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The Christmas City
Minden NEBRASKA

Minutes of Council Meeting
City of Minden, Nebraska
December 8, 2021

The City Council of the City of Minden, Nebraska, met on this day at 6:30 p.m. in special 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 6:52 p.m. The following City Council members were present: Jack Yant, Bob Carlson, Teresa Sumstine, and Larry Evans. The following City Officials were present: Mayor Ted Griess, City Administrator Matt Cederburg, and City Clerk Abbey Jordan. Absent: City Attorney Tom Lieske,

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, Public Hearing for Application submitted by Ruth Katherine Frith, Formerly Ruth Katherine Grimes and Gary Firth to rezone from District A, Agricultural District to District D, Industrial District for property described as a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 32, Township 7 North, Range 14 West of the 6th P.M., Kearney County, Nebraska (East of Road 33 and North of Road N).

Griess opened the public hearing at 6:52 p.m. with those wishing to speak for the rezoning. Darren Robinson, Compute North site development director, reminded everyone they previously spoke with the City at the 12-6-21 council meeting. They will be sure to mitigate and address any noise complaints.

Craig Bennett, Miller and Associates, reviewed the site location at 33 Road and N Road and is in the City's Extra Territorial Jurisdiction. The City's land use map does not include any planning for this area. The rezoning is to change the area from agricultural to industrial uses. In this case, the rezoning area is the same as the area to be platted. By state statute, a subdivision less than 10 acres has to be platted. Bennett reviewed the setup of the pods and the exchange of air in and out by the fans.

Bennett stood within a few feet of the data center in Kearney and the sound was at 85 decibels. At his church, where he assists with the music, the music is not allowed to get above 90 decibels. Carlson added 120 decibels is concert level. Carlson stated doubling the distance brings the sound down 6 decibels. For example, if at 10 feet the reading is 80 decibels, then at 20 feet it is 74 decibels.

David Grimes, brother of the current property owner, provided decibel levels for cars driving by that are close to the 85 decibels level Bennett provided.

Bennett said the area will have detention cells between the pods to collect and drain stormwater.

Griess closed the public hearing at 7:26 p.m.

Agenda item #4, Consider Approval of Ordinance to rezone from District A, Agricultural District to District D, Industrial District for property described as a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 32, Township 7 North, Range 14 West of the 6th P.M., Kearney County, Nebraska (East of Road 33 and North of Road N).

Yant introduced Ordinance No. 1267 for its first reading.

ORDINANCE NO. 1267

AN ORDINANCE TO AMEND THE CITY ZONING MAP OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA, WHICH MAP IS PROVIDED FOR IN SECTION 94-5 OF THE MUNICIPAL CODE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

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

Section 1. That the following described real estate which lies within the Zoning Jurisdiction of the City of Minden, Kearney County, Nebraska, to-wit;

A tract of land located in part of the south half (s1/2) of section twelve (12), township six (6) north, A tract of land being part of the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4), of Section Thirty-two (32), Township Seven (7) North, Range Fourteen (14) West of the 6th Principal Meridian, Kearney County, Nebraska, and more particularly described as follows:

Commencing at a 1" iron pin at the Southwest Corner of the Southwest Quarter of Section 32; thence S 89°50'17" E on the South line of said Southwest Quarter, and all bearings contained herein are relative thereto, a distance of 300.00 feet to the Southeast corner of a tract of land deeded to Nebraska Public Power District in Warranty Deed recorded in Book 84, Page 890, and filed in the Kearney County Register of Deeds and the POINT OF BEGINNING; thence continuing S 89°50'17" E on said South line a distance of 715.00 feet; thence N 00°21'34" W parallel with the West line of said Southwest Quarter a distance of 450.00 feet to a 5/8" rebar w/cap; thence N 89°50'17" W parallel with said South line a distance of 715.00 feet to a 5/8" rebar w/cap at the Northeast corner of said Nebraska Public Power District tract; thence S 00°21'34" E on the East line of said Nebraska Public Power District tract and parallel with said West line a distance of 450.00 feet to the Point of Beginning.

Containing 7.38 acres more or less, of which 0.54 acres more or less are presently being used for road purposes on the south side.

The above parcel is presently zoned “Agricultural (A)” and the request as filed, proposes that said parcel be changed to a zoning designation of “Industrial (D).”

Source: ORD NO. 1267, 12/08/2021.

Section 3. 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 4. This ordinance shall be known as Ordinance No. 1267 and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 8th day of December, 2021.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

(SEAL)

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

Sumstine motioned to waive the three readings of Ordinance No. 1267 and Yant seconded. On roll call, the following voted aye: Yant, Carlson, Sumstine, and Evans. Motion carried.

Evans motioned to adopt Ordinance No. 1267 by title. Carlson seconded. On roll call, the following voted aye: Yant, Carlson, Sumstine, and Evans. Motion carried.

Agenda Item #5, Public Hearing for Application submitted by Ruth Katherine Frith, Formerly Ruth Katherine Grimes and Gary Firth for the Preliminary Plat for Compute North NE-13 Subdivision, a subdivision to the City of Minden, Kearney County, Nebraska for property described as a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 32, Township 7 North, Range 14 West of the 6th P.M., Kearney County, Nebraska (East of Road 33 and North of Road N).

Griess opened the public hearing at 7:30 p.m. Evans wanted to ensure the need for a noise mitigation clause in the development agreement with the City and Compute North. The public hearing was closed at 7:31 p.m.

Agenda Item #6, Public Hearing for Application submitted by Ruth Katherine Frith, Formerly Ruth Katherine Grimes and Gary Firth Unlimited for the Final Plat for Compute North NE-13 Subdivision, a subdivision to the City of Minden, Kearney County, Nebraska for property described as a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 32, Township 7 North, Range 14 West of the 6th P.M., Kearney County, Nebraska (East of Road 33 and North of Road N).

Griess opened the public hearing at 7:31 p.m. No one spoke in favor of or in opposition. The public hearing was closed at 7:32 p.m.

Agenda Item #7, Consider Approval of Resolution for the Final Plat of the Compute North N-13 Subdivision.

RESOLUTION NO. 1727

WHEREAS, the Mayor and Council of the City of Minden did approve of the final plat for the COMPUTE NORTH NE-13 SUBDIVISION at the regular Council meeting held on December 8, 2021; and

WHEREAS, the Mayor and Council of the City of Minden does hereby concur with said recommendation of the Planning and Zoning Commission of the City of Minden.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Minden, Nebraska, that the plat of "COMPUTE NORTH NE-13 SUBDIVISION", a subdivision being part of the Southwest ¼ of the Southewst ¼ of Section Thirty-two (32), Township Seven (7) North, Range Fourteen (14) West of the 6th P.M., Kearney County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved, accepted and ordered filed and recorded in the Office of the Register of Deeds of Kearney County, Nebraska.

Councilmember Yant moved for the adoption of the foregoing Resolution. Councilmember Sumstine seconded the motion.

On roll call the following voted Aye: Yant, Carlson, Sumstine, and Evans.

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 8th day of December, 2021.

/s/ Ted Griess
Ted Griess, Mayor

Attest:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Yant motioned to approve Resolution No. 1727 and Sumstine seconded. On roll call, the following voted aye: Yant, Carlson, Sumstine, and Evans. Motion carried.

Agenda Item #8, Open Mic Public Comments.

Brian Petersen, resident near the proposed data center, desires for the development agreement to have a clause requiring Compute North to put the land back to its natural state upon the data center's end. Bennett thanked the City for their quick actions on this rezoning and platting.

Agenda Item #9, Adjournment.

Yant motioned to adjourn at 7:35 pm and Evans seconded. On roll call, the following voted aye: Yant, Carlson, Sumstine, and Evans. Motion carried.

/s/ Ted Griess
Ted Griess, Mayor

Attest:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

(SEAL)