City of Minden
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The Christmas City
Minden NEBRASKA

Minutes of Council Meeting
City of Minden, Nebraska
August 16, 2021

The City Council of the City of Minden, Nebraska, met on this day at 6:00 p.m. in 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 Jack Yant. The following City Officials were present: Mayor Ted Griess, City Administrator Matt Cederburg, City Attorney Tom Lieske, 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 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.

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

4imprint, Inc.--Supplies 771.47, A. Jordan--Supplies 16.11, A. Spracklin Pc--Medical 120.00, Amazon Capital Services--Supplies 1,203.60, Anderson Bros Ele Inc--Maintenance 151.12, Aurora Cooperative--Chemical 1,943.15, Auto Glass Experts--Supplies 110.00, Baker & Taylor Books--Supplies 801.91, Bill's Plumbing & Htg. Inc--Repairs 793.78, Blankenau Wilmoth Jarecke Llp--Legal 175.00, C. Collins--Supplies 261.60, Cengage/Gale--Supplies 49.38, Central Community College--Training 1,024.00, Cheerful Books--Supplies 23.96, City Of Holdrege Landfill--Fees 5,366.49, Comcate--Membership 2,814.20, Construction Rental, Inc.--Rental 192.23, Corbec Investments, Llc--Supplies 735.29, Demco--Supplies 102.78, Dollar General-Regions 410526--Supplies 20.50, Dultmeier Sales--Repairs 185.32, Dutton Lainson Co--Supplies 1,172.62, E. Cline--Supplies 34.99, Essential Resource Group Inc--Medical 87.00, F. Rogers--Cleaning 537.50, Fyr-Tek, Inc.--Repairs 381.90, Gilmore & Bell, Pc--Fees 2,200.00, Greatamerica Financial Services Corporation--Tech/Engineering 402.37, Hawkins Water Treatment--Chemical 5,496.63, Holmes Plbg.& Htg Supp Co--Supplies 18.33, Intellicom Computer Consulting--Tech/Engineering 6,175.50, Isw--Supplies 9.92, J. Carter--Maintenance 553.55, J. Jameson--Incentive 1,200.00, Landmark Implement Carquest--Supplies 339.37, League Of Nebr. Municipalities--Membership 2,640.00, M. Raffaeli--Cleaning 147.65, Midwest Laboratories--Fees 144.55, Midwest Tapes--Supplies 293.85, Miller & Associates--Tech/Engineering 659.30, Minden Hardware--Supplies 415.33, Minden Lumber & Concrete Co.--Supplies 1,056.98, Minden Office Supply, Inc--Supplies 187.72, Minden Rural Fire Dept.--Supplies 2,247.60, Municipal Code Corporation--Fees 950.00, Napa Auto

Parts--Supplies 388.74, Nebr Municipal Clerks Assoc--Membership 35.00, Nppd Kwh--Utilities 191,771.87, Nppd O&M--Utilities 25,596.47, One Call Concepts Inc--Fees 51.51, Pony Express Ford--Repairs 1,096.07, Presto X Co.--Fees 74.00, Quadient Finance Usa, Inc.--Fees 400.00, Quick Med Claims--Medical 454.50, Share Corp.--Supplies 191.53, Southern Power District--Utilities 65.74, Spectrum Business--Phone/Internet 1,540.02, T. Beck--Printing 563.44, The Library Store--Supplies 222.20, The Minden Courier--Printing 30.00, Usa Communications--Phone/Internet 256.04, Wex Bank--Gas 3,980.34, Wpci--Medical 232.70, Xerox Corporation--Fees 125.50, 8-13-21 Payroll—58,145.22.

Several questions were asked about the Claims Report. Yant inquired about the rechargeable batteries purchased from Amazon for the police dept. Cederburg stated they are specialty batteries for Verizon surveillance cameras that cannot be purchased locally.

Yant also questioned the Fire bills paid to Pony Express Ford for oil changes and other repairs thinking they were excessive. He wondered if these services could be done elsewhere in town for less. Cederburg will check with Fire Chief Brown on this.

Yant questioned the Amazon purchases in the library fund. Yant questioned the library on the trash bags and gloves and was told they didn't have these items on their report. He understands the other items cannot be purchased locally.

Yant asked about vendor the cemetery bought the bluegrass rolls from. He didn't think we could buy these from an investment company. Jordan stated that the Corbec Investments, LLC is most likely their legal name and have a different DBA name. Jordan will look this up and get back to Yant.

Evans inquired about the WTP compliance report payment to Miller & Associates. Cederburg replied this is for the WTP discharge process that Chris Miller has been working on. The design portion is almost ready if the City is required to change the process. The payment label is not for an actual report, but for the process that is being worked on and the communication with the attorney also looking at this.

Evans mentioned the Backup Power Generation construction services and thought it had been completely paid for already. Cederburg stated the City will check on this.

Evans asked about the $261,100 ARP funds received note on the Treasury report not corresponding to the net change on the top of the report. Cederburg noted the net change includes other items such as bills paid and payroll and not just the ARP funds. Next month there will be more detail concerning the net change. Evans understanding of the spending of the ARP funds is that it must be spent for certain items. Cederburg stated the ARP funds are recorded in the ED fund which is just a portion of the City's checking account. Once the council approves a project for the ARP funds, then the project will be paid out of the ED fund. The City's money is one pot with amounts allocated to various funds.

An inquiry was made about the Amazon purchases listed in light for soap, post its, etc. by Yant. He wishes for employees to purchase items locally that they can. Cederburg will remind employees about purchasing locally.

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

Agenda Item #5, Consider Approval to purchase repair parts for the WWTP SBR Basin 2 for $19,378.79 from Aqua-Aerobic Systems, Inc.

Darin Fischer, Utilities Superintendent, stated SBR 1 was cleaned last fall and found many repairs that were needed once it had been drained. There was a 9-12 week lead time to get the necessary parts. Fischer anticipates SBR 2 will need very similar repairs as SBR

1. He wishes to get these parts ordered prior to draining SBR 2 as he only has enough storage to drain it one time. There is an 8-10 week lead time to get the parts this time.

Sumstine motioned to approve the purchase of repair parts for the WWTP SBR Basin 2 for $19,378.79 from Aqua-Aerobic Systems, Inc. Evans seconded. On roll call, the following voted aye: Evans, Sumstine, Carlson, and Yant. Motion carried.

Agenda Item #6, Consider Approval of Miller & Associates for the Comprehensive Plan Update for $20,000 - $30,000.

Jennie Kozal, Miller & Associates, reviewed the most recent Leadership Community re-certification and the past accomplishments. The comprehensive plan is a 12-18 month process and includes 4 Town Hall meetings. Kozal complimented us on having the goals of the current comprehensive plan posted in the Council Chambers. Kozal stated the price includes a Connectivity Master plan that focuses on gateway entrances, connections throughout town, and trails.

Sumstine asked if there grant options to assist with funding. Kozal stated the City's LMI (low to moderate income) ratio is 46 and a higher number is needed to receive CDBG funding for a comprehensive plan.

Carlson motioned to approve the Comprehensive Plan Update with Miller & Associates for $20,000 - $30,000. Sumstine seconded. On roll call, the following voted aye: Evans, Sumstine, Carlson, and Yant. Motion carried.

Agenda Item #7, Consider Approval of Miller & Associates for the Entryway Pilot Project for $2,800 - $4,200.

Cederburg stated a goal for the 2013 comp plan was to beautify the City's entryways. The Parks Superintendent does a great job maintaining them. The State has extensive guidelines to be followed as these are on their right-of-ways.

Kozal stated the pilot project will look at one gateway entrance and present 3 design options on beautifying it and incorporate it into the downtown theme. Currently, Minden has great signage at all 4 entrances, but they're not necessarily noticed. The project is to make these noticeable and create an experience when entering the community. Evans clarified that the proposal is just for conceptual designing and not project execution.

Evans inquired if the designs in the current comprehensive plan could be used? Cederburg replied that the focus will be more detailed including trees, lighting and walkways. During the Leadership Community re-certification, this was brainstormed as a way to get this goal met. The north entryway will be the suggested focus due to traffic counts.

Sumstine asked how this was incorporated into the budget. Cederburg stated it will be in the ED fund under the Oct 2021-Sept 2022 budget. Cederburg will work with Kozal for the timing of any payments. The concepts will include construction costs. The north entrance will most likely be split into 2 phases with the signage and beautification being one and the trailway being the second.

Carlson said he's had many people mention to him that you wouldn't know this is a quaint little town upon entering it. He wishes to proceed with this project as it's a great start to planning all entrances into town and the pathway. Evans was extremely concerned about the pathway going out of town and what the ultimate plan was for it? Carlson replied that this plan will assist with this. Cederburg envisions the path will start at the Legion field and go south into town. The plan will also ensure the City complies with the NDOT specs. Kozal plans to use the downtown square theme for inspiration to the entrances including lighting at a vehicular level.

Yant motioned to approve Miller and Associates as the General Administrator for the CDBG DTR Grant and Evans seconded. On roll call, the following voted aye: Evans, Sumstine, Carlson, and Yant. Motion carried.

Agenda Item #8, Consider Approval of Resolution to Close Streets and Highway for Bandfest on October 16, 2021 as requested by the Minden Chamber of Commerce and to accept the duties of LB 589.

Jordan stated to disregard the former Chamber Director's name on the permit. The chamber is between directors and will be updated when the event nears.

RESOLUTION 1721

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 16, 2021; 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 16, 2021. The use of Highway 10 will be from 12:15 p.m. until 2:45 p.m. on October 16, 2021 ("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 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 16, 2021.

/s/ Ted Griess
Ted Griess

ATTEST:

/s/ Abbey Jordan
Abbey Jordan

Carlson motioned to approve Resolution No. 1721 and Evans seconded. On roll call, the following voted aye: Evans, Sumstine, Carlson, and Yant. Motion carried.

Agenda Item #9, Consider Approval of Resolution authorizing the Mayor to sign the Municipal Annual Certification of Program Compliance form.

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Do not recreate or revise the pages of this document, as revisions and recreations will not be accepted.
Failure to **return both pages of the original document** by the filing deadline (October 31) may result in the suspension of Highway Allocation funds until the documents are filed.

RESOLUTION

SIGNING OF THE MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE 2021

Resolution No. 1722

Whereas: State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

Whereas: State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor or Village Board Chairperson and shall include the resolution of the governing body of the municipality authorizing the signing of the certification.

Be it resolved that the Mayor ☒ Village Board Chairperson ☐ of City of Minden
(Check one box) (Print name of municipality)
is hereby authorized to sign the Municipal Annual Certification of Program Compliance.

Adopted this 16th day of August, 2021 at Minden Nebraska.
(Month)

City Council/Village Board Members

Larry Evans
Teresa Sumstine
Bob Carlson
Jack Yant

City Council/Village Board Member Evans
Moved the adoption of said resolution
Member Yant Seconded the Motion
Roll Call: 4 Yes Ø No Ø Abstained Ø Absent
Resolution adopted, signed and billed as adopted.

Attest: Abbey Jordan
(Signature of Clerk)

Evans motioned to approve Resolution No. 1722 and Sumstine seconded. On roll call, the following voted aye: Evans, Sumstine, Carlson, and Yant. Motion carried.

Agenda Item #10, Consider Approval of Ordinance repealing sections 50-41 through 50-44, pertaining to Tobacco, from the Minden Municipal Code.

Evans introduced Ordinance No. 1257 for the first reading.

ORDINANCE NO. 1257

AN ORDINANCE TO AMEND CHAPTER 50 ARTICLE III OF THE MUNICIPAL CODE OF MINDEN, KEARNEY COUNTY, NEBRASKA, BY REPEALING SECTIONS 50-41, 50-42, 50-43 AND 50-44, AS THE SAME RELATES TO TOBACCO PRODUCTS.

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

Section 1. That Section 50-41, Tobacco products; defined, of the Municipal Code of the City of Minden, Kearney County, Nebraska, be repealed.

Section 2. That Section 50-42, Tobacco; possession by minor unlawful; of the Municipal Code of the City of Minden, Kearney County, Nebraska, be repealed.

Section 3. That Section 50-43, Exceptions, of the Municipal Code of the City of Minden, Kearney County, Nebraska, be repealed.

Section 4. That Section 50-44, Penalty, of the Municipal Code of the City of Minden, Kearney County, Nebraska, be repealed.

Section 5. 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 6. This ordinance shall be known as Ordinance No. 1257 and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 16th day of August, 2021.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

(SEAL)

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

Sumstine motioned to waive the 3 readings of the ordinance. Yant seconded. On roll call, the following voted aye: Evans, Sumstine, Carlson, and Yant. Motion carried.

Sumstine motioned to adopt the ordinance by title. Evans seconded. On roll call, the following voted aye: Evans, Sumstine, Carlson, and Yant. Motion carried.

Agenda Item #11, Consider Approval to extend insurance with Travelers for one year.

Kevin Krull, Jones Group, believes it is in the City's best interests to extend due to the roof exclusions from the May 2, 2021 hail storm. Hopefully in one year, most of the roofs should have been repaired and will make the bidding process easier.

Carlson motioned to extend insurance with Travelers for one year and Sumstine seconded. On roll call, the following voted aye: Evans, Sumstine, Carlson, and Yant. Motion carried.

Agenda Item #12, Consider Approval to include Advertisements with the mailed utility bills.

Cederburg stated that on occasion the City has provided an advertising opportunity for non-profits. A business has approached the City with an unconventional way to reach potential employees by including an advertisement with the City utility bills. There should be a cost for this and would be on a first come, first serve basis. Cederburg desires for it to be job focused advertisements and for local employers only.

Yant motioned to approve including advertisements with the mailed utility bills and Carlson seconded.

Sumstine motioned to amend Yant's motion to approve including advertisements with the mailed utility bills for local businesses only. Yant seconded. On roll call, the following voted aye: Carlson, Yant, and Griess. Nay: Evans and Sumstine. Motion has been amended.

Lieske clarified that the council member making the motion can vote nay on their own motion.

On roll call for the motion to approve including advertisements with the mailed utility bills for local businesses only the following voted aye: Carlson, Yant, and Griess. Nay: Evans and Sumstine. Motion carried.

Agenda Item #13, Consider Approval of an Interlocal with the City of Kearney for building inspections for 3 years.

Cederburg reminded the Council that the City of Kearney has been utilized for several years in this capacity.

Sumstine motioned to approve the Interlocal with the City of Kearney for building inspections for 3 years and Evans seconded. Yant asked if anyone at the City is trained to do these inspections. Cederburg stated Dave Conyers, City Building Inspector, is not licensed. On roll call, the following voted aye: Evans, Sumstine, Carlson, and Yant. Motion carried.

Agenda Item #14, Consider Approval of Ordinance for wage minimums and maximums.

Cederburg said publishing these wages is an annual requirement and apologizes as this has not bee done before. Sumstine inquired about a wage step plan. Lieske stated a wage plan is not required to meet the publication requirement.

Sumstine asked how this affects the employees? Lieske responded that this meets the requirement and does not affect the employees. Cederburg has reached out to multiple city administrators and this is what they've done in the past listing the minimums and maximums of each position. Sumstine inquired if these numbers are fake? Cederburg replied that the figures are subject to change and all employees currently fall within the amounts listed.

Evans mentioned that the provided ordinance mentions Beatrice in it. Jordan stated it was an error. Evans reviewed Beatrice's ordinance and read the state statute to the council concerning the publication obligation. Evans repeatedly said current annual salaries believing the proposed ordinance does not meet the statute's obligations. Lieske countered each statute can be interpreted differently by each attorney. Evans stated, the City is going to publish this exactly as the statute states. Cederburg reiterated that many other municipalities are satisfying this requirement in this way. Lieske believes both ways are correct.

Carlson asked for the timeframe again? Evans gave it as July 15th through August 15th. Lieske doesn't believe the City has ever satisfied this requirement as there are no ordinances for Minden concerning wages. Carlson asked again for the salary language. Evans read it as annual, monthly, or hourly salaries. Carlson pointed out it reads "or" and this ordinance meets the requirement. Evans countered it doesn't mean a range of wages. Griess requested order.

Evans argued the range is incorrect and believes actual is what needs to be published. Lieske reminded Evans that he can always vote against it. Sumstine was concerned that the ordinance was locking in employees into only these wages. Griess reminded all that this is the wages right now. Lieske said this ordinance can always be changed to adopt wage increases.

Yant motioned to table the ordinance until a pay schedule has been established. Sumstine seconded. Cederburg stated that the pay scale does need to be reviewed along with a complete review of the City's employee manual. Sumstine is still concerned if the maximum wages are high enough. On roll call, the following voted aye: Sumstine and Yant. Nay: Evans, Carlson, and Griess. Agenda item was not tabled.

Carlson clarified that the pay of current employees falls between the minimums and maximums. Cederburg conceded and stated this will be adjusted yearly due to the annual publication requirement. Lieske stated that now the City is aware of this requirement, then it will be done. Per Lieske, this document does not set anyone's wage whether minimum or maximum and is a reporting requirement only. Also, the state has not notified the City of the non-compliance, however, that does not excuse the lack of it.

Carlson suggests passing and publishing this. He believes this should be completed this year and is a great starting point. Carlson supports Lieske stating we have hired him to read and interpret the laws and has approved this ordinance in accordance with the state statute requirement.

Carlson motioned to approve the ordinance replacing Beatrice with Minden. Motion died due to lack of a second.

Agenda Item #15, Open Mic Public Comments.

Harold Colby, 432 W. 6th, of the Franklin Meat Locker stated that his contractor is now able to bid the project and provide firm prices on the proposed building on the east side of the town. Colby is requesting the City Council to take action on the 3rd reading of the ordinance allowing slaughtering in the proposed location. He wishes to pour concrete in November so the building can be set over the winter. After the ordinance approval, it will be 45-90 days for Tax Increment Financing approval.

Yant stated the council had been waiting on the lot sale prior to the 3rd reading of the slaughtering ordinance.

Agenda Item #16, Adjournment.

Sumstine motioned to adjourn at 7:29 pm and Evans seconded. On roll call, the following voted aye: Evans, Sumstine. Carlson, and Yant. Motion carried.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

(SEAL)