

# 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  
September 3, 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 Alyssa Schneider to the Minden Tree Board for a term of 9/3/2019 to 12/31/2020.
- f. Consider Special Designated Liquor Permit for Dave and Carolyn Bunger, d.b.a. Windmill Studios on Saturday, October 12, 2019 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 Sunday, November 3, 2019 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:

Carrot Top Industries 944.79, Central Plains Library System 150.00, City Of Kearney 9880.00, Core & Main Lp 15292.21, Dana F Cole & Company, Llp 250.00, Essential Resource Group Inc 91.00, First Bank & Trust Co 7631.64, Hawkins Water Treatment 2056.52, Industrial Systems Inc 596.00, Isw 32.37, J. K. Benson 950.00, J. Carter 1182.80, K&D Motor & Electric Inc 106.45, Ke Co Treasurer 5000.00, Kearney Powersports 71.85, Lieske, Lieske & Ensz P. C., Llo 3004.05, Mason's Market 261.61, Mid Plains Community College 65.00, Miller & Associates 5854.00, Minden Lumber & Concrete Co. 2.99, Minden Utility Dept. 4426.53, Minden Volunteer Fire Dept 6000.00, Municipal Supply-Nebraska 352.60, Ne Dept Of Agriculture 175.00, Ne Public Health Environmental 18.00, Ne Statewide Arboretum 130.00, Reams Sprinkler Supply Co 215.89, Recreation Supply Co 208.60, Rek Enterprises Llc 28.12, Rose Equipment Inc. 2656.95, South Central Economic Dev Dis 3605.00, Southern Power District 13667.53, Spectrum Business 1274.87, Structural Bolt Company 127.99, The Minden Courier 89.51, Ul Llc 2541.55, Usa Blue Book 177.73, Verizon Wireless 803.03, Village Cleaners Inc 248.48, Witmer Associates Inc. 222.35, Wpci 54.30.

# City of Minden

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

phone 308.832.1820  
fax 308.832.1949  
www.MindenNebraska.org



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

**Agenda Item #5,** Consider Approval of Change Order #3 for the Minden Paving, Drainage, & Water Improvements of \$11,872 for storm water inlets at 8th St and Hubbard Ave.

Evans motioned to approve for the Minden Paving, Drainage, & Water Improvements of \$11,872 for storm water inlets at 8th St and Hubbard Ave. Jones seconded. On roll call, the following voted aye: Evans, Sumstine, Carlson, and Jones. Motion carried.

**Agenda Item #6,** Consider Approval of Change Order #4 for the Minden Paving, Drainage, & Water Improvements of approximately \$32,255 for storm water piping at 8th St and Hubbard Ave.

Carlson motioned to approve Change Order #4 for the Minden Paving, Drainage, & Water Improvements between \$35,000 to \$55,000 for storm water piping at 8th St and Hubbard Ave. and Evans seconded. On roll call, the following voted aye: Evans, Sumstine, Carlson, and Jones. Motion carried.

**Agenda Item #7,** Consider Approval of Midlands Contracting Proposal for fire hydrants and water valves in the amount of \$77,491 for the Downtown Sidewalk Improvements Project.

Carlson motioned to approve Midlands Contracting Proposal for fire hydrants and water valves in the amount of \$77,491 for the Downtown Sidewalk Improvements Project and Sumstine seconded. On roll call, the following voted aye: Evans, Sumstine, Carlson, and Jones. Motion carried.

**Agenda Item #8,** Consider Approval of Resolution to Authorize the City's General Obligation Various Purpose Bonds to be sold to Piper Jaffray & Co.

Brad Slaughter spoke on behalf of Piper Jaffrey & Co.

## RESOLUTION NO. 1701

### A RESOLUTION OF THE CITY OF MINDEN, NEBRASKA, TO AUTHORIZE THE CITY'S GENERAL OBLIGATION VARIOUS PURPOSE BONDS TO BE SOLD TO PIPER JAFFRAY & CO.

**BE IT RESOLVED** by the City Council (the "**Council**") of the City of Minden, Nebraska (the "**City**") as follows:

#### **Section 1. Findings.**

(a) On July 15, 2019, the City passed Ordinance No. 1244 to authorize the issuance of the City's General Obligation Various Purpose Bonds (the "**Bonds**") in a principal amount not to exceed One Million Three Hundred Twenty Thousand Dollars (\$1,320,000), and authorized the bonds to be sold to Ameritas Investment Corp.

(b) Because of recent changes at Ameritas Investment Corp. affecting the individuals providing underwriting services to the City, the City hereby determines it appropriate and necessary to authorize the Bonds to be sold to Piper Jaffray & Co. ("**Piper Jaffray**"), and authorize Piper to serve as the City's underwriter

**Section 2. Engagement of Underwriter.** It is hereby resolved that the Bonds or any portion thereof are hereby authorized to be sold pursuant to a negotiated sale with Piper Jaffray, as initial purchaser. It is further resolved that all references in the Ordinance to "Underwriter" shall be deemed to mean Piper Jaffray, as and when the Bonds are issued pursuant to a negotiated sale with Piper Jaffray.

**Section 3. Effective Dates.** This Resolution will be in full force and effect from and after its passage and adoption by the Council and approval by the Mayor.

# City of Minden

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

phone 308.832.1820  
fax 308.832.1949  
www.MindenNebraska.org



**Section 4. Conflicting Resolutions Repealed.** All resolutions of the Council, or parts thereof, in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed.

Councilmember Evans moved for the adoption of the foregoing Resolution. Councilmember Sumstine seconded the motion. On roll call the following voted Aye: Evans, Sumstine, Carlson, and Jones. The following voted Nay: none. The following were 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 the 3rd day of September, 2019.

/s/ Ted Griess  
Ted Griess, Mayor

Attest:

/s/ Abbey Jordan  
Abbey Jordan, City Clerk

Evans motioned to approve Resolution 1701 and Sumstine seconded. On roll call, the following voted aye: Evans, Sumstine, Carlson, and Jones. Motion carried.

**Agenda Item #9**, Consider Approval of Payment to the South Central Economic Development District, Inc. in the amount of \$3,605.00 for grant services for the 2018 Economic Development Grant Project for Royal Engineered Composites (18-ED-004).

Carlson motioned to approve Payment to the South Central Economic Development District, Inc. in the amount of \$3,605.00 for grant services for the 2018 Economic Development Grant Project for Royal Engineered Composites (18-ED-004 and Jones seconded. On roll call, the following voted aye: Evans, Sumstine, Carlson, and Jones. Motion carried.

**Agenda Item #10**, Consider Approval of Draw #2 for the CDBG Grant 18-ED-004 of \$3,605.00 for grant administration

Carlson motioned to approve Draw #2 for the CDBG Grant 18-ED-004 of \$3,605.00 for grant administration and Sumstine seconded. On roll call, the following voted aye: Evans, Sumstine, Carlson, and Jones. Motion carried.

**Agenda Item #11**, 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.

Lieske opened the public hearing at 6:41 p.m. Lieske asked Jordan how the property owner was notified of the public hearing. Jordan stated that the police department was unsuccessful in personal service, so the notice of hearing was published in the newspaper on August 21<sup>st</sup> & 28<sup>th</sup>. 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 from the street on 6-24-2019. Lieske stated that one issue with the property is a non-working sewer. Jordan added there is also a missing window. Lieske admitted all documents, comments and photos into evidence.

The public hearing was closed at 6:45 p.m. No action taken.

**Agenda Item #12**, 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.

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

# City of Minden

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

phone 308.832.1820  
fax 308.832.1949  
www.MindenNebraska.org



**Agenda Item #13**, Public Hearing, Condemnation Hearing for the property located at 527 N. Smith Avenue, Minden, NE or more particularly described as Lot 4, Block 24, Railroad Addition, Minden, Kearney County, Nebraska.

Lieske opened the public hearing at 6:56 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, but the green card wasn't received. Jordan said that she checked the USPS tracking online and it shows the certified mail was delivered on 8-13-19. Lieske asked Huff if he took the pictures. Huff stated he did not. Cederburg stated he took the photos on 7-25-2019 from the sidewalk. Cederburg stated the photo represented the property as of the date taken. Lieske admitted all documents and photos into evidence.

Terry Furby, 3840 W 85<sup>th</sup> St, Kearney, NE, is in the process of buying the property. He cannot go inside the house until the sale closes. He plans to put in a new foundation and install the new windows that are already on the property. He has currently just covered the foundation hole. He also plans to fumigate the house. Furby has asked for 60-90 days to complete the repairs.

Griess asked if Furby would give permission for the Board of Health and the Code Inspector to walk through the property after all repairs are made? Furby stated yes.

Steve Zelif, 539 N. Smith, shared his concerns about space needed to get the equipment in to repair the foundation. Zelif also stated there are no shingles on the roof and no gutters.

The public hearing was closed at 7:07 p.m. No action taken.

**Agenda Item #14**, Consider Issuance of Order of Condemnation for the property located at 527 N. Smith Avenue, Minden, NE or more particularly described as Lot 4, Block 24, Railroad Addition, Minden, Kearney County, Nebraska.

Jones motioned to table the Issuance of Order of Condemnation and review the status of the property at the September 16<sup>th</sup> City Council Meeting and Sumstine seconded. On roll call, the following voted aye: Evans, Sumstine, Carlson, and Jones. Motion carried.

**Agenda Item #15**, Public Hearing, Condemnation Hearing for the property located at 709 N. Garber Avenue, Minden, NE 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.

Lieske opened the public hearing at 7:11 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, but the green card wasn't received. Jordan said that she checked the USPS tracking online and it shows the certified mail was delivered.

Lieske asked who took the picture. Jordan stated that Ryan Hurst, former City employee, took the photo from inside the basement of the house when replacing the water meter as it had frozen over the winter. Jordan also stated the property was declared Uninhabitable earlier in 2019. Lieske admitted all documents and photos into evidence.

The public hearing was closed at 7:15 p.m. No action taken.

**Agenda Item #16**, Consider Issuance of Order of Condemnation for the property located at 709 N. Garber Avenue, Minden, NE 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.

Jones motioned to issue an Order of Condemnation to demolish the buildings and have the debris cleared within 30 days. Evans seconded. On roll call, the following voted aye: Evans, Sumstine, Carlson, and Jones. Motion carried.

**Agenda Item #17**, Public Comments

## City of Minden

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

*phone 308.832.1820*  
*fax 308.832.1949*  
*www.MindenNebraska.org*



No public comments were made.

### **Agenda Item #18, Adjournment.**

Evans motioned to adjourn at 7:18 pm and Carlson seconded. On roll call, the following voted aye: Evans, Sumstine, Carlson, and Jones. Motion carried.

/s/ Ted Griess  
Ted Griess, Mayor

Attest:

/s/ Abbey Jordan  
Abbey Jordan, City Clerk

(SEAL)