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
February 7, 2022

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.

Council President Yant called the meeting to order at 6:01 p.m. The following City Council members were present: Jack Yant, Bob Carlson, Teresa Sumstine, and Larry Evans. The following City Officials were present: City Attorney Tom Lieske, City Administrator Matt Cederburg, and City Clerk Abbey Jordan. Absent: Mayor Ted Griess.

All proceedings hereinafter were taken while the convened meeting was open to the attendance of the public.

After roll was called, Yant led those in attendance in the Pledge of Allegiance.

Then Yant 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. Yant reminded those present the next meeting is Tuesday, February 22nd due to President's Day.

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 Special Designated Liquor Permit for Friday, March 18, 2022 from 12:00 PM to 1:00 AM for Windmill Studios at the Kearney County Fairgrounds for a dance.

A. Jordan--Supplies 239.11, Amazon Capital Services--Supplies 404.77, Aqua Aerobic Systems Inc--Supplies 51.38, B. Propp--Training 45.43, Core & Main Lp--Supplies 25,801.47, Cross Technologies, Inc.--Repairs 658.51, Donkey Towing & Transfer Llc--Fees 150.00, Dutton Lainson Co--Supplies 1,031.03, Eakes Office Plus--Repairs 952.00, Essential Resource Group Inc--Fees 41.50, Grayson Tool, Inc--Repairs 792.48, Great Plains Gov Finance Officers Assoc--Membership 50.00, Hawkins Water Treatment--Supplies 2,293.06, International Association Of Chiefs Of Police--Fees 190.00, Isw--Supplies 48.23, J. Carter--Repairs 760.95, J. Sinsel--Training 200.00, Jims Ok Tire Minden Llc--Repairs 230.00, John Deere Financial--Repairs 306.13, Jones Insurance Agency, Inc--Insurance 60.00, Ke Co Treasurer--Fees 5,358.32, Landmark Implement Carquest--Supplies 66.21, League Of Nebr. Municipalities--Training 351.00, Lieske, Lieske & Ensz P. C., Llo--Legal 1,000.00, Lieske, Lieske & Ensz P. C., Llo--Legal 1,211.25, M. Cederburg--Supplies 1,889.97, M. Jordan--Supplies 112.20, Mason's Market--Supplies 159.93, Matheson Tri-Gas Inc--Supplies 277.47, Minden Hardware--Supplies 521.02, Minden Office Supply, Inc--Supplies 557.11, Minden Utility Dept.--Utilities 3,538.50, Ne Secretary Of State-Notary--Fees 30.00, Nmc, Inc.--Repairs 859.46, Nphe--Fees 18.00, Pony Express Ford--Repairs 90.31, Poonam, Inc--Training

150.00, Protex Central Inc.--Maintenance 128.00, Rek Enterprises Llc--Maintenance 123.97, Southern Power District--Utilities 24.02, T. Beck--Printing 319.00, The Minden Courier--Printing 356.81, United States Postal Service--Fees 575.00, Usa Communications--Phone/Internet 49.90, Verizon Wireless--Phone/Internet 661.33, Village Cleaners Inc--Uniforms 379.22, W. Simmerman--Infrastructure Repair 698.38, Witmer Public Safety Group--Uniforms 428.75, 1-28-22 Payroll--$52,992.77.

Evans had a correction to the pay period dates on the overtime report. Jordan will correct.

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

Agenda Item #5, Public Hearing for Application submitted by the Community Redevelopment Authority of the City of Minden for the Preliminary Plat for Minden West Estates Phase 2, a tract of land located in part of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) of Section Twelve (12), Township Six (6) North, Range fifteen (15) West of the 6th P.M., Kearney County, Nebraska.

Lieske opened the public hearing at 6:05 p.m. asking for comments in favor of or in opposition of. Jeff Palik, Olsson Associates reviewed the preliminary map. The map has 35 housing lots, 1 outlet, a pond area, a 10' wide bike trail, and a connector from the trail to Oak Street. There will be 36' wide streets, 60' wide streets right of way, and a 10' easement along the street on the east side of the development due to the potential for walk out basements. The other electric pedestals will be in the back of the lots.

Yant inquired about the existing well easement. Palik stated the easement for the well will be removed. The well easement will be examined again for the resident currently utilizing it.

The pond is partially a wetland area. This area can be excavated, but not filled in. All lots will have grades established. All drainage will go to the streets and it will drain into the pond. The goal is to maintain the same amount of outflow from the pond into the current drainage. The auxillary spillway will be moved down feet so it will be 1 foot below the level of the east neighbor's patio to assist with drainage there.

Discussion took place concerning sidewalks. Palik stated the sidewalks will not be built by the City as the house builders often destroy them with the equipment needed to build the house. Cederburg stated, sidewalks will be a required in the covenants in this area.

No one else spoke in opposition of or in favor of. The hearing was closed at 6:27 p.m.

Evans motioned to approve the preliminary plat for Minden West Estates Phase 2 as presented by the CRA. Sumstine seconded. On roll call, the following voted aye: Yant, Carlson, Sumstine, and Evans. Motion carried.

Agenda Item #6, Consider approval of Amendment #5 with Olsson Associates to complete a boundary survey of approximately 30 acres to complete the purchase of land.

Cederburg stated Lieske has been working on an agreement for purchase of the land. The land is composed of 4 parcels and the entire legal description will be quite difficult to create. Lieske recommend having an Olsson Associates surveyor work on this.

Carlson motioned to approve the Amendment #5 with Olsson Associates to complete a boundary survey of approximately 30 acres to complete the purchase of land. Sumstine seconded. On roll call, the following voted aye: Yant, Carlson, Sumstine, and Evans. Motion carried.

Agenda Item #7, Consider Approval of purchase of a Trommel Screen for $108,000 for the recycle dept.

Cederburg stated the landfill currently has several tons of mulch. A couple of years ago, the city received a grant for a water truck to add water to the mulch to make it better compost. The final piece is a trommel screen which removes the trash from the compost to make it available for the public. The City has received a $75,000 grant with plans to apply for an additional $25,000 grant. The current budget has $70,000 in it for the trommel screen. The current payment will be $33,000 which is lower than the budget.

Evans asked if the screen will be stationary or not? Chris Klahn, Street Superintendent, states it is on a trailer and he doesn't plan to leave the machine out at the landfill.

Evans motioned to approve the purchase of a Trommel Screen for $108,000. Carlson seconded. On roll call, the following voted aye: Yant, Carlson, Sumstine, and Evans. Motion carried.

Agenda Item #8, Consider Approval of Ordinance amending Sections 86-26 through 86-70, Sewer of the Minden Municipal Code, Third Reading.

Cederburg noted the sewer main that was installed on 1st Street in 2004 had stubs for each property. The sewer line along N. Colorado Avenue and the nearby lift station only served one customer when it was installed. The City did receive various concerns and they were noted in the memo. Evans also provided a written concern.

Yant asked if 1st Street residents can connect to the sewer due to depth? Darin Fischer, Utilities Superintendent, stated the sewer depth is approximately 17' along 1st Street which would allow all houses to connect. Yant asked how some connected without the City knowing? Fischer stated the resident hired a plumber who connected and didn't notify the City. Sumstine asked how many are not connected to the City Sewer along 1st Street? Jordan replied that only 3 are connected, leaving 5 properties between the water tower and the football field that are not connected. Yant believes it will be quite an expense for a property to connect.

Cederburg reminded the council that a timeframe was initially discussed requiring residents to connect before being charged. At the time of the discussion, a timeframe was removed, making it effective immediately to charge those not connected.

Sumstine inquired what the fee would be for those not actually connected to the sewer as the ordinance only states "charges"? Jordan stated 20 customers are eligible for the fee. The current sewer fee is $13.00 and then usage charges are on top of that based on water usage. Sumstine also asked about the city sales tax assisting with funding of sewer infrastructure? Cederburg stated the sales tax is currently committed towards debt service for the water system upgrades. Sumstine is opposed to charging residents that are not using the city sewer. Cederburg stated a separate fee could be charged for non-sewer users.

ORDINANCE NO. 1266

AN ORDINANCE TO AMEND CHAPTER 86 ARTICLE II OF THE MUNICIPAL CODE OF MINDEN, KEARNEY COUNTY, NEBRASKA, BY AMENDING SECTIONS 86-26 THROUGH 86-70 AS THE SAME RELATES TO SEWERS; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

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

Section 1. That Section Chapter 86, Article II, Sewers, of the Municipal Code of the City of Minden, Kearney County, Nebraska, be amended to read as follows:

Article 2. Sewer Department

DIVISION 1. – GENERALLY

Sec. 86-26. - COMPLAINTS.
For complaints with Chapter 86, Article II, Sewers, see sections 1-23 and 1-24 of the Minden Municipal Code.

Sec. 86-27. - COMPLIANCE WITH ARTICLE; INSPECTIONS GENERALLY.
The Utilities Superintendent and other duly authorized employees of the Municipality bearing proper credentials and identification shall be permitted to enter all properties, at any reasonable time, for the purposes of inspection, observation, measurement, sampling, and testing system in accordance with the provisions of this Article. The Utilities Superintendent shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

Sec. 86-28. - COMPLIANCE WITH ARTICLE; INSPECTIONS; INJURY LIABILITY.
While performing the necessary work on private properties referred to in section 86-27 above, the Utilities Superintendent or duly authorized employees of the Municipality shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Municipal Employees and the Municipality shall indemnify the company against loss or damage to its property by Municipal employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in section 86-6**7**.

Sec. 86-29. - COMPLIANCE WITH ARTICLE; INSPECTIONS.
The Utilities Superintendent and other duly authorized employees of the Municipality bearing proper credentials and identification, and the Municipality's consulting engineer shall be permitted to enter all private properties at any reasonable time, for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewerage system.

Sec. 86-30. - VIOLATION; NOTICE AND LIABILITY.
Any person found to be violating any provision of this Article, except Section 86-69, shall be served by the Municipality with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Any person violating any of the provisions of this Article shall become liable to the Municipality for any expense, loss, or damage occasioned the Municipality by reason of such violation.

Sec. 86-31. - MUNICIPAL SEWER DEPARTMENT; MUNICIPAL POWERS.
The Municipality has the legal authority to enforce its system of user charges, industrial cost recovery charge, and sewer use regulations on all existing or future users of the system whether located inside or outside the Municipal limits.

Sec. 86-32. - SEVERABILITY CLAUSE.
The invalidity of any section, clause, sentence, or provision of this Article shall not affect the validity of any other part of this Article which can be given effect without such invalid part or parts.

Sec. 86-33. - PENAL PROVISION; VIOLATION.
Any person who shall continue any violation beyond the time limit provided in Section 86-**30**, or pursuant to the authority therein, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding one

hundred ($100.00) dollars for each violation. Each twenty-four (24) hour period in which any such violation shall continue shall be deemed a separate offense.

Sec. 86-34. - MUNICIPAL SEWER DEPARTMENT; OPERATION AND FUNDING.

1. The Municipality owns and operates the Municipal Sewer System through the Utilities Superintendent.

2. The Utilities Superintendent shall have the direct management and control of the Sewer Department, shall faithfully carry out the duties of the office, and shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Department subject to the supervision and review of the Governing Body. (Ref. 17-149, 17-925.01 RS Neb.)

Sec. 86-35. - MUNICIPAL SEWER DEPARTMENT; DEFINITIONS.

The following definitions shall be applied throughout this Article. Where no definition is specified, the normal dictionary usage of the word shall apply.

BIOCHEMICAL OXYGEN DEMAND. The term "Biochemical Oxygen Demand" (BOD) shall mean and include the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C., expressed in milligrams per liter (mg/l).

BUILDING OR HOUSE DRAIN. The terms "Building Drain" and "House Drain" shall mean and include that part of the lowest horizontal piping of a house or building drainage system which receives the discharge from soil, waste, or other drainage pipes inside the walls of any building or house.

BUILDING OR HOUSE SEWER. The terms "Building Sewer" and "House Sewer" shall mean and include that part of a house or building drainage system extending from the house or building drain to its connection with the main sewer.

CHLORINE REQUIREMENT. The term "Chlorine Requirement" shall mean the amount of chlorine, in parts per million by weight, which must be added to sewage to produce a specified residual chlorine content, or to meet the requirements of some other objective, in accordance with procedures set forth in "Standard Methods. "

COMBINED SEWER. The term "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

FLOATABLE OIL. The term "Floatable Oil" shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

FOG. The term “FOG” shall mean fats, oils, and greases.

GARBAGE. The term "Garbage" shall mean the animal and vegetable waste resulting from the residential or commercial handling, preparation, cooking, and serving of foods.

GREASE, OIL, OR SAND TRAP. The term “Grease, Oil, or Sand Trap” shall mean a grease, oil, or sand trap is a plumbing device that is installed in a sanitary drainage system to ‘trap’ or ‘intercept’ non-petroleum FOG from a wastewater discharge with a flow rate of less than 50 gallons per minute.

GREASE, OIL, OR SAND INTERCEPTOR. The term “Grease, Oil, or Sand Interceptor” shall mean a grease, oil, or sand interceptor is a plumbing device that is installed in a sanitary drainage system to ‘trap’ or ‘intercept’ non-petroleum FOG from a wastewater discharge with a flow rate of more than 50 gallons per minute.

GRINDER / LIFT PUMP. The term “Grinder / Lift Pump” shall mean a wastewater conveyance device. Waste from water-using household appliances (toilets, bathtubs, washing machines, etc.) flows through the home’s pipes into the grinder pump’s holding tank. Once the wastewater inside the tank reaches a specific level, the pump will turn on, grind the waste into a fine slurry, and pump it to the sanitary sewer.

INDUSTRIAL WASTES. The term "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

LOCAL VENTILATING PIPE. The term "Local Ventilating Pipe" shall mean and include any pipe through which foul air is removed from a room or fixture.

NATURAL OUTLET. The term "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

NORMAL SEWAGE. The term "Normal Sewage" shall mean sewage not exceeding maximum tolerance of contamination of 300 milligrams per liter BOD or 350 milligrams per liter of Suspended Solids.

PARTS PER MILLION. The term "Parts Per Million" shall mean a weight-to-weight ratio; the parts-per-million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.

pH. The term "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter (g/l) of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10 mol/L.

PLUMBING FIXTURES. The term "Plumbing Fixtures" shall mean and include receptacles intended to receive and discharge water liquid or water-carried wastes into the sewer system with which they are connected.

PROPERLY SHREDDED. The term "Properly Shredded" shall mean and include shredding to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle larger than one half (1/2") inch in any dimension.

PUBLIC SEWER. The term "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

SANITARY SEWER. The term "Sanitary Sewer" shall mean and include a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

SEWAGE. The term "Sewage" shall be a combination of water carried wastes from residences, commercial business buildings, institutions, and industrial buildings.–The preferred term is "Wastewater."

SEWAGE TREATMENT PLANT. The term "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS. The term "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

SEWER. The term "Sewer" shall mean a pipe or conduit for carrying sewage.

SEWERAGE. The term "Sewerage" shall mean the system of sewers and appurtenances for the collection, transportation and pumping of sewage and industrial wastes.

SHALL. The term "Shall" is mandatory; the term "May" is permissive.

SLUG. The term "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

SOIL PIPE. The term "Soil Pipe" shall mean and include any pipe which conveys the discharge of water closets with or without the discharge from other fixtures to the house or building drain.

STORM SEWER. The term "Storm Sewer" or "Storm Drain" shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SURCHARGE. The term "Surcharge" shall mean the assessment in addition to the service charge which is levied on those persons whose wastes are greater in strength than the concentration values established as representative of normal sewage.

SUSPENDED SOLIDS. The term "Suspended Solids" shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

TRAP. The term "Trap" shall mean and include a fitting or device so constructed as to prevent the passage of air or gas through a pipe without materially affecting the flow of sewage or waste through it, and as further defined in the Uniform Plumbing Code adopted in Section 14-106.

TRAP SEAL. The term "Trap Seal" shall mean and include the vertical distance between the crown weir and the dip of the trap.

UNPOLLUTED WATERS. The term "Unpolluted Waters" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

UTILITIES SUPERINTENDENT. The term "Utilities Superintendent" shall mean the Utilities Superintendent of the Municipal Sewage System of the City of Minden, or their authorized deputy, agent or representative.

VENT PIPE. The term "Vent Pipe" shall mean and include any pipe provided to ventilate a house or building drainage system and to prevent trap siphonage and back pressure.

WASTE PIPE. The term "Waste Pipe" shall mean and include any pipe which receives the discharge of any fixture, except water closets, and conveys the same to the house drain, soil pipe or waste stack.

WATERCOURSE. The term "Watercourse" shall mean a natural or artificial channel in which water flows occur either continuously or intermittently.

Sec. 86-36. - MUNICIPAL SEWER DEPARTMENT; SEWER CONTRACT.
The Municipality through the Municipal Sewer Department shall furnish sewer services to persons within its corporate limits whose premises abut a street or alley in which a commercial main is now or may hereafter be laid. The rules, regulations, and sewer rental rates hereinafter named in this Article, shall be considered a part of every application hereafter made for sewer service and shall be considered a part of the contract between every customer now or hereafter served. Without further formality, the making of the application on the part of any applicant or the use of sewer service by present customers thereof shall constitute a contract between the customer and the Municipality to which said contract both parties are bound. If the customer shall violate any of the provisions of said contract or any reasonable rules and regulations that the Governing Body may hereafter adopt, the Utilities Superintendent, or his agent, with immediate Council notification, may cut off or disconnect the sewer service from the building or premise of such violation. No further connection for sewer service to said building or premise shall again be made save or except by order of the Utilities Superintendent. (Ref. 17-901, 17-902, 18-503 RS Neb.)

Sec. 86-37. - MUNICIPAL SEWER DEPARTMENT; SERVICE CONTRACTS.
Contracts for sewer service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any customer shall move from the premise where service is furnished, or if the said premise is destroyed by fire or other casualty, he shall at once inform the Utilities Superintendent who shall cause the sewer service to be shut off from the said premise. If the customer should fail to give notice, he shall be charged for that period of time until the official in charge of sewers is otherwise advised of such circumstances. (Ref. 17-901, 17-902, 18-503 RS Neb.)

Sec. 86-38. - UNIFORM CODES.
All commercial and residential private sewer shall be built in accordance with the International Building Code and the International Residential Code for One and Two Family Dwellings as adopted in Section 14-51; and the Uniform Plumbing Code as adopted in Section 14-106.

Sec. 86-39. – RATES.
The mayor and council shall have the power at any time by resolution to adjust or amend the rates to be charged for sewer consumers using city sewer services. Charges may be billed by the city water and sewer department on a monthly basis. Each separate water customer using the sewer system shall constitute a separate user of the sewer. Such charges shall be payable within six months after sewer services become available, whether or not actual connection is made if the property line is within 200 feet of the public sewer line and Section 86-44 does not apply. (Code 1982, § 10-1001; Ord. No. 950, § 1, 9-8-92)

DIVISION 2. – PUBLIC SEWERS & PRIVATE SEWAGE

Sec. 86-40. - PUBLIC SEWERS REQUIRED; UNLAWFUL DEPOSIT OF WASTES.
It shall be unlawful for any person to place or deposit, or permit to be deposited in any unsanitary manner on public or private property within the Municipality or within one (1) miles of the corporate limits thereof, or in any area under the jurisdiction of said Municipality, any human or animal excrement, garbage, or other objectionable waste.

Sec. 86-41. - PUBLIC SEWERS REQUIRED; UNLAWFUL DISCHARGE OF UNTREATED SEWAGE.
It shall be unlawful to discharge to any natural outlet or storm sewer within the Municipality, or within one (1) miles of the corporate limits thereof, or in any area under the jurisdiction of said Municipality, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.

Sec. 86-42. - PUBLIC SEWERS REQUIRED; CESSPOOLS, PRIVIES AND SEPTIC TANKS PROHIBITED.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

Sec. 86-43. - PUBLIC SEWERS REQUIRED; MANDATORY HOOK-UP.
The owner of all houses, buildings, or properties used for human employment, recreation, or other purposes, situated within the Municipality and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Municipality, is hereby required at owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article within six (6) months after date of official notice to do so; provided, that said public sewer is within two hundred (200') feet of the property line.

Sec. 86-44. - PRIVATE SEWAGE DISPOSAL; WHEN APPLICABLE.
Where a public sanitary sewer is not available under the provisions of Section 86-43, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.

Single-family dwellings and buildings or structures accessory thereto, existing and connected to an approved private sewage disposal system prior to the time of connecting the premises to the public sewer shall be permitted, where no hazard, nuisance, or insanitary condition is evidenced and written permission has been obtained from the Authority Having Jurisdiction, remain connected to such properly maintained private sewage disposal system where there is insufficient grade or fail to permit drainage to the sewer by gravity.

Sec. 86-45. - PRIVATE SEWAGE DISPOSAL SYSTEM; PERMIT REQUIRED, FEE.
Before commencement of construction of a private septic sewage disposal system the owner shall first obtain permission from the Utilities Superintendent, and provide a copy of the state approval from a city licensed plumber. The applicant shall also provide any plans, specifications, and other information as are deemed necessary by the Utilities Superintendent. Please reference the City's Comprehensive Fee Schedule for inspection and other sewer fees.

Sec. 86- 46. - PRIVATE SEWAGE DISPOSAL SYSTEM; PERMIT, WHEN EFFECTIVE; INSPECTIONS.
A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Utilities Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Utilities Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Utilities Superintendent.

Sec. 86-47. - PRIVATE SEWAGE DISPOSAL SYSTEM; SPECIFICATIONS.
The type, capacities, location, and layout of a private sewage disposal system shall comply with the recommendations of the Nebraska Department of Environment and Energy (NDEE) Quality Title 124 Rules and Regulations for the Design, Operation and Maintenance of On-site Wastewater Treatment Systems. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Sec. 86-48. - PRIVATE SEWAGE DISPOSAL SYSTEM; MAINTENANCE.
The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Municipality.

Sec. 86-49. - PRIVATE SEWAGE DISPOSAL SYSTEM; ADDITIONAL REQUIREMENTS.
No statement contained in Sections 86-44 thru 86-48 shall be construed to interfere with any additional requirements that may be imposed by the Utilities Superintendent.

Sec. 86-50. – GRINDER / LIFT PUMP; ADDITIONAL REQUIREMENTS.
A grinder / lift pump may be used in instances where elevation of the city's public sewer requires it. The applicant shall also provide any plans, specifications, and other information as are deemed necessary by the Utilities Superintendent.

Sec. 86-51. - BUILDING SEWER INSTALLATION; PERMISSION REQUIRED; LICENSED PLUMBER.
No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining permission from the Utilities Superintendent. Entrance into a manhole or such opening for any purpose except by authorized persons is hereby prohibited. Please reference the City's Comprehensive Fee Schedule for taping and other sewer fees.

No person shall do any work upon, or open, uncover or in any manner make any connections with or lay any sewer or drain pipe, or attach or modify any appurtenances or sewer connections, to the sewers within the public streets, alleys or other public grounds within the City of Minden, Nebraska, unless such person shall have or hold, in full force and effect, a City of Minden licensed plumber, or unless such person is operating under a special contract with the City.

Before obtaining permission, he shall also receive a plumber's license with the City of Minden per section 14-153 which includes a proof of liability insurance. Permit holder also agrees to indemnify and keep harmless the City from any defective materials furnished or used by him and from any and all liability for any damages arising from any negligence or unskillfulness in doing his work, or from any unfaithful, improper or inadequate work done by him as such plumber; and that he will also restore or cause to be restored the streets, sidewalks and pavement; and fill or cause to be filled all excavations made by him, so as to leave said streets in as good condition as he found them, and to conform with all the rules and regulations of the Street and Sewer Departments; and that he will pay all the fines that may be imposed on him for violation of any of the rules and regulations adopted by said City and in force during the term of his permit.

Sec. 86-52. - BUILDING SEWER INSTALLATION; PROCEDURE.
A City of Minden licensed plumber or drain layer who connects with the public sewers, shall be held responsible for any damage he may cause to the sewer or public streets. He shall restore the streets to the satisfaction of the Utilities Superintendent and make good any settlement of the ground or pavement caused by excavations made by said plumber or drain layer, under or by virtue of any permit issued under the provisions of this Article. Work in public streets must not be unnecessarily delayed and when directed by the Utilities Superintendent, the number of workmen shall be increased to hasten the work to the extent the Utilities Superintendent may deem necessary to public interests.

Trenches in depth of six (6') feet or over, and in all sand or otherwise treacherous soil, or near large brick buildings, shall be properly braced, and the party excavating shall be liable for all damages arising by reason of any neglect in this respect. No sewer pipe shall be laid into the same ditch with water pipe.

The refilling of all trenches if in unpaved streets or alleys, shall be well and thoroughly done in uniform layers of not exceeding nine (9") inches and tamped tight, or with puddled earth as may be directed by the Utilities Superintendent so as to replace all excavated material and leave the surface in as good condition as found before the commencement of the work.

The refilling of trenches in paved streets shall be done with flooring sand, except where otherwise directed by the Utilities Superintendent and all paving materials shall be renewed or replaced in as perfect and substantial condition as before excavating, and in the event of the trench settling within six (6) months after being refilled, the Utilities Superintendent shall have the right, and it shall be his duty to demand and require the restoration thereof by the party who made such

excavation; all surplus trench material in all cases of excavation shall be taken off the streets and at once delivered to such points as said Utilities Superintendent may direct.

Trenches in public streets or alleys shall be excavated so as to impede public travel as little as possible. The crossings of gutters and all other ways shall be left in such shape as to admit the ready escape of water during storms. Planks shall always be provided where sidewalks or crossings are opened so as to facilitate easy crossing over trenches.

Sufficient barricades shall be kept around all unfinished work and excavations at all times.

Sec. 86-53. - BUILDING SEWER INSTALLATION; INSPECTION; MAPPING.
Prior to back filling, the Utilities Superintendent shall inspect the sewer lateral and tap of the building sewer installation. The Utilities Superintendent will map the connection at this time.

Sec. 86-54. - BUILDING SEWER INSTALLATION; EXPENSE.
All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner; the minimum charge for such installation and connection shall be one hundred fifty ($150.00) dollars. The owner shall indemnify the Municipality from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 86-55. - MUNICIPAL SEWER SYSTEM; REPAIRS AND REPLACEMENT.
The Municipal Sewer Department may require the owner of any property which is within the Municipality and connected to the public sewers or drains to repair or replace any connection line which serves the owner's property and is broken, clogged or otherwise in need of repair or replacement. The property owner's duty to repair or replace such a connection line shall include those portions upon the owner's property and those portions upon public property or easements up to and including the point of junction with the public main.

The Municipal Clerk shall give the property owner notice by registered letter or certified mail, directed to the last-known address of such owner or the agent of such owner, directing the repair or replacement of such connection line. If within sixty (60) days of mailing such notice the property owner fails or neglects to cause such repairs or replacements to be made, the Utilities Superintendent may cause such work to be done and assess the cost upon the property served by such connection. (Ref. 18-1748 RS Neb.)

Sec. 86-56. - BUILDING SEWER INSTALLATION; SINGLE PREMISE.
A separate and independent building sewer shall be provided for every building; except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer, but the Municipality does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

Sec. 86-57. - BUILDING SEWER INSTALLATION; USE OF EXISTING SEWERS.
Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Utilities Superintendent, to meet all requirements of this Article for new sewers. If the old sewers are found defective or deficient in any way, the Utilities Superintendent shall notify the owner, and the owner shall make all necessary changes to comply with the provisions of this Article.

Sec. 86-58. - BUILDING SEWER INSTALLATION; CONSTRUCTION CODES.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Municipality. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (A.S.T.M.) and Water Pollution Control Federation (W.P.C.F.) Manual of Practice No. 9 shall apply.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Municipality, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight, and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Utilities Superintendent before installation.

Sec. 86-59. - BUILDING SEWER INSTALLATION; UNLAWFUL CONNECTION.
No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Utilities Superintendent for purposes of disposal of polluted surface drainage; Provided, that if responsibility can be determined, the party responsible for disposal of polluted surface drainage into the public sanitary sewer shall pay a user charge equivalent to the cost of treating the polluted drainage. In addition to any other remedies provided in this Article, the Municipality shall have the right to demand and secure the abatement of any connection or discharging violation of this Code.

Sec. 86-60. - BUILDING SEWER INSTALLATION; INSPECTIONS.
The applicant for the building sewer permit shall notify the Utilities Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Utilities Superintendent.

DIVISION 3. – HAZARDOUS & PROHIBITED DISCHARGE

Sec. 86-61. - PROHIBITED DISCHARGES; STORMWATER, SURFACE WATER, GROUNDWATER, COOLING WATER AND PROCESS WATER.
No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial waters to any sanitary sewer.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Utilities Superintendent. Industrial cooling water or unpolluted process water may be discharged, on approval of the Utilities Superintendent, to a storm sewer, or natural outlet. The contributor of any identifiable discharge of polluted water to the sanitary sewer system shall be held responsible for reimbursing the Municipality for any related costs. The costs shall be determined by the Utilities Superintendent with the approval of the Governing Body.

Sec. 86-62. - HAZARDOUS AND PROHIBITED DISCHARGES; FLAMMABLE, TOXIC, CORROSIVE AND OBSTRUCTIVE SUBSTANCES.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

2. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant, including but not limited to cyanides in waters of the sewage treatment plant and cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.

3. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage facilities such as, but not limited to, ashes, cinders, sand, gravel, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

Sec. 86-63. - HAZARDOUS AND PROHIBITED DISCHARGES; SPECIFIC PROHIBITIONS AS DETERMINED BY UTILITIES SUPERINTENDENT; PRELIMINARY TREATMENT.

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Utilities Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Utilities Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant and other pertinent factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than one hundred fifth (150°) degrees Fahrenheit (66° degrees C).

2. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess or one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32°) degrees and one hundred fifty (150°) degrees (0 and 66° C).

3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor three fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Utilities Superintendent.

4. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not.

5. Any water or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Utilities Superintendent for such materials.

6. Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Municipality's consulting engineer as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Utilities Superintendent in compliance with applicable State or Federal regulations.

8. Any waters of wastes having a pH in excess of [9.5].

9. Materials which exert or cause;
   a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids, (such as but not limited to, sodium chloride or sodium sulfate).
   b. Excessive discoloration (such as but not limited to, dye wastes and vegetable tanning solutions).
   c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
   d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

10. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

11. Any waters or wastes having;
    a. a five (5) day BOD greater than 300 parts per million by weight or,
    b. containing more than 350 parts per million by weight of suspended solids, or
    c. having an average daily flow greater than two (2%) per cent of the average sewage flow of the Municipality, or
    d. a chlorine requirement greater than demanded by normal sewage as evaluated by the Municipality's consulting engineer shall be subject to the review of the Utilities Superintendent.

12. Where necessary in the opinion of the Utilities Superintendent and the Municipality's consulting engineer, the owner shall provide, at owner's expense, such preliminary treatment as may be necessary to:
    a. reduce the biochemical oxygen demand to 300 parts per million by weight, or
    b. reduce the suspended solids to 350 parts per million by weight, or
    c. control the quantities and rates of discharge of such waters or wastes, or
    d. reduce the chlorine requirement to conform with normal sewage.

Plans, specifications, and other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Utilities Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

Sec. 86-64. - DISCHARGE OF HAZARDOUS AND PROHIBITED SUBSTANCES; REJECTION, PRETREATMENT, CONTROL OF DISCHARGE RATE OR USE FEE SURCHARGE.

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 86-62, and which in the judgment of the Utilities Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the Utilities Superintendent may:

1. Reject the wastes,

2. Require pretreatment to an acceptable condition for discharge to the public sewers.

3. Require control over the quantities and rates of discharge, and/or

4. Require payment to cover the added cost of handling and treating the wastes not covered by existing sewer charges under the provisions of Section 86-56.

If the Utilities Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Utilities Superintendent, and subject to the requirements of all applicable codes, ordinances and laws.

Sec. 86-65. - GREASE, OIL AND SAND TRAPS, WASH RACKS OR INTERCEPTORS; WHEN REQUIRED.
Grease, oil, and sand interceptors; and wash racks shall be provided when, in the opinion of the Utilities Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, mud, waste with an unusually high biochemical oxygen demand, or other harmful ingredients; except that such traps and interceptors shall not be required for private living quarters or dwelling units. All traps and interceptors shall be of a type and capacity approved by the Uniform Plumbing Code as adopted in section 14-106 and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these traps and interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material. Any removal and hauling of the collected materials not performed by owner(s)' personnel must be performed by currently licensed waste disposal firms.

Sec. 86-66. - PRELIMINARY TREATMENT OR FLOW EQUALIZING FACILITIES; MAINTENANCE BY OWNER.
Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

Sec. 86-67. - CONTROL MANHOLES/SAMPLING STATIONS; WHEN REQUIRED; INSTALLATION AND MAINTENANCE.
When required by the Utilities Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Utilities Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Sec. 86-68. - CONTROL MANHOLES/SAMPLING STATIONS; METHOD.
All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Article, shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty- four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

Sec. 86-69. - SANITARY SUPPLY SYSTEM; DESTRUCTION OF PROPERTY.
No person or persons shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the wastewater facilities. Any person or persons violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Sec. 86-70. - HAZARDOUS AND PROHIBITED SUBSTANCES; SPECIAL EXCEPTIONS PERMITTED; USE FEE SURCHARGE.

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Municipality and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Municipality for treatment, subject to payment therefor, by the industrial concern.

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.

Section 3. This ordinance shall be known as Ordinance No. 1266 and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 7th day of February, 2022.

_____
Ted Griess, Mayor

ATTEST:

_____
Abbey Jordan, City Clerk
(SEAL)

Evans introduced Ordinance No. 1266 for its third reading.

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

Agenda Item #9, Consider letting for bid various roof replacements from May 2021 hailstorm damage.

Cederburg and Klahn have extensively reviewed this with the City's insurance agent, Kevin Krull. They are recommending 2 roofs type changes. Premier Claims has resolved the City's spray foam roof, getting $58,000 for it. Cederburg recommends having the bids due on March 31st and the council can select roofing contractors on the April 4, 2022 meeting.
There are a few small buildings the City is choosing not to replace the roof on. Krull clarified that the actual buildings and the contents inside are still covered. The City is still waiting for a determination on the firehall EPDM roof.

Carlson motioned to approve letting for bid various roof replacements from May 2021 hailstorm damage. Sumstine seconded. On roll call, the following voted aye: Yant, Carlson, Sumstine, and Evans. Motion carried.

Agenda Item #10, Consider Approval of purchase of a 2022 Ford F35L 4x4 pickup for $48,800 from Pony Express Ford for the sewer dept.

Cederburg stated the utilities dept has a demand for their trucks to carry lots of tools and equipment to respond. Dave Mroczek with Pony Express Ford provided a quote as the state bid trucks are not available. Mroczek suggested it could also be utilized as a snowplow

Yant inquired if an F350 is necessary. Fischer stated that he had to install airbags on his F250 to keep it riding well as he carries a lot of heavy tools.

Carlson motioned to approve the purchase of a 2022 Ford 4x4 pickup. Sumstine seconded. On roll call, the following voted aye: Yant, Carlson, Sumstine, and Evans. Motion carried.

Agenda Item #11, Consider Approval of Resolution for Reimbursement Intent for the Streets and Stormwater portion of Minden West Estates Phase 2 from bond proceeds.

Sumstine motioned to approve Resolution No. 1728 for Reimbursement Intent for the Streets and Stormwater portion of Minden West Estates Phase 2. Evans seconded. On roll call, the following voted aye: Yant, Carlson, Sumstine, and Evans. Motion carried.

RESOLUTION NO. 1728

A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF MINDEN, NEBRASKA TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH ACQUIRING AND CONSTRUCTING STREET AND STORMWATER IMPROVEMENTS IN THE CITY FROM THE PROCEEDS OF BONDS ISSUED BY THE CITY

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

Section 1. Findings.

(a) The City has begun the planning for acquiring and constructing certain street and stormwater and related improvements in the City (the "**Project**"), and the City anticipates spending funds in the amount of approximately $2,935,800 to pay the costs of the Project.

(b) The City anticipates issuing bonds in the principal amount of not to exceed $2,935,800 (the "**Bonds**") to finance all or a portion of the costs of the Project. The City anticipates incurring a portion of the costs of the Project prior to the issuance of the Bonds and desires to preserve its ability to reimburse such costs under the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and the applicable regulations thereunder, including but not limited to Section 1.150-2 thereof (the "**Regulations**").

(c) It is necessary, desirable, advisable and in the best interests of the City that it declare its official intent to permit the City to reimburse costs of the Project made by the City from the proceeds of the Bonds in accordance with the requirements of the Code and Regulations.

Section 2. Declaration of Intent and Related Matters.

(a) The Council hereby declares the official intent of the City to reimburse all or part of the costs of the Project through the issuance of Bonds, the interest on which may be excludable from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended.

(b) The Bonds will be issued in the amount and upon the terms and conditions provided in a bond ordinance to be passed by the Council at a meeting held for such purpose. Notwithstanding any other provision of this Resolution, nothing contained herein is intended to obligate the City to issue the Bonds or to reimburse any particular expenditure.

(c) The Mayor, City Administrator and City Clerk (each an "**Authorized Officer**") are hereby individually authorized to take any further action as such Authorized Officer shall deem necessary or desirable without further action by the Council to carry out the transactions contemplated by this Resolution.

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.

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.

PASSED and APPROVED this 7th day of February, 2022.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

(SEAL)

Agenda Item #12, Consider Approval of the NDOT floodplain permit for the Minden North, CN 71191, Pro. No STP-10-1(113) project.

Cederburg reminded the council the state is doing an asphalt overlay from Lexington St. to Interstate 80. Lieske has reviewed. Klahn stated the island at the intersection of Hwys 6/34 and Hwy 10 will have a portion removed due to the tight turning radius for semis.

Carlson motioned to approve the NDOT floodplain permit for the Minden North, CN 71191, Pro. No STP-10-1(113) project. Sumstine seconded. On roll call, the following voted aye: Yant, Carlson, Sumstine, and Evans. Motion carried.

Agenda Item #13, Open Mic Public Comments

Klahn notified the council the newest sanitation truck had a fire in the body earlier in the day. There was significant damage and it took several hours to put the fire out. The truck is salvageable, but no idea of the cost to repair yet.

Sumstine wanted to remember Jane Fosterman who has passed away and served a 4-year term on the City Council. Sumstine also wished the girls and boys wrestling teams good luck at state!

Agenda Item #14, Adjournment

Evans motioned to adjourn at 7:24 pm and Carlson 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)