

# 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  
May 6, 2019

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, Bob Carlson, Roger Jones. Absent: Teresa Sumstine. The following City Officials were present: 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. The City-wide clean-up went well and he wishes congratulations to new firefighter Michael Shelton.

**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
- e. Consider Approval of Volunteer Firefighter, Michael Shelton.
- f. Consider Special Designated Liquor Permit for Dave and Carolyn Bunger, d.b.a. Windmill Studios on Saturday, June 8, 2019 from 10:00 a.m. to 1:00 a.m. at the Kearney County Fairgrounds.

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 141, Big John's Ford, Inc 227.89, Black Hills Energy 318.47, Central District Health Dept 148.5, Central Plains Library System 566.64, Charter Communications 1338.62, Core & Main Lp 4820.04, Dana F Cole & Company, Llp 6500, Ems Billing 1628.91, Environmental Systems Research 720, First Bank & Trust Co 9414.57, Fyr-Tek, Inc. 21159.15, Hawkins Water Treatment 2973.67, Icon Enterprises, Inc. 2500, Intellicom Computer Consulting 393, K. Benson 700, Jameson Sandblasting & Paintin 9608.21, Jan L. Carter 306.95, John Deere Financial 427.28, Johnson Service Company 2087.5, Ke Co Treasurer 5000, Kearney Powersports 111.56, Knispel Custom Carpentry 14805.15, Landmark 28.57, Lieske, Lieske & Ensz P. C., Llo 706.6, Lieske, Lieske & Ensz P. C., Llo 1000, Mason's Market 342.06, Michael Raffaeli 142.58, Mid Plains Heating & Air 343.4, Miller & Associates 2425, Minden Hardware 390.8, Minden Office Supply, Inc 237.45, Minden Utility Dept. 3111.53, Municipal Supply-Nebraska 1822.65, Ne Public Health Environmental 37, Nmc, Inc. 244.5, Northern Safety Co. 98.84, Olsson Associates 137.19, Oneill Heinrich Damkroger 2851, Pepsi Cola Of Hastings, Llc. 122.01, Protex Central Inc. 205.67, Revenue Bond Payment Account 22838, Sign Center Inc 150, Sirchie Finger Print Lab 146.29, Sos Portable Toilets Inc 150, Southern Power District 3222.51, Sunbelt Rentals, Inc 1535.6, The Lockmobile Inc. 63, The Minden

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Courier 733.26, Fifth St Printing 421.5, Underground Construction, Inc 2250, Verizon Wireless 645.11, Village Cleaners Inc 99.54, Wagners Irrigation Inc 20, Western Pathology Consult Inc 79.3, Wex Bank 3918.7.

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

**Agenda Item #5**, Presentation of Audit Report for Fiscal Year 2017 (Oct 2017 through Sept 2018), by Dana F. Cole & Company.

Karen Labenz of Dana F. Cole & Company presented the audit report. She stated the City had an unmodified audit report which is the best report available. She went on to further explain some sections of our funds and noting they are in good standing.

**Agenda Item #6**, Consider Approval to close out the Unrestricted Internal Service Fund balance of \$9,832 to the Proprietary fund.

Griess stated that this was recommended by Labenz in previous consultation and business.

Carlson motioned to close out the Unrestricted Internal Service Fund balance to the Proprietary fund. Evans seconded. On roll call, the following voted aye: Evans, Carlson, and Jones. Absent/Not Voting: Sumstine. Motion carried.

**Agenda Item #7**, Consider Approval to close out amount due of \$9,810 from General Fund to Light Fund for FEMA payment from wind storm.

Griess said this was also recommended by Labenz in the previous consultation.

Evans motioned to close out the stated amount from General Fund to Light Fund. Carlson seconded. On roll call, the following voted aye: Evans, Carlson, and Jones. Absent/Not Voting: Sumstine. Motion carried.

**Agenda Item #8**, Presentation of Nuisance Report by Braydon Conell, Police Intern.

Police Intern, Braydon Conell, presented the Nuisance Report and spoke upon the concentration of these issues as well as reoccurring codes and problems. He also highlighted the timeliness of solutions for mentioned codes and the differentiating issues that arise based upon season.

No action taken.

**Agenda Item #9**, Consider Approval of claim for \$500,000 to be drawn on CDBG 18-ED-004 from NE Dept of Economic Development and transferred to (paid to) SCEDD's NDO to be loaned to Royal Engineered Composites, Inc.

Sharon Hueffle, stated that Royal Engineered Composites, Inc not only satisfied the financial requirements but have exceeded them.

Jones motioned to approve the claim of \$500,000 to be drawn against CDBG-18-ED-004, Inc. Evans seconded. On roll call, the following voted aye: Evans, Carlson, and Jones. Absent/Not Voting: Sumstine. Motion carried.

**Agenda Item #10**, Consider Approval of Draw #1 for \$500,000.00; this amount will be drawn on CDBG 18-ED-004 from Ne Dept of Economic Development and transferred to SCEDD's NDO to be loaned to Royal Engineered Composites, Inc.

Evans motioned to approve the Draw #1 for \$500,000. Carlson seconded. On roll call, the following voted aye: Evans, Carlson, and Jones. Absent/Not Voting: Sumstine. Motion carried.

**Agenda Item #11**, Consider Approval of engineering agreement with Miller & Associates for Water Treatment Plant Electrical Improvements.

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Cederburg spoke on the numerous power outages at the water plant and the previous failed solutions provided by NPPD and Olsson Associates. NPPD provided a through report leading us in the right direction towards a solution.

Carlson motioned to approve the engineering agreement with Miller & Associates for the Water Treatment Plant Electrical Improvements. Jones seconded. On roll call, the following voted aye: Evans, Carlson, and Jones. Absent/Not Voting: Sumstine. Motion carried.

## **Agenda Item #12, Consider Approval of Resolution updating Cemetery fees.**

Phil Hoyt, Cemetery Superintendent, requested fee changes for Saturday burials and disinterment. The disinterment fees have been increased due to the delicateness and timeliness of this task.

Jones motioned to approve the cemetery rates. Evans seconded. On roll call, the following voted aye: Evans, Carlson, and Jones. Absent/Not Voting: Sumstine Motion carried.

## **Agenda Item #13, Consider Approval of Ordinance creating Street Improvement Project No. 2018-5, Third Reading.**

Carlson introduced Ordinance 1242, third reading:

### ORDINANCE NO. 1242

AN ORDINANCE OF THE CITY OF MINDEN, NEBRASKA CREATING STREET IMPROVEMENT PROJECT NO. 2018-5; DEFINING THE BOUNDARIES AND LIMITS THEREOF; PROVIDING FOR PAVING, GRADING, CURBING, GUTTERING, AND OTHER NECESSARY AND INCIDENTAL WORK; PROVIDING FOR THE PAYMENT OF SUCH IMPROVEMENTS AND OTHER INCIDENTAL EXPENSES BY THE ISSUANCE OF WARRANTS, BOND ANTICIPATION NOTES AND BONDS; PROVIDING FOR ASSESSMENT OF THE COSTS OF SUCH IMPROVEMENTS AGAINST THE PROPERTY SPECIALLY BENEFITED THEREBY AND THE LEVY OF GENERAL TAXES; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE; AND RELATED MATTERS

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

Section 1. The Mayor and Council of the City of Minden, Nebraska (the "City") hereby find and determine as follows:

(a) Pursuant to Section 18-2001 to 18-2004, inclusive, Reissue Revised Statutes of Nebraska, as amended (the "Act"), the City is authorized to grade, curb, gutter, and pave any unpaved street or alley that intersects a paved street for a distance of not to exceed one block on either side of such paved street.

(b) Brown Avenue in the City is a paved street and the Act authorizes the City to pave 10th Street for a distance of one block west of its intersection with Brown Avenue.

(c) It is necessary, desirable, advisable, and in the best interest of the City to grade, curb, gutter, and pave 10th Street for a distance of not to exceed one block west of its intersection with Brown Avenue under and pursuant to the Act, such work to be known as Street Improvement Project No. 2018-5 of the City of Minden, Nebraska (the "Project").

Section 2. The Project is hereby authorized to be constructed pursuant to the Act and shall include the grading, curbing, guttering, and paving of 10th Street for a distance of not to exceed one block west of its intersection with Brown Avenue including all incidental drainage improvements.

Section 3. The property to be included in the Project consists of the area described as follows:

The outer boundaries of the project consist of a boundary line which encompasses all of the lots abutting 10th Street from the intersection of Tower Avenue to the intersection of Brown Avenue / Highway 10, including such section of 10th Street.

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Section 4. The City's special engineer, Olsson Associates, Grand Island, Nebraska (the "Engineer"), has been engaged to prepare detailed plans and specifications for the Project. Prior to the letting of bids for the construction of the Project, the Engineer shall submit the plans and specifications for and an estimate of the costs of the Project to the Mayor and Council for approval.

Section 5. The City shall advertise for bids for the construction of the improvements to be made in the District in accordance with all applicable provisions of law. Upon acceptance of any bid therefor, the Mayor and Clerk are authorized to enter into a contract on behalf of the City for such work, and such contract shall be executed by the Mayor and attested by the Clerk. The City Council shall have and hereby reserves the right to reject any and all bids received.

Section 6. The costs of the Project shall be paid for at public cost.

Section 7. For the purpose of paying the costs of the Project, the Mayor and Council may issue warrants or bond anticipation notes of the City in the form and manner provided by law. To effect the final payment and retirement of such warrants and bond anticipation notes, or to pay for any of the improvements authorized herein, the Mayor and Council shall issue bonds in the manner and form provided by law and shall assess the costs of such improvements to the property in the Project area in proportion to the benefits derived from such improvements.

Section 8. If any section or other part of this Ordinance is for any reason held invalid, the invalidity thereof shall not affect the validity of any other provision of this Ordinance.

Section 9. All ordinances, resolutions or orders, or parts thereof in conflict with the provisions of this Ordinance, are to the extent of such conflict or conflicts hereby repealed.

Section 10. This Ordinance shall be published in the manner and form provided by law and shall take effect and be in full force from and after its due passage, approval and publication as provided by law.

PASSED AND APPROVED this 6th day of May, 2019.

/s/ Ted Griess  
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan  
Abbey Jordan, City Clerk

(SEAL)

Jones seconded. On roll call, the following voted aye: Evans, Carlson, and Jones. Absent/Not Voting: Sumstine Motion carried.

**Agenda Item #14**, Consider Approval of Easement for the Underground Electric Line along a portion of 33 Road with Brian G. Petersen, Barbara K. Petersen, Steven W. Petersen, and Anna M. Petersen.

Carlson motioned to approve the easement for the underground electric line along part of 33 Road with the Petersen's. Evans seconded. On roll call, the following voted aye: Evans, Carlson, and Jones. Absent/Not Voting: Sumstine. Motion carried.

**Agenda Item #15**, Consider Approval of Temporary Construction Easement with Landmark Holdings, LLC for construction of the of the sanitary sewer lift station and sewer force main.

Carlson motioned to approve agreement of temporary construction easement with Landmark Holdings LLC for construction of the sanitary sewer lift station and sewer force main. Evans seconded. On roll call, the following voted aye: Evans, Carlson, and Jones. Absent/Not Voting: Sumstine. Motion carried.

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**Agenda Item #16**, Consider Approval of Permanent Utilities Easement with Landmark Holdings, LLC for the sanitary sewer lift station and sewer force main.

Evans motioned to approve of permanent utilities easement with Landmark Holdings, LLC. Carlson seconded. On roll call, the following voted aye: Evans, Carlson, and Jones. Absent/Not Voting: Sumstine. Motion carried.

**Agenda Item #17**, Consider Approval of Resolution to close Highway 74 for Run to the Tailgate 5K/1 mile on June 8, 2019 as requested by Kearney County Health Services and to accept the duties of LB 589.

Carlson motioned to approve the resolution 1695 to close Highway 74 on June 8, 2019 to allow the Run to the Tailgate to take place. Jones seconded. On roll call, the following voted aye: Evans, Carlson, and Jones. Absent/Not Voting: Sumstine. Motion carried.

**Agenda Item #18**, Public Comments

No public comments were made.

**Agenda Item #19**, Adjournment.

Evans motioned to adjourn at 6:46 pm and Carlson seconded. On roll call, the following voted aye: Evans, Carlson, and Jones. Absent/Not Voting: Sumstine. Motion carried.

/s/ Ted Griess  
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan  
Abbey Jordan, City Clerk

(SEAL)