City of Minden
P.O. Box 239, 325 N. Colorado
Minden, Nebraska 68959

phone 308.832.1820
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www.MindenNebraska.org

The Christmas City
Minden NEBRASKA

Minutes of Council Meeting
City of Minden, Nebraska
July 3, 2017

The City Council of the City of Minden, Nebraska, met on this day at 5:00 p.m. in a regular session in the Council Chambers, pursuant to advance notice of said meeting simultaneously transmitted to all members of the Council and to the public as shown by the copy thereof posted in the Minden City Hall, Outside the Minden City Hall, First Bank & Trust Co., Minden Exchange Bank & Trust Co., and the Post Office. A copy of the notice is on file in the office of the City Clerk.

Mayor Ted Griess called the meeting to order at 5:00 p.m. The following City Council members were present: Larry Evans, Teresa Sumstine, Bob Carlson, and Roger Jones. The following City Officials were present: Mayor Ted Griess, City Attorney Tom Lieske, City Administrator Matt Cederburg, and City Clerk Abbey Jordan.

All proceedings hereinafter were taken while the convened meeting was open to the attendance of the public.

After roll was called, Mayor Griess led those in attendance in the Pledge of Allegiance. Then Griess made the following statement:

> "Pursuant to the Open Meetings Act and Public Records Law Requirements a current copy of the Open Meetings Act is posted for public inspection on the east wall of the Council Chambers. In addition, for public inspection, there is located on the table to the south of the chairs in the Council Chambers, a copy of the Council packet that was distributed to the members of the Council prior to this meeting. The City Council will take public comments on an agenda item, if it is deemed necessary. Please state your name and address prior to commenting."

Agenda item #3, Mayoral Announcements. Griess reminded the council that the Kearney Area Community Band will be playing at Chautauqua Park on Thursday night. The fireworks will be at the fairgrounds Tuesday Night. The budget workshop will be Monday, July 24th from 5:30 – 8:30 at the Minden Opera House.

Agenda item #4, The following items were listed under the agenda item "**consent agenda**" for this meeting:

a. Consider Approval of Minutes of Previous City Council Meetings.
b. Consider Approval of Bills & Claims for this Council Meeting.
c. Consider Acceptance of Excused Absence of Mayor or Council Member(s).
d. Consider Reports that are Enclosed in the Council Packets for This Council Meeting. Consider Special Designated Liquor Permit for Saturday, July 28, 2017 from 11:00 AM to 1:00 AM for David W. Bunger and Carolyn Bunger d.b.a. Windmill Studios for a dance being held at the Kearney County Fairgrounds.
e. f. Consider Special Designated Liquor Permit for Saturday, October 21, 2017 from 1:00 PM to 1:00 AM for Richard Kohmetscher d.b.a. Dick's Place for a wedding reception being held at the Kearney County Fairgrounds.

The following bills and claims were submitted for approval under the "consent agenda" and are on file in the office of the City Clerk:

A-1 Heating Av Inc 173.38, A. Jordan 126.26, Ace Irrigation Inc 48.45, All American Sewer/Drain 1,500.00, Auto Way Bowl 20.00, Benjamin's Landscaping 114.26, Big John's Ford, Inc 198.76, Black Hills Energy 138.35, Charter Communications 1,508.59, City Of Minden 45.00, Icon Enterprises, Inc. 3,120.00, Consolidated Management Co 182.04, D & M Security 55.50, Deterding Classic Pool/Spa 850.09, Door Keeper Inc 4,731.50, Dutton Lainson Co 98.90, Eakes Office Plus 614.47, Eligius Bronze 1,470.00, Fireguard, Inc. 727.97, First Bank & Trust Co 7,209.48, Fyr-Tek, Inc. 1,913.35, Galls, Llc 70.74,

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Island Supply Welding Co 74.75, Ke Co Treas Barb Lynn 4,000.00, K. Olson 6.13, Krull Agency Of Minden, Inc. 210.00, Lieske, Lieske & Ensz P C, Llo 3,188.73, Mason's Market 161.08, Menards Of Kearney 194.88, Michael Todd & Company, Inc. 389.52, The Minden Courier 820.36, Minden Office Supply, Inc 605.59, Minden Rural Fire Dept. 2,165.41, William D Simmerman 253.56, Municipal Supply-Nebraska 420.11, Ne Law Enforcement Training Ct 50.00, Nebraska Rural Water Assoc. 280.00, Ne Statewide Arboretum 2,864.07, Nmc, Inc. 594.00, Northern Safety Co. 177.89, Ne Public Health Environmental 316.00, Nebraska Public Power District 133,700.62, Olsson Associates 1,276.00, Plains Tree Farm Inc 35.00, Premier Pyrotechnics Inc 5,000.00, Revenue Bond Payment Account 25,018.00, R. Young 455.00, Rose Equipment Inc. 377.00, S. Webster 11.02, Sign Center Inc 1,320.00, South Central Diesel, Inc 24.44, Southern Power District 3,246.09, Trade Well Pallet Inc 315.00, Michael Raffaeli 119.26, Van Diest Supply Co 3,000.00, Village Cleaners Inc 201.51.

Carlson motioned to approve the consent agenda and Jones seconded. On roll call, the following voted Aye: Evans, Sumstine, Carlson, and Jones. Motion carried.

Agenda Item #5, Treasury Report, May 2017. Item was tabled. No action taken.

Agenda Item #6, Budget Report, May 2017. Item was tabled. No action taken.

Agenda Item #7, Consider Approval of Ordinance vacating the north 100 feet of the alley between Lots 9-12 and Lots 1-3, all in Block 7, Original Town, Minden, Kearney County, Nebraska.

Riley Space, owner of Mason's Market spoke of the safety concerns he has for his employees that are going across the alley to the storage building as vehicles often go too fast down the alley. Mason's has plans for an addition, but it will not be in the alley. Space said he will agree to an easement in the vacated area.

Jones introduced Ordinance No. 1220 for its first reading.

ORDINANCE NO. 1220

AN ORDINANCE TO VACATE THE NORTH 100' OF THE ALLEY WHICH LIES BETWEEN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE ALLEY THAT LIES BETWEEN LOTS 9-12 AND LOTS 1-3, BLOCK 7, ORIGINAL TOWN, MINDEN, KEARNEY COUNTY, NEBRASKA AS THE SAME WAS FORMERLY USED FOR ALLEY PURPOSES. THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA RESERVES UNTO ITSELF ANY AND ALL EASEMENTS WHICH IT MAY HAVE FOR UTILITIES ACROSS THE HEREIN DESCRIBED PROPERTY.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA.

Section 1. That the alley which lies between and being more particularly described as follows: The north 100' of the alley that lies between Lots 9-12 and Lots 1-3, Block 7, Original Town, Minden, Kearney County, Nebraska, as the same was formerly used for alley purposes, be and the same is hereby vacated.

Section 2. That the title to the north 100' of the vacated alley herein described shall and does hereby revert to the owners of the adjacent land lying on the east side thereof.

Section 3. That the City of Minden, Kearney County, Nebraska hereby reserves unto itself an easement for utility purposes in and to the vacated portion of this alley.

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Section 4. That the Council finds that no persons or property will be in any way damaged by this vacation and, therefore, no provision is made for determination of damages.

Section 5. That any other ordinance or section passed and approved prior to the passage, approval and publication or posting of this ordinance and in conflict with its provisions is hereby repealed.

Section 6. This ordinance shall be known as Ordinance No. 1220 and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 3rd day of July, 2017.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Sumstine seconded. On roll call, the following voted Aye: Evans, Sumstine, Carlson, and Jones. Motion carried.

Evans motioned to suspend the three readings of Ordinance No. 1220 and Carlson seconded. On roll call, the following voted Aye: Evans, Sumstine, Carlson, and Jones. Motion carried.

Evans motioned to adopt Ordinance No. 1220 by title and Jones seconded. On roll call, the following voted Aye: Evans, Sumstine, Carlson, and Jones. Motion carried.

Agenda Item #8, Consider Approval of Ordinance vacating 10 feet of Blaine Avenue along Block 2, Pearson's and Campbell's Addition, Minden, Kearney County, Nebraska.

Gene Uden, Ray Brown and Associates, stated that the drainage and need for a retaining wall was overlooked in the engineering of the addition. Bethany Home is asking for the City to vacate a portion of Blaine Avenue to allow for space to place the retaining wall.

Carlson introduced Ordinance No. 1221 for its first reading.

ORDINANCE NO. 1221

AN ORDINANCE TO VACATE A PORTION OF BLAINE AVENUE AS ORIGINALLY ESTABLISHED IN PEARSON'S AND CAMPBELL'S ADDITION TO THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MINDEN, NEBRASKA:

Section 1. That a tract of land, being 10' wide, and the east line being described as follows; beginning at the NW corner of Block 2, of Pearson's and Campbell's Addition to the City of Minden, Kearney County, Nebraska; thence south on the west line of said Block 2, 264.0 feet to the SW corner of said Block 2 be and the same is hereby vacated.

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Section 2. That the title to the vacated portion of the street herein described shall and does hereby revert to the owners of the adjacent land.

Section 3. That the Council finds that no persons or property will be in any way damaged by this vacation and, therefore, no provision is made for determination of damages.

Section 4. That any other ordinance or section passed and approved prior to the passage, approval and publication or posting of this ordinance and in conflict with its provisions is hereby repealed.

Section 5. This Ordinance shall be known as Ordinance No. 1221 and shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed and approved this 3rd day of July, 2017.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

(SEAL)

Evans seconded. On roll call, the following voted Aye: Evans, Sumstine, Carlson, and Jones. Motion carried.

Evans motioned to suspend the three readings of Ordinance No. 1220 and Jones seconded. On roll call, the following voted Aye: Evans, Sumstine, Carlson, and Jones. Motion carried.

Evans motioned to adopt Ordinance No. 1221 by title and Jones seconded. On roll call, the following voted Aye: Evans, Sumstine, Carlson, and Jones. Motion carried.

Agenda Item #9, Consider Approval of Rehab of City Municipal Well #3 for approximately $35,000,

Ryan Hurst, Utilities Superintendent, shared that last year's well testings' concluded that wells #2 and #3 needed repairs. Well #2 has already been repaired. Well #3 has holes in the casing. Sargent Drilling quoted $60,000 to re-line the well plus engineering costs. Layne Christensen quoted $35,000 to engineer the project and re-line the well. Cederburg stated that due to the uniqueness of the repairs, the project doesn't need to be bid out.

Evans motioned to rehab City Municipal Well #3 for approximately $35,000 and Carlson seconded. On roll call, the following voted Aye: Evans, Sumstine, Carlson, and Jones. Motion carried.

Agenda Item #10, Consider Approval of Comprehensive Fees List.

Cederburg stated the ease of having all fees located in one table and updated annually. If the table of fees is approved, then the charges will start being used and ordinances will be brought to council updating the fees and either changing the code or adding to the code. He reviewed various recommended fee changes.

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Hurst stated the need for a standard fee for new water services. Cederburg stated that new water service connections are already being billed, but the standard fee would be included in the building permit fee and make collection and billing easier.

Hurst also recommended having a standard fee for new electric services too which would cover the cost of NPPD's work for this. The fee would be based on the power amount needed. He addressed questions concerning other utility fees.

Evans brought to the Council's attention a discrepancy on building permit fees. The discrepancy was noted and will be corrected.

This item was tabled.

Agenda Item #11, Consider Approval of WPCI's new CDL drug testing policy.

Cederburg stated that after discussion with WPCI, there will be more changes coming and recommended waiting until the federal guidelines are final. Item was tabled. No action taken.

Agenda Item #12, Consider Approval of Ordinance amending Section 70-82, Numbering Streets and Buildings, of the Municipal Code of Minden, Second Reading.

Police Chief, James Huff, stated he would like to have a fine added for noncompliance. Item was tabled. No action was taken.

Agenda Item #13, Consider Approval of Ordinance amending Chapter 10, Article II, Dogs, from the Municipal Code of Minden, Second Reading.

Evans introduced Ordinance No. 1219 for its second reading.

ADOPTING ORDINANCE
ORDINANCE NO. 1219

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR DOGS FOR THE CITY OF MINDEN, NEBRASKA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINDEN, NEBRASKA:

Section 1. The Code Section entitled "Dogs", consisting of Chapter 10, Article II, Divisions I and II is hereby adopted.

Section 2. All ordinances applicable to Dogs enacted on or before July 3, 2017, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof

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that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. This ordinance shall become effective after publication which may be in pamphlet form and shall be known as Ordinance No. 1219.

Sumstine seconded. On roll call, the following voted Aye: Evans, Sumstine, and Jones. Voting Nay: Carlson. Motion carried.

Agenda Item #14, Consider Approval of the CRA's Petition for Annexation.

Sumstine motioned to approve the CRA's petition for annexation and Jones seconded. On roll call, the following voted Aye: Evans, Sumstine, Carlson, and Jones. Motion carried.

Agenda Item #15, Public comments. No comments were made.

Agenda Item #16, Adjournment.

Jones motioned to adjourn the meeting at 6:18 p.m. and Sumstine seconded. On roll call, the following voted Aye: Evans, Sumstine, Carlson, and Jones. Meeting adjourned.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

(SEAL)