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The Christmas City
Minden NEBRASKA

Minutes of Council Meeting
City of Minden, Nebraska
January 3, 2023

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, and Alyssa Schneider. The following City Officials were absent: Jack Yant.

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.

- Next meeting is Tuesday, Jan 17th
- Contractors for MWE Phase II are coming to tear out trees around the pond
- The Parks staff has been removing the sidewalk at Chautauqua Park in preparation for the splash pad
- Tennis and Pickleball court colors have been decided
- The water department dealt with a few frozen pipes and leaks over the weekend

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
e. Consider Approval of Mayoral Appointments to the Animal Advisory Board of:
    i. Dr. John Kuehn for a term of 1/3/2023 to 12/31/2023
    ii. Teresa Sumstine for a term of 1/3/2023 to 12/31/2024
    iii. Jane Lammers for a term of 1/3/2023 to 12/31/2025
    iv. Allison Lempka for a term of 1/3/2023 to 12/31/2026
    v. Lynda Stangl for a term of 1/3/2023 to 12/31/2027
    vi. Andrew Olson as the City Attorney until 12/7/2026

Arvest Bank--Rental 8,500.00, B. Norgaard--Repairs 106.70, Black Hills Energy--Utilities 2,389.60, City Of Hastings--Fees 207.90, Core & Main Lp--Repairs 7,209.30, F. Rogers--Cleaning 591.25, Fraser Stryker Pc Llo--Legal 2,819.00, Great Plains Communications--Utilities 257.56, Isw--Supplies 99.05, Ke Co Treasurer--Fees 5,516.66, Landmark Implement Carquest--Repairs 618.29, League Of Nebr. Municipalities--Training 588.00, Lieske, Lieske & Ensz P. C., Llo--Legal 1,000.00, Mason's Market--Supplies 352.62, Minden Exchange Bank & Trust Co--Financing 6,050.40, Minden Office Supply, Inc--Supplies 870.83, Minden Utility Dept.--Utilities 4,996.69, Motorola Solutions, Inc.--Repairs 69.34, Nmc, Inc.--Repairs 71.42, Nphe--Fees 18.00, Olsson Associates--Tech/Engineering 15,144.82, Pony Express Ford--Repairs 86.95, Productivity Plus Account--Repairs 33.50, Share Corp.--Supplies 584.00, Syndicate Publishing, Llc--Printing 51.84, United States Postal Service--Fees 616.17, Verizon Wireless--Phone/Internet 3,108.48, Village Cleaners Inc--Cleaning 148.60, 12-30-22 Payroll $52,058.45.

Jordan had a correction to the full minutes. Schneider should have been noted as absent and not present. Kring motioned to approve the consent agenda and Sumstine seconded. On roll call, the following voted aye: Kring, Sumstine, and Schneider. Absent: Yant. 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 Schneider seconded. On roll call, the following voted aye: Sumstine and Schneider. Abstain: Kring. Absent: Yant. Motion carried.

Agenda Item #6, Public Forum

Tom Barnes, 441 W Lexington, was appreciative of the canopy for the cemetery cremation services that is on the agenda. Barnes recalls the date of 4-20-99 as the Columbine shooting. This was the opening of flood gates for many shootings. Shooting taken place and not by all means have the shootings happened in metropolitan areas. They have been in big and small schools, businesses and churches. It could happen in Minden Nebraska. Barnes believes that a resource officer would be able to build rapport with the students and in return we may notice something that needs to be addressed early on. They would also be able to build rapport making students feel comfortable going to them for others that are troubled. The resource officer should be trained to deal with people in multiple situations not only in using force to take out a shooter.

Gerald Kershner, 632 E 8th Street hopes the School Resource officer will be on a future agenda.

Agenda Item #7, Consider Approval of Agreement for Legal Services with Andrew Olson, Dier, Osborn, & Cox, P.C., L.L.O. as the City Attorney.

Lieske was being paid a monthly $1000 retainer fee which included 5 hours of legal time. After the 5 hours were used, Lieske would charge the City $95 per hour based on the City code which states the city prosecutor is paid the Kearney County district court appointed counsel rate.

Evans suggested $750 per month with no hours included then $95 per hour following the Kearney Court district court appointed counsel rate.

Kring motioned to approve the Agreement for Legal Services with Andrew Olson with a $750 monthly fee and the hourly fee to follow the Kearney County district court appointed counsel rate. Sumstine seconded. On roll call, the following voted aye: Kring, Sumstine, and Schneider. Absent: Yant. Motion carried.

Agenda Item #8, Public Hearing, Condemnation Hearing for the Property located at the SW corner of 4th Street and Colorado Ave or more Particularly Described as Lot 1, Block 14, Original Town, Minden, Kearney County, Nebraska.

Olson opened the public hearing at 6:16 p.m. for the Property located at the SW corner of 4th Street and Colorado Ave or more Particularly Described as Lot 1, Block 14, Original Town, Minden, Kearney County, Nebraska. The hearing is being recorded. The date is Tuesday, January 3rd. The time is 6:16 p.m.

Olson asked for those against the condemnation to speak.

John and Shelly Biever, 1336 W Sycamore Street, handed out documents to council. The first page is the floor plan of the first floor of the building. This building is one of the oldest buildings in Minden. Their first thought was to have apartments on the upper floor. They decided they didn't want to invest the funds necessary to do this. One of the costs they ran into was the need to install a sprinkler system in the building for an estimated total of $200,000. Next, they thought about retail on the main portion of the building, however, retail stores are not thriving in Minden. Presently, they would like to do an event venue to hold approximately 250 people.

The Northwest portion of the building is an addition built in the early 1940's. They believe that portion needs to be torn down. The Bievers received pricing from Blessing Construction to demo that portion. Two years ago, the estimate they received was $75,000. Paul Brumgardt, a structural engineer out of Kearney looked at the building before they purchased it stating the main structure was in the best shape he had ever seen for a building that was constructed during that time. Richard Fees is a masonry that had done the previous work to the addition. Fees' findings were that the footings are not big enough or stable and there is no concrete slab. The addition needs to be torn down. The Bievers have found a contractor to take the addition down by hand instead of having it bulldozed by a demolition company. By taking it down by hand they are able to control the building while it goes down.

The Bievers have also received bids to install new windows. Window World would need to install a bottom panel with glass above because windows are not made in the size needed. The Bievers were not satisfied with this solution as it would take away the look of the old building. They reached out to C&C Millwork from Grand Island to take the window frames and re-mill them for the 2nd floor. Once they are done, the windows will be frosted.

They are in the process of applying for a loan to pay for the repairs. If the loan is approved, they would give the go ahead to C&C to get started on the window frames. This will take about 3 months to complete. Then in the spring they will work on painting the frames with a lift. That would also be the time the contractor will be able to start deconstructing the addition of the building. The Bievers are concentrating on getting the building structurally sound and looking good, then they will have the building up for sale.

The Bievers believe the City of Minden is making it hard for people to repair an old building due to city codes. The city requires architectural plans for a business to remodel an existing building which costs approximately $36,000. The Bievers are hoping for a mid-June completion date for the windows and deconstruction of the addition of the building.

The Bievers are asking the council to forgive the last 12 payments of the downtown improvement loan. The loan payment is $280 per month for a total of approximately $3,300. If the City would forgive the last 12 payments, it would help alleviate some of the debt associated with the building.

No one else spoke against the condemnation order. No one spoke in favor of the condemnation order. The hearing was closed at 6:35 p.m.

Agenda Item #9, Consider Issuance of Order of Condemnation for the Property located at the SW corner of 4th Street and Colorado Ave or more Particularly Described as Lot 1, Block 14, Original Town, Minden, Kearney County, Nebraska.

Sumstine is passionate about old buildings. Jack Hultquist, local historian, loves the building and believes it is worth saving and believes the inside of the building is structurally sound. Sumstine believes that it is important that there is a plan to tear down the addition, which is the safety concern.

Kring shared his concerns about the windows falling out of the building. Kring requested visual daily inspections by the Bievers to see any new problems. Shelley Biever reminded all the glass in the windows is 100 years old and is not tempered.

Justin Cline, City Code Officer, requested a copy of the paperwork from the structural engineer stating that the main structure is sound. One of the reasons for a set of stamped plans is because we have a part time code employee and engineers can complete inspections to make sure everything is up to code and progressing correctly.

Chief Butler, City of Minden Police Chief, stated his main concern is safety. Numerous things have fallen off the building. Currently, the building is taking up parking spaces due to the barricades for the safety concern. Butler wanted the council to take into consideration that citizens must walk in the street instead of on the sidewalk when they are deciding on a timeline. No progress has been made in the past three years while it's been deteriorating.

Olson asked the Bievers if they have liability insurance on the building? Shelley Biever replied yes they do.

Christ Klahn, Street Superintendent, informed the council the city is supplying barricades and cones as a favor due to the public safety concern. The Bievers need to secure the facility and hazardous area as it is not the City's responsibility.

Discussion took place about a timeline and the necessary repairs and demolition needed. The City of Minden will leave barricades as is until Feb 21st. Shelley stated they have to wait at least 30 days for the loan paperwork to process.

Kring motioned to approve the Issuance of Condemnation with the following items:

- The portion of the building known as the NW addition with an address of 202 E. 4th Street is to be demolished and debris cleared and removed by June 30, 2023.
- The following repairs must be made by February 20, 2023:
    - Window coverings placed on all second story windows
    - Window coverings placed on first story windows of the NW addition
- Provide the City of Minden with a copy of your insurance policy for the property by February 20, 2023
- Conduct daily visual inspections for debris and clean-up as needed
- Provide a progress update at the February 21st City Council meeting

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

Agenda Item #10, Consider Approval of NPPD Project #5454204 for Electrical Infrastructure for Minden West Estates II for approximately $153,380.59.

Chris Roehrich and Jamie Becker from NPPD. Roehrich does design work and Jamie is in charge of the construction portion of the project. All underground electric with a few above ground poles. The City will have to hire a contractor to provide the conduit and trenching for the entire project at an additional cost.

Discussion took place concerning the project cost versus the amount budgeted in the light fund for this.

Sumstine motioned to approve the NPPD Project #5454204 and Kring seconded. On roll call, the following voted aye: Kring, Sumstine, and Schneider. Absent: Yant. Motion carried.

Agenda Item #11, Consider Approval of the CANDO (Compact for Apprehension of Narcotics Dealers and Offenders) Interlocal for Cooperative Law Enforcement Services with the Sheriff's Offices of Adams County, Buffalo County, Franklin County, Hall County, Kearney County, Phelps County and Clay County; and the Cities of Grand Island, Hastings, Kearney, and Holdrege.

It has been 10-12 years since the CANDO agreement has been reviewed. Butler had the county attorney review the interlocal agreement to make sure it still meets state statutes. All entities are going to their boards, councils, mayors to resign the interlocal agreement. Since Butler is now overseeing the program, he will review the agreement more frequently to stay current.

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

Agenda Item #12, Consider Approval of Purchase of a Tent and Chair Covers for $ 4,771.88 for Cremation Burials at the Cemetery.

Pete Marshall, Cemetery Superintendent, currently offers a carpet covered box and six folding chairs for a cremation burial. Marshall would like a tent and eight chairs with chair covers.

Kring motioned to approve the purchase of a tent and chair covers. Schneider seconded. On roll call, the following voted aye: Kring, Sumstine, and Schneider. Absent: Yant. Motion carried.

Agenda Item #13, Adjournment

Sumstine motioned to adjourn at 7:31 pm and Schneider seconded. On roll call, the following voted aye: Kring, Sumstine, and Schneider. Absent: Yant. Motion carried.

/s/ Larry Evans
Larry Evans, Mayor

Attest:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

(SEAL)