

City of Minden

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

phone 308.832.1820
fax 308.832.1949
www.MindenNebraska.org



Minutes of Council Meeting
City Of Minden, Nebraska
August 21, 2017

The City Council of the City of Minden, Nebraska, met on this day at 6:00 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 6:00 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. Mayor Griess announced a thank you to the community for the tolerance of 1st street closing and the city's work on the road. The car show was very successful and good job to the Minden Chamber of Commerce, Minden car club, and city employees.

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 Excused Absence of Mayor or Council Member(s)
- d. Consider Reports that are Enclosed in the Council Packets for This Council Meeting

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 146.33, Auto Way Bowl 110.00, Baker & Taylor 110.39, Bill's Plumbing & Htg. Inc 51.60, Black Hills Energy 178.30, Charter Communications 13.57, City Of Holdrege Landfill 4,486.61, Comcate 2,315.25, Consolidated Management Co 173.19, Cooperative Producers, Inc. 1,655.93, Dept Of Treasury 110.67, Electric Pump 2,283.54, Ems Billing 814.14, Environmental Systems Research 720.00, Fifth Street Printing 316.00, Gangwish Turf 78.75, Total Funds By Hasler 400.00, Hawkins Water Treatment 6,023.71, Hd Supply Waterworks, Ltd 2,759.57, Holmes Plbg. & Htg Supp Co 48.71, Intellicom Computer Consulting 814.00, Island Supply Welding Co 64.45, Ja King 463.40, Jeff Johnson Construction 659.96, J. Huff 51.59, Jims Ok Tire Minden Llc 1,640.25, Joy's Floral & Gifts 761.00, Ke Co Court 34.00, Solid Waste Agency Landfill 30.00, J. Kevin Benson 240.00, Landmark Implement Carquest 329.61, Lawson Products, Inc. 715.35, Layne Christensen Co. 1,767.29, League Of Nebr. Municipalities 9,060.00, Mason's Market 358.62, Matheson Tri-Gas Inc 34.72, M. Cederburg 91.15, Midwest Tapes 43.48, Miller & Associates 4,000.00, The Minden Courier 603.25, Minden Hardware 697.68, Minden Lumber & Concrete Co. 1,565.04, Minden Office Supply, Inc 132.23, Mower Medic Llc 176.44, Municipal Code Corporation 950.00, Municipal Supply-Nebraska 456.63, Napa Auto Parts 322.75, Nebraska Library Association 845.00, Nebraska Power Review Board 405.23, Nmc, Inc. 3,214.91, Nebraska Public Power District 217,087.92, Ne Public Power District 27,802.77, N T & T 81.19, Oclc, Inc. 250.00, One Call Concepts Inc 63.90, L. T. Pedley Drug 308.57, Pepsi Cola Of Hastings 109.65, Platte Valley Communications 3,503.66, Presto X Co. 63.00, Raynor Doors Of Ce Ne Inc 184.00, Share Corp. 194.75, Sheldon Manufacturing Inc 20.00, Southeast Library System 240.00, Southern Power District 3,267.05, Suburban Fire District #1 279.00, Sunset Spa & Supply 196.83, Structural Bolt Company 155.00, Travelers 4,305.00, United Suppliers, Inc. 1,398.50, Usa Blue Book

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269.98, United States Postal Service 88.00, Verizon Wireless 854.57, Wex Bank 3,311.92, Western Pathology Consult Inc 54.20, Xerox Capital Services Inc 149.68.

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

Agenda Item #5, Treasury Report, July 2017.

Cederburg presented the July 2017 treasury report to the council. No action taken.

Agenda Item #6, Budget Report, July 2017.

Cederburg presented the July 2017 budget report to the council. No action taken.

Agenda Item #7, Consider Approval of Meritain Administration services agreement for 3% increase in 2017 and 1% increase in 2018 plan years.

Evans motioned to approve Meritain administration services agreement and Sumstine seconded. On roll call, the following voted aye: Evans, Sumstine, Carlson, and Jones. Motion carried.

Agenda Item #8, Discussion only of street parking near 661 W Hawthorne per Citizen Request.

Christin Richards and husband Larry at 661 W Hawthorne. Concerns about parking for Bethany Home on both sides of house. Bob Tank, Administrator at Bethany Home, stated that adequate parking has been provided for staff and most of the parking near 661 W Hawthorne is visitors. The door to health care services is closest to 661 W Hawthorne. Bob suggested that Bethany Home would inform visitors to park in the parking lots provided in their monthly newsletter. He also said he would encourage Bethany employees to spread the message via word of mouth to its visitors. No action taken.

Agenda Item #9, Consider Approval of Ordinance for Annexation of The Minden West Estates Third Subdivision, City of Minden, Kearney County, Nebraska.

Sumstine introduced Ordinance No. 1222 for its third 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.

Passed and approved this 21st day of August, 2017.

/s/ Ted Griess
Ted Griess, Mayor

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ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing is a true copy of the ordinance passed at the regular meeting of the City Council of the City of Minden, Nebraska, held on the 21st day of August, 2017.

/s/ Abbey Jordan
Abbey Jordan, City Clerk

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.

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

SECTION 1. It is hereby found and determined by the City Council of the City of Minden, Kearney County, Nebraska:

- (a) The tracts, streets, and highways located outside of Minden, Kearney County, Nebraska, as hereafter more particularly described, are urban and suburban in character and are contiguous and adjacent to the corporate limits of the City of Minden, Kearney County, Nebraska;
- (b) Police, fire and snow removal benefits will be immediately available thereto, and other city services are or will be available as provided by law;
- (c) Within the areas considered for annexation, the users of the city's utility services will have the benefit of rates applicable to users of such services within the city;
- (d) There is a unity of interest in the use of such tracts with the use of lots and tracts in such city and community of convenience and welfare and the interest of such city will be enhanced through incorporating such lots and tracts and streets within the limits of such city.
- (e) The area to be annexed is described as follows, to wit:

A tract of land located in part of the south half (s1/2) of section twelve (12), township six (6) north, range fifteen (15) west of the 6th p.m., Kearney County, Nebraska and more particularly described as follows:

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Commencing at the southeast corner of the lot 6, block 3, Gate's Addition to Minden; thence on an assumed bearing of $n00^{\circ}42'40''w$, along the east line of said gate's addition, a distance of 245.83 feet to the southeast corner of the lot 4, block 2, said Gate's Addition, said point also being the point of beginning; thence $s89^{\circ}05'23''w$, along the south line and projection of said lot 4, a distance of 539.95 feet; thence $s86^{\circ}43'57''w$ a distance of 917.00 feet to a point on the west line of Minden West Estates; thence $n00^{\circ}45'38''w$, along said west line, a distance of 498.89 feet to the south right-of-way line of the B.N.S.F. Railroad, also being the northeast corner of said Minden West Estates; thence $n78^{\circ}59'28''e$, along said south railroad right-of-way line, a distance of 932.63 feet to the northwest corner of a tract of land as described in book 238, page 194-198, filed for record on Jan. 7, 2016; thence $s00^{\circ}47'42''e$, along the west line of said tract, a distance of 483.47 feet to the southwest corner of said tract; thence $n89^{\circ}13'35''e$, along the south line of said tract and the north line of lot 6, said block 2, Gate's Addition, a distance of 540.16 feet to a point on the northeast corner of lot 6, block 2, Gate's Addition; thence $s00^{\circ}42'40''e$, along said east line of block 2, Gate's Addition, a distance of 139.86 feet to the place of beginning.

Said tract contains a calculated area of 591,557 square feet or 13.580 acres more or less of which 4.610 acres are new dedicated road right-of-way.

SECTION 2. That the boundaries of the City of Minden, Kearney County, Nebraska, be and hereby are extended to include within the corporate limits of such city the adjacent and contiguous lands located outside the City of Minden, Kearney County, Nebraska, more particularly described on the attached description and plat map attached hereto and designated as the Landmark Addition and said attached description and plat map are hereby approved by this Ordinance.

SECTION 3. That a certified copy of this ordinance, together with a plat of such land, as acquired from the city's engineers, shall be filed of record in the office of the Register of Deeds of Kearney County, Nebraska.

SECTION 4. Such lands are hereby annexed to the City of Minden, Kearney County, Nebraska.

SECTION 5. That on and after the effective date of this ordinance, the police, fire and snow removal services of such city shall be furnished to the lands hereinbefore annexed, and other city services are or will be available as provided by law.

SECTION 6. This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law, the authority for this annexation being Neb. Rev. Stat. §17-405.01 seq. (Reissue 1997).

SECTION 7. The provisions of this ordinance are separable, and the validity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness or the remainder of the ordinance.

PASSED AND APPROVED this 21st day of August, 2017.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

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

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Agenda Item #10, Consider Approval Of Ordinance Amending 82-99, Parking, Of The Minden Municipal Code.

Evans Introduced Ordinance No. 1223 for its second reading:

ORDINANCE NO. 1223

AN ORDINANCE TO AMEND CHAPTER 82, ARTICLE IV, OF THE MUNICIPAL CODE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA, BY AMENDING SECTION 82-99 (L) AS THE SAME RELATES TO PARKING.

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

Section 1. That Section 82-99 (L), Of The Municipal Code Of The City Of Minden, Kearney County, Nebraska, Be Added To The Municipal Code Of The City Of Minden, The Same To Read As Follows:

Section 82-99 (L). No Parking Area Designated On Second Street In The City Of Minden, Kearney County, Nebraska.

It Shall Be Unlawful For The Driver Of Any Motor Vehicle To Park The Motor Vehicle On The South Side Of Second Street From Brown Avenue To Colorado Avenue. All Of Said Streets Are In The City Of Minden.

(C.O. _____, __/__/17)

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. 1223 And Shall Be In Full Force And Effect From And After Its Passage, Approval And Publication According To Law.

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

Agenda Item #11, Consider Approval Of Ordinance Vacating The North 100 Feet Of The Alley Between Lots 10-12 And Lots 1-3, All In Block 7, Original Town, Minden, Kearney County, Nebraska And Repealing Ordinance No. 1220.

Carlson introduced Ordinance No. 1224 for its second reading:

ORDINANCE NO. 1224

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 10-12 AND LOTS 1-3, BLOCK 7, ORIGINAL TOWN, MINDEN, KEARNEY COUNTY, NEBRASKA AS THE SAME WAS FORMERLY USED FOR ALLEY PURPOSES AND REPEALING ORDINANCE NO. 1220. 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 10-12 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 Ft Of The Vacated Alley Herein Described Shall And Does Hereby Revert To The Owners Of The Adjacent Land Lying On The East Side Thereof.

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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.

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. Ordinance No. 1220, Passed By The City Council Of Minden, Kearney County, Nebraska On July 3, 2017, Be And The Same Is Hereby Repealed And Of No Further Force Or Effect.

Section 6. 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 7. This Ordinance Shall Be Known As Ordinance No. 1224 And Shall Be In Full Force And Effect From And After Its Passage, Approval And Publication According To Law.

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

Agenda Item #12, Public Hearing for Rezoning of the Minden West Estates Third Subdivision, otherwise known as a tract of land located in part of the south half of section twelve, township six north, range fifteen west of the 6th p.m., Kearney County, Nebraska and more particularly described as follows from Agriculture (A) to Industrial (D).

Lieske opened the public hearing at 6:36pm, no one spoke in favor of or in opposition of the rezoning. The public hearing was closed at 6:37pm. No action taken.

Agenda Item #13, Consider approval of Ordinance rezoning the Minden Estates Third Subdivision from Agriculture (A) to Industrial (D), First Reading.

Jones introduced Ordinance No. 1225 for its first reading:

ORDINANCE NO. 1225

AN ORDINANCE TO AMEND THE CITY ZONING MAP OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA, WHICH MAP IS PROVIDED FOR IN SECTION 94-5 OF THE MUNICIPAL CODE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA.

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

Section 1. That the following described real estate which lies within the Zoning Jurisdiction of the City of Minden, Kearney County, Nebraska, to-wit;

A tract of land located in part of the south half (s1/2) of section twelve (12), township six (6) north, range fifteen (15) west of the 6th p.m., Kearney County, Nebraska and more particularly described as follows:

Commencing at the southeast corner of the lot 6, block 3, Gate's Addition to Minden; thence on an assumed bearing of n00°42'40"w, along the east line of said gate's addition, a distance of 245.83 feet to the southeast corner of the lot 4, block 2, said Gate's Addition, said point also being the point of beginning; thence s89°05'23"w, along the south line and projection of said lot 4, a distance of 539.95 feet; thence s86°43'57"w a distance of 917.00 feet to a point on the west line of Minden West Estates; thence n00°45'38"w, along said west line, a distance of 498.89 feet to the south right-of-way line of the B.N.S.F. Railroad, also being the northeast corner of said Minden West Estates; thence n78°59'28"e, along said south railroad right-of-way line, a distance of 932.63 feet to the northwest corner of a tract of land as described in book 238, page 194-198, filed for record on Jan. 7, 2016; thence s00°47'42"e, along the west line of

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said tract, a distance of 483.47 feet to the southwest corner of said tract; thence n89°13'35"e, along the south line of said tract and the north line of lot 6, said block 2, Gate's Addition, a distance of 540.16 feet to a point on the northeast corner of lot 6, block 2, Gate's Addition; thence s00°42'40"e, along said east line of block 2, Gate's Addition, a distance of 139.86 feet to the place of beginning.

Said tract contains a calculated area of 591,557 square feet or 13.580 acres more or less of which 4.610 acres are new dedicated road right-of-way.

The above parcel is presently zoned "Agricultural (A)" and the request as filed, proposes that said parcel be changed to a zoning designation of "Industrial (D)."

Source: ORD NO., 12__, __/__/2017.

Section 3. 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 4. This ordinance shall be known as Ordinance No. 12XX and shall be in full force and effect from and after its passage, approval and publication according to law.

Sumstine Seconded. On Roll Call, The Following Voted Aye: Evans, Sumstine, Carlson, And Jones. Motion Carried.

Agenda Item #14, Consider Approval of Ordinance amending 34-61, Fire Prevention Code, of the Minden Municipal Code, First Reading.

Carlson introduced Ordinance No. 1226 for its first reading:

ORDINANCE NO. 1226

AN ORDINANCE TO AMEND CHAPTER 34, ARTICLE III OF THE MUNICIPAL CODE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA, BY AMENDING SECTION 34-61, AS THE SAME RELATES TO UNIFORM CODES.

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

Section 1. That Section 34-61 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be amended to read as follows:

Section 34-61 Adoption of Fire Prevention Code. There is hereby adopted by the mayor and city council, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the National Fire Protection Association (NFPA) 101 Life Safety Code, 2000 Edition or the most current edition on file in the office of the city clerk, and the same is hereby adopted and incorporated as fully as if set out at length in this article. Said amendment repeals and replaces the 1976 edition of the Fire Prevention Code recommended by the American Insurance Association and the 1987 edition of the Fire Prevention Code published by the National Fire Protection Association, both of which were adopted earlier by the City Council of the City of Minden, Kearney County, Nebraska.

(Code 1982, §4-1101, Ord. No. 1226, __/__/2017.)

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.

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Section 3. This ordinance shall be known as Ordinance No. 1226 and shall be in full force and effect from and after its passage, approval and publication according to law.

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

Agenda Item #15, Consider approval of Ordinance amending 14-51, International Building Code, of the Minden Municipal Code, First Reading.

Discussion John Biever, owner of Albers Building, and Jeff Hanson, Pedley Drug, asked questions to understand sprinkler standards and ordinance rules.

Carlson introduced Ordinance No. 1227 for its first reading:

ORDINANCE NO. 1227

AN ORDINANCE TO AMEND CHAPTER 14 ARTICLE III OF THE MUNICIPAL CODE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA, BY AMENDING SECTION 14-51, AS THE SAME RELATES TO UNIFORM CODES.

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

Section 1. That Section 14-51 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be amended to read as follows:

Section 14-51 Adoption of International Building Code.

(a) There is hereby adopted by the mayor and city council, for the purpose of prescribing regulations governing the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings or structures in the city, that certain code known as the International Building Code, (IBC), and the International Residential Code, (IRC), published by the International Code Council, being the 2012 edition (striking sec. 313) or the most current edition on file in the office of the city clerk, and the same is hereby adopted and incorporated as fully as if set out at length in this article.

(b) Further, that Section 903.2.8 of the International Building Code be amended to read as follows; "An automatic sprinkler system shall be installed in accordance with Section 903.3 which shall be provided throughout all buildings with a Group R fire area except for those areas designated Group R-2, specifically single and two family apartment houses in a district zoned Commercial One only."

(c) And, further, that Section 419.5 of the International Building Code be amended to read as follows; "The live/work unit shall be provided with a monitored fire alarm system where required by Section 907.2.9."

(d) And, further, that Section 420.4 of the International Building Code be amended to read as follows; "Group R occupancies shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.2.8, except for Group R-2, specifically single and two family apartment houses in a district zoned Commercial One only. Group I-1 occupancies shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.2.6. Quick response or residential automatic sprinklers shall be installed in accordance with Section 903.3.2"

(Code 1982, §16-101, Ord. No. 1156, 5/17/2010; Ord No. 1203, 8/20/2015; Ord. No. 1227, __/__/2017.)

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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. 1227 and shall be in full force and effect from and after its passage, approval and publication according to law.

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

Agenda Item #16, Consider Approval of Resolution for the sale of surplus property less than \$5,000.

RESOLUTION NO. 1668

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 for at least the minimum listed below. All units to be sold without any warranty or any expressed warranty.

- 25 KVA Three Phase Transformer, Serial No. N166023YKSA \$25.00

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

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

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 21st day of August, 2017.

PASSED AND APPROVED this 21st day of August, 2017.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Sumstine motioned to approve Resolution 1668 for the sale of surplus property less than \$5,000 and Evans seconded. On roll call, the following voted aye: Evans, Sumstine, Carlson, and Jones. Motion carried.

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Agenda Item #17, Consider approval of Resolution to Close Streets and Highway for Bandfest October 14, 2017 as requested by the Minden Chamber of Commerce and to accept the duties of LB 589.

RESOLUTION 1669

A Resolution of the City of Minden, Nebraska, preparing for its annual Bandfest and applying to obtain a Special Event Permit through the Nebraska Department of Roads.

WHEREAS, the City of Minden, Nebraska, and its residents have annually celebrated Minden Bandfest in the fall of each year, to be held this year on October 14, 2017; and

WHEREAS, as part of the Minden Bandfest, the City of Minden, Nebraska, plans to use four blocks of Highway 10, which is part of the state highway system, other than a freeway, including full and partial 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 Minden Bandfest, 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 making use of four blocks of Highway 10, between First Street and Fifth Street, which is part of the state highway system and is not a freeway, for a special event known as Minden Bandfest to be held on October 14, 2017. The use of Highway 10 will be from 12:15 p.m. until 2:45 p.m. on October 14, 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 city's use of four blocks of Highway 10 and the State of Nebraska shall not have any such duty during the city's use of Highway 10 for the Minden Bandfest. Notice will be provided to the Nebraska Department of Roads at least thirty days prior to Minden Bandfest.
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 four blocks of State Highway 10 for the Minden Bandfest, and the state shall not have such statutory or common law duty during the city's use of four blocks of Highway 10 within the City of Minden.
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 use of four blocks of Highway 10 for the annual Minden Bandfest 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 use of four blocks of Highway 10 during its annual Minden Bandfest.
4. The Minden City Council now authorizes the Mayor to sign this resolution accepting and acknowledging its duties for control during the city's use of four blocks of Highway 10 during its annual Minden Bandfest, and to present this resolution to the Nebraska Department of Roads.

This Resolution shall become effective upon its passage and approval.

City of Minden

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

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Passed and approved on August 21, 2017.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Evans motioned to approve Resolution 1669 to Close Streets and Highway for Bandfest October 14, 2017 as requested by the Minden Chamber of Commerce and to accept the duties of LB 589 and Sumstine seconded. On roll call, the following voted aye: Evans, Sumstine, Carlson, and Jones. Motion carried.

Agenda Item #18, Review progress on repairs of Lots 10-12, Block 21, Original Town.

Steve Melroy, owner of the property, stated that vehicles have been removed and part of the wall was torn down. To avoid the condemnation process, Mayor Griess requested that Melroy enclose the East side of building, remove the rocks, license and remove trailers, and remove other junk items by September 18th. No action taken.

Agenda Item #19, Public Comments.

No public comments made.

Agenda Item #20, Adjournment.

Evans motioned to adjourn the meeting at 7:38 p.m. and Jones 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)