

# City of Minden

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

phone 308.832.1820  
fax 308.832.1949  
www.MindenNebraska.org



## Minutes of Council Meeting City of Minden, Nebraska August 1, 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 called the meeting to order at 6:00 p.m. The following City Council members were present: Jack Yant, Bob Carlson, and Teresa Sumstine. The following City Officials were present: City Administrator Matt Cederburg and City Accountant Liz Cline. Absent: City Council member Larry Evans, City Attorney Tom Lieske, Mayor Ted Griess 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, 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 Council Chambers. In addition, for public inspection, there is located on the table to the south of the chairs in the Council Chambers, 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 wanted to congratulate the American Legion baseball team for competing in the State Tournament. Cederburg stated that there was a successful fair.

**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 Approval of a Special Designated Liquor Permit for September 3, 2022 from 12:00 pm to 1:00 am for Windmill Studios at the Kearney County Fairgrounds for a wedding reception.

Alert-All Corp.--Supplies 488.00, Aqua Aerobic Systems Inc--Supplies 99.40, At-Scene,Llc--Supplies 2,000.00, Black Hills Energy--Utilities 37.65, Bsn Sports--Supplies 226.00, C. Collins--Supplies 169.60, Cooperative Producers,Inc.--Supplies 1,072.58, Dollar General-Regions 410526--Supplies 61.15, Electric Pump--Supplies 2,654.60, Fyr-Tek, Inc.--Supplies 10,890.35, Grayson Tool, Inc--Supplies 1,209.73, Great Plains Communications--Phone/Internet 146.23, Hawkins Water Treatment--Supplies 1,872.26, J. Benson--Supplies 900.00, Jims Ok Tire Minden Llc--Repairs 3,993.86, John Deere Financial--Supplies 881.07, J. Dorn--Incentive 527.50, Ke Co Treasurer--Fees 5,358.32, Landmark Implement Carquest--Supplies 621.48, Lieske, Lieske & Ensz P. C., Llo--Legal 2,411.25, Lieske, Lieske & Ensz P. C., Llo--Legal 1,000.00, Mason's Market--Supplies 277.52, Midwest Connect--Supplies 37.00, Minden Exchange Bank & Trust C--Financing 6,050.40, Minden Utility Dept.--Utilities 4,599.88, Nphe--Fees 18.00, Olsson Associates--Tech/Engineering 13,536.45, Presto X Co.--Fees 62.00, Reams Sprinkler Supply Co--Supplies 185.95, Runions Wholesale, Inc--Supplies 5,195.00,



Sonetics Corporation--Supplies 125.00, Syndicate Publishing, Llc--Fees 96.02, Trade Well Pallet Inc--Supplies 450.00, United States Postal Service--Fees 611.61, Usa Blue Book--Supplies 112.54, Verizon Wireless--Phone/Internet 752.10, 7-29-22 Payroll--\$61,795.81.

Cederburg stated that there was a correction to the claims report given to council. The Rogers cleaning bill for \$1 is not to be paid it was a placeholder for a bill that we did not receive an invoice for.

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

**Agenda Item #5**, Consider Approval of Ordinance amending Section 86-187, Drilling, of the Minden Municipal Code, Second Reading.

Sumstine introduced Ordinance No. 1269 for the second reading.

**ORDINANCE NO. 1269**

AN ORDINANCE TO AMEND CHAPTER 86, ARTICLE IV OF THE MUNICIPAL CODE OF MINDEN, KEARNEY COUNTY, NEBRASKA, BY AMENDING SECTION 86-187 AS THE SAME RELATES TO WATER; 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 86-187, Drilling be amended in the Municipal Code of the City of Minden, Kearney County, Nebraska, the same to read as follows:

**Section 86-187. Drilling**

- (a) Water well construction. No person shall drill any water well within the corporate limits of the city within 300 feet of an established water main which has been placed in service by the city, unless a permit therefor has been issued by a three-fourths vote of the city council. Wells shall be drilled in accordance with the city's current standards for water well construction.
  - 1. Whenever it becomes necessary for a public municipal purpose the City of Minden shall be allowed to drill a water well for potable or non-potable use. The City Council shall approve the drilling of such well, and such well shall be drilled in accordance with the city's current standards for water well construction.
  - 2. Whenever said municipal well is for a public purpose, if necessary, it may be drilled within 300 feet of any established water main.
- (b) Distance requirements. In order to protect the municipal potable water supply, the following distances from a well shall be enforced:

Category	Distance	
	Feet	Meters
Nonpotable water well	1,000	300
Sewage lagoon	1,000	300
Absorption or disposal field for waste	500	150
Cesspool	500	150



Dump	500	150
Feedlot or feedlot runoff	500	150
Corral	500	150
Pit toilet	500	150
Sanitary landfill	500	150
Chemical or petroleum product	500	150
Septic tank	500	150
Sewage treatment plant	500	150
Sewage wet well	500	150
Sanitary sewer connection	100	30
Sanitary sewer manhole	100	30
Sanitary sewer line	50	<u>15</u>
Sanitary sewer line (permanently water tight)	10	3

When surface runoff or underground movement from potential sources of contamination may adversely affect the quality of water from such supplies, the distance separating these potential sources of contamination and the well or spring should be greater than that listed in the above schedule.

(C.O. Ord No. XXXX, \_\_/\_\_/\_\_\_\_)

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. 1269 and shall be in full force and effect from and after its passage, approval and publication according to law.

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

**Agenda Item #6**, Consider Approval of Resolution for the Airport Authority Budget Tax Request of \$57,000, same as prior year.

Cederburg stated that this amount has not changed in several years.

**RESOLUTION NO. 1741**

**A RESOLUTION AUTHORIZING THE AIRPORT AUTHORITY’S LEVY REQUEST**

WHEREAS, the Mayor and Council of the City of Minden is in receipt of the City of Minden Airport Authority Resolution No. 22-1, and

WHEREAS, The Mayor and Council of the City of Minden has been considering the budget for Fiscal Year 2022-2023, and

WHEREAS, Nebraska Statute 77-3443 (3) requires all political subdivisions subject to city/village levy authority to submit a preliminary request for levy allocation to the City Council, and

WHEREAS, the Mayor and Council shall consider the preliminary request for levy request in full or in part, and as a part of the budget for Fiscal Year 2022-2023, and



WHEREAS, the Mayor and Council realize the City of Minden Airport Authority is requesting \$57,000, a proposed levy that is the same as the levy requested for Fiscal Year 2021-2022, and

WHEREAS, the Mayor and Council authorized a levy in the amount of \$57,000 for the final levy amount for Fiscal Year 2022-2023.

NOW THEREFORE IT BE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF MINDEN:

1. As required by Nebraska Statute 77-3443 (4), the final allocation of levy authority for the Minden Airport Authority for Fiscal Year 2022-2023 shall be \$57,000.

3. As required by Nebraska Statute 77-3443 (4), a copy of this Resolution shall be forwarded to the Chairperson of the City of Minden Airport Authority after its passage according to law.

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

On roll call the following voted Aye: Yant, Carlson, and Sumstine. Nay: none. Absent and not voting: 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 1st day of August, 2022.

/s/ Ted Griess  
Ted Griess, Mayor

Attest:

/s/ Abbey Jordan  
Abbey Jordan, City Clerk

Carlson motioned to approve Resolution #1741 and Sumstine seconded. On roll call, the following voted aye: Yant, Carlson, and Sumstine. Absent and not voting: Evans. Motion carried.

**Agenda Item #7**, Consider Approval of Resolution to Close Streets and Highway for Bandfest on October 15, 2022 as requested by the Minden Chamber of Commerce and to accept the duties of LB 589.

Cederburg stated that there were no changes and explained that LB 589 is required by the state stating that the City will accept all liability. Police Chief, Butler stated that there were no changes to the route that he was aware of.

**RESOLUTION 1742**

**A Resolution of the City of Minden, Nebraska, preparing for its annual Bandfest and applying to obtain a Special Event Permit through the Nebraska Department of Transportation.**

WHEREAS, the City of Minden, Nebraska, and its residents have annually celebrated Minden Bandfest in the fall of each year, to be held this year on October 15, 2022; and

WHEREAS, as part of the Minden Bandfest, the City of Minden, Nebraska, plans to use four blocks of Highway 10, which is part of the state highway system, other than a freeway, including full and partial lane closures as part of the special event; and

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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 Bandfest, acknowledges and understands that use of the state highway system for a special event requires a legal duty to protect the highway property from any damage that may occur arising out of the special event, and the state shall have no duty during the time the City of Minden is in control of the highway, as specified in the notice that will be provided to the Nebraska Department of 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 making use of four blocks of Highway 10, between First Street and Fifth Street, which is part of the state highway system and is not a freeway, for a special event known as Minden Bandfest to be held on October 15, 2022. The use of Highway 10 will be from 12:15 p.m. until 2:45 p.m. on October 15, 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 four blocks of Highway 10 and the State of Nebraska shall not have any such duty during the city's use of Highway 10 for the Minden Bandfest. Notice will be provided to the Nebraska Department of Transportation at least thirty days prior to Minden Bandfest.
2. The City Council, on behalf of the City of Minden, acknowledges that any existing statutory or common law duty of the State of Nebraska to protect the public from damage, injury or death shall become the duty of the City of Minden during the city's use of four blocks of State Highway 10 for the Minden Bandfest, and the state shall not have such statutory or common law duty during the city's use of four blocks of Highway 10 within the City of Minden.
3. The City Council, on behalf of the City of Minden, by this resolution, formally acknowledges that the City of Minden accepts the duties set forth in subsection (2) of Neb. Rev. Stat. §39-1359, as well as the duty to protect the public from damage, injury or death during the city's use of four blocks of Highway 10 for the annual Minden Bandfest and if a claim is made against the State of Nebraska, the City of Minden shall indemnify, defend and hold harmless the State of Nebraska from all claims, demands, actions, damages and liability, including reasonable attorney fees, that may arise as a result of the city's use of four blocks of Highway 10 during its annual Minden Bandfest.
4. The Minden City Council now authorizes the Mayor to sign this resolution accepting and acknowledging its duties for control during the city's use of four blocks of Highway 10 during its annual Minden Bandfest, and to present this resolution to the Nebraska Department of Transportation.

This Resolution shall become effective upon its passage and approval.

Passed and approved on August 1, 2022.

/s/ Ted Griess  
Ted Griess, Mayor

Attest:

/s/ Abbey Jordan  
Abbey Jordan, City Clerk

Carlson motioned to approve Resolution #1742 and Sumstine seconded the motion. On roll call, the following voted aye: Yant, Carlson, and Sumstine. Absent and not voting: Evans. Motion carried.

**Agenda Item #8**, MWE II potential Street and Stormwater Bond Payment amounts, discussion only.

The City has locked in low rates for the water, electrical, and sewer bonds for the Minden West Estates Phase II and Substation projects. Cederburg gave an overview of the 2022-2023 Budget Bond amounts and tax asking percentages amounts. It was also stated that this will be discussed more during the upcoming budget meeting.

No action taken.

**Agenda Item #9**, Consider use of City's ARPA Funds.

Cederburg gave an overview of the proposed projects to be funded using the ARPA Funds. The second payment should be received soon. Cederburg stated that the City is working on getting estimates for these projects.

Cederburg gave an overview of the current state of the tennis courts and the proposed changes to include two to four pickle ball courts. If four courts are able to be added there are options to host tournaments.

Carlson motioned to approve using ARPA funds for the Tennis/Pickleball Courts and Sumstine seconded. On roll call, the following voted aye: Yant, Carlson, and Sumstine. Absent and not voting: Evans. Motion carried.

Cederburg gave an overview of the splash pad including the location and the expected water usage of the splash pad. Sumstine asked about being able to recycle the water. Utilities Superintendent, Darin Fisher and Parks Superintendent, Alan Eshliman, stated that there are possibilities of this and is something that can be looked into to recycle for watering the park.

Sumstine motioned to approve the use of ARPA funds for the Splash Pad and remaining Chautauqua Park renovations. Carlson seconded. On roll call, the following voted aye: Yant, Carlson, and Sumstine. Motion carried.

Dave Arnold, with the Minden Gun Club, gave an overview of the usage of the gun club for various groups. He stated that if they were able to use these funds to run water and sewer lines to hookup to bathrooms that they would be able to host large events. The Gun Club would have a building in place prior to adding in these lines.

Sumstine motioned to approve ARPA fund use for the Gun Club water and sewer lines and Carlson seconded. On roll call, the following voted aye: Yant, Carlson, and Sumstine. Absent and not voting: Evans. Motion carried.

Carlson motioned to approve the remaining ARPA fund to be used for Streets and Sumstine seconded. On roll call, the following voted aye: Yant, Carlson, and Sumstine. Absent and not voting: Evans. Motion carried.

**Agenda Item #10**, Open Mic Public Comments.

Cederburg would like to remind everyone of the budget meeting on August 9<sup>th</sup> at 5 pm at the Minden Opera House. Dave Arnold with the Minden Gun Club thanked the City Council. Deb Granger thanked the City Council on behalf of the Pickleball community.

**Agenda Item #11**, Adjournment

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Sumstine motioned to adjourn at 6:53 pm and Carlson 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)