

City of Minden

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

phone 308.832.1820
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www.MindenNebraska.org



Minutes of Council Meeting
City of Minden, Nebraska
December 3, 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: Larry Evans, Roger Jones, Teresa Sumstine, and Bob Carlson. 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. Griess thanked Chris Klahn and crew for work to remove snow over the weekend. Griess would like to commend Mary Smith for a great Christmas concert at the Presbyterian Church.

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:

Amazon 376.33, Aurora Cooperative 30.69, Ben's Auto Clinic 1002.6, Carey's Pest Control, Inc. 102.13, Charter Communications 1333.46, Core & Main Lp 3204.47, First Bank & Trust Co 9414.57, Irs 30, Jan Carter 2230.5, Ke Co Treas Barb Lynn 5000, Kearney Co. Clrk Myra Johnson 164.7, Knispel Custom Carpentry 2002.42, Lieske, Lieske & Ensz P C, Llo 2155, Mason's Market 345.61, M. Cederburg 228.85, Miller & Associates 12640, Minden Office Supply, Inc 207.38, Minden Utility Dept. 3799.14, Ne Public Health Environmental 551, Ohio National Life 4550, Olsson Associates 5306.37, Police Chiefs Asso. Of Ne 30, Revenue Bond Payment Account 22838, R. Young 455, Sandry Fire Supply Llc 1855.67, Southern Power District 2989.96, State Withholding Tax 15, Tech Products, Inc. 873.21, The Minden Courier 37.25, Tyler Technologies 13195.78, Usa Blue Book 310.51, Verizon Wireless 1136.69, Village Cleaners Inc 29.2, Village Uniform 145.52, Western Pathology Consult Inc 229.3, Jan Carter 1249.35, Ke Co Health Payment Cntr 45.17, Northland Pcc, Inc. 1871.

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

Agenda Item #5, Consider Approval of Purchase of a rear dump or side dump Sanitation Truck.

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Griess noted the lengthy time to receive the truck after ordering. Street Superintendent Chris Klahn stated the style chosen will determine whether pickup continues in the alley or moves to curbside. Klahn clarified the pickup will stay the same for the houses on the highway but will change for the rest if a side dump is chosen. Cederburg noted the uses of each style of truck. Also, noted the item could be tabled for a year to further research these options.

Jones motioned to approve the approval of purchase of a rear dump and side dump sanitation truck with curbside residential pickup and Evans seconded. On roll call, the following voted aye: Jones, Evans, Sumstine, and Carlson. Motion carried.

Agenda Item #6, Consider Approval of Resolution Rescinding Condemnation of 536 N. Kearney Ave, Minden, NE.

Resolution No. 1691

WHEREAS, the Mayor and City Council did issue an Order of Condemnation dated the 17th day of September, 2018 for buildings located on the property described as All of Lots 10 & 11 and the East 25' of vacated Kearney Ave, Block 37, Original Town, Minden, Kearney County, Nebraska; and

WHEREAS, the Mayor and Council have reviewed the above described property; and

WHEREAS, the parties responsible for the afore described property did comply with said Order of Condemnation; and

WHEREAS, the Mayor and Council have concurred that the property has been brought into compliance with the requirements of the Order of Condemnation.

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

That the Order of Condemnation dated the 17th day of September, 2018 for the property described as All of Lots 10 & 11 and the East 25' of vacated Kearney Ave, Block 37, Original Town, Minden, Kearney County, Nebraska is hereby rescinded.

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

On roll call the following voted Aye: Evans, Sumstine, Carlson, and 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 3rd day of December, 2018.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Evans motioned to approve Resolution 1691 and Evans seconded. On roll call, the following voted aye: Jones, Evans, Sumstine, and Carlson. Motion carried.

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Agenda Item #7, Public Hearing, Condemnation Hearing for the property located at 311 S. Nebraska Avenue, Minden, NE or more particularly described as all of Lots 1 & 2, Block 7, Ragan's Addition, Minden, Kearney County, Nebraska.

Lieske opened the public hearing at 6:30 pm for 311 S Nebraska. City Clerk Jordan stated the notice was sent via certified mail and the owner did pick up the notice. Chief Huff explained the pictures were taken on October 30, 2018 and show the current condition of the property. Huff explained the owner conveyed to him the house is close to being empty and once empty it will be torn down. Lieske closed the public hearing at 6:34 pm.

Agenda Item #8, Consider Issuance of Order of Condemnation for the property located at 311 S. Nebraska Avenue, Minden, NE or more particularly described as all of Lots 1 & 2, Block 7, Ragan's Addition, Minden, Kearney County, Nebraska.

Griess noted the comments made during the public hearing in agenda item #7.

Jones motioned to issue an Order of Condemnation to demolish the house and remove the debris within 60 days and Carlson seconded. On roll call, the following voted aye: Jones, Evans, Carlson, and Sumstine. Motion carried.

ORDER OF CONDEMNATION

Now on this 3rd day of December, 2018, during the regular City Council Meeting, the appointed time for the hearing to consider the condemnation of the property located on:

All of Lots 1 & 2, Block 7, Ragan's Addition, Minden, Kearney County, Nebraska.

Discussion was had concerning the condition of the property at the above-captioned location. Evidence was submitted to the council concerning the condition of the property including the buildings at the above-captioned location. Pictures were presented to the Council and received as evidence by the Council. The Council then discussed the appropriate action to be taken with respect to the following described property:

All of Lots 1 & 2, Block 7, Ragan's Addition, Minden, Kearney County, Nebraska.

It was moved by Jones and seconded by Carlson to condemn the building(s) on said property.

The house is to be demolished and debris cleared and removed within 60 days from the date of this order, or the City will proceed to demolish the same at the expiration of the 60 days period.

The Council voted in the affirmative to condemn the property by a vote of 4 ayes to condemn the property. **Dated this 3rd day of December, 2018.**

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Agenda Item #9, Consider Ordinance amending Minden Municipal Code Section 82-80, Speed Limit on First Street, Second Reading

Carlson introduced Ordinance No. 1238 for its second reading.

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ORDINANCE NO. 1238

AN ORDINANCE TO AMEND CHAPTER 82, ARTICLE IV, OF THE MUNICIPAL CODE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA, BY AMENDING SECTION 82-80 AS THE SAME RELATES TO SPEED RESTRICTIONS.

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

Section 1. That Section 82-80, of the Municipal Code of the City of Minden, Kearney County, Nebraska, be amended to read as follows:

Section 82-80. Speed Limit on First Street. The speed limit on First Street from Brown Avenue to 1000 feet west of Sears Avenue in the City of Minden, Kearney County, Nebraska shall be no greater than 25 miles per hour, and further the speed limit on First Street from 1000 feet west of Sears Avenue to 31 Road/Piester Avenue in the City of Minden, Kearney County, Nebraska shall be no greater than 35 miles per hour.

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. 1238 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: Jones, Evans, Sumstine, and Carlson. Motion carried

Agenda Item #10, Consider Approval of Payments for the Façade Improvement Program for CDBG 15-DTR-105 to:

- a. Clear Choice Construction in the amount of \$3810.95 for the project at 310 N Colorado
- b. Clear Choice Construction in the amount of \$2353.27 for the project at 324 N Colorado

Sumstine motioned to approve the payments for the Façade Improvements Program to Clear Choice Construction and Carlson seconded. On roll call, the following voted aye: Jones, Evans, Sumstine, and Carlson. Motion carried

Agenda Item #11, Consider Approval of Draw #16 for \$2,000; this amount will be drawn on CDBG 15-DTR-105 from NE Dept. of Economic Development.

Sumstine motioned to approve Draw #16 from the NE Dept. of Economic Development and Jones seconded. On roll call, the following voted aye: Jones, Evans, Sumstine, and Carlson. Motion carried

Agenda Item #12, Consider Approval of Draw #17 for \$3,424.51; this amount will be drawn on CDBG 15-DTR-105 from NE Dept. of Economic Development.

Evans motioned to approve Draw #17 from the NE Dept. of Economic Development and Jones seconded. On roll call, the following voted aye: Jones, Evans, Sumstine, and Carlson. Motion carried

Agenda Item #13, Council Adjourn Sine Die

Council Adjourned Sine Die at 6:49 p.m. It was moved by Carlson, seconded by Evans to adjourn sine die. On roll call, the following voted aye: Jones, Evans, Sumstine, and Carlson. Motion carried.

The new council convened at 6:50 p.m. with roll call.

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Agenda Item #14, Reorganization of Council

- a. Oath of Office to Newly Elected Official-Ted Griess, Mayor; Bob Carlson, Council Member and Larry Evans, Council Member

Oaths of office were administered to Mayor, Ted Griess; and Council Members Larry Evans and Bob Carlson. Present were Mayor Ted Griess; Council members Larry Evans, Teresa Sumstine, and Bob Carlson; City Administrator Matthew Cederburg, City Attorney Tom Lieske, and City Clerk Abbey Jordan.

Agenda Item #15, Open Meeting Statement

All proceedings hereinafter were taken while the convened meeting was open to the attendance of the Public. After roll was called, Mayor Ted 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 door located in the back 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.”

Agenda Item #16, Election of Council President

Mayor Griess asked for nominations. Council member Jones nominated Evans seconded by Carlson.

Carlson motioned to close nominations for council president and seconded by Jones. On roll call the following voted Aye: Evans, Sumstine, Carlson, and Jones.

Jones motioned to approve Evans as Council President and Carlson seconded. On roll call the following voted Aye: Sumstine, Carlson, and Jones. Abstain: Evans. Motion Carried. Council Member Evans will fill the position of Council President.

Agenda Item #17, Mayoral Appointments (appointed for mayor's term of 4-years)

- a. City Administrator and Finance Director
- b. City Clerk
- c. City Attorney
- d. Police Chief

Mayor Griess made the following appointments: City Administrator/Finance Director: Matthew Cederburg; City Clerk: Abbey Jordan; City Attorney: Tom Lieske and Police Chief: Jim Huff. Appointments were approved by Evans seconded by Carlson. On roll call the following voted aye: Evans, Sumstine, Jones, and Carlson.

Agenda Item #18, Consider approval of City's blanket bond for newly elected officials and appointed positions.

Jones motioned to approve the City's blanket bond and Sumstine seconded. On roll call, the following voted aye: Jones, Evans, Sumstine, and Carlson. Motion carried

Agenda Item #19, Consider designation of Legal Newspaper.

Carlson motioned to designate the Minden Courier as City of Minden's legal newspaper and Evans seconded. On roll call, the following voted aye: Jones, Evans, Sumstine, and Carlson. Motion carried

Agenda Item #20, Consent Agenda

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- a. Mayoral Appointments
 - i. Terry Christensen to the Planning and Zoning Commission for a term of 1/1/2019 to 12/31/2021
 - ii. Sandy Becker to the Housing Agency Board of Commissioners until 12/31/2019 filling a resignation
- b. Consider Special Designated Liquor Permit for Saturday, December 29, 2018 from 5:30 PM to 11:59 PM for Cow Town Saloon for a wedding reception at the Kearney County Fairgrounds.

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

Agenda Item #21, Consider Approval of Agreement with Kearney County Health Services for a Wellness Program.

Janell Shelton with Kearney County Health Services explained the benefits of the wellness program for city employees and costs incurred. She explained the program was implemented several years ago and in recent years employee involvement has decreased.

Evans motioned to approve the Agreement for a Wellness Program with Kearney County Health Services and Sumstine seconded. On roll call, the following voted aye: Jones, Evans, Sumstine, and Carlson. Motion carried

Agenda Item #22, Discussion only of Water & Electrical Meter Software Agreement with Sensus.

Ryan Hurst, Utilities Superintendent, explained the agreement with Sensus is for a cloud-based solution instead of the server that is currently being used. The changes in the new system is increased security and constant updates to the software. Plus, the City no longer able to purchase remote disconnect meters that will work with our current software. Questions about high cost and breakeven point with the new agreement were asked.

No action taken.

Agenda Item #23, Consider Approval of Resolution adopting the 2018 Local Emergency Operations Plan (LEOP).

Cederburg noted changes in contacts and phone numbers for various agencies.

RESOLUTION NO. 1692

RESOLUTION APPROVING THE 2018 LOCAL EMERGENCY OPERATIONS PLAN

Council Member Evans offers the following resolution and moves its adoption, seconded by Council Member Carlson:

Resolve: That in order to provide for a coordinated response to a disaster or emergency in Kearney County, the City of Minden and other cities and villages in Kearney County, the Minden City Council deems it advisable and in the best interests of the community and the County to approve the attached Kearney County Local Emergency Operations Plan. Acceptance of this 2018 Local Emergency Operations Plan supersedes all previous approved Kearney County Local Emergency Operations Plans.

PASSED AND APPROVED THIS 3RD DAY OF DECEMBER 2018.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

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Evans motioned to approve Resolution 1692 and Carlson seconded. On roll call, the following voted aye: Jones, Evans, Sumstine, and Carlson. Motion carried

Agenda Item #24, Consider Approval of Agreement for the Underground Electric Line along a portion of 33 Road with Petersen Land Inc.

Carlson motioned to approve the Easement for the Underground Electric Line with Petersen Land Inc and Evans seconded. On roll call, the following voted aye: Jones, Evans, Sumstine, and Carlson. Motion carried

Agenda Item #25, Consider Approval of Agreement for the Underground Electric Line along a portion of 33 Road with Brian G. Petersen and Barbara K. Petersen.

Carlson motioned to approve the Easement for the Underground Electric Line with Brian G. Petersen and Barbara K. Petersen and Evans seconded. On roll call, the following voted aye: Jones, Evans, Sumstine, and Carlson. Motion carried

Agenda Item #26, Public Comments.

No public comments were made.

Agenda Item #27, Adjournment.

Jones motioned to adjourn at 7:37 pm and Sumstine seconded. On roll call, the following voted aye: Jones, Evans, Sumstine, and Carlson. Motion carried.

Ted Griess, Mayor

ATTEST:

Abbey Jordan, City Clerk

(SEAL)