

# 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 October 16, 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, and Roger Jones. Absent: Bob Carlson. The following City Officials were present: City Attorney Tom Lieske, Mayor Ted Griess, 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 extended a big thank you to Chris Klahn, the street crew, Jim Huff, and police officers for their work this last weekend with Bandfest. Congratulations to Todd Jensen and the Chamber for a successful event. Congratulations to John Jacobs and both bands on superior street performance and the High School band for a superior field performance.

**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. Jordan 5.04, Amazon 9.91, Baker & Taylor 892.90, Bellamy Law 513.00, Ben's Auto Clinic 863.76, Black Hills Energy 178.30, Cenage/Gale 150.09, Chemsearch 720.51, City Of Holdrege Landfill 4,544.58, Clear Choice Construction 1,746.50, C. Beck 197.31, Cooperative Producers, Inc. 297.01, Dollar General 161.54, Dultmeier Sales 306.25, Ems Billing 217.34, Fifth Street Printing 988.29, Foremost Promotions 554.05, Heiman Fire Equipment 626.45, Intellicom Computer Consulting 173.75, Island Supply Welding Co 57.80, J. Huff 203.64, Jims Ok Tire Minden Llc 3,350.00, Junior Library Guild 2,295.70, K&K Auto Repair Inc 349.09, Ke Co Court 6.99, Kearney Hub Publishing Co. 150.80, Kearney Towing & Repair Center 105.00, Kim Carver Specialized Hauling 50.00, Landmark Implement Carquest 455.24, L. Yelken 40.00, Mason's Market 89.43, Matheson Tri-Gas Inc 33.6, M. Cederburg 32.00, Menards Of Kearney 836.06, Midwest Tapes 448.84, Minden

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Hardware 459.39, Minden Lumber & Concrete Co. 537.15, Minden Office Supply, Inc 956.79, N T & T81.19, Ne Ag Specialties 37.79, Ne State Treasurer 55.78, Ne Statewide Arboretum 474.00, Northern Safety Co.197.78, One Call Concepts Inc 26.43, Platte Valley Communications 78.75, Protex Central Inc.36.10, Southern Power District 21.40, Sunbelt Rentals, Inc 2,476.50, The Library Store 560.12, Total Funds By Hasler 400.00, Underground Construction, Inc 815.00, Verizon Wireless 1118.53, Village Cleaners Inc 223.16, Western Pathology Consult Inc 158.50, Wex Bank 3,405.60, Xerox Capital Services Inc 170.66.

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

## **Agenda Item #5, Treasury Report, September 2017.**

Cederburg presented the September 2017 treasury report. No action taken.

## **Agenda Item #6, Budget Report, September 2017.**

Cederburg presented the September Year-End 2017 budget report. No action taken.

## **Agenda Item #7, Consider Approval of Brush Truck Bid Selection, and Recommendation from City of Minden Consolidated Rural Fire District Board.**

Fire Chief, Tom Brown, discussed the fire dept's recommendation of Fyr-tek.

Evans motioned to select the Fyr-Tek bid for a brush truck and Jones seconded. On roll call, the following voted aye: Evans, Sumstine, and Jones. Absent and not voting: Carlson. Motion carried.

## **Agenda Item #8, Discussion Only of Cats in City Limits per Citizen Request.**

Sue Ziems, 236 W. 5<sup>th</sup>, stated that cats are a nuisance and causing her dogs to bark. She would like for restrictions to be put in place for cat owners. Mayor Griess shared ordinances from various cities and may assemble a committee to further research this topic. No action taken.

## **Agenda Item #9, Consider Approval of Resolution Showing Adequate Insurance Carried with Respect to City's Combined Utilities Bond #1671.**

### RESOLUTION NO. 1671

WHEREAS, the City of Minden has property that is known as Combined Utilities property which is financed through Utility bonds issued by the City of Minden; and, and is required to maintain insurance on such property; and,

WHEREAS, the City of Minden is required to maintain insurance on such property in an amount that is adequate to restore or replace said property to the extent necessary to make the Combined Utilities property operable in an efficient and proper manner in order to carry out the City's obligations under the Ordinance creating the Utility bonds; and,

WHEREAS, the Mayor and the City Council of the City of Minden shall annually, after the end of each fiscal year adopted by the City of Minden for the Combined Utilities bonds, examine the amount of the insurance carried by the City of Minden with

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respect to the Combined Utilities property and approve the amount of said insurance as being adequate in amount to restore and replace said property.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MINDEN;

That the City Council of the City of Minden has examined the insurance coverage on the Combined Utilities property which is financed through Utility bonds, which insurance is in the amount of \$647,829 per location and \$2,591,316 in the aggregate for the City's Utility/Power stations and which insurance is in the amount of \$18,148,677 in the aggregate for all other locations including the City's Water Treatment Plant and the City's Wastewater Plant, and finds that such insurance is of an adequate amount and approves the same.

Passed and approved this 16<sup>th</sup> day of October, 2017.

/s/ Ted Griess  
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan  
Abbey Jordan, City Clerk

Evans motioned to approve resolution 1671 and Sumstine seconded. On roll call, the following voted aye: Evans, Sumstine, and Jones. Absent and not voting: Carlson. Motion carried.

**Agenda Item #10**, Consider Approval of Ordinance Amending Section 90-50 of the Minden Municipal Code Concerning Street Tree Height Over a Street.

Sumstine introduced Ordinance No. 1229 for its first reading:

## ORDINANCE NO. 1229

AN ORDINANCE TO AMEND CHAPTER 90, ARTICLE II, OF THE MUNICIPAL CODE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA, BY AMENDING SECTION 90-50 AS THE SAME RELATES TO TREES.

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

Section 1. That Section 90-50 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be and the same is hereby amended to read as follows:

Section 90-50. Obstruction; pruning; removal.

(a) All trees and shrubs within the municipality shall be pruned or removed when such trees or shrubs obstruct the light from any street lamp, obstruct the visibility of any traffic control device or sign, obstruct the passage of pedestrians on sidewalks, interfere with municipal utilities, or obstruct the view of any street or alley intersection. The minimum clearance of any overhanging portion thereof shall be 16 feet over all streets and eight feet over sidewalks.

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(b) All shrubs and hedges defined as street trees in this division shall be kept trimmed by the abutting property owner at least two feet back from all curbs.

(Code 1982, § 8-710; Ord 1229, 10/16/2017)

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. 1229 and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 16th day of October, 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, and Jones. Absent and not voting: Carlson. Motion carried.

Sumstine motioned to suspend the three readings of Ordinance 1229 and Jones seconded. On roll call, the following voted aye: Evans, Sumstine, and Jones. Absent and not voting: Carlson. Motion carried.

Sumstine motioned to adopt ordinance 1229 by title and Evans seconded. On roll call, the following voted aye: Evans, Sumstine, and Jones. Absent and not voting: Carlson. Motion carried.

**Agenda Item #11**, Consider Setting a Hearing for Possible Condemnation of the Property at 1007 N. Brown Avenue or more Particularly Described as Lots 1-6, Block 3, Evan's Addition, Minden, Kearney County, Nebraska.

Item was tabled. No action taken.

**Agenda Item #12**, Consider Approval of Agreement for Professional Services with Olsson Associates for a traffic study at 3<sup>rd</sup> Street and Gilman and Park Avenues not to exceed \$6,350.

Police Chief Huff stated that the school traffic is causing severe congestion and difficulty for kids crossing the streets. Erin Lempka, 1045 S. Western, stated that traffic does get congested in these areas.

Jones motioned to approve the Agreement with Olsson Associates for a traffic study and Evans seconded. On roll call, the following voted aye: Evans, Sumstine, and Jones. Absent and not voting: Carlson. Motion carried.

**Agenda Item #13**, Consider Approval of Meritain Amendment #5, changes to Substance Use Disorders Coverage.

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Evans motioned to approve the Meritain Amendment #5 and Sumstine seconded. On roll call, the following voted aye: Evans, Sumstine, and Jones. Absent and not voting: Carlson. Motion carried.

**Agenda Item #14**, Consider Approval of Resolution Rescinding the Nuisance at Lots 1-3, Block 19, Railroad Addition, Minden.

## RESOLUTION 1672

A Resolution of the City of Minden, Nebraska, rescinding a nuisance on a property in Railroad Addition.

WHEREAS, the City Council of the City of Minden, Nebraska held a hearing at the Council Chambers of said City on the 3rd day of May, 2010 at 6:00 p.m. Advance notice of the meeting was given by posting the notice in four (4) public places, the designated method for giving notice. Notice of this meeting was given to the Mayor and all members of the Council and a copy of their acknowledgment of its receipt and the agenda is attached to the minutes. Availability of the agenda was communicated in the advance notice to the Mayor and members of the Council of this meeting. Notice to the property owner(s) was also given in accordance with City ordinance and State law. All proceedings hereinafter shown were taken while the convened meeting was open to the attendance of the public.

WHEREAS, the City Council took legislative notice of the ownership of property within the letter to the property owner dated February 25, 2010, for the purpose of the required mailing of notice; and the Council took notice of the files herein with respect to the mailing of notices. All persons who desired a hearing were then given an opportunity to be heard.

WHEREAS, per Resolution 1542 dated May 17, 2010, the Mayor and City Council declared Lots 1, 2 and 3, Block 19, Railroad Addition, Minden, Kearney County, Nebraska to be a public nuisance because the property was in violation of Section 30-27 (1)- (5) and Section 30-28 (3), (6), (7) and (9), of the City Code of the City of Minden, Kearney County, Nebraska. Mike Sumstine, Teresa Sumstine and King of Kars, Inc., the owners or individuals in control of the property described as Lots 1, 2 and 3, Block 19, Railroad Addition, Minden, Kearney County, Nebraska and known as parcel number 0005252.00 were to remedy this nuisance within 30 days and if not done then the City was hereby authorized to move onto the premises and clean up the property at the expense of the owner or individual in control per Resolution 1542, dated May 17, 2010.

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

The nuisance order is being rescinded from property described as Lots 1, 2 and 3, Block 19, Railroad Addition, Minden, Kearney County, Nebraska as the property is no longer in violation of Section 30-27 (1)-(5) and Section 30-28 (3), (6), (7) and (9), of the City Code of the City of Minden, Kearney County, Nebraska.

This Resolution shall become effective upon its passage and approval. Passed and approved on 16th day of October, 2017.

/s/ Ted Griess  
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan

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Abbey Jordan, City Clerk

Colleen Benson, 601 Sheppard Ave, Hildreth, shared that herself and her husband, Kevin wish to purchase the land to use for business storage and possible commercial storage units.

Jones motioned to approve resolution 1672 and Evans seconded. On roll call, the following voted aye: Evans and Jones. Abstain: Sumstine. Absent and not voting: Carlson. Motion carried.

**Agenda Item #15**, Consider Approval of payment to Clear Choice Construction in the amount of \$1,746.50 for Façade Improvements Program at 331 E 4<sup>th</sup> for CDBG 15-DTR-104.

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

**Agenda Item #16**, Consider Approval of Draw #3 for \$1,746.50; this amount will be drawn on CDBG 15-DTR-104 from NE Dept. of Economic Development.

Evans motioned to approved Draw #3 for \$1,746.50 and Sumstine seconded. On roll call, the following voted aye: Evans, Sumstine, and Jones. Absent and not voting: Carlson. Motion carried.

**Agenda Item #17**, Consider Approval of Agreement of Utilities Easement with Mason's Market Inc.

Jones motioned to approve the Utilities Easement with Mason's Market Inc. and Sumstine seconded. On roll call, the following voted aye: Evans, Sumstine, and Jones. Absent and not voting: Carlson. Motion carried.

**Agenda Item #18**, Discussion of storm water drainage.

Sumstine motioned to enter a closed session to discuss storm water drainage due to potential litigation at 7:05 p.m. Jones seconded. On roll call, the following voted aye: Evans, Sumstine, and Jones. Absent and not voting: Carlson. Motion carried.

Jones motioned to enter open session at 7:18 p.m. and Evans seconded. On roll call, the following voted aye: Evans, Sumstine, and Jones. Absent and not voting: Carlson. Motion carried.

**Agenda Item #19**, Consider Approval of Contract for Legal Services with Rembolt Ludtke.

Jones motioned to approve the contract for legal services with Remboldt Ludtke and Evans seconded. On roll call, the following voted aye: Evans, Sumstine, and Jones. Absent and not voting: Carlson. Motion carried.

**Agenda Item #19**, Public Comments.

Cindy Ramsey, Minden Courier reporter, is glad a traffic study is being done.

**Agenda Item #20**, Adjournment.

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Jones motioned to adjourn the meeting at 7:21 p.m. and Evans seconded. On roll call, the following voted aye: Evans, Sumstine, and Jones. Absent and not voting: Carlson. Meeting adjourned.

/s/ Ted Griess  
Ted Griess, Mayor

ATTEST:

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