

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 6, 2018

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 Griess called the meeting to order at 6:00 p.m. The following City Council members were present: Roger Jones, Bob Carlson, and Teresa Sumstine. Absent: Larry Evans. 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 thanked the presenters at the budget workshop.

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

- a. Consider Approval of Minutes of Previous City Council Meetings
- b. Consider Approval of Bills & Claims for this Council Meeting
- c. Consider Acceptance of Excused Absence of Mayor or Council Member(s)
- d. Consider Reports that are Enclosed in the Council Packets for This Council Meeting

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

911 Custom 121.39, Big John's Ford, Inc 166.43, Bill's Plumbing & Htg. Inc 95, Border States Industries Inc 185,746.80, Carey's Pest Control, Inc. 102.13, Jan Carter 70, C. Carpenter 60, Central Hydr. Sys. & Eq. Co. 1,277.28, Charter Communications 1356.77, City Of Hastings 81.32, City Of Minden 45, Dutton Lainson Co 1,469.86, Eakes Office Plus 2,010.50, Elliott Equipment Co. 275.53, Ems Billing 782.92, Fifth Street Printing 86.3, First Bank & Trust Co 9,414.57, Island Supply Welding Co 29.4, John Deere Financial 482.18, Ke Co Court 49, Ke Co Health Payment Cntr 484.56, Ke Co

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Treas Barb Lynn 4,500.00, Ke Co Clerk 132.00, K. Olson 239.32, Knispel Custom Carpentry 7799.26, Landmark Implement Carquest 113.35, League Of Nebr. Municipalities 7,452.00, Lieske, Lieske & Ensz P C, Llo 1699.5, Loveland Grasspad 881.49, Mason's Market 244.99, M. Cederburg 664.71, Mid Plains Heating & Air 2,220.00, Minden Country Club 20, The Minden Courier 393.44, Minden Hardware 614.79, Minden Office Supply, Inc 715.56, Minden Public School Music 325, Minden Rural Fire Dept. 1,543.76, Minden Utility Dept. 4,925.58, William D Simmerman 894, Municipal Supply-Nebraska 392.57, Ne Rural Living 500, Nebraska Rural Water Assoc. 311.6, Ne Water Resources Assoc 105, Ndeq 150, Nmc, Inc. 3,272.90, Ne Public Health Environmental 63, Olsson Associates 7,044.83, One Call Concepts Inc 56.58, L. T. Pedley Drug 18.29, Pepsi Cola Of Hastings 90.3, Platte Valley Communications 183.64, Recycle Away 806.31, Rek Enterprises Llc 11.72, Revenue Bond Payment Account 25,533.00, Rhynalds Auction & Realty 40, R. Young 455, Sandry Fire Supply Llc 447.8, Sirchie Finger Print Lab 128.01, Southern Power District 3,397.68, Stadler Implement Inc. 82.12, Titan Machinery Inc 10,670.22, M. Raffaelli 119.26, T. Delgado 200.00, Tyler Technologies 3,400.00, Usa Blue Book 139.41, Usa Outdoor Llc 240, Usps 666.39, Verizon Wireless 804.95, Village Cleaners Inc 174.72.

Knispel Carpentry gave brief overview of work done on the Chautauqua Park Bandshell and possibility of adding a second ramp if funds are available.

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

Agenda Item #5, Treasury Report, June 2018

Item was tabled. No action taken.

Agenda Item #6, Budget Report, June 2018

Item was tabled. No action taken

Agenda Item #7, Consider approval to change LED bid specs to 4000 Kelvin, 5400 Lumen, Type III without glass cover.

Mayor Griess stated that engineering firm commented that type 2 or 3 would work better for Minden over previously selected type 5. Cederburg commented the changed will limit the light's illumination radius but the lighting is brighter.

Carlson motioned to approve LED bid specs of 4000 Kelvin, 5400 Lumens, Type III and Jones seconded. On roll call the following voted aye: Jones, Sumstine, and Carlson. Absent: Evans. Motion carried.

Agenda Item #8, Consider Approval of Resolution for the Airport Authority Budget Tax Request of \$57,000, same as prior year.

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RESOLUTION NO. 16 83

A RESOLUTION AUTHORIZING THE AIRPORT AUTHORITY'S LEVY REQUEST

WHEREAS, the Mayor and Council of the City of Minden is in receipt of the City of Minden Airport Authority Resolution No. 18-1, and

WHEREAS, The Mayor and Council of the City of Minden has been considering the budget for Fiscal Year 2017-2018, and

WHEREAS, Nebraska Statute 77-3443 (3) requires all political subdivisions subject to city/village levy authority to submit a preliminary request for levy allocation to the City Council, and

WHEREAS, the Mayor and Council shall consider the preliminary request for levy request in full or in part, and as a part of the budget for Fiscal Year 2018-2019, and

WHEREAS, the Mayor and Council realize the City of Minden Airport Authority is requesting \$57,000, a proposed levy that is the same as the levy requested for Fiscal Year 2017-2018, and

WHEREAS, the Mayor and Council authorized a levy in the amount of \$57,000 for the final levy amount for Fiscal Year 2018-2019.

NOW THEREFORE IT BE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF MINDEN:

1. As required by Nebraska Statute 77-3443 (4), the final allocation of levy authority for the Minden Airport Authority for Fiscal Year 2018-2019 shall be \$57,000.
2. As required by Nebraska Statute 77-3443 (4), a copy of this Resolution shall be forwarded to the Chairperson of the City of Minden Airport Authority after its passage according to law.

Councilmember Sumstine moved for the adoption of the foregoing Resolution. Councilmember Carlson seconded the motion.

On roll call the following voted Aye: Sumstine, Carlson, and Jones.
Not present: Evans.

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 6th day of August, 2018.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

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Sumstine motioned to approve the Resolution 1683 and Carlson seconded. On roll call the following voted aye: Jones, Sumstine, and Carlson. Absent: Evans. Motion carried.

Agenda Item #9, Consider Approval of Resolution to Close Streets and Highway for Bandfest October 13, 2018 as requested by the Minden Chamber of Commerce and to accept the duties of LB 589.

RESOLUTION 16 84

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 13, 2018; 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 13, 2018. The use of Highway 10 will be from 12:15 p.m. until 2:45 p.m. on October 13, 2018 ("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

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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.

Passed and approved on August 6, 2018.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Jones motioned to approve the Resolution 1684 and Sumstine seconded. On roll call the following voted aye: Jones, Sumstine, and Carlson. Absent: Evans. Motion carried.

Agenda Item #1 0, Consider Approval of Ordinance vacating a portion of Blaine Street west of Bethany Home and repealing Ordinance No. 1221.

Carlson introduced Ordinance 1236 for its first reading.

ORDINANCE NO. 1236

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

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

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

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

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

Section 4. That Ordinance No. 1221 is hereby repealed.

Section 5. This Ordinance shall be known as Ordinance No. 1236 and shall be in full force and effect from and after its passage, approval and publication as provided by law.

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

Agenda Item #1 1, Public Comments.

No comments were made.

Agenda Item #1 2, Adjournment.

Carlson motioned to adjourn the meeting at 6:15 p.m. and Sumstine seconded. On roll call the following voted aye: Jones, Sumstine, and Carlson. Absent: Evans. Meeting adjourned.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

(SEAL)