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 20, 2017

The City Council of the City of Minden, Nebraska, met on this day at 6:00 p.m. in a special 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.

Council President Larry Evans called the meeting to order at 6:00 p.m. The following City Council members were present: Larry Evans, Teresa Sumstine, and Bob Carlson. The following City Council members were absent: 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.

The Mayor congratulated Fire Chief Tom Brown on receiving Volunteer Fire Assistant Grant in the amount of $3,800 and thanked him for his work on getting the grant. The Mayor also reminded the Council of the upcoming Budget Meeting at the Minden Opera House. The Mayor also expressed gratitude towards Shadd Cochran for volunteering to be a firefighter. He also mentioned the upcoming concert at Chautauqua Park and encouraged attendance.

Agenda item #4, The following item was 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 Excuse Absence of Mayor or Council Member(s)
d. Consider Reports that are Enclosed in the Council Packets for This Council Meeting
e. Consider Special Designated Liquor Permit for Saturday, August 12, 2017 from 11:00 AM for David W. Bunger and Carolyn Bunger d.b.a. Windmill Studios for a wedding reception being held at the Kearney County Fairgrounds
f. Consider Approval of Volunteer Firefighter, Shadd Cochran

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

Amazon 381.36, American First Aid & Safety 46.88, A. Webster 140.00, Baker & Taylor 490.50, Bill's Plumbing & Htg. Inc 691.12, Black Hills Energy 39.95, Bnsf Railway Co. 2419.06, Brown Transfer Company 180.23, J. Carter 784.90, City Of Holdrege Landfill 4395.16, Consolidated Management Co 126.66, Cooperative Producers,Inc. 1682.50, Dollar General-Regions 410526 45.50, Ems Billing 761.80, Fifth Street Printing 315.20, Gilmore & Bell Pc 2000.00, Total Funds By Hasler 400.00, Hawkins Water Treatment 1247.50, Hd Supply Waterworks, Ltd 1302.58, Hochen Bindery 1393.00, Jameson Sandblasting & Painting 1030.86, J. Hill 58.15, Jci Industries, Inc 1975.00, Jims Ok Tire Minden Llc 3784.00, Joy's Floral & Gifts 160.00, K. Clapper 26.49, K. Benson 405.00, K. Olson 195.13, Landmark Implement Carquest 31.31, League Of Nebr. Municipalities 85.00, The Lockmobile 430.50, Matheson Tri-Gas Inc 33.60, Midwest Tapes 69.63, Minden Hardware 1166.31, Minden Lumber & Concrete Co. 195.51, Minden Machine Shop Inc 217.23, Minden Office Supply, Inc 68.89, Minden Utility Dept. 5780.03, Municipal Supply-Nebraska 577.80, Napa Auto Parts 21.99, N. Winfield 5.35, Nmc, Inc. 921.74, Nebraska Public Power District 202152.75, Ne Public Power District 27378.15, N T & T 81.19, One Call

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Concepts Inc 38.10, L. T. Pedley Drug 523.31, Pepsi Cola Of Hastings 164.48, Presto X Co. 63.00, Sign Center Inc 155.25, Sos Portable Toilets Inc 125.00, Southern Power District 21.18, Stadler Implement Inc. 99.35, Sunbelt Rentals, Inc 23.00, T. Hudson 80.00, United States Postal Service 88.00, Verizon Wireless 655.14, Wex Bank 4564.59, Western Pathology Consult Inc 237.80, Xerox Capital Services Inc 187.24.

Concern was expressed about Amazon now collecting sales tax on Internet sales and the effect it had on the Monthly Sales Tax Report. Evans motioned to approve the consent agenda and Sumstine seconded. The Mayor also mentioned the street closing near the Minden water tower from August 7th to August 16th in order to fix a damaged culvert. On roll call, the following voted Aye: Evans, Sumstine, and Carlson. Absent and not voting: Jones. Motion carried.

Agenda Item #5, Treasury Report, May 2017.

City Administrator Matt Cederburg presented the May 2017 Treasury Report to the Council and noted that the June 2017 Treasury Report was not finished yet. No action taken.

Agenda Item #6, Budget Report, May 2017.

City Administrator Matt Cederburg presented the May 2017 Budget Report to the Council. Numbers were in line with what was projected. No action taken.

Agenda Item #7, Public Hearing, Consider Issuance, Refusal, or No Recommendation to the Nebraska Liquor Control Commission for a Class I (Beer, Wine & Distilled Spirit on Sale) License for Stacy and George d.b.a. Cozy Corner Café.

Item was accidentally left on the Council agenda. Due to scheduling conflicts, No Recommendation was issued and no hearing was held. The liquor license for Stacy and George d.b.a. Cozy Corner Café will be issued 45 days from June 12, 2017. No action taken.

Agenda Item #8, Consider Approval of Ordinance #1218 amending Section 70-82, Numbering Streets and Buildings, of the Municipal Code of Minden, Second Reading.

Evans introduced Ordinance #1218 for its Second Reading.

ORDINANCE NO. 1218

AN ORDINANCE TO AMEND CHAPTER 70 OF THE MUNICIPAL CODE OF MINDEN, KEARNEY COUNTY, NEBRASKA, BY AMENDING SECTION 70-82, AS THE SAME RELATES TO NUMBERING STREETS AND BUILDINGS.

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

Section 1. That Section 70-82 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be and the same is hereby amended to read as follows:

Section 70-82 Displaying numbers.

(a) The owner, agent, lessee or occupant of any building or residence within the City shall number and cause to have placed in public view on each such building, residence or mailbox numbers denoting the street address of the residence or structure.

(b) In the case of a building or premises that contains occupancy by multiple parties and is served by separate or individual exterior doors, the apartment or unit number(s) or range of numbers must also be installed and maintained on the building along with the assigned address number so that both are plainly seen and in a conspicuous place as near as possible to the appropriate entrance thereto.

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(c) The numbers shall be plain, legible and of contrasting color with its background upon which they appear and shall be maintained in such condition at all times. The numbers shall not be less than three inches in height by two inches in width.

Section 2. 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 3. This ordinance shall be known as Ordinance No. 1218 and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 20th day of July, 2017.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Sumstine seconded Ordinance #1218 amending Section 70-82, Numbering Streets and Buildings, of the Municipal Code of Minden. On roll call, the following voted Aye: Evans, Sumstine, and Carlson. Absent and not voting: Jones. Motion carried.

Carlson motioned to suspend the Third Reading of Ordinance #1218 and Evans seconded. On roll call, the following voted Aye: Evans, Sumstine, and Carlson. Absent and not voting: Jones. Motion carried.

Evans motioned to adopt Ordinance #1218 by Title and Sumstine seconded. On roll call, the following voted Aye: Evans, Sumstine, and Carlson. Absent and not voting: Jones. Motion carried.

Agenda Item #9, Consider Approval of Ordinance #1219 amending Chapter 10, Article II, Dogs, from the Municipal Code of Minden, Third Reading.

Sumstine introduced Ordinance #1219 for its Third 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 20, 2017, and not included in the Code or recognized and continued in force by reference therein, are repealed.

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

Source: C.O. 1219, 7/20/2017.

Passed and adopted by the City Council on this 20th day of July, 2017.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Evans seconded to approve Ordinance #1219 amending Chapter 10, Article II, Dogs, from the Municipal Code of Minden, Third Reading. On roll call, the following voted Aye: Evans, Sumstine, and Carlson. Absent and not voting: Jones. Motion carried.

Agenda Item #10, Consider Approval of Ordinance #1222 for annexation of the Minden West Estates Third Subdivision, City of Minden, Kearney County, Nebraska.

Carlson introduced Ordinance #1222 for its first reading.

ADOPTING ORDINANCE
ORDINANCE NO. 1222

AN ORDINANCE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF AND ANNEX TO THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA, CERTAIN CONTIGUOUS AND ADJACENT LANDS OUTSIDE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA, SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS THE MINDEN WEST ESTATES THIRD SUBDIVISION ATTACHED HERETO; AND TO PROVIDE FOR SERVICE BENEFITS THERETO; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

Evans seconded the approval of Ordinance #1222 for annexation of the Minden West Estates Third Subdivision, City of Minden, Kearney County, Nebraska. On roll call, the following voted Aye: Evans, Sumstine, and Carlson. Absent and not voting: Jones. Motion carried.

Agenda Item #11, Consider Approval of Comprehensive Fees List.

Fees concerning rezoning and variance were recommended to be increased due to fees the City incurs through certified mail or publications. Fees regarding building permit fees per square footage were also recommended to be raised due to the fees that the City pays to Kearney. The idea behind the Comprehensive Fees List is to congregate the fees in the Municipal Code of Minden in an appendix. Evans motioned to approve the Comprehensive Fees List and Carlson seconded. On roll call, the following voted Aye: Evans, Sumstine, and Carlson. Absent and not voting: Jones. Motion carried.

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Agenda Item #12, Consider Approval of closure of the 200 block of E. 5th Street and the abutting sidewalk for food trucks, other vendors, and craft vendors on Saturday, August 19, 2017 in accordance with City Code Section 58-1.

Marcia Davis of the Minden Chamber of Commerce recommended the closing of the 200 block of E. 5th Street due to the construction happening on the Kearney County Courthouse lawn. Guests will be able to park in the old IGA parking lot and Davis has received an okay from all businesses on the square. Sumstine motioned to approve the closure of the 200 block of E. 5th Street and the abutting sidewalk for food trucks, other vendors, and craft vendors on Saturday, August 19, 2017 in accordance with City Code Section 58-1 and Carlson seconded. On roll call, the following voted Aye: Evans, Sumstine, and Carlson. Absent and not voting: Jones. Motion carried.

Agenda Item #13, Discussion concerning parking on the 100 block of E. 2nd Street per citizen request.

Concern was discussed about the narrow width of the 100 block of E. 2nd Street and concern for how a firetruck or other emergency vehicle would be unable to pass through if cars happened to be parked on both sides of the street. It was suggested to change parking from Brown all the way to Colorado on E. 2nd Street. The item was left up for discussion in order for residents of this area to express their opinions. Ordinance to be discussed at a later date. No action taken.

Agenda Item #14, Consider Approval of Resolution #1664 for crossing Highways 10 & 74 for the 5K Fun Run down Memory Lane on July 29, 2017 as requested by Bethany Home and to accept the duties of LB 589.

RESOLUTION 1664

A Resolution of the City of Minden, Nebraska, preparing for a 5K run and applying to obtain a Special Event Permit through the Nebraska Department of Roads.

WHEREAS, the City of Minden, Nebraska, and Bethany Home is sponsoring a 5K Fun Run down Memory Lane during the All Class Reunion to be held on July 29, 2017; and

WHEREAS, as part of the 5K Fun Run down Memory Lane, the City of Minden, Nebraska, plans to cross Highway 10 at 4th Street and St Clair Street and cross Highway 74 at Minden Avenue, both of which are part of the state highway system, other than a freeway, with no lane closures as part of the special event; and

WHEREAS, the Nebraska Department of Roads has changed its special event permit process as a result of the passage of Neb. Rev. Stat. §39-1359, which became effective on May 24, 2011; and

WHEREAS, the City of Minden, Nebraska, as part of the 5K Fun Run down Memory Lane, acknowledges and understands that use of the state highway system for a special event requires a legal duty to protect the highway property from any damage that may occur arising out of the special event, and the state shall have no duty during the time the City of Minden is in control of the highway, as specified in the notice that will be provided to the Nebraska Department of Roads.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Minden, Nebraska (the "City"):

1. The Minden City Council now advises the Nebraska Department of Roads that the City of Minden will be crossing Highway 10 at 4th Street and St Clair Street and crossing Highway 74 at Minden Avenue, both of which are part of the state highway system and are not freeways, for a special event known as the 5K Fun Run down Memory Lane to be held on July 29, 2017. The use of Highway 10 and Highway 74 will be from 8:00 a.m. until 10:00 a.m. on July 29, 2017 ("city's use"). As part of the special event, the Minden City Council acknowledges the City of Minden shall have the legal duty to protect highway property from any damage that may occur from the crossing of Highway 10 and Highway 74 and the State of Nebraska shall not have any such duty during the city's use of Highway 10 and Highway 74 for the 5K Fun Run down Memory Lane. Notice will be provided to the Nebraska Department of Roads prior to the 5K Fun Run down Memory Lane.

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2. The City Council, on behalf of the City of Minden, acknowledges that any existing statutory or common law duty of the State of Nebraska to protect the public from damage, injury or death shall become the duty of the City of Minden during the city's use of crossing of Highway 10 and Highway 74 the 5K Fun Run down Memory Lane, and the state shall not have such statutory or common law duty during the city's crossings of Highway 10 and Highway 74.

3. The City Council, on behalf of the City of Minden, by this resolution, formally acknowledges that the City of Minden accepts the duties set forth in subsection (2) of Neb. Rev. Stat. §39-1359, as well as the duty to protect the public from damage, injury or death during the city's crossings of Highway 10 and Highway 74 for a Fun Run and if a claim is made against the State of Nebraska, the City of Minden shall indemnify, defend and hold harmless the State of Nebraska from all claims, demands, actions, damages and liability, including reasonable attorney fees, that may arise as a result of the city's crossings of Highway 10 and Highway 74 during this Fun Run.

4. The Minden City Council now authorizes the Mayor to sign this resolution accepting and acknowledging its duties for control during the city's crossings of Highway 10 and Highway 74 during this Fun Run, and to present this resolution to the Nebraska Department of Roads.

This Resolution shall become effective upon its passage and approval. Passed and approved on July 20, 2017.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Carlson motioned to approve Resolution #1664 for crossing Highways 10 & 74 for the 5K Fun Run down Memory Lane on July 29, 2017 as requested by Bethany Home and to accept the duties of LB 589 and Sumstine seconded. On roll call, the following voted Aye: Evans, Sumstine, and Carlson. Absent and not voting: Jones. Motion carried.

Agenda Item #15, Consider Approval of a Resolution #1665 directing the sale of surplus property with a fair market value of less than $5,000.

RESOLUTION NO. 1665

A RESOLUTION DIRECTING THE SALE OF SURPLUS PERSONAL PROPERTY
OF THE CITY OF MINDEN, NEBRASKA.

WHEREAS, the City of Minden does have in its possession certain property deemed to be surplus property to the City, with a fair market value of less than $5,000, and wishes to dispose of this property; and

WHEREAS, the City of Minden may sell surplus items by sealed bids, public auction, or by the standards set forth in the Interlocal Cooperation Act allowing the City of Minden to sell surplus equipment to other governmental subdivisions of the State of Nebraska by negotiated price.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Minden that the following City property is declared surplus and will be sold to the City of Sutton for the price listed below. All units to be sold without any warranty or any expressed warranty.

($600 for all)

- Bite Suit Top
- Bite Suit Bottom

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- 3 Dog Leashes
- 1 Dog Ball
- 1 Dog Choker Collar
- 1 Dog Leather Collar
- 2 Dog Combs
- 1 Hard Bite Sleeve
- 3 Soft Bite Sleeves
- 4 Caution Police Dog in Training Signs

Council Member Evans moved for the adoption of the foregoing Resolution. Council Member Sumstine seconded the motion.

On roll call the following voted Aye: Evans, Sumstine, and Carlson. The following voted Nay: none. The following were absent and not voting: Jones.

The passage of said Resolution having been consented to by a majority of the members of the City Council, the Mayor declared the Resolution passed and adopted, this 20th day of July, 2017.

PASSED AND APPROVED this 20th day of July, 2017.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Evans motioned to approve Resolution #1665 directing the sale of surplus property with a fair market value of less than $5,000 and Sumstine seconded. On roll call, the following voted Aye: Evans, Sumstine, and Carlson. Absent and not voting: Jones. Motion carried.

Agenda Item #16, Consider Approval of payment to Miller & Associates in the amount of $4,000 for DTR Phase II grant administration services for CDBG 15-DTR-104.

Evans motioned to approve the payment to Miller & Associates in the amount of $4,000 for DTR Phase II grant administration services for CDBG 15-DTR-104 and Carlson seconded. On roll call, the following voted Aye: Evans, Sumstine, and Carlson. Absent and not voting: Jones. Motion carried.

Agenda Item #17, Consider Approval of draw #1 for $4,000; this amount will be drawn on CDBG 15-DTR-104 from NE Dept. of Economic Development.

Sumstine motioned to approve draw #1 for $4,000; amount will be drawn on CDBG 15-DTR-104 from NE Dept. of Economic Development and Evans seconded. Absent and not voting: Jones. On roll call, the following voted Aye: Evans, Sumstine, and Carlson. Absent and not voting: Jones. Motion carried.

Agenda Item #18, Discussion of Downtown Residential Codes.

This discussion takes place over mandatory automatic sprinklers in residential buildings in commercial areas. The City currently has adopted the International Building Code dealing with commercial structures. To not make it mandatory for sprinklers in a Group R (residential) dwellings, some of the sections would have to be amended for the City of Minden. The also adopted the 1976 Fire Prevention Code and it was recommended to adopt the 2000 edition of the National Fire Protection Association handbook, as followed by the Nebraska State Fire Marshall, which also dealing with automatic sprinkler systems.

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Agenda Item #19, Discussion of Circus event to be held on July 25th.

Evans motioned to enter closed session to discuss the evaluation of job performance of the Parks and Recreation Director and the upcoming Circus event at 7:13 p.m. and Sumstine seconded. On roll call the following voted Aye: Evans, Sumstine, and Carlson. Absent and not voting: Jones. Motion carried.

Evans motioned to exit closed session at 7:37 p.m. and Carlson seconded. On roll call the following voted Aye: Evans, Sumstine, and Carlson. Absent and not voting: Jones. Motion carried.

Agenda Item #20, Public Comments. No public comments were made.

Agenda Item #21, Adjournment.

Evans motioned to adjourn the meeting at 7:38 p.m. and Sumstine seconded. On roll call, the following voted Aye: Evans, Sumstine, and Carlson. Absent and not voting: Jones. Meeting adjourned.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:
/s/ Abbey Jordan
Abbey Jordan, City Clerk

(SEAL)