City of Minden
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Minden, Nebraska 68959

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The Christmas City
Minden NEBRASKA

Minutes of Council Meeting
City of Minden, Nebraska
September 05, 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.

Council member Roger Jones called the meeting to order at 6:00 p.m. The following City Council members were present: Teresa Sumstine, Bob Carlson, and Roger Jones. Absent was Larry Evans. The following City Officials were present: City Attorney Tom Lieske, City Administrator Matt Cederburg, and City Clerk Abbey Jordan. Absent was Mayor Ted Griess.

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

After roll was called, Council member Jones led those in attendance in the Pledge of Allegiance. Then Jones 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. Council member Jones asked everyone to keep Ted and Rita Griess in your prayers after Rita's father passing.

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:

A&L Leveling Inc 23,044.12, Arbor Day Foundation 10.00, Big John's Ford, Inc 125.74, Black Hills Energy 141.72, B. Young252.85, J. Carter 2,564.35, Charter Communications 1,334.83, City Of Minden 45.00, City Office Account 4,555.61, Fifth Street Printing 132.36, First Bank & Trust Co 7,209.48, Grayson Tool, Inc 143.00, Hawkins Water Treatment 1,229.08, Island Supply Welding Co 48.80, John Deere Financial 23.18, KE Co Health Payment Cntr 124.00, KE Co Treas Barb Lynn 4,000.00, L. Ginder 98.90, Lieske, Lieske & Ensz P C, Llo1,898.95, Mason's Market 30.99, M. Cederburg 75.97, Midwest Radar & Equipment 200.00, Minden Rural Fire Dept. 1,260.30, Minden Utility Dept. 5,538.95, Minden Volunteer Fire Dept 6,000.00, Mower Medic Llc 113.88, Municipal Supply-Nebraska 338.24, Ne Dept Of Agriculture 175.00, Ne Statewide Arboretum 130.00, Ne Public Health Environmental63.00, L. T. Pedley Drug 1,610.00, Presto X Co. 51.00, Revenue Bond

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Payment Account 25,018.00, Richard G. Young 455.00, Sa-So 85.20, Southern Power District 3,397.68, Stadler Implement Inc. 136.08, Summit Corporation 657.55, USA Blue Book 142.30, Village Cleaners Inc 179.00.

Sumstine motioned to approve the consent agenda and Carlson seconded. On roll call, the following voted aye: Sumstine, Carlson, and Jones. Absent and not voting: Evans. Motion carried.

Agenda Item #5, Project Update on Sub-Transmission Line by NPPD, Stan Clouse.

Clouse stated an NPPD project manager will be been assigned. The statement of work lays out the scope of the project which includes several task authorizations. The first task authorization is to put together a management team to prepare to put the project out for bid including engineering, designing, and a bill of materials. City staff will be included on this management team. NPPD's Engineering and Project Management is not to exceed $75,000. NPPD will have the Project Approval document ready for council approval at the September 18th Council Meeting.

The second task authorization will be for NPPD construction crews to pull conductor, terminate conductor, and any pole work to ensure everything is operational, with costs to be determined at completion of engineering design. The third task authorization is for significant materials to be purchased from NPPD. These tasks will be determined as the project continues.

The City's responsibilities include obtaining material bids, managing underground boring and trenching services and necessary easements.

No action taken.

Agenda Item #6, Consider Approval of Ordinance Amending 82-99, Parking, of the Minden Municipal Code, Third Reading.

Sumstine Introduced Ordinance No. 1223 for its Third 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 (I) 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 (I), 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 (I). 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. Ord No. 1223, 9/05/17)

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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. 1223 and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 5th day of September, 2017.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Carlson seconded. On roll call, the following voted Aye: Sumstine, Carlson, and Jones. Absent and not voting: Evans. Motion carried.

Agenda Item #7, 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, Third Reading.

Carlson introduced Ordinance No. 1224 for its third 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' 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.

Passed and approved this 5th day of September, 2017.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Sumstine seconded. On roll call, the following voted Aye: Sumstine, Carlson, and Jones. Absent and not voting: Evans. Motion carried.

Agenda Item #8, Consider approval of Ordinance rezoning the Minden Estates Third Subdivision from Agriculture (A) to Industrial (D), Second Reading.

Carlson introduced Ordinance No. 1225 for its second 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;

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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 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., 1225, 9/05/2017.

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. 1225 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: Sumstine, Carlson, And Jones. Absent and not voting: Evans. Motion Carried.

Sumstine motioned to suspend the third reading and Carlson seconded, the following voted Aye, Sumstine, Carlson, and Jones. Absent and not voting: Evans. Motion Carried.

Sumstine motioned to adopt Ordinance No. 1225 by title and Carlson seconded, the following voted Aye, Sumstine, Carlson, and Jones. Absent and not voting: Evans. Motion Carried.

Agenda Item #9, Consider Approval of Ordinance amending 34-61, Fire Prevention Code, of the Minden Municipal Code, Second Reading.

Sumstine introduced Ordinance No. 1226 for its second 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.

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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.

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.

Carlson seconded. On roll call, the following voted aye: Sumstine, Carlson, and Jones. Absent and not voting: Evans. Motion carried.

Agenda Item #10, Consider approval of Ordinance amending 14-51, International Building Code, of the Minden Municipal Code, Second Reading.

Carlson introduced Ordinance No. 1227 for its second 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,

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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.)

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.

Sumstine seconded. On roll call, the following voted aye: Sumstine, Carlson, and Jones. Absent and not voting. Motion carried.

Agenda Item #11, Update of Phase 1 Water Infrastructure Improvements Costs.

Cederburg stated that the project came in under budget with available bond funds of $228,708. He recommended using a portion of the remaining bond funds to pay for the extension of the City's water main to Landmark Implement and rebuilding well #3. Per the bond company, the bond funds cannot be used for the sewer extension to Landmark Implement.

Carlson motioned to use bond funds to reimburse the City $157,429 for the extension of the City's water main to Landmark Implement and to apply towards the rebuilding of municipal well #3. Sumstine seconded, following Aye: Sumstine, Carlson, and Jones. Absent and not voting: Evans. Motion carried.

Agenda Item #12, 2017-18 Budget Overview by Matthew Cederburg.

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Cederburg presented the final budget figures including major capital projects and expenses planned for each department. It was stressed that a budget is a fluid document and is subject to change based on circumstances. No action taken.

Agenda Item #13, Consider Approval to let out for bid a Brush Truck for the Minden Volunteer Fire Department.

Tom Brown, Fire Chief, discussed the need for the new truck to cut down on repair costs as there are approximately $500 in repairs that are done each time that truck is taken on a call.

Sumstine motioned to approve let out for bid a Brush Truck for the Minden Volunteer Fire Department and Carlson seconded. On roll call, the following voted aye: Sumstine, Carlson, and Jones. Absent and not voting: Evans. Motion carried.

Agenda Item #14, Public Comments.

Dave Bunger, 521 N. Colorado, stated that street lights at the NW Corner of the downtown square are out. Jordan stated that City just received an order of light bulbs so repairs can be made.

Agenda Item #15, Adjournment.

Sumstine motioned to adjourn the meeting at 7:07 p.m. and Carlson seconded. On roll call, the following voted aye: Sumstine, Carlson, and Jones. Meeting adjourned.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk
(SEAL)