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

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www.MindenNebraska.org

The Christmas City
Minden NEBRASKA

Minutes of Council Meeting
City of Minden, Nebraska
August 5, 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, Teresa Sumstine, Bob Carlson, and Roger Jones. 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. Mayor Griess thanked all for their patience during the streets and downtown construction.

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 Mayoral Appointment of Sandy Johnson to the Housing Agency Board of Commissioners for a term of 8/05/2019 to 12/31/2019.
f. Consider Special Designated Liquor Permit for Dave and Carolyn Bunger, d.b.a. Windmill Studios on Saturday, August 17th from 10 a.m. to 1:00 a.m.at the Kearney County Fairgrounds.
g. Consider Special Designated Liquor Permit for Dave and Carolyn Bunger, d.b.a. Windmill Studios on Saturday, August 24th from 10 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 31.64, Aurora Cooperative 959.57, B. Norgaard 242.29, Black Hills Energy 126.15, Carey's Pest Control, Inc. 102.13, Central District Health Dept 148.50, Chemsearch 759.97, City Of Holdrege Landfill 4706.92, Core & Main Lp 3347.54, Cummins Central Power, Llc 1942.91, Dhhs 889.20, Dutton Lainson Co 9281.83, Emergency Medical Products 688.94, First Bank & Trust Co 9414.57, Galls, Llc 221.29, John Deere Financial 31.08, Ke Co Health Payment Cntr 374.00, Ke Co Treasurer 5000.00, Carver Specialized Hauling 50.00, Knispel Custom Carpentry 3081.88, League Of Nebr. Municipalities 420.00, Lieske, Lieske & Ensz P. C., Llo 1687.55, L. Johnson 37.58, Mason's Market 155.11, Mid Nebraska Digging 595.00, Minden Office Supply, Inc 1066.27, Minden Utility Dept. 4568.80, Municipal Supply-Nebraska 1702.29, Napa Auto Parts 546.82, Ne Public Health Environmental 36.00, Nebraska Power Review Board 431.00, Nmc, Inc. 648.01, Northern Safety & Industrial 276.98, Nppd Kwh 174472.63, Nppd O&M 36618.26, Olsson Associates 21677.73, Oneill Heinrich Damkroger 155.00, Pony Express Ford 46.63, R. Jack 575.00, Rose Equipment Inc. 385.38, Sos Portable Toilets Inc 30.00, Spectrum Business 1314.86, Stadler Implement Inc. 46.32, The Minden Courier 146.56, Timothy R. Beck

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259.77, Trade Well Pallet Inc 540.00, Underground Construction, Inc 1410.00, Verizon Wireless 503.03, Village Cleaners Inc 525.29, Western Pathology Consult Inc 79.20.

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

Agenda Item #5, Public Hearing, Condemnation Hearing for the property located at 1205 N. Colorado Avenue, Minden, NE or more particularly described as all of Lots 1-6, Block 2, Gilman's Second Addition, Minden, Kearney County, Nebraska.

Lieske opened the public hearing at 6:08 p.m. Lieske asked Jordan if she prepared the notice of hearing and was sent to the property owner, how it was sent and if the green card and return receipt were received. Jordan stated that yes, she did send it via certified mail. Lieske asked Huff if he took the pictures and if he took them from a place he was legally to be, the date taken, and if they fairly and accurately represent the condition. Huff stated he took the pictures and some were taken while on the private property. Huff stated the date was on the photos and that they represented the property as of the date taken. Huff added that he had not been back to the property since the photos had been taken. Lieske admitted all documents and photos into evidence.

Marshall Nelson, Pioneer Village Foundation General Manager, stated that the foundation has received 2 quotes to demo the house and garage, remove the concrete, and take down the dying trees. Nelson requested 100 days to get the work done.

The public hearing was closed at 6:18 p.m. No action taken.

Agenda Item #6, Consider Issuance of Order of Condemnation for the property located at 1205 N. Colorado Avenue, Minden, NE or more particularly described as all of Lots 1-6, Block 2, Gilman's Second Addition, Minden, Kearney County, Nebraska.

Carlson motioned to Issue an Order of Condemnation to demolish the buildings and have the debris cleared within 120 days. Jones seconded. On roll call, the following voted aye: Evans, Sumstine, Carlson, and Jones. Motion carried.

Agenda Item #7, Public Hearing, Condemnation Hearing for the property located at 146 W. Highway 6, Minden, NE or more particularly described as all of Lots 8-14 and the West 25' of Lots 5-7 and the West 25' of the South half of Lot 4, Block 4, Evan's Addition, Minden, Kearney County, Nebraska.

Lieske opened the public hearing at 6:22 p.m. Lieske asked Jordan if she sent the notice of hearing to the foundation, how it was sent and if the green card and return receipt were received. Jordan stated that yes, she did send it via certified mail. The signed green card and the return receipt were received and are in the file. Lieske asked Huff if he took the pictures and that they fairly and accurately represent the condition of the property on this date. Huff stated he took the pictures on and that they fairly and accurately represent the condition property on this date. Lieske admitted all documents and photos into evidence.

Marshall Nelson, Pioneer Village Foundation General Manager, stated that the foundation is getting quotes for work and making a decision on the property. Currently, the foundation wishes to demo the restaurant portion and the storage room. Nelson said the intention for the house is to remodel it and rent out. Nelson did mention asbestos siding and the need to abate it from the portions to be demolished. Once the construction quotes are received, then the foundation will make a decision as to remodel the house or demo it.

The public hearing was closed at 6:39 p.m. No action taken.

Agenda Item #8, Consider Issuance of Order of Condemnation for the property located at 146 W. Highway 6, Minden, NE or more particularly described as all of Lots 8-14 and the West 25' of Lots 5-7 and the West 25' of the South half of Lot 4, Block 4, Evan's Addition, Minden, Kearney County, Nebraska.

Sumstine motioned not issue an order of condemnation and review the property in 180 days. The motion died due to lack of a second. No action taken.

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Carlson motioned to issue an Order of Condemnation for 146 W. Highway 6 to demolish the buildings in 120 days with the Council reviewing the progress at the December 2, 2019 City Council Meeting. Sumstine seconded. On roll call, the following voted aye: Evans, Sumstine, Carlson, and Jones. Motion carried.

Agenda Item #9, Public Hearing, Condemnation Hearing for the property located at 247 W. Hawthorne Street, Minden, NE or more particularly described as the North ½ of Lot 11 and All of Lot 12, Block 7, Pearson's Addition, Minden, Kearney County, Nebraska.

The hearing was not held due to property owner not picking up the hearing notification from the post office. Jones motioned to set a new condemnation hearing date of Tuesday, September 3, 2019 at 6:00 p.m.

Agenda Item #10, Consider Issuance of Order of Condemnation for the property located at 247 W. Hawthorne Street, Minden, NE or more particularly described as the North ½ of Lot 11 and All of Lot 12, Block 7, Pearson's Addition, Minden, Kearney County, Nebraska.

Item tabled until after 9-3-2019 public hearing.

Agenda Item #11, Public Hearing, Condemnation Hearing for the property located at 302 E. 3rd Street, Minden, NE or more particularly described as the West 80' of Lot 7, Block 19, Original Town, Minden, Kearney County, Nebraska.

Lieske opened the public hearing at 6:51p.m. Lieske asked Jordan if she sent the notice of hearing to the owners of the property, how it was sent and if the green card and return receipt were received. Jordan stated that yes, she did send it via certified mail. The signed green card and the return receipt were received. Lieske asked Huff if he took the pictures and that they fairly and accurately represent the condition of the property. Huff stated Officer Jarvis Kring took the photos under his supervision and that they fairly and accurately represent the condition property on this date. Lieske admitted the notice of hearing, certified mail items and photos into evidence.

Michael C. Sumstine, President of King of Kars, Inc. stated that ¾ of the work has already been done to make the windows and doors weathertight. Sumstine requested 90 days to finish the repairs, but thinks it will go faster. Griess condemned him for already starting to address the problems.

The public hearing was closed at 6:57 p.m. No action taken.

Agenda Item #12, Consider Issuance of Order of Condemnation for the property located at 302 E. 3rd Street, Minden, NE or more particularly described as the West 80' of Lot 7, Block 19, Original Town, Minden, Kearney County, Nebraska.

Evans motioned to issue an order of condemnation for the windows and doors to be made weathertight within 90 days. Carlson seconded. On roll call, the following voted aye: Evans, Carlson, and Jones. Abstained: Sumstine. Motion carried.

Agenda Item #13, Public Hearing, Condemnation Hearing for the property located at 531 E. 4th Street, Minden, NE or more particularly described as the West 60' of Lots 1 & 2, Block 35, Original Town, Minden, Kearney County, Nebraska.

Lieske opened the public hearing at 6:59 p.m. Lieske asked Jordan if she prepared the notice of hearing and sent to the property owners, how it was sent and if the green card and return receipt were received. Jordan stated that the owners did not pick up the certified mail and. Therefore, Cederburg emailed a contact the City has for the property's utility account, Jennifer Rountree with Vision Interests. She acknowledged receipt of the email containing the notice of hearing. Rountree with Vision Interests provided a new mailing address and stated she's getting bids to clean up the property and secure the buildings. The grass will be abated on August 14, 2019. She advised that Vision Interests had just received the property legally back after a failed land contract. Rountree requested 30 days to do these items. Lieske entered the email into evidence.

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Lieske asked Huff if he took the pictures and that they fairly and accurately represent the condition of the property on this date. Huff stated he took the pictures and that they fairly and accurately represent the condition property on the date the pictures were taken. Lieske admitted all documents including the notice letter that came back to the City and photos into evidence.

The public hearing was closed at 7:06 p.m. No action taken.

Agenda Item #14, Consider Issuance of Order of Condemnation for the property located at 531 E. 4th Street, Minden, NE or more particularly described as the West 60' of Lots 1 & 2, Block 35, Original Town, Minden, Kearney County, Nebraska.

Jones motioned to reevaluate the property in 30 days and issue an order of condemnation if necessary. Sumstine seconded. On roll call, the following voted aye: Evans, Sumstine, Carlson, and Jones. Motion carried.

Agenda Item #15, Consider Setting a Hearing for Possible Condemnation of the Property at 527 N. Smith Avenue or more Particularly Described as Lot 4, Block 24, Railroad Addition, Minden, Kearney County, Nebraska.

Carlson motioned to set a Hearing for Tuesday, September 3, 2019 at 6:00 p.m. Jones seconded. On roll call, the following voted aye: Evans, Sumstine, Carlson, and Jones. Motion carried.

Agenda Item #16, Consider Setting a Hearing for Possible Condemnation of the Property at 709 N. Garber Avenue or more Particularly Described as the South 38' of Lot 5 & All of Lot 6 & the North 10' of Vacated 7th Street, Block 55, Original Town, Minden, Kearney County, Nebraska.

Carlson motioned to set a Hearing for Tuesday, September 3, 2019 at 6:00 p.m. Sumstine seconded. On roll call, the following voted aye: Evans, Sumstine, Carlson, and Jones. Motion carried.

Agenda Item #17, Consider approval of Resolution for the Airport Authority Budget Tax Request of $57,000, same as prior year.

RESOLUTION NO. 1699

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. 19-1, and

WHEREAS, The Mayor and Council of the City of Minden has been considering the budget for Fiscal Year 2019-2020, 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 2019-2020, 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 2018-2019, and

WHEREAS, the Mayor and Council authorized a levy in the amount of $57,000 for the final levy amount for Fiscal Year 2019-2020.

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 2019-2020 shall be $57,000.

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

On roll call the following voted Aye: Evans, Sumstine, Carlson, and Jones. Nay: none. Absent and not voting: none.

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 5th day of August, 2019.

_____
Ted Griess, Mayor

Attest:

_____
Abbey Jordan, City Clerk

Jones motioned to approve Resolution No. 1699 and Evans seconded. On roll call, the following voted aye: Evans, Sumstine, Carlson, and Jones. Motion carried.

Agenda Item #18, Consider approval of Resolution to Close Streets and Highway for Bandfest on October 19, 2018 as requested by the Minden Chamber of Commerce and to accept the duties of LB 589.

RESOLUTION NO. 1700

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 19, 2019; 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 19, 2019. The use of Highway 10 will be from 12:15 p.m. until 2:45 p.m. on October 19, 2019 ("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

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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 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 5, 2019.

_____
Ted Griess, Mayor

Attest:

_____
Abbey Jordan, City Clerk

Sumstine motioned to approve Resolution No. 1700 and Carlson seconded. On roll call, the following voted aye: Evans, Sumstine, Carlson, and Jones. Motion carried.

Agenda Item #19, Public Comments

Michael C. Sumstine, 122 E. 3rd St, commented about people living in campers on another person's property. M. Sumstine also recommended not allowing campers to be parked on private property.

Agenda Item #20, Adjournment.

Carlson motioned to adjourn at 7:20 pm and Jones seconded. On roll call, the following voted aye: Evans, Sumstine, Carlson, and Jones. Motion carried.

_____
Ted Griess, Mayor

ATTEST:

_____
Abbey Jordan, City Clerk

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