

Minutes of Council Meeting
City of Minden, Nebraska
December 5, 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, and City Clerk Abbey Jordan. Vacancy: City Administrator.

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 thanked the citizens of Minden for trusting in him as the Mayor of Minden for the past 8 years.

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

Accent Wire-Tie--Supplies 1,313.95, Black Hills Energy--Utilities 1,114.53, Core & Main Lp--Supplies 737.45, Dollar General-Regions 410526--Supplies 20.25, Donkey Towing & Transfer Llc--Fees 348.00, F. Rogers--Cleaning 430.00, International Association Of Chiefs Of Police--Fees 190.00, J. Wright--Supplies 30.58, J. Carter--Repairs 80.00, Jims Ok Tire Minden Llc--Repairs 40.00, Ke Co Treasurer--Fees 5,536.66, Landmark Implement Carquest--Repairs 816.71, Lieske, Lieske & Ensz P. C., Llo--Legal 3,259.25, Mason's Market--Supplies 940.07, Mid Plains Heating & Air--Maintenance 429.78, Minden Exchange Bank & Trust C--Financing 6,050.40, Minden Office Supply, Inc--Supplies 439.27, Minden Utility Dept.--Utilities 3,959.94, Napa Auto Parts--Repairs 968.45, Ne Statewide Arboretum--Fees 190.00, Ne Turf Grass Association--Training 500.00, Nphe--Fees 18.00, Nppd O&M--Maintenance 20,111.00, Police Chiefs Asso. Of Ne--Fees 60.00, Powertech--Maintenance 1,492.49, Presto X Co.--Fees 137.86, Protex Central Inc.--Repairs 139.00, Share Corp.--Supplies 584.00, Southern Power District--Supplies 76.87, Syndicate Publishing, Llc--Printing 16.34, Verizon Wireless--Phone/Internet 670.78, Village Cleaners Inc--Cleaning 174.56, Wpci--Fees 75.00, 12-02-22 Payroll \$73,538.02.

Evans asked if the Fire Tanker Truck is here? Fire Chief, Tom Brown, stated that it is here and ready to be used if needed.

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

Agenda Item #5, Consider Approval of Treasury Report, October 2022.

Jordan stated that there were corrections and to use the most recent copy passed out before the meeting. She stated that the tax funds had increased and gave a brief summary of the accounts that affected these amounts. On the enterprise fund, there was a correction made in Landfill. The numbers should have carried over from the previous month. There are no expenses to NPPD as they were prepaid in September before year end.

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

Agenda Item #6, Consider Approval of Budget Report, October 2022.

Jordan stated that there were corrections and to use the most recent copy passed out before the meeting. She stated that this will be the first month with the current Fiscal Year and the percentages should be in the high 90%.

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

Agenda Item #7, Recognition.

Council Members, Evans, Yant, and Sumstine presented Council Member Carlson and Mayor Ted Griess with gifts of gratitude for their many years of service to the City of Minden.

Lieske also presented Mayor Griess with a gift of gratitude for his many years of service.

No action taken.

Agenda Item #8, Council Adjourn Sine Die

Evans motioned to adjourn sine die at 6:17 pm and Carlson seconded. On roll call, the following voted aye: Yant, Carlson, Sumstine, and Evans. Motion carried.

Agenda Item #9, Reorganization of Council

- a. Oath of Office to Newly Elected Official-Larry Evans, Mayor
- b. Oath of Office to Newly Elected Official-Jarvis Kring, Council Member
- c. Oath of Office to Newly Elected Official-Alyssa Schneider, Council Member

Oaths of office were administered to Mayor, Larry Evans by Ted Griess; and to Council Members Alyssa Schneider and Jarvis Kring by Larry Evans. Present were Mayor Larry Evans; Council members Jarvis Kring, Teresa Sumstine, Jack Yant and Alyssa Schneider; City Attorney Tom Lieske, and City Clerk Abbey Jordan. Absent: City Administrator (vacant).

Agenda Item #10, Open Meeting Statement

Evans called the meeting to order at 6:27 pm and read the following statement. All proceedings hereinafter were taken while the convened meeting was open to the attendance of the Public. After roll was called, Mayor Larry Evans 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 door located in the back 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.”

Agenda Item #11, Election of Council President through December 1, 2024.

Sumstine motioned to nominate Yant as Council President and Schneider seconded. On roll call, the following voted aye: Kring, Sumstine, Schneider. Abstain: Yant. Motion carried.

Agenda Item #12, Mayoral Appointments

- a. City Clerk appointed for mayor’s term of 4 years
- b. City Attorney through Dec 31, 2022
- c. Police Chief appointed for mayor’s term of 4 years

Evans appointed Jordan as City Clerk, Lieske as City Attorney, and Brad Butler as Police Chief. Yant motioned to approve the mayoral appointments and Sumstine seconded. On roll call, the following voted aye: Kring, Sumstine, Yant, Schneider. Motion carried.

Agenda Item #13, Consider approval of City’s blanket bond for newly elected officials and appointed positions.

Sumstine motioned to approve the City’s blanket bond for the newly elected officials and appointed positions. Yant seconded. On roll call, the following voted aye: Kring, Sumstine, Yant, Schneider. Motion carried.

Agenda Item #14, Consider designation of Legal Newspaper through December 1, 2024.

Kring motioned to designate the Minden Courier as the City of Minden’s Legal Newsletter and Schneider seconded. On roll call, the following voted aye: Kring, Sumstine, Yant, Schneider. Motion carried.

Agenda Item #15, Council Announcements

Evans congratulated the Minden Police Department on the Accreditation received due to the new training requirements. Evans reminded citizens of the Comprehensive Plan meeting on Monday, December 12, 2022 at the Minden Opera House. Evans also wanted to thank the office staff for the new council packet layout with binders and tabs.

Agenda Item #16, CONSENT AGENDA

- a. Mayoral Appointments
 - i. John Beck to the Community Redevelopment Authority for a term of 1/1/2023 to 12/31/2027
 - ii. JoAnn Paulsen to the Library Board for a term of 1/1/2023 to 12/31/2026
 - iii. Sue Yant to the Library Board for a term of 1/1/2023 to 12/31/2026
 - iv. Bennett Peterson to the Board of Adjustments for a term of 1/1/2023 to 12/31/2025
 - v. Rob Armstrong to the Board of Adjustments for a term of 1/1/2023 to 12/31/2025
 - vi. Rita Crooks to the Planning and Zoning for a term of 1/1/2023 to 12/31/2025
 - vii. Tim Holman to the Planning and Zoning for a term of 1/1/2023 to 12/31/2025



- viii. Joe Anderson to the Parks and Recreation Board for a term of 1/1/2023 to 12/31/2024
- ix. Rob Armstrong to the Parks and Recreation Board for a term of 1/1/2023 to 12/31/2024
- x. Nick Collins to the Parks and Recreation Board for a term of 1/1/2023 to 12/31/2024
- xi. Quinton Pohl to the Parks and Recreation Board for a term of 1/1/2023 to 12/31/2024
- xii. Dr. Andy Craig as the City Health Officer for a term of 1/1/2023 to 12/31/2023
- xiii. Marcia Krueger to the Housing Agency Board of Commissioners for a term of 1/1/2023 to 12/31/2027
- xiv. Gary Spellman to the Housing Agency Board of Commissioners for a term of 1/1/2023 to 12/31/2027

Sumstine motioned to approve the mayoral appointments and Yant seconded. On roll call, the following voted aye: Kring, Sumstine, Yant, Schneider. Motion carried.

Agenda Item #17, Public Forum

No comments were made.

Agenda Item #18, Consider Approval of Resolution appointing representatives to the ACE Board of Directors.

Resolution No. 1750

Appointment to ACE Board of Directors

WHEREAS, the City of Minden, State of Nebraska, is a party to the Interlocal Agreement creating the Public Alliance for Community Energy and, pursuant to the terms of said Agreement, it is the responsibility of the City to designate a representative of the City of Minden to the Public Alliance for Community Energy Board of Directors provided for under the terms of said Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Minden, that:

The City Clerk is hereby directed to give written notice to the Public Alliance for Community Energy of the appointment of Abbey Jordan as the City's representative to said Board of Directors.

The City Clerk is hereby directed to give written notice to the Public Alliance for Community Energy of the appointment of Larry Evans as the City's alternate representative to said Board of Directors.

This is to certify that the appointments set out above were approved by the City Council of the City of Minden, State of Nebraska at their meeting on December 5, 2022.

/s/ Larry Evans
Larry Evans, Mayor

Attest:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Schneider motioned to approve Resolution 1750 and Kring seconded. On roll call, the following voted aye: Kring, Sumstine, Yant, Schneider. Motion carried.

Jordan stated earlier in 2022, the computer was replaced along with the alarm notification software. Darin Fischer, Utilities Superintendent stated the major reason for the the upgrades for SCADA are required cyber security upgrades. This agreement is for Olsson to complete the remaining upgrades.

Yant motioned to approve the Letter Agreement for Professional Services with Olsson Associates for WWTP Scada Upgrade for \$38,135. Kring seconded. On roll call, the following voted aye: Kring, Sumstine, Yant, Schneider. Motion carried.

Agenda Item #21, Consider Approval to Paint the New Water Tower's Interior and Exterior and selection of Engineering Services for the project.

Brian Friedrichsen with Olsson Associates stated anything done to the interior of the tank requires DHHS approval. There is a hope that any testing is done honestly. The bidding process would ensure the best contractor performs the work. Utilities Superintendent, Darin Fischer stated the last time he was in the water tower there was corrosion and other repairs that will be required. He also stated that there are limits on the time of year that these repairs can be made as this tank would be unavailable during the painting.

Yant asked how long the tower would be down. Fischer stated he was planning for a month, and weather will factor into this time. Yant asked when the work can be done. Fischer stated if nothing has changed, that it was planned for the fall of 2022. The Oct 2023-Sept 2024 includes a budget for half of the painting and the remaining half in the following fiscal year. Jordan stated that the last time a tower was painted, it was split into 3 payments. Friedrichsen stated that the payment terms can be included in the bid specifications.

Sumstine motioned to approve the painting of the New Water Tower's interior and exterior and selected Olsson Associates as the engineer on the painting of the water tower and to go for bidding and Yant seconded. On roll call, the following voted aye: Kring, Sumstine, Yant, Schneider. Motion carried.

Agenda Item #22, Consider Selection of Projects for Minden West Estates Phase II Change Order #1 for additional water projects throughout the City to be completed by Midlands Contracting Inc.

Friedrichsen with Olsson Associates explained the project for each location listed. Sumstine asked if the ice pigging could be pushed back to the next fiscal year. Friedrichsen stated that the ice pigging does not have a set timeline until the water system review is completed and therefore this can be pushed back to the next fiscal year.

Fischer stated that he would prioritize them as the school being first, Pioneer Village being second, and the Water Tower and Smith being the same at third and the one of 5th being last. It was recommended that these all be completed at the same time to save money. Brian stated that these can be pushed off but he did not recommend waiting as Midlands is currently working in Minden and it would be difficult to get them to come back. Fischer stated that the one at Pioneer Village does not work, but he is also unsure of their future plans for the Campgrounds.

Yant motioned to approve the change order excluding the Pioneer Village Campgrounds and Sumstine seconded. On roll call, the following voted aye: Kring, Sumstine, Yant, Schneider. Motion carried.

Agenda Item #23, Consider Setting a Hearing for Possible Condemnation of the Property at the SW corner of 4th Street and Colorado Ave or more Particularly Described as the North Half of Lot 1, Block 14, Original Town, Minden, Kearney County, Nebraska.

Jordan stated that if their was a motion the hearing date would take place on January 3, 2023 as the 2nd is a Holiday. Street Superintendent, Chris Klahn stated that the building is an ongoing problem and maintenance on this building is not happening. Lieske stated that the sale price would be all the City would get back if the whole building was torn down. For the condemnation, the City can list out the items that need to be addressed or demolish part of or the whole building. Lieske also listed out the requirements for the hearing and why the suggested date. Friedrichsen with Olsson Associates stated that they do have a structural engineer if the City was

needing this. Lieske stated that he would recommend that the whole building, all of Lot 1, Block 14, be set for the condemnation hearing so all repairs and/or demolition can be dealt with.

Schneider motioned to set the condemnation hearing for all of Lot 1, Block 14, Original Town, Minden for Tuesday, January 3, 2023 at 6:00 p.m. Sumstine seconded. On roll call, the following voted aye: Kring, Sumstine, Yant, Schneider. Motion carried.

Agenda Item #24, Consider Approval for Hiring of Additional Police Officer to be assigned to Minden Public Schools.

Police Chief, Brad Butler, explained the request that was made by Minden Public Schools for an officer being assigned to the schools and they would handle a portion of it financially. Butler stated the requirements of a new hire and the time it would take to train before this person could be an active officer and utilized in the schools. It has yet to be determined the exact duties of this proposed officer. It is known the officer will not handle school disciplinary action.

Butler is seeking approval to begin the hiring process as due to LB 851, the hiring of a non-certified officer is a very lengthy process. Butler also wishes to continue discussion with the school and seek an Memorandum of Understanding (MOU) with the schools. Butler stated the Kearney County Sheriff's department has had a vacancy for the past 8 months with no qualified applicants. Butler is seeking approval to start advertising for a new hire and then revisit this with the council prior to hiring. Butler's intention is to start the school with a seasoned officer currently with the Minden Police Department. He envisions this being a one-year agreement with the school.

The officer would look at security issues and people traffic flow. The officer would ensure the building is secure prior to leaving. The school currently has money budgeted for this position.

Lieske asked what campuses this officer would help with? Butler stated that this officer would be assigned for all three campuses. Yant asked when this officer would be assigned to the schools. This officer would work year-round assisting the police department when school is not in session. Butler stated that he plans to have this officer at the school when the doors are open, this would mean this officer would work through school breaks for camps and games. Butler states two city officers are interested in this position and would be given a chance for the position.

Jordan asked about the length of the current employment contract with un-certified officers. Butler stated it is 3 years. Sumstine stated she does not feel like there is room in the budget at this time for this officer and feels like a representative from the school should be here as well. Evans recommended that this item be tabled and to invite the school board members to be present at the next meeting for further discussion. Butler shared his concerns that if the hiring isn't started now, then the new hire couldn't start the police academy in April and therefore wouldn't be ready in time for the next school year.

Yant motioned to table this discussion until the December 19th council meeting and Sumstine seconded. On roll call, the following voted aye: Sumstine, Yant, Schneider. Abstain: Kring. Motion carried.

Agenda Item #25, Consider Approval of Ordinance Amending Section 10-52, License Required, of the Minden Municipal Code, First Reading.

Lieske stated that he approved of the ordinance. Jordan explained that all licenses would expire December 31st with the one year or three year. She also stated the price changes are to encourage citizens to license their dogs. She also specified there was a recommendation to waive the three readings for this to take effect in 2023.

Yant introduced Ordinance 1272 Amending Section 10-52, License Required for the first reading.

ORDINANCE NO. 1272

City of Minden

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

phone 308.832.1820
fax 308.832.1949
www.MindenNebraska.org



AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE II OF THE MUNICIPAL CODE OF MINDEN, KEARNEY COUNTY, NEBRASKA, BY AMENDING SECTION 10-52 AS THE SAME RELATES TO DOGS; 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 10-52, License required, be amended in the Municipal Code of the City of Minden, Kearney County, Nebraska, the same to read as follows:

Section 10-52. License required

Any person owning, harboring or keeping a dog over three months of age within the city shall obtain a license from the city for such dog. The license may be purchased in increments of one year or three years. A one-year license shall remain in effect until December 31st of the year in which it was issued. A three-year license shall remain in effect until December 31st of the third year it was issued.

(Code 1982, § 3-101; Ord. No. 893, § 1, 11-3-86; Ord. No. 1219, § 16, 7-20-17; Ord. No. 1272, 12-05-22)

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. 1272 and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 5th day of December, 2022.

/s/ Larry Evans
Larry Evans, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Sumstine seconded. On roll call, the following voted aye: Sumstine, Yant, and Schneider. Abstain: Kring. Motion carried.

Schneider motioned to waive the three readings and Yant seconded. On roll call, the following voted aye: Kring, Yant, Schneider. Absent: Sumstine. Motion carried.

Yant motioned to adopt Ordinance 1272 by title and Sumstine seconded. On roll call, the following voted aye: Kring, Yant, and Schneider. Absent: Sumstine. Motion carried.

Agenda Item #26, Consider Approval of Ordinance Amending Section 10-35, Pick up Fees for Taking up and Impounding Dogs, of the Minden Municipal Code, First Reading.

Butler stated that the price changes is an incentive for residents to license the dogs and will save the officer time in returning dogs at large to the owners.



Schneider introduced Ordinance 1273 for its first reading.

ORDINANCE NO. 1273

AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE II OF THE MUNICIPAL CODE OF MINDEN, KEARNEY COUNTY, NEBRASKA, BY AMENDING SECTION 10-35 AS THE SAME RELATES TO DOGS; 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 10-35, Pick up fees for taking up and impounding dogs, be amended in the Municipal Code of the City of Minden, Kearney County, Nebraska, the same to read as follows:

Section 10-35. Pick up fees for taking up and impounding dogs

(a) The owner, harbinger or keeper of any dog so impounded may reclaim such dog upon payment of the license fee, if unpaid, and all costs and charges incurred by the city for impounding and maintaining the dog. In addition, the following reclaiming charges shall be paid to the police department:

	Licensed dog	Unlicensed dog
First offense	\$ 15.00	\$ 50.00
Second offense	\$ 30.00	\$ 75.00
Third and subsequent offenses	\$ 45.00	\$ 100.00

(b) The owner, harbinger or keeper of any dog so impounded shall be responsible for the payment of these charges, whether the owner reclaims such dog or not. The owner, harbinger, or keeper of any dog who wishes to contest these charges may secure the release of said dog by posting a cash bond in the amount of \$75.00 with the police department.

(Ord. No. 1219, § 5, 7-20-17) Ord. No. 1273, 12-05-22)

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. 1273 and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 5th day of December, 2022.

/s/ Larry Evans
Larry Evans, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

City of Minden

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fax 308.832.1949
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(SEAL)

Sumstine seconded. On roll call, the following voted aye: Sumstine, Yant, Schneider. Abstain: Kring. Motion carried.

Sumstine motioned to waive the three readings and Yant seconded. On roll call, the following voted aye: Sumstine, Yant, Schneider. Abstain: Kring. Motion carried.

Schneider motioned to adopt Ordinance 1273 by title and Sumstine seconded. On roll call, the following voted aye: Yant, Schneider. Abstain: Kring. Motion carried.

Agenda Item #27, Discussion and Advisement for Pool Repairs of the Heat Pumps, Circulation Pump and Chlorinator.

Fischer, stated the age of the heaters and pumps. He stated the requirements of DHHS and that parts need to be replaced with like parts otherwise, DHHS would have to get involved and engineering would be required. Friedrichsen stated that the like parts is a key thing otherwise the pool would have to be brought up to current standards which would cause us to not have a pool.

Fischer stated that if these repairs are going to be needed otherwise there is the risk that the pool may not be able to open due to failure. Fischer stated that there are 9 heat pumps and that there are 2 that currently work with another one that is intermittent. He recommended that 3 of them be replaced. Fischer stated that he got an estimate on the pumps to see what the costs would be. There would also be costs for a contractor to install and new piping for all.

Friedrichsen stated that these parts would not be able to be reused if a new pool is built. Fischer also stated that he was not sure when these parts would arrive and that it may not be in time for this summer. Jordan stated that the memo is mislabeled and the cost of the circulation pump is the \$10,627 and that there is not estimate for the chlorinator. Friedrichsen suggested that the City leaves Olsson out of this and save the money for the repairs. Fischer stated that the pool has been running this was for about 2 years.

Yant motioned to table this discussion until all estimates are received and Fischer can provide direction. Sumstine seconded. On roll call, the following voted aye: Kring, Sumstine, Yant, Schneider. Motion carried.

Agenda Item #28, Adjournment

Sumstine motioned to adjourn at 8:20 pm and Kring seconded. On roll call, the following voted aye: Kring, Sumstine, Yant, Schneider. Motion carried.

Larry Evans
Larry Evans, Mayor

Attest:

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