVs, UTVs, and Golf Cart Vehicles; Operation Prohibited, Exceptions”; 8-320 “Requirements for Use of All-Terrain and Utility-Type Vehicles”; and 8-321 Violations of this Section” of Article 3 “General Traffic Regulations” of Chapter 8 “Police” of the Code of the City of Kearney, and moved that the statutory rules requiring

ordinances to be read by title on three different days be suspended and said ordinance be considered for passage on the same day upon reading by number only, and then placed on final passage with the removal of the words “between the hours of sunset and sunrise” in Section 8-319 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 with the removal. Council Member Moore seconded the motion to suspend the rules for Ordinance No. 8766. 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. 8766 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. 8766 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. 8766 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.

OPEN ACCOUNT CLAIM

Moved by Schmidt seconded by Buschkoetter that the Open Account Claim in the amount of \$330,000.00 payable to UNK be allowed. Roll call resulted as follows: Aye: Nikkila, Buschkoetter, Schmidt. Nay: None. Moore and Straatmann abstained. Motion carried.

VII. REPORTS

VIII. ADJOURN

Moved by Nikkila seconded by Buschkoetter that Council adjourn at 6:27 p.m. Roll call resulted as follows: Aye: Nikkila, Schmidt, Straatmann, Buschkoetter, Moore. Nay: None. Motion carried.

ATTEST:

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

**PEGGY EYNETICH
CITY CLERK**