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

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www.MindenNebraska.org

The Christmas City
Minden NEBRASKA

Minutes of Council Meeting
City of Minden, Nebraska
June 6, 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, and Teresa Sumstine. Absent: 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 thanked Dave McCroden for his willingness to serve on the housing agency board. Also, Operation Code Name Overload began this day which ended World War II.

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 Appointment of Dave McCroden to the Minden Housing Agency a term of 6/06/2022 to 12/31/2024

Amazon Capital Services--Supplies 2,018.28, A. Spracklin Pc--Medical 240.00, Bear Frame And Alignment--Maintenance 1,305.20, Bnsf Railway Co.--Fees 2,804.35, Boarders Inn & Suites--Training 1,190.00, Carey's Pest Control, Inc.--Fees 107.50, Central Community College--Training 306.00, Chemsearch--Chemical 824.42, C. Lupkes--Training 115.00, Dana F Cole & Company, Llp--Fees 7,000.00, Danko Emergency Equip. Co--Supplies 157.00, E. Vanhorn--Fees 208.43, Essential Resource Group Inc--Fees 67.98, F. Rogers--Cleaning 645.00, Fraser Stryker Pc Llo--Legal 3,612.50, Fyr-Tek, Inc.--Supplies 180.38, Hawkins Water Treatment--Chemical 2,293.84, J. Carter--Repairs 3,297.60, Jims Ok Tire Minden Llc--Repairs 3,543.00, John Deere Financial--Supplies 278.21, Ke Co Health Payment Cntr--Medical 427.00, Ke Co Treasurer--Fees 5,358.32, K. Smith--Supplies 50.00, Landmark Implement Carquest--Supplies 345.57, L. Wilcox--New Infrastructure 15,000.00, L. Mcgee--Chemical 13,798.51, Lieske, Lieske & Ensz P. C., Llo--Legal 1,000.00, Lieske, Lieske & Ensz P. C., Llo--Legal 2,104.25, Mason's Market--Supplies 100.07, M. Melroy--Training 32.20, M. Jordan--Training 46.38, Mellen & Associates, Inc--Legal 5,900.00, Minden Exchange Bank & Trust C--Fees 6,050.40, Minden Hardware--Supplies 811.88, Minden Office Supply, Inc--Supplies 262.28, Minden Utility Dept.--Utilities 3,024.61, Morton Building--Infrastructure Repair 10,035.00, Municipal Supply-Nebraska--Training 446.62, Napa Auto Parts--Supplies 427.35, Ne Ag Specialties--Vegetation

2,177.50, Nmc, Inc.--Rental 456.75, Nphe--Supplies 36.00, Olsson Associates--Tech/Engineering 30,738.39, One Call Concepts Inc--Fees 66.12, Overhead Door Of Kearney--Repairs 292.00, Presto X Co.--Fees 67.80, Quadient Finance Usa, Inc.--Fees 400.00, Rek Enterprises Llc--Repairs 48.50, Sandry Fire Supply Llc--Supplies 138.00, Sos Portable Toilets Inc--Rental 254.00, Southern Power District--Utilities 85.19, Spectrum Business--Phone/Internet 2,576.74, State Fire Marshal Training Di--Training 50.00, The Minden Courier--Fees 563.85, T. Beck--Printing 805.75, Tyler Technologies--Training 150.00, Usa Blue Book--Supplies 718.77, Usa Communications--Phone/Internet 49.90, Verizon Wireless--Phone/Internet 878.88, Village Cleaners Inc--Cleaning 188.60, Woodward Disposal--Rental 4,342.24, 5-20-22 Payroll--$57,482.29, 6-03-22 Payroll--$72,001.58.

Yant motioned to approve the consent agenda and Sumstine seconded. On roll call, the following voted aye: Yant, Carlson, and Sumstine. Absent and not voting: Evans. Motion carried.

Agenda Item #5, Presentation of Audit Report for Fiscal Year 2020 (Oct 2020 through Sept 2021), by Dana F. Cole & Company.

Karen Labenz presented the audit report. The City of Minden has an unmodified report which is the best report available. Labenz reviewed the various fund balances. It is recommended to continue implementing segregation of duties.

No action taken.

Agenda Item #6, Consider Approval of Resolution to Close Streets and Highway for the All-Class Reunion's Fun Run Down Memory Lane on July 23, 2022 as requested by the Minden All Class Reunion Committee and to accept the duties of LB 589.

RESOLUTION NO. 1737

A Resolution of the City of Minden, Nebraska, preparing for the All-Class Reunion Fun Run Down Memory Lane and applying to obtain a Special Event Permit through the Nebraska Department of Transportation.

WHEREAS, the City of Minden, Nebraska, and its residents will be celebrating the All Class Reunion in the summer this year, to be held on July 23, 2022; and

WHEREAS, as part of the Minden Fun Run Down Memory Lane the City of Minden, Nebraska, plans to cross Highway 10 at 4th Street and St. Clair Street; and Highway 74 at Minden Ave which is part of the state highway system, other than a freeway, with no lane closures as part of the special event; and

WHEREAS, the Nebraska Department of Transportation has changed its special event permit process as a result of the passage of Neb. Rev. Stat. §39-1359, which became effective on May 24, 2011; and

WHEREAS, the City of Minden, Nebraska, as part of Minden Fun Run Down Memory Lane, acknowledges and understands that use of the state highway system for a special event requires a legal duty to protect the highway property from any damage that may occur arising out of the special event, and the state shall have no duty during the time the City of Minden is in control of the highway, as specified in the notice that will be provided to the Nebraska Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Minden, Nebraska (the "City"):

1. The Minden City Council now advises the Nebraska Department of Transportation that the City of Minden will be crossing Highway 10, at 4th Street and St. Clair Street; and Highway 74 at Minden Ave which is part of the state highway system and is not a freeway, for a special event known as Minden Fun Run Down Memory Lane to be held on July 23, 2022. The use of Highways 10 and 74 will be from 8:30 a.m. until 10:30 a.m. on July 23, 2022 ("city's use"). As part of the special event, the Minden City Council

acknowledges the City of Minden shall have the legal duty to protect highway property from any damage that may occur from the city's use of crossing Highways 10 and 74; and the State of Nebraska shall not have any such duty during the city's use of Highways 10 and 74 for the Minden Fun Run Down Memory Lane. Notice will be provided to the Nebraska Department of Transportation at least thirty days prior to Minden Fun Run Down Memory Lane.

2. The City Council, on behalf of the City of Minden, acknowledges that any existing statutory or common law duty of the State of Nebraska to protect the public from damage, injury or death shall become the duty of the City of Minden during the city's use of crossing State Highways 10 and 74 for the Minden Fun Run Down Memory Lane, and the state shall not have such statutory or common law duty during the city's use of crossing Highways 10 and 74 within the City of Minden.

3. The City Council, on behalf of the City of Minden, by this resolution, formally acknowledges that the City of Minden accepts the duties set forth in subsection (2) of Neb. Rev. Stat. §39-1359, as well as the duty to protect the public from damage, injury or death during the city's use of crossing Highways 10 and 74 for the Minden Fun Run Down Memory Lane and if a claim is made against the State of Nebraska, the City of Minden shall indemnify, defend and hold harmless the State of Nebraska from all claims, demands, actions, damages and liability, including reasonable attorney fees, that may arise as a result of the city's use of crossing Highways 10 and 74 during its Minden Fun Run Down Memory Lane .

4. The Minden City Council now authorizes the Mayor to sign this resolution accepting and acknowledging its duties for control during the city's use of crossing of Highways 10 and 74 during its Minden Fun Run Down Memory Lane, and to present this resolution to the Nebraska Department of Transportation.

This Resolution shall become effective upon its passage and approval.

Passed and approved on the 6th day of June, 2022.

/s/ Ted Griess
Ted Griess

ATTEST:

/s/ Abbey Jordan
Abbey Jordan

Sumstine motioned to approve Resolution 1737 and Carlson seconded. On roll call, the following voted aye: Yant, Carlson, and Sumstine. Absent and not voting: Evans. Motion carried.

Agenda Item #7, Consider Amendment to Resolution No. 1733 for the interest calculation.

Cederburg provided background information on the interest calculation change. Yant motioned to approve the amended interest calculation on Resolution 1733 and Sumstine seconded. On roll call, the following voted aye: Yant, Carlson, and Sumstine. Absent and not voting: Evans. Motion carried.

Agenda Item #8, 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 to Kevin D. Krull and Julie K. Krull.

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RESOLUTION NO. 1738
Sale of Property

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

WHEREAS, the sale of said property listed below was held per Resolution No. 1736 and the City received one bid; and

WHEREAS, after the notice of sale was posted for 7 days and no objections were been made thereto.

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 to Kevin D. Krull and Julie K. Krull.

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 6th day of June, 2022.

PASSED AND APPROVED this 6th day of June, 2022.

/s/ Ted Griess
Ted Griess

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Yant moved for the adoption of Resolution 1738. Carlson seconded. On roll call, the following voted aye: Yant, Carlson, and Sumstine. Absent and not voting: Evans. Motion carried.

Agenda Item #9, Open Mic Public Comments

No comments were made.

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Agenda Item #10, Adjournment

Carlson motioned to adjourn at 6:23 pm and Sumstine seconded. On roll call, the following voted aye: Yant, Carlson, and Sumstine. Absent and not voting: Evans. Motion carried.

/s/ Ted Griess
Ted Griess, Mayor

Attest:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

(SEAL)