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The Christmas City
Minden NEBRASKA

Minutes of Council Meeting
City of Minden, Nebraska
December 19, 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 Evans called the meeting to order at 6:00 p.m. The following City Council members were present: Jarvis Kring, Teresa Sumstine, Jack Yant. The following City Officials were present: Mayor Larry Evans, City Attorney Tom Lieske, and City Clerk Abbey Jordan. Absent: Council member Alyssa Schneider.

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

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

Then 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 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,** Council Announcements. Yant congratulated the Library on the impressive statistics throughout this last year. Evans thanked the pageant crew for setting this up for the performances. Evans wanted to congratulate the Minden One Acts team for receiving 3rd at State One Acts. Evans announced that the council members are welcome to attend the next League of Municipalities conference and meeting. Evans also thanked Tom Lieske for his many years of service as the City Attorney. He also thanked the Office staff for this year's budget book.

**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 excluding the Police Department
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

Amazon Capital Services--Supplies 269.45, Baker & Taylor Books--Supplies 357.28, Bill's Plumbing & Htg. Inc--Repairs 23.65, Black Hills Energy--Utilities 246.38, Cengage/Gale--Supplies 125.40, Central Nebraska Bobcat, Inc.--Rental 180.00, Chemsearch--Supplies 1,071.40, City Of Hastings--Fees 177.66, City Of Holdrege Landfill--Fees 6,125.07, Cooperative Producers,Inc.--Supplies 1,929.55, Electric Pump--Repairs 180.86, Emergency Medical Products--Supplies 950.57, Essential Resource Group Inc--Fees 44.49, Fraser Stryker Pc Llo--Legal 4,059.50, Fyr-Tek, Inc.--Supplies 158.81, Great Plains Communications--Phone/Internet 199.74, Greatamerica Financial Services Corporation--Financing 138.96, Innovative Pharmacists, Inc.--Medical 12.86, Intellicom Computer Consulting--Tech/Engineering 231.25, Isw--Supplies 9.60, Jims Ok Tire Minden Llc--Repairs 20.00, Lawson Products, Inc.--Supplies 134.94, Matheson Tri-Gas Inc--Supplies 168.46, M. Raffaeli--Fees 530.00, Midwest Laboratories--Fees 94.42, Midwest Tapes--Supplies 38.23, Minden Exchange Bank & Trust C--Financing 6,654.13, Minden Hardware--Supplies 437.72, Minden Office Supply, Inc--Supplies

66.69, Minden Opera House--Economic Development 51.88, Neenah Foundry Company--Maintenance 1,668.00, Nppd Kwh--Utilities 127,230.27, Nppd O&M--Maintenance 212,215.76, Olsson Associates--Tech/Engineering 763.44, One Call Concepts Inc--Fees 45.06, Oneill Heinrich Damkroger--Legal 97.50, Oriental Trading--Supplies 421.88, Pony Express Ford--Repairs 72.95, Presto X Co.--Fees 83.62, Quadient Finance Usa, Inc.--Financing 480.19, Quick Med Claims--Medical 852.25, Rek Enterprises Llc--Repairs 789.04, Rose Equipment Inc.--Repairs 2,007.46, Spectrum Business--Phone/Internet 1,299.42, Syndicate Publishing, Llc--Printing 293.72, Tyler Technologies--Tech/Engineering 15,497.62, Wex Bank--Gas 5,442.08, Wpci--Fees 200.00, 12-16-22 Payroll $67,561.22.

Yant questioned the overtime hours for the water department. Jordan explained the regular reoccurring overtime is the time for the utilities department on the weekends to check the water & sewer plants and making sure they are running ok. Fischer's overtime often includes council meeting attendance. Evans stated that he had questions over the bankruptcy of Compute North and this is why the legal fees are so high. He also stated the fees for Tyler Technologies are the annual fees for the office software and invited the council members to come in and see the program and ask questions. Lieske stated that Compute North is still in the process of bankruptcy and nothing has been finalized.

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

**Agenda Item #5**, Consider Approval of Police Department's Bills & Claims for this Council Meeting.

Sumstine motioned to approve the Police Department's Bills & Claims for this Council Meeting and Yant seconded. On roll call, the following voted aye: Sumstine and Yant. Absent: Schneider. Abstain: Kring. Motion carried.

**Agenda Item #6**, Consider Approval of Treasury Report, November 2022.

Jordan stated that the checking dropped and the investments increased in the Tax Funds. She explained the higher expenses that were made in this month. She then explained the checking and investment increases in the Enterprise Funds. She explained why there was a restricted bond fund of $85,000 kept separate from the rest of the restricted bonds funds.

Sumstine motioned to approve the November 2022 Treasury Report and Yant seconded. On roll call, the following voted aye: Kring, Sumstine, Yant. Absent: Schneider. Motion carried.

**Agenda Item #7**, Consider Approval of Budget Report, November 2022.

Jordan stated that these are the numbers for 2 months in this fiscal year. She stated the majority of the revenues are received in the summer months for water and electric. She explained the reasoning for the higher expenses being the purchase of the tanker truck and the down payments for the splash pad and pickleball/tennis courts.

Sumstine motioned to approve the November 2022 Budget Report and Kring seconded. On roll call, the following voted aye: Kring, Sumstine, Yant. Absent: Schneider. Motion carried.

**Agenda Item #8**, Public Forum

Jack Hultquist, 738 N Minden, stated that he will not be able to attend the condemnation hearing on January 3rd. He gave a history of the building on the SW corner of 4th Street and Colorado Ave. The building was constructed in 1887 which was 4 years after the first railroad came to Minden. Between 1890 and 1907, the one-story portion was added on to the west. Shortly thereafter, the second story was added to the west. Based on the pictures, Hultquist believes the north portion of the west addition isn't structurally sound. Hultquist is concerned about the historical value of the building.

Gerry Kershner wanted to congratulate the new members of the council and wished Lieske luck. No action taken.

**Agenda Item #9**, Consider Approval for Hiring of Additional Police Officer to be assigned to Minden Public Schools.

Police Chief Brad Butler explained the proposed opportunity for an additional officer for Minden Public Schools. The officer will be a liaison to fire and rescue, activities coordinator. It will expand what the police department is already doing. Most schools nationwide are going to this. The police department is already providing a presence at various school activities. Butler would like to resume the DARE program within the schools.

He stated that with the officers he has now he does not have the necessary workforce for an officer to be at the schools throughout the day to interact and provide classes for the students. He stated that the cost of this officer will be split with Minden Public Schools.

Jim Widdifield, Minden Public Schools Superintendent, stated the programs that he would like to offer for the students including internet safety. He also explained the safety audit requirements for the schools and how this officer would be able to help with this. The goal is for the school to be proactive and to benefit the school and the community. The school will be looking for grants for the officer.

School Board member, Rusty Rhynalds, spoke and gave his thoughts of this position. This was recently discussed at the school's budget hearing. The school needs to be prepared before a tragedy happens. He stated that the board had included $30,000 in the budget for this officer in this years budget. He stated that this person would be required to know the schools in and out and be able to educate the youth.

Yant inquired about a security officer versus a police officer. Chief Butler stated that this officer would need to be attached with an agency for them to be able to take action as an officer and some courses require them to be attached to an agency. Butler said in order to maintain your police certification an officer must be attached to an agency. Security officers handle security only and cannot handle a firearm.

Gerald Kershner wanted to reiterate what he heard Butler state. This is an opportunity to develop a one-on-one relationship with an officer.

Sumstine asked about the audit requirements. Widdifield explained the Fire Chief and Kearney County Emergency Manager come in and review the safe schools manual with them and make sure these rescue personnel have the accessibility to the areas they need. The police department conducts lockdown drills. Widdifield explained the cameras at all the schools currently. Rhynalds stated the schools cannot hire an officer, but they're very willing to provide support and financial support of a new officer.

Yant stated that he would like to be able to see a more detailed job description and cost estimates of this officer. At this time he would like to discuss with the schools of the split of costs. Butler explained the cost of this extra officer and the timeline requirement for the hiring process which is quite lengthy. Also, due to LB 51, after hire, he has only 4 months to get the new hire into the NE Law Enforcement Academy. He stated that he would have the new officer drive his cruiser and he'd take the old cruiser that the prior police chief drove.

Sumstine made a motion to table this item to better understand the costs of this officer and Yant seconded. On roll call, the following voted aye: Sumstine and Yant. Absent: Schneider. Abstain: Kring. Motion carried.

**Agenda Item #10**, Consider Approval of Letter Agreement for Professional Services with Olsson Associates for West Water Tower Repaint Project not to exceed $12,500 for Engineering Services only.

Jordan stated that this agreement does not include construction phase services including testing, questions, and payments. Brian Friedrichsen with Olsson Associates, stated that Olsson wanted to wait until a contractor has provided a schedule. Yant was surprised

about the cost. Friedrichsen stated this covers the state permitting and has been made aware of new paint specifications starting in 2023. DHHS will approve the plans and specifications and then give permission to fill the tower with water after the painting.

Kring motioned to approve the Letter Agreement for Professional Services with Olsson Associates for West Water Tower Repaint Project not to exceed $12,500. Sumstine seconded. On roll call, the following voted aye: Kring, Sumstine, and Yant. Absent: Schneider. Motion carried.

**Agenda Item #11**, Consider Approval of Certificate of Payment #1 in the Amount of $113,854.75 to Werner Construction for Minden West Estates Phase II.

Friedrichsen explained the pay request is for the work done for the sanitary sewer and the majority is for the stored materials related to utilities. Olsson has verified the materials on the invoices are on site. Evans clarified that the fire hydrant relocation on Industrial Drive is part of this invoice and Friedrichsen agreed. The contractors are not working this week due to the cold temperatures and will be taking the week off between Christmas and New Year's.

Yant motioned to approve the Certificate of Payment #1 to Werner Construction and Kring seconded. On roll call, the following voted aye: Kring, Sumstine, and Yant. Absent: Schneider. Motion carried.

**Agenda Item #12**, Consider Approval of Ordinance Adding Section 10-10, Animal Advisory Board; Establishment, to the Minden Municipal Code, First Reading.

Sumstine gave some background of the need for the Animal Advisory Board to be able to assist the Police Department. The board would consist of a veterinarian, City Health officer and citizens. She stated they would work with the Police Department to have better solutions for animals, raise awareness for dog licensing, and handling cats around Minden. This ordinance establishes a board.

Lieske stated that currently there are not ordinances dealing with cats. The board is advisory to advise the City Council.

Yant introduced Ordinance 1274 for its first reading.

**ORDINANCE NO. 1274**

AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE I, OF THE MUNICIPAL CODE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA, BY ADDING SECTION 10-10, AS THE SAME RELATES TO MANAGEMENT OF ANIMALS WITHIN THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA; 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 10-10 be added to the Municipal Code of the City of Minden, Kearney County, Nebraska, to read as follows:

**Section 10-10. Animal Advisory Board; Establishment**

There is hereby established the Animal Advisory Board of the City of Minden, whose duty it shall be to advise the mayor and city council on all matters relating to the management of any and all animals within the City of Minden. The board shall consist of seven members: five (5) members shall be appointed by the mayor subject to confirmation by the council. The appointed members shall serve staggered terms from one (1) to five (5) years for the initial appointment to the board. Thereafter, each member shall be appointed for a five-year term. One (1) of the appointed

shall be a licensed veterinarian, three (3) shall be registered voters residing within the city of Minden and one (1) member of the City Council. The other two (2) non-appointed members shall consist of the Chief of Police or designee and the designated City Health Officer or designee. The members of the board shall elect a board chairman. All appointed members shall serve without compensation. The Animal Advisory Board shall meet as necessary and at the call of the Chairman.

Source: C.O. Ord No. 1274, 12/19/2022.

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. 12XX and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 19th 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: Kring, Sumstine, Yant. Absent: Schneider. Motion carried.

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

Yant motioned to adopt Ordinance 1274 by title and Sumstine seconded. On roll call, the following voted aye: Kring, Sumstine, Yant. Absent: Schneider. Motion carried.

**Agenda Item #13**, Consider Approval of Resolution Appointing Representatives to the NMPP Members' Council.

**Resolution No. 1752**

**Appointment to NMPP Members' Council**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Minden, State of Nebraska, that:

1. Such City be and hereby is a member of the Nebraska Municipal Power Pool.

2. The City Council of the City of Minden, State of Nebraska, does hereby appoint Abbey Jordan, City Clerk, as the representative* of the City of Minden, State of Nebraska, to the Members' Council of the Nebraska Municipal Power Pool.

3. The City Council of the City of Minden, State of Nebraska, does hereby appoint Larry Evans, Mayor, as the alternate representative* of the City of Minden, State of Nebraska, to the Members' Council of the Nebraska Municipal Power Pool.

**Pursuant to Article V of the Amended and Restated Bylaws of the Nebraska Municipal Power Pool, "Any person appointed as Representative or Alternate Representative shall be a resident of the area receiving services from the appointing Member."*

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 19, 2022.

/s/ Larry Evans
Larry Evans, Mayor

Attest:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Kring motioned to approve Resolution 1752, appointing representatives to the NMPP Members. Yant seconded. On roll call, the following voted aye: Kring, Sumstine, Yant. Absent: Schneider. Motion carried.

**Agenda Item #14**, Consider Approval of a Contract with Community Action Partnership of Mid-Nebraska (Senior Center) to Help Support the Senior Nutrition Program.

Lieske explained the proposed contract to Mid Nebraska to provide $5,000

Kring motioned to approve the Budget Report and Sumstine seconded. On roll call, the following voted aye: Kring, and Sumstine. Absent: Schneider. Abstain: Yant. Motion carried.

**Agenda Item #15**, Discussion concerning Charging for Use of the Electric Vehicle Charging Station.

Jordan explained the increase of usage in the past 6 months. There are 2 consistent vehicles utilizing the charging station, but their use has decreased with the colder weather. The charging schema for $0.50 for the for 4 hours and $1.00 per hour thereafter encourages users to move their car after it's charged. However, the charging only occurs if the vehicle is plugged in.

Kring motioned to approve to charge with the charging station per hour at $0.50 for the for 4 hours and $1.00 per hour thereafter and Yant seconded. On roll call, the following voted aye: Kring, Sumstine, Yant. Absent: Schneider. Motion carried.

**Agenda Item #16**, Review proposals and Selection of City Attorney to begin January 1, 2023.

Yant motioned for the council to enter closed session at 7:17 pm. Kring seconded. On roll call, the following voted aye: Kring, Sumstine, Yant. Absent: Schneider. Motion carried.

Sumstine motioned to exit closed session at 7:38 pm and Kring seconded. On roll call, the following voted aye: Kring, Sumstine, Yant. Absent: Schneider. Motion carried.

Yant motioned to select the legal firm of Osborn and Cox, Andrew Olson as the City Attorney and Sumstine seconded. On roll call, the following voted aye: Sumstine, Yant. Absent: Schneider. Abstain: Kring. Motion carried.

**Agenda Item #17**, Discussion of City Administrator Vacancy.

Sumstine motioned for the council to enter closed session at 7:40 pm to discuss the City Administrator Vacancy. Kring seconded. On roll call, the following voted aye: Kring, Sumstine, Yant. Absent: Schneider. Motion carried.

Yant motioned to exit closed session at 7:54 pm and Sumstine seconded. On roll call, the following voted aye: Kring, Sumstine, Yant. Absent: Schneider. Motion carried. No action taken.

**Agenda Item #18,** Adjournment

Yant motioned to adjourn at 7:55 pm and Sumstine seconded. On roll call, the following voted aye: Kring, Sumstine, Yant. Absent: Schneider. Motion carried.

/s/ Larry Evans
Larry Evans, Mayor

Attest:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

(SEAL)