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

phone 308.832.1820
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www.MindenNebraska.org

The Christmas City
Minden NEBRASKA

Minutes of Council Meeting
City of Minden, Nebraska
September 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, Teresa Sumstine, and Larry Evans. The following City Officials were present: Mayor Ted Griess, City Administrator Matt Cederburg, City Attorney Tom Lieske, 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 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. Griess reminded all of the public hearing on September 26th for a special joint hearing. The City Council will meet on September 27th to approve the budget.

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 Special Designated Liquor Permits for Windmill Studios for:
    i. October 8, 2022 from 12 pm to 1 am at the Kearney County Fairgrounds for a wedding reception.
    ii. October 22, 2022 from 12 pm to 1 am at the Kearney County Fairgrounds for a wedding reception.
    iii. November 3, 2022 from 12 pm to 1 am for at the Kearney County Fairgrounds for a wedding reception.

Amazon Capital Services--Supplies 50.45, Aqua Aerobic Systems Inc--Supplies 54.94, Arbor Day Foundation--Membership 10.00, Atlas Automation Llc--Repairs 6,409.28, B. Norgaard--Repairs 78.45, B. Reeh--Supplies 50.00, Black Hills Energy--Utilities 37.65, Buffalo Outdoor Power, Llc--Supplies 909.98, Cardmember Service--Fees 315.00, Carey's Pest Control, Inc.--Fees 107.50, Central Hydraulic Systems--Repairs 28.20, City Of Kearney--Fees 7,877.00, Construction Rental, Inc.--Repairs 56.65, Core & Main Lp--Fees 14,345.02, Dana F Cole & Company, Llp--Fees 650.00, Datashield Corporation--Tech/Engineering 352.00, Dutton Lainson Co--Economic Development 3,408.37, E. Cline--Supplies 15.63, Elliott Equipment Co.--Supplies 14,850.00, Essential Resource Group Inc--Fees 44.49, F. Rogers--Cleaning 430.00, Fraser Stryker Pc Llo--Legal 1,250.00, Gilmore & Bell, Pc--Legal 1,250.00, Great Plains Communications--Utilities 146.23, Grow Nebraska--Membership 200.00, Hawkins Water Treatment--Chemical 2,477.50, Icon

Enterprises, Inc.--Fees 200.00, Jims Ok Tire Minden Llc--Repairs 69.50, John Deere Financial--Repairs 1,410.95, Johnson Service Company--Repairs 12,900.00, Ke Co Health Payment Cntr--Medical 6,670.00, Ke Co Treasurer--Fees 5,358.32, Landmark Implement Carquest--Repairs 815.15, League Of Nebr. Municipalities--Membership 9,194.00, League Of Nebr. Municipalities--Membership 1,755.00, Lieske, Lieske & Ensz P. C., Llo--Legal 1,235.00, Lieske, Lieske & Ensz P. C., Llo--Legal 1,000.00, M. Conyers--Economic Development 600.00, M. Raffaeli--Fees 152.73, Mason's Market--Supplies 389.71, Mccrometer Inc.--Infrastructure Repair 564.13, Menards Of Kearney--Supplies 19.96, Miller & Associates--Tech/Engineering 13,150.00, Miller Signs--Supplies 190.50, Minden Exchange Bank & Trust C--Financing 6,050.40, Minden Machine Shop Inc--Repairs 47.10, Minden Office Supply, Inc--Supplies 400.46, Minden Rural Fire Dept.--Fees 7,769.38, Minden Utility Dept.--Utilities 4,109.79, Minden Volunteer Fire Dept--Fees 6,000.00, Morton Building--Repairs 1,275.00, Municipal Supply-Nebraska--Supplies 1,215.20, Napa Auto Parts--Supplies 332.28, Ne Municipal Clerks Assoc--Membership 100.00, Newcomb Diesel Llc--Repairs 10,334.09, Nphe--Fees 18.00, Nphe--Medical 105.00, Olsson Associates--Tech/Engineering 6,762.91, One Call Concepts Inc--Fees 70.62, Pony Express Ford--Repairs 12.18, Rek Enterprises Llc--Repairs 359.92, Sandry Fire Supply Llc--Supplies 335.75, Share Corp.--Repairs 645.05, Siteone Landscape Supply Holding, Llc--Supplies 149.72, Southern Power District--Utilities 73.53, Southern Source Industries, Inc.--Supplies 523.50, Syndicate Publishing, Llc--Printing 144.91, T. Tobiasson--Fees 1,252.50, United States Postal Service--Fees 60.00, United States Postal Service--Fees 618.45, Verizon Wireless--Utilities 752.08, Village Cleaners Inc--Cleaning 368.40, Wpci--Fees 63.00,8-26-22 Payroll--$56,947.80.

Jordan had a correction to the consent agenda. The third Special Designated Liquor Permit should be for November 5th instead of November 3rd as listed. Evans clarified two corrections on the first page of the minutes changing Yant to Griess. Evans asked about the Olsson payments that appeared to be listed twice for the same amount. Jordan clarified that the Minden West Estates project is being split in the street dept three ways between MWE II streets, Industrial Drive, and the Pond for stormwater. Yant asked what we're paying to Core & Main under light and water. Cederburg replied this charge is for the administration's meter reading software to track electric and water usage for the monthly billing.

Evans motioned to approve the consent agenda with the changes to the minutes and the SDLP date change. Sumstine seconded. On roll call, the following voted aye: Yant, Carlson, Sumstine, and Evans. Motion carried.

Agenda Item #5, Consider Approval of Letter of Agreement Amendment #1 with Olsson Associates for Minden West Estates Phase II for Construction Phase Services not to exceed $279,200.

Cederburg stated the engineers estimated an amount for the worst case scenario. The Olsson Associates project manager on site is the City's choice and has worked on the City's behalf on previous projects.

Carlson motioned to approve the of Letter of Agreement Amendment #1 with Olsson Associates for Minden West Estates Phase II for Construction Phase Services not to exceed $279,200 and Yant seconded. On roll call, the following voted aye: Yant, Carlson, Sumstine, and Evans. Motion carried.

Agenda Item #6, Consider Approval of Additional $1,300 Payment for Downtown Beautification.

Cederburg stated Mike and Lori Conyers had done a fantastic job keeping the downtown flowers watered and looking good on the long hot days and recommended an additional payment for a job well done. Yant brought up the previous discussion concerning the purchase of the flowers. Cederburg stated the Beautification Team purchased the flowers and the City is handling the expense of the watering.

Evans motioned to approve the Additional $1,300 Payment for Downtown Beautification. Yant seconded. On roll call, the following voted aye: Yant, Carlson, Sumstine, and Evans. Motion carried.

Agenda Item #7 was discussed later in the agenda.

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Agenda Item #8, Consider Approval of Resolution to apply for the Land and Water Conservation Fund program for the purpose of constructing a splashpad at Chautauqua Park.

The resolution is required for a grant for the splashpad at Chautauqua Park. Cederburg stated this would reduce the total amount of American Rescue Plan Funds needed for this project. Yant asked if this would require a modification of the ARPA funds obligated? Cederburg replied yes.

NEBRASKA

Land and Water Conservation Fund Application FY2019

RESOLUTION ON ACQUISITION OR DEVELOPMENT FOR OUTDOOR RECREATION

The (City, Village or Other) of Minden, Nebraska proposes to apply for federal assistance from the Land and Water Conservation Fund program for the purpose of construction a splashpad at Chautauqua Park in Minden, Nebraska.

The (Mayor, Chairperson of the Board, or designated Project Official) is authorized to sign documents to obtain financial assistance, including a Project Agreement with the State of Nebraska and the National Park Service.

The (City, Village or Other) of Minden, Nebraska will, within thirty (30) days following federal approval, obtain the necessary consultant or appraisal service for this project as directed and as required by Nebraska Game and Parks Commission staff.

The (City, Village or Other) of Minden, Nebraska has budgeted or currently has available its 50 percent match of the proposed total project funds and will allocate these funds toward this project upon project approval by the Nebraska Game and Parks Commission.

The (City, Village or Other) of Minden, Nebraska has the financial capability to operate and maintain the completed project and park property is a safe, attractive and sanitary manner.

The (City, Village or Other) of Minden, Nebraska will not discriminate against any person on the basis of race, color, age, religion, disability, sex or national origin in the use of any property or facility acquired or developed pursuant to the project proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, P.L. 88-354 (1964), and any of the regulations promulgated pursuant to such Act by the Secretary of the interior and contained in 43 CFR 17.

No property acquired and/or developed under this project shall, without the approval of the Nebraska Game and Parks Commission and the Secretary of the Interior, be converted to other than public outdoor recreation use. And, such approval may be granted only if it is in accord with the then existing Statewide Comprehensive Outdoor Recreation Plan (SCORP), and only upon such conditions as deemed necessary to assure the substitution of other outdoor recreation properties of at least equal fair market value and of reasonable equivalent usefulness and location.

The (City, Village or Other) of Minden, Nebraska will replace the land in the event of a conversion in use in accordance with Section 6(f)(3) of the Land and Water Conservation Fund Act of 1965, as amended.

The (City, Village or Other) of Minden, Nebraska agrees to comply with all State and Federal requirements and standards where they can be applied in making the facilities developed under this project, and all future projects, accessible to and usable by the disabled.

This is to certify that this resolution is a true copy of the original document that was adopted and passed by the (City, Village or Other) of Minden, Nebraska at a duly advertised public meeting held this 6th day of September, 2022.

Ted Friess — (Mayor/Chairperson of the Board Signature)

Abbey Jordan — Attest (Clerk)

CITY OF MINDEN CORPORATE SEAL NEBRASKA

Note: Resolution must be signed and sealed.

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Sumstine motioned to approve Resolution 1744 and Carlson seconded. On roll call, the following voted aye: Yant, Carlson, Sumstine, and Evans. Motion carried.

Agenda Item #9, Consider Approval of Resolution to apply for the Land and Water Conservation Fund program for the purpose of constructing a hike and bike trail.

Cederburg stated this is another grant he is working on for a trail from First Street to the schools and down Industrial Drive.

RESOLUTION NO. 1745
Acquisition or Development for Outdoor Recreation

The City of Minden, Nebraska proposes to apply for federal assistance from the Land and Water Conservation Fund program for the purpose of constructing a hike and bike trail in Minden, Nebraska.

The Mayor is authorized to sign documents to obtain financial assistance, including a Project Agreement with the State of Nebraska and the National Park Service.

The City of Minden, Nebraska will, within thirty {30) days following federal approval, obtain the necessary consultant or appraisal service for this project as directed and as required by Nebraska Game and Parks Commission staff.

The City of Minden, Nebraska has budgeted or currently has available its 50 percent match of the proposed total project funds and will allocate these funds toward this project upon project approval by the Nebraska Game and Parks Commission.

The City of Minden, Nebraska has the financial capability to operate and maintain the completed project and park property is a safe, attractive and sanitary manner.

The City of Minden, Nebraska will not discriminate against any person on the basis of race, color, age, religion, disability, sex or national origin in the use of any property or facility acquired or developed pursuant to the project proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, P.L. 88-354 (1964), and any of the regulations promulgated pursuant to such Act by the Secretary of the interior and contained in 43 CFR 17.

No property acquired and/or developed under this project shall, without the approval of the Nebraska Game and Parks Commission and the Secretary of the Interior, be converted to other than public outdoor recreation use. And, such approval may be granted only if it is in accord with the then existing Statewide Comprehensive Outdoor Recreation Plan (SCORP), and only upon such conditions as deemed necessary to assure the substitution of other outdoor recreation properties of at least equal fair market value and of reasonable equivalent usefulness and location.

The City of Minden, Nebraska will replace the land in the event of a conversion in use in accordance with Section 6{f){3) of the Land and Water Conservation Fund Act of 1965, as amended.

The City of Minden, Nebraska agrees to comply with all State and Federal requirements and standards where they can be applied in making the facilities developed under this project, and all future projects, accessible to and usable by the disabled.

This is to certify that this resolution is a true copy of the original document that was adopted and passed by the City of Minden, Nebraska at a duly advertised public meeting held this 6th day of September, 2022.

/s/ Ted Griess
Ted Griess, Mayor

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Carlson motioned to approve Resolution 1745 and Evans seconded. On roll call, the following voted aye: Yant, Carlson, Sumstine, and Evans. Motion carried.

Agenda Item #10, Selection of Projects Utilizing American Rescue Plan Funds.

The first project up for discussion is the splashpad at Chautauqua Park. Cederburg stated there are two size proposals. The smaller is for approximately 500 square feet of play area and the larger is approximately 750 square feet. Proposals have been provided by Commercial Recreation Specialists and Crouch Recreation.

Patrick Pierce with Commercial Recreation Specialists provided two proposals. The smaller size has low water flow features, but these can be accommodated on the larger size. The council will need to decide exactly what features they want on the pad. The pad's controller does have the ability to reduce the water consumption by percentage which will reduce the time the features run each cycle. Pierce stated both his products and Crouch's are excellent and the City will have a fantastic splashpad.

Eric Crouch, Crouch Recreation, stated his manufacturer is WaterPlay. Crouch can change any features. His design have different play areas based on kid comfort levels. The play area shape can easily be adjusted from the proposed circle shape. Crouch wanted to ensure the water pressure is adequate at the park and the water line size, how far the water main is from the site. The City is responsible for bringing utilities within 10 feet of the splashpad. Crouch will provide a pressure reducing valve and backflow valve. The provided proposals are budgetary numbers only and need refining before approval.

Darin Fischer, Utilities Superintendent, shared his concerns about the water usage especially with the past summer's lack of rain and the new housing development in the west part of the City. Crouch stated his activator can be reprogrammed to save water changing feature run times. There are options to capture water and reuse it. Carlson asked if the reuse system can be added later. Pierce stated it can be done later, but there will be a little extra expense to do at a later point, but the splashpad would not have to be torn up. Crouch concurred, but wouldn't recommend adding at a later date. Both vendors concurred it is easy to swap out features in the future.

Yant asked for an estimate for the re-circulation system. Pierce stated the equipment costs would be $75,000 - $100,000 not including installation costs. A re-circulation system then also requires showers and other state codes to be followed. A re-purpose system would be using the water for lawn surface purposes. It would be approximately $75,000. The water would have to be treated before it could be used. Crouch agreed.

Pierce confirmed his bid was solid. Crouch stated his bid was not final, but he could have a final bid for the next council meeting.

Carlson motioned to table the splashpad until final bids are received. Discussion ensued, but no second was made. Carlson rescinded his motion.

Yant motioned to approve the Commercial Recreation Specialists splashpad bid for the larger pad size, Option 2, but with council selection of the features staying within the quoted amount utilizing American Rescue Plan Funds. Sumstine seconded. On roll call, the following voted aye: Yant, Carlson, Sumstine, and Evans. Motion carried.

The second project discussed was the Pickleball and Tennis courts. The proposed design has been reviewed by local pickleball players. The courts can be modified for 2 tennis courts or 4 pickleball courts with different colored court lines. Commercial Recreation Specialists will provide a 5-year warranty.

Mike Boudreau, Minden rural resident, is a proponent of pickleball courts. The project requires no utilities. It doesn't lends itself to criminal damage, or weather damage, and no winterizing of the facilities is required. It services all patrons, young and old. The City will get a return on its investment.

Cederburg confirmed a second bid has not been received. Pierce stated the quote is to replace the courts and not the border or the fence. Some fencing will have to be taken down to get access to the court, but it would be fixed at the end of construction. The project includes repairs of the existing fence. The quote includes new concrete, new nets, acrylic, and painting. The court line colors can be any color. Sumstine asked if the court color makes a difference in the heat. Pierce states certain colors are warmer.

John Osgood, 331 W Lexington, stated most courts are blue or green. Osgood recommends a wind screen be added. Pierce stated CRS doesn't do this type of work, so the City would need to hire a contractor for it. Boudreau recommends asking the vendor to itemize out the concrete bid so the local vendors can be from Nebraska. Pierce stated they are NE contractors and the concrete will be from the closest plant. The contractor is from Gretna and will also be doing the splashpad.

Sumstine motioned to approve the Commercial Recreation Specialists bid for the Pickleball and Tennis courts renovation including an itemized listing of all costs utilizing American Rescue Plan Funds. Yant seconded. Evans confirmed the bid includes the pickleball posts will be in a sleeve that can be removed to make a single tennis court. Pierce validated this. On roll call, the following voted aye: Yant, Carlson, Sumstine, and Evans. Motion carried.

The third project discussed was construction a water well and sewer line for the Minden Gun Club. A quote was provided by Miller and Driller. John Uden, 543 N. Burton Ave, is with the Gun Club and stated their board is still working on the exact structure to be built. Sumstine asked if the county could also contribute ARPA funds? Cederburg stated yes, the county could contribute and suggested the council talk to the county. Uden would like to have the building in place before the utilities are constructed.

Yant motioned to install a water well and sewer line utilizing American Rescue Plan Funds and the Gun Club can hookup upon building construction. Cederburg recommends establishing a deadline for building construction so the City Council can reallocate the funds if not done. Griess and Carlson believe the building should be constructed before the utilities are added. Sumstine seconded. On roll call, the following voted aye: Yant, Carlson, Sumstine, and Evans. Motion carried.

The final project for discussion is the final renovations at Chautauqua Park. Eschliman, Parks Superintendent, stated the project would be property grading, sprinkler installation, re-seeding, and sidewalk replacement. Griess stated this was one of the projects he wanted to accomplish during his mayoral terms.

Yant motioned to approve the remaining improvements for Chautauqua Park utilizing American Rescue Plan Funds. Discussion took place concerning bidding the project. Cederburg stated the engineering costs alone for the project bidding specifications would be $10,000. Lieske stated the City has an estimate, but thinks bid specs should be required. Carlson suggested allocating $100,000 towards these improvements, but requests contractor bids as he believes concrete bids will be much higher. Motion died due to lack of a second.

Yant motioned to allocate $100,000 of the American Rescue Plan Funds for the remaining improvements for Chautauqua Park pending receipt of bids. Sumstine seconded. On roll call, the following voted aye: Yant, Carlson, Sumstine, and Evans. Motion carried.

Agenda Item #7. Consider Approval of Memorandum of Understanding with the Economic Development Council of Buffalo County, Inc., the Nebraska Department of Economic Development, CN Minden LLC, and Compute North NE05 LLC.

David Bracht, Compute North's attorney, joined the meeting via phone. Bracht stated the MOU is due to economic funding Compute North is utilizing for its construction. Minden's connection to the MOU is agreeing that Compute North is in compliance with the development agreement with the City of Minden. Evans clarified that Compute North has received funds from the Nebraska

Department of Economic Development and some of the funds are being utilized for the Minden project. Bracht agreed. Cederburg stated the City will have to confirm that the development agreement terms have been met at a later date. Lieske agrees there is no financial obligation on the City's part.

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

Agenda Item #11, Consider Approval of Resolution obligating American Rescue Plan Funds.

RESOLUTION NO. 1746

RESOLUTION OBLIGATING AMERICAN RESCUE PLAN FUNDS (CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS) FROM THE U.S. DEPARTMENT OF TREASURY

WHEREAS, the United States Congress has adopted the "American Rescue Plan Act of 2021" (ARPA), and it has become law; and

WHEREAS, Section 603 of the ARPA provides for financial assistance for counties, cities and non-entitlement units of local government for eligible expenses in accordance with the "Final Rule" issued by the U.S. Department of Treasury; and

WHEREAS, the City has received $522,114; and

WHEREAS, the Federal Treasury has issued guidance on how the City can utilize the funding, with funds having to be obligated by the end of 2024 and spent by the end of 2026; and,

WHEAREAS, Mark DeDiana of Lutz & Company, PC has provided the legal opinion that the funds can be spent for developing neighborhood features that promote improved health and safety outcomes, such as parks and recreational facilities,

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

That the City Council hereby obligates American Rescue Plan Act (ARPA) Funds (Coronavirus State and Local Fiscal Recovery Funds) from the U.S. Department of Treasury in a total amount of $522,114 for the purpose of encouraging recreational activities and more specifically for a splashpad and park renovation, tennis and pickleball courts, the remaining Chautauqua Park improvements along with the utility improvements of a water well and septic line for the Minden Gun Club; and, be it further

RESOLVED, That the funds shall be expended by 2026; and, be it further

RESOLVED, That the Mayor, City Administrator, and City Clerk are directed to complete all necessary and required reporting and documentation to comply with the American Rescue Plan Act.

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

/s/ Ted Griess
Ted Griess, Mayor

Attest:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Evans motioned to approve Resolution No. 1746 with the addition of the Chautauqua Park improvements. Sumstine seconded. On roll call, the following voted aye: Yant, Carlson, Sumstine, and Evans. Motion carried.

Agenda Item #12, Review and Approval of Economic Development Incentives for Utility Upgrades and Services for New Businesses.

Carlson motioned to enter closed session at 7:44 pm and Yant seconded. On roll call, the following voted aye: Yant, Carlson, Sumstine, and Evans. Motion carried.

Evans motioned to exit the closed session at 8:02 pm. Carlson seconded. On roll call, the following voted aye: Yant, Carlson, Sumstine, and Evans. Motion carried.

Yant motioned to do a 50% cost share with Midwest Meat Company on the new water line installation, 0% cost share on Jon Miller's new residential electric service, and 0% cost share on Village Cleaners water meter for sewer usage. Sumstine seconded. On roll call, the following voted aye: Yant, Carlson, Sumstine, and Evans. Motion carried.

Agenda Item #13, Open Mic Public Comments.

None were made.

Agenda Item #14, Adjournment

Yant motioned to adjourn at 8:04 pm and Evans seconded. On roll call, the following voted aye: Yant, Carlson, Sumstine, and Evans. Motion carried.

/s/ Ted Griess
Ted Griess, Mayor

Attest:

/s/ Abbey Jordan
Abbey Jordan, City Clerk
(SEAL)