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

phone 308.832.1820
fax 308.832.1949
www.MindenNebraska.org

The Christmas City
Minden NEBRASKA

Minutes of Council Meeting
City of Minden, Nebraska
June 7, 2021

The City Council of the City of Minden, Nebraska, met on this day at 6:00 p.m. in regular session in the Fire Hall and via Zoom per Nebraska State Stature 84-1411 (7)(a) during the declared Covid-19 emergency by Governor Ricketts; 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, and Jack Yant. The following City Officials were present: Mayor Ted Griess, City Administrator Matt Cederburg, City Attorney Tom Lieske, and City Clerk Abbey Jordan. Absent: Council Member Teresa Sumstine.

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 Fire Hall. In addition, for public inspection, there is located on the table on the east side of the Fire Hall, 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 welcomed Rachel Higgins to the City's staff as a nuisance intern. Also, the next council meeting will be in the Council Chambers.

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 Approval to send the Shrader Property Damage Claim to the City's Insurance Carrier for processing per Resolution 1550.
d. Consider Acceptance of Excused Absence of Mayor or Council Member(s)
e. Consider Reports that are Enclosed in the Council Packets for This Council Meeting

A. Jordan--Uniforms 52.26, Amazon Capital Services--Supplies 848.03, Bill's Plumbing & Htg. Inc--Repairs 335.34, Black Hills Energy--Utilities 63.63, Bnsf Railway Co.--Fees 2,722.67, Boarders Inn & Suites--Training 1,190.00, C. Collins--Training 180.00, Carey's Pest Control, Inc.--Maintenance 107.50, C. Carpenter--Training 70.00, Cornhusker Press--Printing 52.96, D. Vitito--Uniforms 569.39, E. Cline--Repairs 13.00, Elliott Equipment Co.--Supplies 269.48, First Bank & Trust Co--Financing 4,874.16, Fyr-Tek, Inc.--Repairs 1,917.95, G. Barncord--Incentive 200.00, Hawkins Water Treatment--Supplies 498.30, Jameson Sandblasting & Paintin--Maintenance 14,500.00, Jims Ok Tire Minden Llc--Repairs 216.00, John Deere Financial--Supplies 262.25, J.

Killoy--Membership 60.90, Ke Co Treasurer--Fees 5,200.00, Landmark Implement Carquest--Supplies 155.56, L. Thatcher--Supplies 16.93, L. Mcgee--Chemical 7,823.72, L. Anderson--Training 70.00, Lieske, Lieske & Ensz P. C., Llo--Legal 1,000.00, Lieske, Lieske & Ensz P. C., Llo--Legal 3,582.70, M. Froid--Training 150.00, Mason's Market--Supplies 218.57, M. Cederburg--Training 366.00, M. Raffaeli--Cleaning 147.65, Mid Plains Heating & Air--Maintenance 1,130.38, Miller & Associates--Tech/Engineering 1,187.30, Minden Exchange Bank & Trust C--Financing 6,654.13, Minden Hardware--Supplies 611.41, Minden Office Supply, Inc--Supplies 181.20, Minden Public Schools--Fees 2,560.00, Minden Utility Dept.--Utilities 2,927.44, M. Runions--Training 200.00, Municipal Supply-Nebraska--Supplies 64.50, Nphe--Training 18.00, Olsson Associates--Tech/Engineering 4,966.90, One Call Concepts Inc--Fees 36.17, Presto X Co.--Maintenance 118.00, Quality Sound & Water--Fees 588.00, Rose Equipment Inc.--Repairs 1,359.71, Sandry Fire Supply Llc--Supplies 67.00, Southern Power District--Utilities 52.20, The Lockmobile Inc.--Repairs 150.00, The Minden Courier--Printing 900.65, T. Beck--Printing 594.09, Titan Machinery Inc--Supplies 111.00, United States Postal Service--Fees 150.00, Usa Communications--Phone/Internet 49.90, Verizon Wireless--Phone/Internet 704.55, Village Cleaners Inc--Cleaning 165.10, W. Simmerman--Repairs 346.32, Witmer Public Safety Group--Supplies 85.98, Woods Aitken Llp--Legal 61.00, Woodward Disposal--Fees 4,642.29.

Griess reminded the City Council that the process for the claim of Logan Shrader's damages is to submit all documents to the City's insurance carrier. Evans inquired about the Kearney County Treasurer claims. Jordan will review and let the council know.

Evans wanted to make sure the videos that Shrader sent will also be included with the submission. Logan Shrader, 214 N Hillcrest, concurred that videos were submitted. Cederburg stated that he planned to send all pictures and videos submitted by Shrader to the insurance carrier.

Yant asked a few questions on the claims concerning the fire dept uniforms and Lieske's legal fees. Evans wanted to ensure that the minutes will state the video will be submitted with Shrader's damage claim. Jordan assured him it would.

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

Agenda Item #5 , Presentation of Audit Report for Fiscal Year 2019 (Oct 2019 through Sept 2020), by Dana F. Cole & Company.

Karen Labenz presented the audit report. The City of Minden has an unmodified report which is the best report available. Labenz reviewed the various fund balances. It is recommended to continue implementing segregation of duties. Evans asked about this. Labenz stated that Accounting Standards have very specific jobs to be carried out separately from other positions and stated that this is common among most smaller population municipalities.

No action taken.

Agenda Item # 6, Consider Selection of Contractor for the Standby Power Improvements per recommendation from Miller and Associates.

Chris Miller, Miller Associates, stated that 3 bids were received and opened. As a reminder, the bids were for 3 generators including electrical setup so the generators can be plugged in and used. Miller reminded the council that they could select any number of generators on a bid.

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Evans asked if the city hall/fire hall generator would handle the building's heater and electric. This particular one would be a natural gas generator. An inquiry was made by Evans about a maintenance plan. Cederburg and Fischer stated that the maintenance will include a weekly start of each generator and regular oil changes. Miller would have the city hall/fire hall generator start automatically once a week and transfer the load. Darin Fischer, Utilities Superintendent, would setup an annual service contract with a company.

Carlson motioned to approve the bid of 3 generators from Power Tech. Yant seconded. Evans questioned the necessity of the generators after reviewing the Treasurer's Report. On roll call, the following voted aye: Evans, Carlson, and Yant. Absent: Sumstine. Motion carried.

Agenda Item # 7, Consider Approval of Resolution supporting the Re-Certification of Minden's Leadership Community designation.

Griess thanked Cederburg and Jordan for their time spent on the application for renewal of the Leadership Community.

RESOLUTION NO. 1718
RESOLUTION OF SUPPORT OF LEADERSHIP COMMUNITY RE-CERTIFICATION

WHEREAS, local municipal government, county government, and regional economic development entities must provide leadership and coordination for economic development efforts; and

WHEREAS, economic development needs can best be solved through a cooperative effort between local, county, regional and state economic development organizations and entities; and

WHEREAS, there is a need to continue to promote our community's organizational readiness, infrastructure investment, ability to respond to business needs, and

WHEREAS, the Nebraska Department of Economic Development's Leadership Community Certification is a program promoting our community's economic development preparedness;

THEREFORE, the city council of Minden do herewith pledge their full support, endorsement, and cooperation for Minden's Re-Certification of its Nebraska Department of Economic Development's Leadership Community designation.

Council member Evans moved for the adoption of the foregoing Resolution. Council member Carlson seconded the motion. On roll call, the following voted Aye: Evans, Carlson, and Yant. Nay: none. Absent and not voting: Sumstine.

PASSED and APPROVED this 7th day of June, 2021.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Evans motioned to approve the Resolution 1718 and Carlson seconded. On roll call, the following voted aye: Evans, Carlson, and Yant. Absent: Sumstine. Motion carried.

Agenda Item # 8, NPPD Project Update by Stan Clouse and Jamie Becker.

Joel Korth, NPPD, stated that the FXB controls have all been received. The controls will be replaced starting June 14th with one unit a day. The controls programming was completed the previous week. There will be no power outages.

Stan Clouse, NPPD, reviewed the south substation project. A project engineering request is the next item on the council's agenda. The south sub is a safety issue for any repairs to be made. Korth, stated that a lot more protective gear must be worn by himself and his crew. The south sub does not allow for live repairs or event analysis. Clouse stated that the south sub transformer does not need replaced. This will reduce the entire project budget.

Becker reviewed the pole study of a little over half of the city's poles. There were 12 poles to be reviewed for further action. An option is to reinforce these versus replacement.

Agenda Item # 9, Consider Approval of NPPD Project for engineering of the south sub-station not to exceed $100,000.

Evans motioned to approve the NPPD Project for engineering of the south sub-station not to exceed $100,000 and Carlson seconded. On roll call, the following voted aye: Evans, Carlson, and Yant. Absent: Sumstine. Motion carried.

Agenda Item # 10, Gilman Avenue Parking

a. Discussion concerning Ordinance (1252) for Gilman Avenue Parking by Danny Brown, per Agenda Item Request.
b. Discussion concerning Repealing Ordinance (1252) for Gilman Avenue Parking by Larry Evans, per Agenda Item Request.
c. Consider Approval of Ordinance amending Section 82-99 (o), No Parking Area designated on Gilman Avenue and Repealing Ordinances 1233 & 1252, to the Minden Municipal Code, First Reading.

Danny Brown, 108 N. Gilman shared his concerns about the parking. The ordinance is not fair and considerate of the homeowners. The parking issue is a student driven issue during the daytime hours. Most homeowners do not have adequate parking for any personal business including deliveries, lawn care, and emergency services. Evening parking for games and meets is not a problem for the homeowners. Brown provided a statement noting these concerns signed by all of the Gilman homeowners.

Carlson wanted Brown to know that the council acted on the information it had received. It was told to the council that the police had contacted the homeowners about the parking change and that there were no objections.

Brown wishes to keep parking on the east side of Gilman and to have all students park in the school's lot. Carlson asked Lieske to clarify if students could be banned from parking on the street. Lieske stated that students can park on a city street legally. Cederburg stated the city has recommended to the school to have assigned parking or parking passes multiple times. Ultimately it is the school's responsibility to take on this

task.

Pat Miller, 122 N Gilman, has had multiple issues with students blocking her driveway. She has called the school and they have handled it promptly. She wants to know where to have her company park as there is no parking on other streets nearby. Miller stated that police officer Jarvis Kring, informed her that while the school was widening the sidewalk on the west side, there would temporarily be no parking on the west side. She was not informed of the change being permanent.

Evans firmly believes the students are running the school and the administration needs to take charge. Evans recommends appealing ordinance 1252. Carlson has spoken with Cederburg, Griess, and the school's superintendent and wants a committee formed to handle the parking problem prior to taking any action on Ordinance 1252. It was suggested the committee would include a homeowner's representative, city representatives including the city attorney, and school representatives. Carlson also believes the direction of vehicle travel should be considered.

Evans motioned to repeal Ordinance No. 1252. Lieske stated that is not a valid ordinance as only an ordinance repeals another ordinance. Jordan clarified that the proposed ordinance in the packet repeals Ordinance 1233 & 1252 and reverts the no parking area back to the west side. Lieske stated that it is easier to repeal both ordinances to get back to a clean state. There are technical issues legally if both are not repealed. The proposed ordinance also adds no parking on the west side. Evans kept questioning why both ordinances were being repealed. It was clarified that the proposed ordinance returns the parking back to how it was prior to Ordinance No. 1252 by Cederburg, Carlson, Lieske, and Griess. Evans stated that if the ordinance was repealed and the school did nothing, then the problem would still exist with the students parking on the street. Cederburg replied the city will be meeting with the school to help alleviate the situation.

Evans introduced Ordinance No. 1256 for its first reading.

ORDINANCE NO. 125 5

AN ORDINANCE TO AMEND CHAPTER 82, ARTICLE V, OF THE MUNICIPAL CODE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA, BY AMENDING SECTION 82-99 AS THE SAME RELATES TO PARKING.

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

Section 1. That Section 82-99 (o), of the Municipal Code of the City of Minden, Kearney County, Nebraska, be amended in the Municipal Code of the City of Minden, the same to read as follows:

Section 82-99 (o). No Parking Area Designated on Gilman Avenue in the City of Minden, Kearney County, Nebraska. It shall be unlawful for the driver of any motor vehicle to park the motor vehicle on the WEST side of Gilman Avenue from First Street to Third Street between the hours of 7:00 a.m. and 4:00 p.m. on school days. All of said streets are in the City of Minden.

(C.O. Ord No. 1233, 07/02/2018; C.O. Ord No. 1252, 04/22/2021; C.O. Ord No. 12XX, __/__/2021)

Section 2. That Ordinance 1233 passed by the City Council of Minden, Kearney County, Nebraska on July 2, 2018 is hereby repealed.

Section 3. That Ordinance 1252 passed by the City Council of Minden, Kearney County, Nebraska on April 22, 2021 is hereby repealed.

Section 4. 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 5. This ordinance shall be known as Ordinance No. 1256 and shall be in full force and effect from and after its passage, approval and publication according to law.

Yant seconded. On roll call, the following voted aye: Evans, Yant, and Griess. The following voted nay: Carlson. Absent: Sumstine. Motion carried.

Agenda Item # 11, Consider Approval of selling/vending per Minden Municipal Code Sec. 58-1 on the dates, times, and locations listed below:

a. Sat, June 26, 2021 from 8am to 5pm on the inside of the downtown square:
   i. 400 block of N Colorado northbound
   ii. 400 block of N Minden southbound
   iii. 300 block of E 4th St westbound
   iv. 300 block of E 5th St eastbound
b. Sun, June 27, 2021 from 8am to 5pm on the 400 block of N Colorado southbound.

Kathi Schutz, Chamber of Commerce Administrator, stated Dawg Days and Car Show are being held June 26th and 27th. It is held downtown and the request is for the vendors and food trucks to utilize the streets during the events.

Yant asked if these vendors and food trucks are collecting and remitting sales tax. Cederburg stated that the City reviews the list of businesses remitting sales tax and can submit business names to the state that are selling in Minden. Jordan stated that the City does require a business license for the vendors and they are notified of the City's sales tax at that time.

Evans motioned to approve the selling/vending on June 26 & 27, 2021 in the areas listed and Yant seconded. On roll call, the following voted aye: Evans, Carlson, and Yant. Absent: Sumstine. Motion carried.

Agenda Item # 12, Consider Approval of Ordinance repealing Section 35-12, Rockets prohibited, of the Minden Municipal Code, First Reading.

Police Chief, Brad Butler, was reviewing recently approved state legislation and discovered that items commonly referred to as bottle rockets are now allowed. The city code currently bans these. Cederburg stated Fire Chief Brown has no problem with this.

Yant introduced Ordinance No. 1256 for its first reading.

ORDINANCE NO. 1256

AN ORDINANCE TO AMEND CHAPTER 35 OF THE MUNICIPAL CODE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA, BY REPEALING SECTION 35-12 AS THE SAME RELATES TO FIREWORKS.

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

Section 1. That Section 35-12, of the Municipal Code of the City of Minden, Kearney County, Nebraska, is hereby repealed.

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.

Passed and approved this 7th day of June, 2021.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

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

Yant motioned to waive the three readings. Carlson seconded. On roll call, the following voted aye: Carlson, Yant, and Griess. the following voted nay: Evans. Absent: Sumstine. Motion carried.

Yant motioned to adopt Ordinance No. 1256 by title and Carlson seconded. On roll call, the following voted aye: Carlson, Yant, and Griess. the following voted nay: Evans. Absent: Sumstine. Motion carried.

Agenda Item # 13, Discussion Only of City's 10-Year Capital Improvement Plan

Evans motioned to enter closed session at 7:46 p.m. Carlson seconded. On roll call, the following voted aye: Evans, Carlson, and Yant. Absent: Sumstine. Motion carried.

Evans motioned to enter open session at 8:23 p.m. Carlson seconded. On roll call, the following voted aye: Evans, Carlson, and Yant. Absent: Sumstine. Motion carried.

Agenda Item # 10, Open Mic Public Comments.

No comments were made.

Agenda Item # 11, Adjournment.

Evans motioned to adjourn at 8:24 pm and Yant seconded. On roll call, the following voted aye: Evans, Carlson, and Yant. Absent: Sumstine. Motion carried.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

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/s/ Abbey Jordan
Abbey Jordan, City Clerk

(SEAL)