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

phone 308.832.1820
fax 308.832.1949
www.MindenNebraska.org

The Christmas City
Minden NEBRASKA

Minutes of Council Meeting
City of Minden, Nebraska
February 21, 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, Jack Yant and Alyssa Schneider. The following City Officials were present: Mayor Larry Evans, City Attorney Andrew Olson, 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, 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. Sumstine congratulated the 3 boys that medaled in state wrestling. The girls team didn't bring home any medals, but put in a great effort. Evans thanked the city crews that removed snow from the previous snow storm. The police department was also thanked for moving vehicles to aid in the snow removal.

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 Special Designated Liquor Permits for 3D Bar & Grill for March 17, 2023 from 4 pm to 12 pm at the Kearney County Fairgrounds for a Chamber Event.

911 Custom--Uniforms 207.00, Amazon Capital Services--Supplies 255.20, Anderson Bros Ele Inc--Repairs 929.14, Baker & Taylor Books--Supplies 372.12, Black Hills Energy--Utilities 430.48, B. Weber--Training 199.90, Cardmember Service--Supplies 1,561.33, Cengage/Gale--Supplies 24.69, C. Scheppy--Supplies 228.39, City Of Holdrege Landfill--Fees 4,995.67, Cooperative Producers,Inc.--Gas 1,253.87, D. Fischer--Fees 60.00, Dier,Osborn & Cox, P.C., L.L.O--Legal 3,218.20, Dollar General-Regions 410526--Supplies 24.00, Emergency Medical Products--Supplies 821.38, E. Vanhorn--Supplies 74.00, Fyr-Tek, Inc.--Supplies 608.00, Great Plains Communications--Utilities 134.84, Greatamerica Financial Services Corporation--Fees 309.94, Green Quest Recycling Inc--Fees 445.46, Husker Auto Group Llc--Financing 52,727.00, Intellicom Computer Consulting--Tech/Engineering 4,483.50, Isw--Supplies 9.92, J. Wright--Training 330.00, J. Carter--Repairs 105.00, J. Johnson Construction--Repairs 120.00, Jims Ok Tire Minden Llc--Repairs 87.50, John Deere Financial--Repairs 590.85, Ke Co Treasurer--Fees 15.00, Lcl Truck Equipment, Inc--Repairs 336.00, Logan

Contractors Supply--Supplies 1,917.00, M. Jordan--Training 144.00, Menards Of Kearney--Supplies 39.92, Midwest Hydraulic Service & Equipment Co.--Repairs 462.30, Midwest Laboratories--Fees 81.42, Midwest Tapes--Supplies 306.13, Miller & Associates--Tech/Engineering 2,023.75, Minden Exchange Bank & Trust C--Financing 6,654.13, Minden Hardware--Supplies 140.27, Minden Lumber & Concrete Co.--Supplies 79.97, Minden Machine Shop Inc--Supplies 642.13, Minden Office Supply, Inc--Supplies 267.64, National Association Of Drug Diversion Investigators, Inc.--Fees 125.00, Northern Safety & Industrial--Repairs 111.63, Nppd Kwh--Utilities 141,592.75, Nppd O&M--Maintenance 19,865.21, Olsson Associates--Tech/Engineering 36,942.98, One Call Concepts Inc--Fees 41.94, P. Carkoski Construction--Infrastructure Repair 28,651.82, Pony Express Ford--Repairs 72.35, Presto X Co.--Fees 153.68, Productivity Plus Account--Financing 217.68, Quadient Finance Usa, Inc.--Fees 400.00, Quick Med Claims--Fees 1,324.41, Spectrum Business--Utilities 1,302.62, Wex Bank--Gas 5,556.48, 2-10-23 Payroll $51,649.49.

Yant had a correction to the 2-13-23 minutes for agenda item #5 to add the council member who seconded. Evans mentioned the City is currently paying to dispose of items to be recycled. Jordan mentioned the new reports on building permits and cemetery burials.

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

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

Evans stated the dog kennel license was moved from the police department to the administration fund. Yant motioned to approve the Police Department's Bills & Claims for this Council Meeting and Schneider seconded. On roll call, the following voted aye: Sumstine, Yant and Schneider. Abstain: Kring. Motion carried.

Agenda Item #6, Public Forum

No Public Comments were made.

Agenda Item #7, Consider Approval of Treasury Report, January 2023.

Jordan stated the tax fund checking decreased by $125,000 and the investments increased by $91,000. The enterprise checking dropped $86,000 and the enterprise investments increased by $73,000. The city's overall treasury decreased $47,000. Jordan reviewed the provided spreadsheet showing larger revenues received in December and larger expenses. None of the payroll expenses are included in this. The funds for MWE II for streets, stormwater, and sewer expenses can be moved from the bond funds received and to the checking funds.

Evans stated Brad Slaughter, Piper & Sandler, will be here March 6th to discuss and approve getting a note for short term financing for the water and electricity portion of the MWE II and South Substation projects portion of the bonds. Cederburg had previously discussed doing this. The City will not receive the bond funds for these portions of the projects until the project is substantially complete.

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

Agenda Item #8, Consider Approval of Budget Report, January 2023.

Jordan reviewed the expenses that are overbudget which are the accounts the bonds are paid out of. Principal and Interest payments were made in December and interest only payments will be made in June. The fire expenses are low due to the purchase of the new tanker truck.

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

Agenda Item #9, Consider Approval to Submit a Pre-Application for the NE Affordable Housing Trust Fund Grant for the Old Bank Building located at the NE Corner of 6th Street and Minden Avenue.

Sharon Hueftle and Leann Jochum with South Central Economic Development District attended to speak on the project. Hueftle stated there are two separate investors interest in the old bank building. There would be 4 to 5 rental units in the building along with rental space. The funds have to run through a municipality and the pre-application is due March 9th with various interim deadlines. Only municipalities and non-profits are eligible to apply. The grant funding appears to be limited to $40,000 per unit. It would be a three year project. The City can stop the grant at any point in time even if it is approved tonight. The full application is due May 11th with city council approval requested at the May 1st meeting. TIF funds may also be requested this project.

Kring motioned to Submit a Pre-Application for the NE Affordable Housing Trust Fund Grant and Sumstine seconded. On roll call, the following voted aye: Kring, Sumstine, Yant, and Schneider. Motion carried.

After the motion, Hueftle stated the City would have to pay the project expenses and then request reimbursement from the state. Hueftle had initially stated she'd thought the developer would pay the costs and then be reimbursed.

Agenda Item #10, Presentation of Jensen Memorial Library Annual Report by Library Director, Janene Hill.

Hill reviewed the highlights of the prior year including the higher visitors and checkout numbers. The biggest change was the internet wiring acquiring 5x higher speeds and a separate network for staff versus patrons. Summer reading participants were the highest ever. This year the most grants were received.

Schneider read a statement concerning the power the library books provide.

Yant asked about the accreditation status. Hill replied they are a silver level which is normal for our size, but they're really close to the gold level and are striving for that the next time.

Agenda Item #11, Consider Approval of Resolution for Public Participation Policy.

Evans wished to formalize the public participation policy for all meetings.

Resolution No. 1753

Public Participation Policy

WHEREAS, the City of Minden requires formal policies to guide the publics participation in meetings of the City Council and all of the City's various authorities, boards and commissions, and;

WHEREAS, the City Council has the authority and responsibility to make and enforce the rules and regulations regarding the conduct of persons attending and speaking at local public meetings;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Minden, Nebraska that the following City of Minden Public Participation Policy be adopted and enforced at all local public meetings.

City of Minden Public Participation Policy

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

phone 308.832.1820
fax 308.832.1949
www.MindenNebraska.org

The Christmas City
Minden NEBRASKA

In accordance with the Open Meetings Act of the State of Nebraska Neb. Rev. Statute 84-1407 et seq. (Act), which provides that every meeting of a public body shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of public bodies, except as otherwise provided by the Constitution of Nebraska federal statutes, and the Open Meetings Act and which provides that a body may not be required to allow citizens to speak at each meeting but it may forbid public participation at all meetings, the Minden City Council has adopted the following policy for public participation at meetings of all the City's authorities boards and commissions which qualify as a meeting under the Act.

1. **Attendance**
    a. Members of the public are permitted to attend meetings of the City Council and other authorities, boards and commissions which are open to the public.
    b. Members of the public will not be required to identify themselves as a condition for admission to a meeting,
2. **Speaking**
    a. For meetings at which a public comment period is offered as noted on the meeting agenda, the public comment period will generally be a maximum of three (3) minutes and will be handled on a first-come, first-served basis.
    b. The presiding officer shall have the discretion to adjust the amount of time set aside for public comment, and the amount of time set aside may, at the presiding officer's discretion, vary from meeting to meeting.
    c. Every member of the public addressing the public body shall begin by stating his or her name, address (unless the address requirement is waived to protect the security of the individual) and the name of any organization represented by such person for the purpose of maintaining a proper record.
    d. Remarks shall be concise and limited to no more than three (3) minutes unless the presiding officer grants additional time.
    e. All remarks made shall be addressed to the Council, Board or committee as a body and not to any individual member thereof.
3. **Recording**
    a. The presiding officer of the meeting may designate a location for persons attending, videotaping, televising, photographing, broadcasting, or recording the meetings.
    b. All members of the public in attendance and those speaking are required to be courteous and respectful to others in attendance and to members of the public body. Members of the public are not allowed to interrupt other speakers or public body members, to threaten the safety of meeting attendees to behave in a hostile or disruptive manner.
    c. Persons in violation of this policy may be asked to leave or removed from the meeting.

The City Council may at any time, make and enforce other rules regarding the conduct of persons attending or speaking at local public meetings, that are not in conflict with current Federal Law, the Constitution of Nebraska or the Nebraska Open Meetings Act.

PASSED AND APPROVED this 21st day of February, 2023.

/s/ Larry Evans
Larry Evans, Mayor

Attest:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Yant motioned to approve the Resolution 1753, for Public Participation Policy and Kring seconded. On roll call, the following voted aye: Kring, Sumstine, Yant and Schneider. Motion carried.

Agenda Item #12, Consider Approval of Pool Repairs of the Heaters, Piping and Circulation Pump.

Evans stated that since October of 2013 we have spent $41,586 on pool repairs which equates to approximately $4,000 per year. We only have $87,000.00 budgeted for pool repairs. Cederburg had budgeted for a $100,000 internal service fund loan for pool repairs.

Yant motioned to approve the Pool Repairs of the Heaters, Piping and Circulation Pump and Sumstine seconded. On roll call, the following voted aye: Kring, Sumstine, Yant and Schneider. Motion carried.

Agenda Item #13, Consider Approval of Ordinance adding Sections 82-99 (p) and 82-99 (q) concerning Parking, to the Minden Municipal Code, First Reading.

Brad Butler, Police Chief, shared his concerns of getting emergency services to the country club during events. He has met with emergency management and fire & rescue and all shared the concern. Butler has spoken with the country club board, residents along North Colorado, and the schools. The schools have a plan to shuttle people to the event when needed. If approved, Butler will contact the state to request no parking signs be placed along the highway as that has also been a problem.

Yant introduced Ordinance 1277 for its first reading.

ORDINANCE NO. 1277

AN ORDINANCE TO AMEND CHAPTER 82, ARTICLE V, OF THE MUNICIPAL CODE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA, BY AMENDING SECTION 82-99 AS THE SAME RELATES TO PARKING; 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 82-99 (p), of the Municipal Code of the City of Minden, Kearney County, Nebraska, be added to the Municipal Code of the City of Minden, the same to read as follows:

Section 82-99 (p). No Parking Area Designated on Colorado Avenue in the City of Minden, Kearney County, Nebraska. It shall be unlawful for the driver of any motor vehicle to park the motor vehicle on the East side of Colorado Avenue from 13th Street to 16th Street. All of said streets are in the City of Minden.

(C.O. Ord No. 1277, 02/21/2023)

Section 2. That Section 82-99 (q), of the Municipal Code of the City of Minden, Kearney County, Nebraska, be added to the Municipal Code of the City of Minden, the same to read as follows:

Section 82-99 (q). No Parking Areas Designated on 16th Street in the City of Minden, Kearney County, Nebraska. It shall be unlawful for the driver of any motor vehicle to park the motor vehicle on the NORTH side of 16th Street from Colorado Avenue to Brown Avenue; and the NORTH and SOUTH sides of 16th Street from Brown Avenue to the west city limits. All of said streets are in the City of Minden.

(C.O. Ord No. 1277, 02/21/2023)

Section 3. 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 4. This ordinance shall be known as Ordinance No. 1277 and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 21st day of February, 2023.

/s/ Larry Evans
Larry Evans, Mayor

ATTEST:

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

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

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

Yant motioned to adopt Ordinance 1277 by title and Sumstine seconded. On roll call, the following voted aye: Kring, Sumstine, Yant, and Schneider. Motion carried

Agenda Item #14, Consider Approval of Ordinance adding Chapter 50, Article V, Sex Offender Residency Restrictions to the Minden Municipal Code, First Reading.

Olson stated he'd received an inquiry from a local realtor about this. Olson reviewed state statute and cities are allowed to restrict sex offender residency within 500 feet of a school.

Sumstine introduced Ordinance 1278 for its first reading.

ORDINANCE NO. 1278

AN ORDINANCE TO ADD CHAPTER 50, ARTICLE V TO THE MUNICIPAL CODE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA FOR RESIDENCY RESTRICTIONS FOR SEX OFFENDERS; 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 Article V, Residency Restrictions for Sex Offenders be added to Chapter 50 of the Municipal Code of the City of Minden, Kearney County, Nebraska, the same to read as follows:

Chapter 50, Article V. – Residency Restrictions for Sex Offenders

Sec. 50-92. – Purpose

It is the intent of this ordinance to serve the City's compelling interest to protect the health, safety and welfare of the children of the City of Minden, Nebraska from the risk that sex offenders may reoffend where children congregate on a regular concentrated basis by prohibiting certain sex offenders from establishing a residence around schools and/or licensed day cares.

Sec. 50-93. – Definitions
The following words, terms and phrases, when used in this ordinance, shall have the meanings prescribed to them in this section, except where the context clearly indicates a different meaning:

SEX OFFENDER shall mean a person who has been convicted of a crime listed in Neb. Rev. Stat. §§29-4003 and subject to registration for 25 years or more under the Sex Offenders Registration Act, Neb. Rev. Stat. §§29-4001 to 29-4014, (2004 Cum. Supp. and 2005 Supp.).

RESIDE or *RESIDENCE* shall mean a place where the sex offender abides, lodges, lives or sleeps for five (5) or more aggregate working days.

SCHOOL shall mean any public or non-public school accredited or approved by the State of Nebraska which has or includes any or all grade kindergarten through 12th grade.

Sec. 50-94. – Residency Restrictions.
It shall be unlawful for a sex offenders to reside within five hundred (500) feet of the real property comprising a school or licensed day care.

Sec. 50-95. – Measurement of Distance.
For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the residence to the nearest outer property line of the school or licensed day care.

Sec. 50-96. – Penalty for Violation.
Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed six (6) months or by a fine of not less than two hundred fifty dollars ($250.00) nor more than five hundred dollars ($500.00) or both such fine and imprisonment.
Sec. 50-97. – Exceptions.
A sex offender residing within five hundred (500) feet of the real property comprising a school or licensed day care does not commit a violation of this section if any of the following apply:

1. The sex offender is committed to, being evaluated at, or required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility.
2. The sex offender has established a residence prior to the effective date of this ordinance.
3. The sex offender has established a residence prior to the dedication of location or start of construction, whichever is earlier, of the school or licensed day care.
4. The sex offender is, or was at the time of conviction, a minor not subject to the Sex Offenders Registration Act because they were not convicted as an adult.
5. The sex offender is a ward under guardianship.
6. The sex offender is residing at an in-patient or residential treatment center for sex offenders.

Sec. 50-98. – Fair Housing Act, Rehabilitation Act, and Americans with Disabilities Act.
This section does not preclude a sex offenders deemed to be handicapped or disabled under the Fair Housing Act, Rehabilitation Act, or Americans with Disabilities Act from pursuing requests for reasonable accommodations.

(C.O. Ord No. 1278, 02/21/2023)

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. 1278 and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 21st day of February, 2023.

/s/ Larry Evans
Larry Evans, Mayor

ATTEST:

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

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

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

Sumstine motioned to adopt Ordinance 1278 by title and Schneider seconded. On roll call, the following voted aye: Kring, Sumstine, Yant, and Schneider. Motion carried

Agenda Item #15, Review of the Order of Condemnation for Lot 1, Block 14, Original Town, Minden, Kearney County, Nebraska and Take Action as Desired.

John and Shelly Biever 1336 W Sycamore, stated their loan application has been submitted to underwriting, but do not know if it is approved. It'll be approximately 4 weeks until they'd receive funds if approved. Jordan confirmed receipt of their insurance coverage on the property. Olson asked if they have a contractor lined up? S. Biever replied yes, Dana Hansen.

Evans started the discussion concerning the City barricades. Evans asked Kevin Krull as the City's insurance agent, the liability for the City. Krull stated the City is assuming part of the risk the building is going to fall down by providing barricades. He recommended removing the barricades as the Bievers have provided proof of their insurance as they would then be liable for any damages that occur. Yant suggested orange mesh snow fence for the Biever's for barricades and put in no parking signs. Police would not be able to enforce signs that are placed.

Yant would like to extend the condemnation for another 30 days. Olson confirmed the current Order of Condemnation would need to be rescinded and a new one issued in order to change anything on it.

Yant motioned to rescind the current Order of Condemnation and issue a new Order of Condemnation for the following: 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 March 20, 2023: window coverings (wood or metal) placed on all second story

windows, window coverings (wood or metal) placed on first story windows of the NW addition; conduct daily visual inspections for debris and clean-up as needed, and provide a progress update at the March 20, 2023 City Council meeting.

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

Olson requested the Bievers to reach out to the group issuing the grant to get a status update about a week before the March 20th meeting. Chris also stated there will need to be a street closing permit for the sidewalk and street closure on the north side of their building.

Agenda Item #16, Adjournment

Schneider motioned to adjourn at 7:16 pm and Kring seconded. On roll call, the following voted aye: Kring, Sumstine, Yant and Schneider. Motion carried.

/s/ Larry Evans
Larry Evans, Mayor

Attest:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

(SEAL)