

*Kearney, Nebraska
December 16, 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 December 16, 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. Michael Tye, City Attorney; Brian Schultz, Director of Finance; Andy Harter, Director of Public Works; Sarah Sawin, Director of Utilities; Kevin Thompson, Police Captain of Operations; Jake Misener, Deputy City Clerk; and Bradley DeMers, Assistant to the City Manager, were also present. Members of the media present included: Mike Konz, Kearney Hub.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

With the absence of a minister, the Council held a moment of silence.

PLEDGE OF ALLEGIANCE

Council members led the audience in the Pledge of Allegiance.

ANNOUNCEMENT

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

RECOGNITION/ORAL COMMUNICATIONS

There were no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

5.00' UTILITY EASEMENT FOR ARBOR VIEW FOURTH ADDITION

Mayor Nikkila opened the public hearing on the proposed 5.00' Utility Easement granted by Timothy J. Norwood, Sr., Member of Fox Creek Development, LLC, a Nebraska Limited Liability Company, a Nebraska Limited Liability Company for northwesterly 5.00 feet of Lot 1, Block 2, Arbor View Fourth, an addition to the City of Kearney, Buffalo County, Nebraska as the same abuts Lot 7, Block Two, Arbor View Second, an addition to the City of Kearney, Buffalo County, Nebraska, dedicated for Utility Easement purposes and consider Resolution No. 2025-161.

Sarah Sawin, Director of Utilities presented this matter to the Council. Ms. Sawin demonstrated the location of the easement and noted it was for street light conduit.

There was no one present in opposition to this hearing.

Moved by Straatmann seconded by Moore to close the hearing and adopt Resolution No. 2025-161 approving the proposed 5.00' Utility Easement granted by Timothy J. Norwood, Sr., Member of Fox Creek Development, LLC, a Nebraska Limited Liability Company, a Nebraska Limited Liability Company for northwesterly 5.00 feet of Lot 1, Block 2, Arbor View Fourth, an addition to the City of Kearney, Buffalo County, Nebraska as the same abuts Lot 7, Block Two, Arbor View Second, an addition to the City of Kearney, Buffalo County, Nebraska, dedicated for Utility Easement purposes. Roll call resulted as follows: Aye: Nikkila, Moore, Schmidt, Straatmann, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2025-161

WHEREAS, Section 18-1755, R.R.S., authorizes a city obtaining 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 5.00' Utility Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Timothy J. Norwood, Sr., Member of Fox Creek Development, LLC, a Nebraska Limited Liability Company has granted to the City of Kearney, Nebraska a 5.00' Utility Easement as follows:

5.00' UTILITY EASEMENT

The Northwesterly 5.00 feet of Lot 1, Block 2, Arbor View Fourth, an addition to the City of Kearney, Buffalo County, Nebraska as the same abuts Lot 7, Block Two, Arbor View Second, an addition to the City of Kearney, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the 5.00' Utility Easement granted by Timothy J. Norwood, Sr., Member of Fox Creek Development, LLC, a Nebraska Limited Liability Company, 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 16TH DAY OF DECEMBER, 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 the following Claims:

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

4 States Towing \$125.00 smcs;; 911 Custom \$2,192.13 co; All City Garage \$533.65 smcs; All Copy Products \$292.74 smcs; Anova Furnishings \$3,801.90 co; Appliance Pros \$532.00 smcs; Aurora Coop \$40.58 smcs; Automatic Systems \$606.92 smcs; Bates, K \$247.44 smcs; BlueCross BlueShield \$21,932.48 smcs; Brees, Q \$45.27 smcs; Broadfoot's \$350.00 smcs; Buffalo Co. Attorney \$18,750.00 smcs; Buffalo Co. Redi-Mix \$1,040.00 co; Buffalo Co. Sheriff \$499.00 smcs; Buffalo Outdoor Power \$20,823.65 co; Buysm Sod \$40.95 smcs; Cal/Amp \$808.50 smcs; CANDO \$2,720.00 smcs; Cash Wa \$4,110.05 smcs; Chesterman \$2,505.50 smcs; City of KY \$20,782.66 smcs,ps; City Plumbing \$164.53 smcs; CityServiceValcon \$52,519.65 smcs; Cold Spring \$774.90 smcs; Crane River Theater \$5,000.00 smcs; Cummins \$643.33 smcs; Dan Roeder Concrete \$236,745.13 co; Dan's Plumbing \$175.70 smcs; Eakes \$338.88 smcs; Echo Electric \$27,177.15 co; Family Practice \$91.00 ps; Family Practice \$12,248.57 smcs; Gale/Cengage \$279.10 smcs; Graczyk Lawn \$2,167.00 smcs; Gurney & Assoc. \$2,281.06 smcs; Hamilton, C \$34.10 smcs; HireRight \$54.25 smcs; Hometown Leasing \$380.71 smcs; Hub Int'l \$7,209.88 smcs; Ingram Library Services \$187.45 smcs; IRS \$232,627.00 ps; Jack Lederman \$1,972.13 smcs,co; Jackson, S \$54.92 smcs; Johnson Service \$46,000.00 smcs; Jones, K \$350.00 smcs; Kart-Man \$2,789.00 smcs; KY Animal Shelter \$16,145.76 smcs; KY Woman's Club \$4,500.00 smcs; K-Log \$9,352.56 smcs; Lopez, N \$27.41 smcs; Macqueen Equipment \$616,100.97 smcs,co; Magic Cleaning \$3,150.00 smcs; M-B Companies \$2,877.46 smcs; McCartney, Erin Chpt. 13 \$254.00 ps; Menards \$164.66 smcs; Midwest Connect \$5,274.29 smcs; Miller & Associates \$8,825.50 smcs,co; Mission Square \$7,098.10 ps; Moonlight Embroidery \$13,919.60 smcs; Municipal Supply \$31,021.03 smcs; Murphy Tractor \$68.36 smcs; Myers Construction \$3,322.34 smcs; NE Child Support \$1,304.95 ps; NE Machinery \$10,228.73 smcs;

Newman Signs \$5,403.81 smcs; NIAIA \$125.00 smcs; Nielsen Contracting \$7,700.00 co; Northwestern Energy \$13,091.13 smcs; NPPD \$4,627.20 smcs; Old Towne Alchemy \$54.37 smcs; One Call Concepts \$339.34 smcs; Paint Paradise \$131.25 smcs; Pep Co. \$330.76 smcs; Plains Tree Farm \$5,215.00 smcs; Presto-X \$567.73 smcs; Pye-Barker \$3,250.00 smcs; Ramirez, E \$25.53 smcs; Rasmussen Mechanical \$3,717.00 smcs; Reinke's \$1,357.10 smcs; Resource Mgmt. \$2,838.00 smcs; Saylor Screenprinting \$1,050.00 co; Schindler Elevator \$1,714.59 smcs; Schumacher Elevator \$2,165.04 smcs; See Clear Cleaning \$1,472.50 smcs; Sherwin Williams \$677.14 smcs; State Fire Marshal \$50.00 smcs; Steinbrink's Landscaping \$4,700.00 smcs; Stones, Z \$150.00 smcs; Stutsman \$1,098.00 smcs; Svoboda, C \$150.00 smcs; Swartz, A \$5.28 smcs; Titan Machinery \$3,284.87 smcs; Tri City Concrete \$3,750.00 co; Union Bank & Trust \$134,068.37 ps; Unique Mgmt. \$163.10 smcs; Varma, V \$6.28 smcs; Walgreens \$4,588.00 ps; Wilcac Life \$5.00 ps; Wilkins Architecture \$60,000.00 co; Younes Construction \$21,915.52 smcs; Payroll Ending 11/29/2025 -- \$688,125.38 and Longevity Pay for 2025 -- \$72,026.39. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

2. Receive recommendations of Planning Commission and set January 13, 2026 at 5:30 p.m. as date and time for hearing on those applications where applicable.
3. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class IK liquor license and manager application for Micheale Williams submitted by Sodexo America, LLC dba Nebraska Student Union located at 1013 West 27th Street.
4. Adopt Resolution No. 2025-162 approving the request by Endgame West, LLC dba Big Red Keno to provide a keno-type lottery operation at CJV Investments, LLC dba Platte Valley CJV Investment Nebraska, LLC located at 14 East Railroad Street.

RESOLUTION NO. 2025-162

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 14 East Railroad Street, Kearney Nebraska (Platte Valley CJV Investment Nebraska, LLC) 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 14 East Railroad Street, Kearney Nebraska (Platte Valley CJV Investment Nebraska, LLC) 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 16TH DAY OF DECEMBER, 2025.

ATTEST:
PEGGY EYNETICH
CITY CLERK

JONATHAN NIKKILA
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

5. Adopt Resolution No. 2025-163 approving the payment of the invoice from Ben Pavelka Excavating and Crushing LLC in the amount of \$59,871.96 for 2024-2025 concrete crushing services.

RESOLUTION NO. 2025-163

WHEREAS, Ben Pavelka Excavating and Crushing LLC has performed concrete crushing services in connection with Street Department operations to prepare stockpiled waste concrete material for usable consistency for future use on City projects, and City staff, have filed with the City Clerk an invoice in the amount of \$59,871.96 as shown on Exhibit "A" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that the invoice, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 16TH DAY OF DECEMBER, 2025.

ATTEST:
PEGGY EYNETICH
CITY CLERK

JONATHAN NIKKILA
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

6. Adopt Resolution No. 2025-164 approving the Use and Operations Agreement for part of Annex A in Hangar T-926 located at the Kearney Regional Airport between the City of Kearney and Apollo Med Flight.

RESOLUTION NO. 2025-164

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the Use and Operations Agreement on behalf of the City of Kearney with Apollo MedFlight, LLC for part of Annex A in Hangar T-926 located at the Kearney Regional Airport, the Agreement, marked Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 16TH DAY OF DECEMBER, 2025.

ATTEST:
PEGGY EYNETICH
CITY CLERK

JONATHAN NIKKILA
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

7. Adopt Resolution No. 2025-165 approving the leasing of 6 pieces of daily-use equipment submitted by Van Wall Equipment, Omaha, Nebraska, utilizing John Deere Equipment, and the lease agreement with John Deere Financial under the Sourcewell Cooperative Purchasing program to be used at the Meadowlark Hills Golf Course

RESOLUTION NO. 2025-165

WHEREAS, the City of Kearney Purchasing Policy allows the purchasing of equipment utilizing a Cooperative Purchasing program; and

WHEREAS, Sourcewell Contract Number 112624-DAC was awarded to Van Wall Equipment, Omaha, Nebraska, utilizing John Deere Equipment for 6 pieces of daily-use equipment to be used at the Meadowlark Hills Golf Course; and

WHEREAS, the Recreation Department has recommended the leasing of (2) 2700 E-Cut Hybrid Triplex Mowers for greens, (4) 6080A E-Cut Hybrid Mower for approaches, tees, and fairways from John Deere Equipment through a 48-month lease agreement with John Deere Financial, with a monthly cost of \$7,878.92.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the leasing of (2) 2700 E-Cut Hybrid Triplex Mowers for greens, (4) 6080A E-Cut Hybrid Mower for approaches, tees, and fairways from John Deere Equipment through a 48-month lease agreement with John Deere Financial be approved and that the City Manager, or their designee, be and is hereby authorized and directed to execute the 48-month lease agreement with John Deere Financial. The Sourcewell Contract Number 112624-DAC, marked as Exhibit "A," and the John Deere Financial 48-month lease agreement, marked as Exhibit "B," are attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 16TH DAY OF DECEMBER, 2025

ATTEST:
PEGGY EYNETICH
CITY CLERK

JONATHAN NIKKILA
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

8. Adopt Resolution No. 2025-166 approving the purchase of a 10-yard Dump Truck and Snow Plow in the total unit amount of \$263,737.00 submitted by Truck Center Companies in Omaha under the Nebraska State Bid Purchasing program to be used by the Utilities Department - Sewer Collection Division.

RESOLUTION NO. 2025-166

WHEREAS, the City of Kearney Purchasing Policy allows the purchasing of equipment utilizing a Cooperative Purchasing program; and

WHEREAS, the Utilities Department has recommended the purchase of a 10-yard Dump Truck and Snow Plow under the Nebraska State Bid Purchasing program from Truck Center Companies in Omaha, Nebraska in the amount of \$263,737.00.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the purchase of a 10-yard Dump Truck and Snow Plow under the Nebraska State Bid Purchasing program from Truck Center Companies in Omaha, Nebraska be and is hereby approved. The quote from Truck Center Companies marked as Exhibit "A," is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 16TH DAY OF DECEMBER, 2025

ATTEST:
PEGGY EYNETICH
CITY CLERK

JONATHAN NIKKILA
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

9. Adopt Resolution No. 2025-167 approving Change Order No. 3 showing a decrease in the amount of \$2,115.48 and Application and Certificate for Payment No. 12-Final in the amount of \$12,267.71 and accept the Certificate of Substantial Completion submitted by KEA Constructors, LLC and approved by Oak Creek Engineering for 2025 Part 1 Improvements - 30th Avenue Overpass Rehabilitation.

RESOLUTION NO. 2025-167

WHEREAS, KEA Constructors, LLC has performed services in connection with 2025 Part 1 Improvements - 30th Avenue Overpass Rehabilitation, and the City's engineer Oak Creek Engineering, have filed with the City Clerk Change Order No. 3 showing a decrease in the amount of \$2,115.48 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, KEA Constructors, LLC and Oak Creek Engineering have filed with the City Clerk Application and Certificate for Payment No. 12-Final in the amount of \$12,267.71 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$	1,536,241.10
Change Order No. 1 (05-13-2025)	+	12,337.50
Change Order No. 2 (07-08-2025)	+	7,707.10
Change Order No. 3 (12-16-2025)	-	<u>2,115.48</u>
Contract Sum To Date		1,554,170.22
Gross Amount Due		1,554,170.22
Retainage (10%)		0.00
Amount Due to Date		1,554,170.22
Less Previous Certificates for Payment	-	1,541,602.51
Less Overpayment from Pay App No. 10	-	<u>300.00</u>
Current Payment Due	\$	12,267.71

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of September 26, 2025, as shown by Exhibit "C" attached hereto and made a part hereof by reference.

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. 3, as shown on Exhibit "A" and Application and Certificate for Payment No. 12-Final, as shown on Exhibit "B" and the Certificate of Substantial Completion as shown on Exhibit "C" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 16TH DAY OF DECEMBER, 2025.

ATTEST:
 PEGGY EYNETICH
 CITY CLERK

JONATHAN NIKKILA
 PRESIDENT OF THE COUNCIL
 AND EX-OFFICIO MAYOR

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8772A

Council Member Schmidt introduced Ordinance No. 8772A correcting the rezoning from District BP, Business Park District to District C-3, General Commercial District as was advertised in the November 29, 2025 Kearney Hub edition and recommended at the November 21, 2025 Planning Commission meeting for property described as a tract of land being part of Government Lot 7 and Government Lot 8 of Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (119 Central 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 suspend the rules for Ordinance No. 8772A. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Nikkila, Buschkoetter, Moore, Schmidt, Straatmann. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8772A by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Nikkila, Buschkoetter, Moore, Schmidt, Straatmann. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Nikkila that Ordinance No. 8772A be passed, approved and published as required by law. Roll call resulted as follows: Aye: Nikkila, Moore, Schmidt, Straatmann, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8772A 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.

VI. REGULAR AGENDA

OPEN ACCOUNT CLAIM

Moved by Nikkila seconded by Straatmann that the Open Account Claim in the amount of \$60.00 payable to UNK – the Antelope be allowed. Roll call resulted as follows: Aye: Schmidt, Buschkoetter. Nay: None. Moore and Straatmann abstained. Motion carried.

VII. REPORTS

Council Member Kurt Schmidt again wished Mr. DeMers good luck on his new endeavors.

Council Member Randy Buschkoetter commented on Terry Eirich's funeral early today and noted the number in attendance was a testament to how many lives Terry touched in the community.

Council Member Alex Straatmann thanked Andy Harter, Director of Public Works, for installing the crosswalk sign on 9th Avenue.

Mayor Nikkila and Council Members wished everyone a Merry Christmas.

VIII. ADJOURN

Moved by Nikkila seconded by Straatmann that Council adjourn at 5:37 p.m. Roll call resulted as follows: Aye: Nikkila, Straatmann, Buschkoetter, Moore, Schmidt. Nay: None. Motion carried.

ATTEST:

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

**PEGGY EYNETICH
CITY CLERK**