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
May 16, 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.

Mayor Griess called the meeting to order at 6:00 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 Attorney Tom Lieske, City Administrator Matt Cederburg, and City Clerk Abbey Jordan.

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

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

Then Griess made the following statement:

> "Pursuant to the Open Meetings Act and Public Records Law Requirements a current copy of the Open Meetings Act is posted for public inspection on the east wall of the Fire Hall. In addition, for public inspection, there is located on the table on the east side of the Fire Hall, a copy of the Council packet that was distributed to the members of the Council prior to this meeting. The City Council will take public comments on an agenda item, if it is deemed necessary. Please state your name and address prior to commenting."

Agenda Item #3, Mayoral Announcements. Griess congratulated the Minden High School graduates! He reminded everyone of the city-wide power outage on Sunday, May 22nd from 3pm – 8pm. Also, the second comprehensive plan meeting is Thursday, May 19th at 6m at the Opera House. Congratulations to the state track qualifiers!

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 Saturday, June 11, 2022 from 12:00 PM to 1:00 AM for Windmill Studios at the Kearney County Fairgrounds for a quinceanera.
f. Consider Approval of Volunteer Firefighters, Tim Cole & Kaler Hazen

Amazon Capital Services--Supplies 1,261.54, Atlas Automation Llc--Repairs 2,870.00, Aurora Cooperative--Gas 37.58, B. Propp--Fees 59.50, Baker & Taylor Books--Supplies 379.39, Bill's Plumbing & Htg. Inc--Repairs 40.01, Black Hills Energy--Utilities 504.08, C. Klahn--Gas 20.00, Cardmember Service--Supplies 162.59, Cengage/Gale--Supplies 123.45, Central Hydraulic Systems--Supplies 337.23, City Of Holdrege Landfill--Fees 3,607.77, Computer Hardware--Supplies 297.50, Cooperative Producers,Inc.--Supplies 553.25, Danko Emergency Equip. Co--Supplies 661.50, Demco--Supplies 235.45, Dollar General-Regions 410526--Supplies 35.10, Emergency Medical Products--Supplies 524.88, Essential Resource Group Inc--Fees 67.98, Figgins Construction Inc--Infrastructure Repair 35,580.14, Fire Catt, Llc--Repairs 3,080.00, Fraser Stryker Pc Llo--Legal 5,406.50, Fyr-Tek, Inc.--Supplies 2,668.60, Gokie's Daylight Donut--Supplies 22.55, Great America Leasing Corp--Supplies 208.27, Gurney--Repairs 3,858.20, Hawkins Water Treatment--Supplies 2,756.36, Intellicom Computer Consulting--Tech/Engineering 5,786.87, Isw--Supplies 9.60, J. Carter--Repairs 1,781.60, Jims Ok Tire

Minden Llc--Repairs 200.20, Ke Co Health Payment Cntr--Medical 1,654.00, Ke Co Treasurer--Fees 20.50, Kearney Towing & Repair Center--Fees 146.00, League Of Nebr. Municipalities--Training 498.00, Lieske, Lieske & Ensz P. C., Llo--Legal 1,712.50, Mid Nebraska Aggregate, Inc--Infrastructure Repair 2,135.00, Mid Plains Community College--Training 300.00, Midwest Laboratories--Fees 131.67, Midwest Tapes--Supplies 23.99, Minden Exchange Bank & Trust C--Financing 6,654.13, Minden Hardware--Supplies 559.66, Minden Lumber & Concrete Co.--Supplies 25.00, Minden Machine Shop Inc--Supplies 139.41, Minden Office Supply, Inc--Supplies 1,305.47, Municipal Supply-Nebraska--Training 5.05, Napa Auto Parts--Supplies 140.05, Nmc, Inc.--Rental 1,822.50, Nphe--Supplies 19.00, Nppd Kwh--Utilities 110,603.34, Nppd O&M--Maintenance 186,235.43, One Call Concepts Inc--Fees 41.24, Oneill Heinrich Damkroger--Legal 1,202.50, Oriental Trading--Supplies 386.80, Overhead Door Of Kearney--Repairs 503.35, Pony Express Ford--Repairs 3,135.43, Presto X Co.--Fees 136.00, Productivity Plus Account--Repairs 35.50, Quick Med Claims--Fees 730.23, Rek Enterprises Llc--Repairs 498.66, Royal Publishing--Printing 115.00, Share Corp.--Supplies 200.30, Southern Power District--Utilities 86.90, Structural Bolt Company--Repairs 214.99, T. Beck--Printing 68.40, T. Holsten--Training 115.00, Tyler Technologies--Training 150.00, Usa Communications--Phone/Internet 157.75, Wex Bank--Gas 6,572.25, Whites Auto Glass--Repairs 38.00, 5-06-22 Payroll--$58,525.42.

Yant asked for clarification on the financing resolution included in the consent agenda concerning the previous payment for the street sweeper. Per Cederburg, the delay for the financing was due to the delay in receipt of the tanker truck as expected delivery date is August. Yant also asked about the county's 50% of the tanker truck. Cederburg stated the county has already paid their 50% with the down payment.

Evans asked about a heavier police presence during the power outage. Brad Butler, Police Chief, responded they have extra staff scheduled during the outage time.

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, Treasury Report, April 2022 and Budget Report, April 2022

Cederburg reviewed the status of the City's Treasury. Evans motioned to approve the April 2022 Treasury Report. Sumstine seconded. On roll call, the following voted aye: Yant, Carlson, Sumstine, and Evans. Motion carried.

Cederburg reviewed the Budget report. Carlson motioned to approve the April 2022 Budget Report and Yant seconded. On roll call, the following voted aye: Yant, Carlson, Sumstine, and Evans. Motion carried.

Agenda Item #6, Consider Approval of a Resolution amending water rates.

Griess reviewed the information provided. Cederburg recommended waiting to adjust commercial water rates until fall at the earliest, until a thorough analysis can be done on usage with the new residential rates implemented. Evans was comparing the provided resolution to the council's approval on the increase in April and they don't match. Jordan realized her error on the provided resolution.

Evans motioned to approve resolution No. 1734

RESOLUTION NO. 1734
Water Rates

WHEREAS, the Mayor and City Council realize the water rates of the City of Minden, Nebraska must be adjusted from time to time; and

WHEREAS, the Mayor and City Council of the City of Minden realize it is in the best interest of the City of Minden and its citizens to maintain the municipal water system in a solvent position; and

WHEREAS, the Mayor and City Council of the City of Minden realize the costs associated with the operation of the municipal water system are ever increasing; and

WHEREAS, the Mayor and City Council of the City of Minden have reviewed the current rates and the recommendations of the City Administrator and the Utilities Superintendent, and has found that the following rates are just and equitable and should be applied to all billings for water made by the Water Department of the City of Minden on or after May 16, 2022.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF MINDEN, NEBRASKA:

Section 1. Effective on the billing after May 16, 2022 to be made to users of water supplied by the City of Minden Water Department of the City of Minden, Nebraska, the rates charged shall be as follows:

RESIDENTIAL

Minimum Bill per month:	includes first 500 cubic feet / 0-5 units	$20.00
	600 to 1,000 cubic feet / 6-10 units	$1.00 per 100 cubic feet
	1,100 to 4,000 cubic feet / 11-40 units	$1.50 per 100 cubic feet
	4,100 cubic feet and greater / 41+ units	$2.00 per 100 cubic feet

COMMERCIAL

Minimum Bill per month:	includes first 500 cubic feet / 0-5 units	$17.00
	600 cubic feet and greater / 6+ units	$.71 per 100 cubic feet

Council Member Evans moved for the adoption of the foregoing Resolution. Council Member Sumstine seconded the motion. On roll call the following voted Aye: Yant, Carlson, and Sumstine. Voting Nay: 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 16th day of May, 2022.

PASSED AND APPROVED this 16th day of May, 2022.

/s/ Ted Griess
Ted Griess, Mayor

Attest:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Evans moved for the adoption of the foregoing Resolution. Council Member Sumstine seconded the motion. On roll call the following voted Aye: Yant, Carlson, and Sumstine. Voting Nay: Evans.

Agenda Item #7, Consider Approval of agreement with Lutz and Company to provide an opinion on City ARPA fund uses.

Cederburg provided three sources with each providing qualified uses of funds that were not consistent with each other. A legal opinion, especially to ensure funds could be used on the tax side, would assist the City making a final determination on the city's use of funds and in the event of an audit on fund use.

Sumstine motioned to approve the agreement with Lutz and Company to provide an opinion on City ARPA fund uses. Carlson seconded. On roll call, the following voted aye: Yant, Carlson, Sumstine, and Evans. Motion carried.

Agenda Item #8, Consider Approval of Resolution declaring Transformers as surplus for disposal.

RESOLUTION NO. 1735

A RESOLUTION DECLARING SURPLUS PERSONAL PROPERTY OF THE CITY OF MINDEN, NEBRASKA.

WHEREAS, the City of Minden does have in its possession certain property deemed to be surplus property to the City, with a fair market value of $0, and wishes to dispose of this property; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Minden that the following City property is declared surplus and will be disposed of:

- Transformer SN: F927323-65Y
- Transformer SN: F931322-65Y
- Transformer SN: F931320-65Y

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

The passage of said Resolution having been consented to by a majority of the members of the City Council, the Mayor declared the Resolution passed and adopted, this 16th day of June, 2022.

PASSED AND APPROVED this 16th day of June, 2022.

/s/ Ted Griess
Ted Griess, Mayor

Attest:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Yant moved for the adoption of Resolution 1735. Evans seconded. On roll call the following voted Aye: Yant, Carlson, Sumstine, and Evans. Motion carried.

Agenda Item #9, Consider Approval of Resolution for sale of property in the NE1/4 of Section 7, T6N, R14W, of the 6th p.m., Kearney County, Nebraska and rescinding Resolution No. 1732.

After a review of the state statutes, the property for sale has been revised to exclude the utility easement. The proposed resolution also rescinds the previous resolution selling the property.

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RESOLUTION NO. 1736
Sale of Property

WHEREAS, the Mayor and City Council desire to sell property; and

WHEREAS, this resolution directs the sale of said property listed below to be on May 26, 2022 at 4:00 pm at 325 N. Colorado Ave; and

WHEREAS, notice of said sale will be posted as required by law; and

WHEREAS, after this notice of sale has been posted for 7 days, no objections have been made thereto; and

WHEREAS, the sale shall be held and then approved by the City Council.

WHEREAS, Resolution 1732 shall be rescinded.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF MINDEN, NEBRASKA:

The City of Minden desires to sell the property described as: A TRACT OF LAND BEING IN PART OF THE NORTHEAST QUARTER OF SECTION 7, T6N, R14W, OF THE 6TH P.M., KEARNEY COUNTY, NEBRASKA, ABUTTING THE EAST SIDE OF LOT 6, COUNTRY CLUB ESTATES SUBDIVISION TO THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA DESCRIBED AS FOLLOWS. BEGINNING AT THE NORTHEAST CORNER OF LOT 6, COUNTRY CLUB ESTATES SUBDIVISION TO THE CITY OF MINDEN; THENCE N89°03'53"E ON THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 6, 54.61'; THENCE S03°33'44"W, 165.86' TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID LOT 6 AS EXTENDED EASTERLY; THENCE S89°03'58"W ON SAID EASTERLY EXTENDED SOUTH LINE, 42.16' TO THE SE CORNER OF SAID LOT 6; THENCE N00°44'33"W ON THE EAST LINE OF SAID LOT 6, 165.35' TO THE POINT OF BEGINNING, CONTAINING 8000 SQUARE FEET MORE OR LESS. via the method set out above.

Council Member Yant moved for the adoption of the foregoing Resolution. Council Member Carlson seconded the motion.

On roll call the following voted Aye: Yant, Carlson, Sumstine, and Evans. Nay: none.

The passage of said Resolution having been consented to by a majority of the members of the City Council, the Mayor declared the Resolution passed and adopted, this 16th day of May, 2022.

PASSED AND APPROVED this 16th day of May, 2022.

/s/ Ted Griess
Ted Griess, Mayor

Attest:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Yant moved to adopt Resolution 1736 and Carlson seconded. On roll call the following voted Aye: Yant, Carlson, Sumstine, and Evans.

Agenda Item #10, Consider Approval for Benson Tree Service for primary distribution line tree trimming for an area North of Highway 6 & 34 for $4,700.

Griess stated NPPD typically handles, but they are short on lineman to perform the trimming. Cederburg stated Benson Tree Service is the local electric line certified tree trimmer with a city arborist license.

Carlson motioned to approve Benson Tree Service for primary distribution line tree trimming for an area North of Highway 6 & 34 for $4,700. Evans seconded. On roll call, the following voted aye: Yant, Carlson, Sumstine, and Evans. Motion carried.

Agenda Item #11, Consider Approval for Benson Tree Service for primary distribution line tree trimming for an area South of Highway 6 & 34, East of Brown Avenue and North of 1st Street for $16,500.

Evans motioned to approve Benson Tree Service for primary distribution line tree trimming for an area South of Highway 6 & 34, East of Brown Avenue and North of 1st Street for $16,500. Yant seconded. On roll call, the following voted aye: Yant, Carlson, Sumstine, and Evans. Motion carried.

Agenda Item #12, Consider Approval for Benson Tree Service to remove a tree for the South Substation project for $1,000.

Yant motioned to approve Benson Tree Service to remove a tree for the South Substation project for $1,000. Carlson seconded. On roll call, the following voted aye: Yant, Carlson, Sumstine, and Evans. Motion carried.

Agenda Item #13, Consider Approval of Ordinance amending Sections 47-1 and 47-2, Parking Outside Manufactured Home Parks and Campgrounds, in the Minden Municipal Code, First Reading.

Evans added the codes to be amended are 46-71 and 46-72. Jordan agreed.

Sumstine has received lots of pushback on the camper parking on their own private lots. Evans has looked around a few various communities and researched a couple of codes. Evans read Central City's code concerning parking in a driveway or parking pad in the front yard, but there were residences that were grandfathered.

Discussion entailed about how long a camper can be parked on the street or the driveway during the week as they camp on the weekend.

Gerald Kershner, 632 E 8th, read a prepared statement concerning duties vs. rights vs. privileges in regard to personal aesthetics. Does one have a duty to respect the aesthetics opinions of others? Kershner does not believe aesthetic principals should be set for residents. However, if it must be done, then the community should be allowed to vote on such. Kershner believes items should be banned items that are found offensive to a reasonable person. It was then debated what a reasonable person is and if nuisance regulations are aesthetic regulations.

Marge Kershner, 632 E 8th, requested a quantification of the number of complaints. Cederburg stated there have been several complaints over his past 10 years here. It was brought to the City Council to discuss and make changes if they desire.

Phillip Huen, 1411 Evergreen, stated he has no problem with the look of parking his camper in his driveway. Huen also has no access to his rear yard.

No action taken.

Agenda Item #14, Consider Selection of companies to complete roof replacements for the May 2021 hail storm.

Yant stated the Library roof had previously been replaced by Versatile and had no damage in this hail storm. Yant recommends them. Yant also asked if there could be several companies could be awarded different buildings? Cederburg stated there are no restrictions on the number of companies bids could be awarded to and that the the City staff recommended using four vendors.

Cederburg reviewed the memo on bids received. The bid price should not be the focus as insurance will be covering the replacement costs and some bids used exactment pricing.

Sumstine wished to look at one of the buildings where the prices bid were vastly different and ask the contractors present.

Kevin Krull stated the pricing doesn't need to be looked at. The Council is not approving a value, but a contractor of choice to complete a roof. The price negotiation will happen between the City's insurance company, Travelers, and the contractor. All of the contractors that bid the project have worked with insurance companies and several have worked directly with Travelers.

Cederburg stated the contractor(s) will work with Travelers to request overhead and profit for their company.

Miles Maddux, owner of Versatile Roofing, spoke concerning overhead and profit. It was included in the bid he provided. He had discussed managing the entire project even if Versatile didn't handle all of the roof replacements.

Tim Cole, Compass Roofing, thanked the council for the opportunity to bid the project.

Evans stated Prairie View Roofing was the only company to address the roof color on the Chautauqua Bandshell. Cederburg clarified that all companies would address the roof color. Carlson asked who the City's review team was? Cederburg stated Chris Klahn, Abbey Jordan, and they consulted Roy John Nelson.

Carlson motioned to take the City's recommendation on the provided spreadsheet for a contractor for each roof. Motion died due to lack of a second.

Krull clarified the City does have a 12 month extension.

Agenda Item #15, Open Mic Public Comments

Gerald Kershner, 632 E 8th, provided the council with the statement he read earlier. Kershner does not have a camper himself, but believes there are all wealth's of people that have campers and should be able to put their camper on their own property where they wish.

Marge Kershner, 632 E 8th, believes the camper proposal is creating a financial hardship for camper owners. Also does not believe the City has to regulate this.

Miles Maddux, Versatile Roofing, stated his company can get other trades to handle the items besides roofs.

Agenda Item #16, Adjournment

Yant motioned to enter closed session. Evans seconded. Griess stated they are out of order. Lieske asked which agenda item they wish to enter into closed session to discuss? Yant stated it isn't on the agenda. Lieske stated Yant's motion is an out of order motion as a closed session must be related to an agenda item. Evans recited the Open Meetings Act.

Yant contacted the City Office last Friday to have an item added to the agenda. Cederburg asked Yant to clarify the item and Yant responded it was a personnel issue. Griess wishes to discuss this with Yant first and then it could be on the following agenda. Griess also stated the agenda had already been prepared before the request had been received.

Yant motioned to adjourn at 7:52 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)