

# City of Minden

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

phone 308.832.1820  
fax 308.832.1949  
www.MindenNebraska.org



## Minutes of Council Meeting City of Minden, Nebraska March 20, 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. Evans welcomed the FFA Members. Evans also announced that March is Red Cross Month and National Agriculture Month. Minden High School Speech Coach Jeffery Horner was selected as the 2022-2023 National Federation of State High School Association Outstanding Educator in Speech and Debate Award.

**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

A. Eschliman--Supplies 60.00, Amazon Capital Services--Supplies 87.50, Anderson Bros Ele Inc--Repairs 3,110.11, Baker & Taylor Books--Supplies 798.14, B. Norgaard--Repairs 135.94, Bill's Plumbing & Htg. Inc--Repairs 1,003.60, Black Hills Energy--Utilities 468.42, B. Weber--Training 250.00, Cardmember Service--Supplies 195.68, Carrot Top Industries--Supplies 340.70, Cengage/Gale--Supplies 74.72, City Of Holdrege Landfill--Fees 5,106.01, Cooperative Producers, Inc.--Gas 2,512.07, Dhhs Div Of Public Health--Fees 1,100.00, Dier, Osborn & Cox, P.C., L.L.O--Legal 2,460.50, Dollar General-Regions 410526--Supplies 53.05, Downey Drilling, Inc--Repairs 4,011.96, Fyr-Tek, Inc.--Supplies 10,653.54, Gokie's Daylight Donut--Supplies 100.00, Great Plains Communications--Utilities 134.84, Greatamerica Financial Services Corporation--Financing 135.23, Green Quest Recycling Inc--Fees 165.70, Intellicom Computer Consulting--Tech/Engineering 2,662.35, Isw--Supplies 8.96, J. Yant--Training 1,012.04, J. Carter--Repairs 267.50, Jims Ok

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Tire Minden Llc--Supplies 6,170.88, John Deere Financial--Repairs 495.03, K&D Motor & Electric Inc--Supplies 222.02, M. Melroy--Training 150.00, Menards Of Kearney--Supplies 226.58, M. Shelton--Training 400.00, Mid Nebraska Aggregate, Inc--Maintenance 1,271.64, Midwest Laboratories--Fees 85.67, Midwest Tapes--Supplies 157.69, Minden Exchange Bank & Trust C--Financing 6,654.13, Minden Lumber & Concrete Co.--Supplies 59.93, Minden Office Supply, Inc--Supplies 43.47, National Association Of Drug Diversion Investigators, Inc.--Training 150.00, Nebraska Ems Association--Fees 470.00, Nmc, Inc.--Repairs 160.59, Nppd Kwh--Utilities 144,157.31, Nppd O&M--Maintenance 41,518.69, Olsson --Tech/Engineering 2,279.11, One Call Concepts Inc--Fees 26.40, Oneill Heinrich Damkroger--Legal 202.50, Penworthy/Media Source--Supplies 180.07, Platte Valley Communications Of Kearney, Inc.--Repairs 178.50, Presto X Co.--Fees 83.62, Quadient Finance Usa, Inc.--Financing 444.52, Quick Med Claims--Fees 458.89, Siteone Landscape Supply Holding, Llc--Supplies 1,440.00, Spectrum Business--Utilities 1,302.62, Syndicate Publishing, Llc--Printing 74.14, T. Holsten--Training 150.00, Verizon Wireless--Utilities 629.18, Wex Bank--Gas 5,629.05, World Book Inc--Supplies 269.97, W. Binderup--Training 371.13, 3-10-23 Payroll \$50,745.36

Yant motioned to approve the consent agenda and Kring 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.

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

**Agenda Item #6**, Public Forum

Dr. Andy Craig, wanted to speak about the Resource Officer. He stated that the student relations with the police officer is a positive for students inside and outside the schools. As a member of the Minden School Board, and resident of Minden, Dr. Craig stated that with a Resource Officer would enhance a community partnership between the City and Minden Public School. An officer should not be seen in a negative light but one of safety for our students and administration. Looking at how much our education system has changed and the demographics which have changed and the future of the community, he would encourage the hiring of a resource officer.

Katie Sinsel, dually elected school board member outlined the difference between a Resource Officer vs a Peace officer. De facto— police resource officer is one who enforces the rule of law and policy corporate law and private for profit. A peace officer is a person who protects all people, common law, and God's law. A police officer enforces the law to protect all people. A peace officer would be a win-win for the City of Minden

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

Jordan explained the changes in the city's checking and investment accounts. She also explained the higher revenues and expenses within the accounts, such as the ACE Revenues for the Gas Selection period.

Sumstine asked about the water infrastructure repairs. Jordan stated that she can look that up with more detail for her of what this includes.

Schneider motioned to approve the Treasury Report for February 2023 and Kring seconded. On roll call, the following voted aye: Kring, Sumstine, Yant, and Schneider. Motion carried.

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

Jordan explained the changes in the budget for February 2023

Sumstine motioned to approve the Budget Report for February 2023 and Schneider seconded. On roll call, the following voted aye: Krings, Sumstine, Yant, and Schneider. Motion carried.

### **Agenda Item #16**, Presentation by the Minden Future Farmers of America.

Macie Whipple, Minden High School FFA Instructor, along with Minden High School FFA participants; Makenna Betty, Kate Boudreau, Hannah Donley, Emma Grube, Larissa Labenz, Sam Cederburg, and Dawson Conyers presented a short skit of agriculture misinformation in a style similar to a Tik-Tok.

### **Agenda Item #9**, Public Hearing for Resolution of Necessity creating Storm Water Sewer District No. 2022-1.

Attorney Olson opened the public hearing at 6:33 p.m. Joe Anderson asked for clarification on what this hearing was for. It was explained that this is for MWE Phase II sewer and stormwater construction. To satisfy the policies of the bond, the public hearing notification of the public hearing needed to be published twice in our local paper. The hearing was closed at 6:34 p.m.

### **Agenda Item #10**, Consider Approval of Resolution of Necessity creating Storm Water Sewer District No. 2022-1.

Brad Slaughter with Piper & Sandler explained that the publication of the resolution is required by State Statute.

#### **RESOLUTION NO. 1754**

**A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING ADDITIONS AND IMPROVEMENTS TO THE CITY'S STORM WATER SEWER SYSTEM; CREATING STORM WATER SEWER DISTRICT NO. 2022-1 OF THE CITY; MAKING REFERENCE TO AND APPROVING PLANS AND SPECIFICATIONS; APPROVING THE ENGINEERS' ESTIMATE OF COSTS; PROVIDING FOR THE ISSUANCE OF BONDS, WARRANTS AND NOTES, DETERMINING IMPROVEMENTS TO BE GENERAL PUBLIC IMPROVEMENTS NOT OF SPECIAL BENEFIT TO PROPERTY WITHIN SAID DISTRICT AND PROVIDING FOR THE EFFECTIVENESS OF THIS RESOLUTION**

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MINDEN, NEBRASKA, as follows:**

Section 1. The Mayor and City Council hereby find and determine that it is necessary and advisable to construct additions and improvements to the City's Storm Water sewer system consisting of the following:

Storm sewer improvements related to construction of Oak Street and Evergreen Street within the district, excavation and improvement of storm water retention pond within the district.



Section 2. For purposes of constructing said additions and improvements, there is hereby ordered created Storm Water Sewer District No. 2022-1, which shall include certain property within the City fully described as follows:

**LEGAL DESCRIPTION**

A TRACT OF LAND LOCATED IN PART OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION TWELVE (12), TOWNSHIP SIX (6) NORTH, RANGE FIFTEEN (15) WEST OF THE 6TH P.M., KEARNEY COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 21; THENCE ON AN ASSUMED BEARING OF S89°12'17"W A DISTANCE OF 914.10 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF C.R.A. ADDITION TO THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKAS; THENCE CONTINUING S89°12'17"W A DISTANCE OF 402.85 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4); THENCE NORTH ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER (1/4), SOUTHWEST QUARTER (1/4), N00°45'37"W A DISTANCE OF 1127.01 FEET TO A POINT ON THE SOUTH LINE OF MINDEN WEST ESTATES THIRD SUBDIVISION; THENCE N86°44'28"E ALONG SAID SOUTH LINE MINDEN WEST THIRD ESTATES A DISTANCE OF 922.91 FEET; THENCE ON SAID SOUTH LINE MINDEN WEST THIRD N89°06'09"E A DISTANCE OF 388.30 FEET TO POINT ON WEST LINE OF A TRACT OF LAND SURVEYED BY BRIAN L LANGENBERG, LS 546, DATED SEPTEMBER 27, 2004; THENCE S53°52'45"W ON THE WEST LINE OF SAID SURVEYED TRACT, A DISTANCE OF 245.62; THENCE S34°12'27"W ON THE WEST LINE OF SAID SURVEYED TRACT, A DISTANCE OF 997.72 FEET; THENCE S00°49'22"E ON THE WEST LINE OF SAID SURVEYED TRACT, A DISTANCE OF 55.15 FEET TO THE NORTHEAST CORNER OF LOT 1, OF SAID C.R.A. ADDITION; THENCE S89°20'12"W ALONG THE NORTH LINE OF SAID LOT 1, C.R.A. ADDITION A DISTANCE OF 41.55 FEET; THENCE S44°32'34"W ALONG THE NORTHWESTERLY LINE OF SAID LOT 1, C.R.A. ADDITION, A DISTANCE OF 94.00 FEET; THENCE S16°03'13"W ALONG THE WEST LINE OF SAID LOT 1 C.R.A ADDITION, A DISTANCE OF 90.91 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 922592 SQUARE FEET OR 21.180 ACRES MORE OR LESS OF WHICH 3.713 ACRES ARE NEW DEDICATED ROAD RIGHT-OF-WAY.

Section 3. Reference is hereby made to the plans and specifications (the "Plans") for said additions and improvements which have been prepared by Olsson and Associates, engineers for the City, and which, together with the estimate of total cost for said additions and improvements have been filed with the City Clerk prior to the proposing of this resolution.

Section 4. The engineer's estimate of total cost for the proposed Storm Water sewer system additions and improvements for said District is \$1,025,000, which amount does not include interest cost, cost of issuance or other expenses of the City.

Section 5. It is hereby found and determined that such improvements are of general benefit to the City and that no special assessments shall be levied against the property in the District. Temporary financing may be provided through the issuance of bond

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anticipation notes as provided by Section 10-137, R.R.S. Neb., as amended. Said additions and improvements shall be financed on a permanent basis by the issuance of the City's general obligation storm sewer bonds issued pursuant to Section 17-925, R.R.S. Neb., as amended.

Section 6. This resolution of necessity shall be in force and effect from and after its adoption as provided by law.

PASSED AND APPROVED this 20th day of March, 2023.

/s/ Larry Evans  
Mayor

/s/ Abbey Jordan  
City Clerk

[SEAL]

Yant motioned to approve Resolution 1754, Necessity creating Storm Water Sewer District No. 2022-1 and Sumstine seconded. On roll call, the following voted aye: Kring, Sumstine, Yant, and Schneider. Motion carried.

**Agenda Item #11**, Consider Approval of Ordinance issuing Bond Anticipation Notes, Series 2023, for \$3,100,000 for the Paving and Stormwater Portions of Minden West Estates Phase II Pending the Issuance of Permanent General Obligation Bonds.

Slaughter explained the project costs for the upcoming bond and the previously passed and current bonds that have been issued for MWE Phase II electric, water and sewer and the South Substation. He stated that this bond will cover the concrete paving, curb and gutter portions, pond, hike and bike trail and the stormwater for the MWE Phase II project. He noted that this will be interest only financing to pay for MWE Phase II construction costs. He stated that he will keep the council updated on the interest rates as the project nears completion.

Yant introduced Ordinance 1279 for its first reading.

## ORDINANCE NO. 1279

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES, SERIES 2023, OF THE CITY OF MINDEN, NEBRASKA, OF THE PRINCIPAL AMOUNT OF NOT TO EXCEED THREE MILLION ONE HUNDRED THOUSAND DOLLARS (\$3,100,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR A PORTION OF THE COSTS OF CONSTRUCTING IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NOS. 2022-1 AND 2022-2, AND STORM SEWER IMPROVEMENT DISTRICT NO. 2022-1, PENDING THE ISSUANCE OF PERMANENT GENERAL OBLIGATION BONDS; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE GENERAL OBLIGATION BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; FIXING CERTAIN TERMS OF THE NOTES AND AUTHORIZING THE FIXING OF



OTHER TERMS OF THE NOTES; AND, ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MINDEN, NEBRASKA:

- Section 1. The Mayor and City Council of the City of Minden, Nebraska (the “City”) hereby find and determine that by an Ordinance of the City heretofore adopted, Street Improvement District Nos. 2022-1 and 2022-2 (the “Street Districts”), were heretofore created pursuant to Section 17-509, R.R.S. Neb., as amended, and Storm Sewer Improvement District No. 2022-1, pursuant to Section 17-925, R.R.S. Neb., as amended, (the “Sewer District”; and together with the Street Districts, the “Districts”); that Olsson Associates, the engineers for the City, have prepared estimates for the cost of construction of the improvements in the aforesaid Districts; that bids have been opened and tabulated; that the City has entered into contracts for construction of the improvements; and, that there has been placed on file the City’s engineer’s estimate showing that the City’s costs, including costs of engineering and costs of issuance and underwriting and a portion of interest to accrue on said notes during construction, is estimated to equal or exceed \$3,100,000; that it is necessary for the City to have funds available to meet its payment obligations under the terms of contracts for the cost of the improvements to be constructed relative to the aforesaid Districts and to provide for payment of a portion of the interest accruing on the Notes authorized herein prior to their maturity, pending the completion of improvements and issuance of permanent financing pursuant to Sections 17-516, 17-520, 17-925, R.R.S. Neb., as amended, and other applicable Sections; that the City has authority under Section 10-137, R.R.S. Neb., as amended, to issue notes for the purpose of providing interim financing for the construction of said improvements, including a portion of the interest to accrue on such notes and the costs of issuance thereof, all as set out above; that all conditions, acts and things required by law to exist or to be done precedent to the issuance of Bond Anticipation Notes, Series 2023, in the amount of not to exceed \$3,100,000, to pay a portion of the costs of the aforesaid improvements, the costs of issuance of said notes and a portion of the interest to accrue on said notes, do exist and have been done as required by law.
- Section 2. For the purpose of providing interim financing for the costs set out in Section 1 pending the issuance of permanent General Obligation Various Purpose Bonds by the City, there shall be and there are hereby ordered issued bond anticipation notes of the City of Minden, Nebraska, to be known as “Bond Anticipation Notes, Series 2023” of the aggregate principal amount of not to exceed Three Million One Hundred Thousand Dollars (\$3,100,000) (herein referred to as the “Notes” or the “notes”), consisting of fully registered notes numbered from 1 upwards in the order of issuance, in the denomination of \$5,000 each, or integral multiples thereof. The Notes shall bear interest at the rates per annum and become due and bear such other terms as set forth in a designation of final terms, which may

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be in the form of a note purchase agreement, (the "Designation") subject to and in accordance with the following:

The Mayor, City Administrator or City Clerk/Treasurer (each, an "Authorized Officer") may negotiate for the sale of the Notes in one or more series with an underwriting discount of not more than 1.00% of the principal amount thereof (which sale price may be adjusted to take into account any original issue discount or original issue premium), with Piper Sandler & Co. (the "Underwriter"). In connection with and as a part of such sale or sales, an Authorized Officer shall fix (which may be done in connection with a Purchase Agreement between the City and the Underwriter) (a) the series designation of such series of Notes; (b) the final maturity of such series of the Notes, which shall not be later than December 15, 2024; (c) the principal amount of such series of the Notes; provided, however that the aggregate stated principal amount of all series of Notes shall not exceed the aggregate stated amount of \$3,100,000 but may be less than that amount; (d) the rate or rates of interest to be borne by each maturity of such series of the Notes, provided that the Notes shall not bear interest at a true interest cost in excess of 6.00% per annum; (e) the date or dates upon which semiannual interest shall be payable, and the record date for the purpose of determining the owners of each series of the Notes for the payments of interest; (f) the date or dates upon which such series of the Notes will be subject to redemption at the option of the City; (g) the identity of the Paying Agent and Registrar for each series of the Notes and the form and contents of any agreement or agreements under which the Paying Agent and Registrar would serve in such respective capacities with respect to each series of the Notes; and (h) all such other terms and provisions of the Notes not otherwise fixed or established by this Ordinance. Upon the delivery of and payment for each series of the Notes, the Underwriter also shall pay to the City the interest accrued on such series of the Notes from the date thereof to the date of delivery of and payment therefor, all as an Authorized Officer may establish acting on behalf of the City and as may be agreed to by the Underwriter.

Interest on the Notes shall be payable on such dates as shall be determined in the Designation. The principal of said notes and any interest due on said notes upon maturity or earlier call for redemption shall be payable at the office of the City Treasurer of the City of Minden, Nebraska, as Paying Agent and Registrar, upon presentation and surrender of the note or notes when due or when called for payment prior to maturity. The payment of interest on said notes, falling due prior to maturity or call for redemption, shall be made by the Paying Agent and Registrar to the registered owners by mailing payment to the address of such registered owner or owners thereof as such address shall appear on the note register maintained by said Paying Agent and Registrar. The record date for each interest payment date (the "Record Date") shall be the fifteenth day immediately preceding the interest payment date. Payments of interest shall be mailed to the registered owner of each note as of the Record Date for each interest payment date.

Section 3. The City Treasurer of the City of Minden, Nebraska, (or such other entity as may be determined in the Designation) is hereby designated as Paying Agent and Registrar for the Bond Anticipation Notes herein ordered issued and is hereby authorized to make payments of interest and principal from funds available for such purposes as provided herein as the same fall due. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and

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transfer of the Notes. The names and registered addresses of the registered owner or owners of the Notes shall at all times be recorded in such books. Any Note may be transferred pursuant to its provisions by said Paying Agent and Registrar by surrender of such Note for cancellation, accompanied by a written instrument of transfer, in form satisfactory to said Paying Agent and Registrar, duly executed by the registered owner in person or by his duly authorized agent, and thereupon the Paying Agent and Registrar on behalf of the City will deliver (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new note or notes of the same series, interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the notes by this ordinance, one note may be transferred for several such notes of the same series, interest rate and maturity, and for a like aggregate principal amount, and several such notes may be transferred for one or several such notes, respectively of the same series, interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a note, the surrendered note shall be canceled and destroyed. All notes issued upon transfer of the notes so surrendered shall be valid obligations of the City evidencing the same obligations as the notes surrendered and shall be entitled to all the benefits and protection of this ordinance to the same extent as the notes upon transfer of which they were delivered. The City and said Paying Agent and Registrar shall not be required to transfer any note during any period from any Record Date until its immediately following interest payment date or to transfer any note called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 4. Said Notes shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and Clerk and shall have the City's seal imprinted or impressed on each Note. Said Notes shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The City and the Paying Agent and Registrar shall not be required to transfer any Note during the period from any Record Date to the next following interest payment date transfer any Note called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 5. Said notes shall be substantially in the following form:

UNITED STATES OF AMERICA  
STATE OF NEBRASKA  
COUNTY OF KEARNEY

CITY OF MINDEN, NEBRASKA  
BOND ANTICIPATION NOTE, SERIES 2023

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No. R-\_\_\_ \$

Interest Rate  
%

Maturity Date  
\_\_\_\_\_, 20\_\_\_\_

Date of Original Issue  
\_\_\_\_\_, 2023

CUSIP

Registered Owner: Cede & Co.

Principal Amount: \_\_\_\_\_ DOLLARS

KNOW ALL PERSONS BY THESE PRESENTS: That the City of Minden, in the County of Kearney, in the State of Nebraska, hereby acknowledges itself to owe and for value received promises to pay to the registered owner shown above and as shown on the registration books of the City on the maturity date shown above, the principal amount shown above in lawful money of the United States of America with interest thereon from the date of original issue shown above to maturity or earlier redemption, at the rate per annum shown above, payable semiannually on \_\_\_\_\_ and \_\_\_\_\_ of each year, commencing \_\_\_\_\_, 20\_\_\_\_. The principal of this note and any interest due upon maturity or earlier call for redemption is payable at the office of \_\_\_\_\_, as Paying Agent and Registrar, in \_\_\_\_\_, Nebraska, upon presentation and surrender of the note when due or when called for payment prior to maturity. The payment of interest hereon, falling due prior to maturity or call for redemption, shall be made by the Paying Agent and Registrar to the registered owner by mailing payment to the address of such registered owner hereof as such address shall appear on the note register maintained by said Paying Agent and Registrar.

This note is redeemable at the option of the City prior to maturity anytime on or after \_\_\_\_\_, 20\_\_\_\_ at par and accrued interest to date fixed for redemption. Notice of call of any note for redemption prior to maturity shall be sufficient if given in writing and mailed by first class mail, postage prepaid, to the registered owner at the address shown on the note register not less than thirty days prior to the date fixed for redemption.

This note is one of an issue of notes numbered from 1 upwards in order of issuance, of the total principal amount of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) in the denomination of \$5,000 or integral multiples thereof, of even date and like tenor herewith, issued by the City of Minden for the purpose of providing interim financing to pay a portion of the cost of constructing improvements in Street Improvement District Nos. 2022-1 and 2022-2, and Storm Sewer Improvement District No. 2022-1, to pay the cost of issuance of said notes and to pay a portion of the interest to accrue on said notes, pending the issuance of permanent general obligation bonds. The issuance of this note and the other notes of this issue has been lawfully authorized by ordinance duly passed, signed and published by the Mayor and City Council of said City in strict compliance with Section 10-137, Reissue Revised Statutes of Nebraska, as amended, and all other applicable laws.

The City agrees that the principal and interest of this note shall be payable from the proceeds of the issuance and sale of its general obligation bonds, the issuance and sale of its bond anticipation notes, or from other monies of the City lawfully available for such purposes.

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The City reserves the right to issue additional Bond Anticipation Notes for the purpose of paying the balance of the costs of the projects financed in part by this issue of notes or of other improvement projects of the City, for the purpose of refunding the notes of this issue at or prior to maturity and for the purpose of paying for additional improvements for the City. The ordinance under which these notes are issued constitutes an irrevocable contract between the City and the holders of all of said notes and said contract cannot be changed or altered without the written consent of the holders of seventy-five percent (75%) in principal amount of the notes of this series then outstanding.

AS PROVIDED IN THE ORDINANCE REFERRED TO HEREIN, UNTIL THE TERMINATION OF THE SYSTEM OF BOOK-ENTRY-ONLY TRANSFERS THROUGH THE DEPOSITORY TRUST COMPANY, NEW YORK, NEW YORK (TOGETHER WITH ANY SUCCESSOR SECURITIES DEPOSITORY APPOINTED PURSUANT TO THE ORDINANCE, "DTC"), AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE ORDINANCE TO THE CONTRARY, A PORTION OF THE PRINCIPAL AMOUNT OF THIS NOTE MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE REGISTRAR. DTC OR A NOMINEE, TRANSFEREE OR ASSIGNEE OF DTC OF THIS NOTE MAY NOT RELY UPON THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE ORDINANCE.

UNLESS THIS NOTE IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B) TO THE REGISTRAR FOR PAYMENT OF PRINCIPAL, AND ANY NOTE ISSUED IN REPLACEMENT HEREOF OR SUBSTITUTION HEREFOR IS REGISTERED IN THE NAME OF DTC AND ANY PAYMENT IS MADE TO DTC OR ITS NOMINEE, ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL BECAUSE ONLY THE REGISTERED OWNER HEREOF, DTC OR ITS NOMINEE, HAS AN INTEREST HEREIN.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this note did exist, did happen and were done and performed in regular and due form and time as provided by law.

IN WITNESS WHEREOF the Mayor and Council of the City of Minden, Nebraska, have caused this note to be executed on behalf of the City with the manual or facsimile signatures of the Mayor and the City Clerk and by causing the official seal of the City to be impressed or imprinted hereon, all as of the date of original issue specified above.

CITY OF MINDEN, NEBRASKA

/s/ Larry Evans  
Mayor

ATTEST:

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fax 308.832.1949  
www.MindenNebraska.org



/s/ Abbey Jordan  
City Clerk

(SEAL)

**CERTIFICATE OF AUTHENTICATION**

This note is one of the notes of the issue designated therein and issued under the provisions of the ordinance authorizing said issue.

\_\_\_\_\_, NEBRASKA  
acting as Paying Agent and Registrar

**ASSIGNMENT**

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

\_\_\_\_\_  
Print or Type Name, Address and Social Security Number  
or other Taxpayer Identification Number of Transferee

the within Note and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_ agent to transfer the within Note on the Note Register kept by the Paying Agent for the registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

\_\_\_\_\_  
NOTICE: The signature to this assignment must correspond with the name of the Registered Owner as it appears upon the face of the within Note in every particular.

Medallion Signature Guarantee:



Section 6.

Each of the Notes shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and the City Clerk and shall have imprinted thereon the City's seal. The Notes shall be issued initially as "book-entry-only" notes using the services of The Depository Trust Company (DTC), with one typewritten note certificate per maturity being issued to DTC. In such connection, said officers are authorized to execute and deliver a Letter of Representations in the form required by DTC, for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Notes. Upon the issuance of the Notes as "book-entry-only" notes, the following provisions shall apply:

- (a) The City and the Paying Agent and Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds Notes as securities depository (each, a "Bond Participant") or to any person who is an actual purchaser of a Note from a Bond Participant while the Notes are in book-entry form (each, a "Beneficial Owner") with respect to the following:
  - (i) the accuracy of the records of the Depository, any nominees of the Depository or any Bond Participant with respect to any ownership interest in the Notes,
  - (ii) the delivery to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the Notes, including any notice of redemption, or
  - (iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the Notes. The Paying Agent and Registrar shall make payments with respect to the Notes only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such Notes to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Note.
- (b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange Notes requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the City, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the Notes or (ii) to make

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available Notes registered in whatever name or names the Beneficial Owners transferring or exchanging such Notes shall designate.

- (c) If the City determines that it is desirable that certificates representing the Notes be delivered to the Bond Participants and/or Beneficial Owners of the Notes and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify the Depository, whereupon the Depository will notify the Bond Participants of the availability through the Depository of note certificates representing the Notes. In such event, the Paying Agent and Registrar shall issue, transfer and exchange note certificates representing the Notes as requested by the Depository in appropriate amounts and in authorized denominations.
- (d) Notwithstanding any other provision of this Ordinance to the contrary, so long as any Note is registered in the name of the Depository or any nominee thereof, all payments with respect to such Note and all notices with respect to such Note shall be made and given, respectively, to the Depository as provided in the Letter of Representations.
- (e) Registered ownership of the Notes may be transferred on the books of registration maintained by the Paying Agent and Registrar, and the Notes may be delivered in physical form to the following:
  - (i) any successor securities depository or its nominee.
  - (ii) any person, upon (A) the resignation of the Depository from its functions as depository or (B) termination of the use of the Depository pursuant to this Section.
- (f) In the event of any partial redemption of a Note unless and until such partially redeemed Note has been replaced in accordance with the provisions of Section 2 of this ordinance, the books and records of the Paying Agent and Registrar shall govern and establish the principal amount of such Note as is then outstanding and all of the Notes issued to the Depository or its nominee shall contain a legend to such effect.

If for any reason the Depository resigns and is not replaced, the City shall immediately provide a supply of printed note certificates for issuance upon the transfers from the Depository and subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement Notes upon transfer or partial redemption, the City agrees to order printed an additional supply of certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting Mayor and City Clerk of such City. In case any officer whose signature or facsimile thereof shall appear on any Note shall cease to be such officer before the delivery of such Note (including any note certificates delivered to the Paying Agent and Registrar

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for issuance upon transfer or partial redemption), such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such Note. The Notes shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The City Treasurer shall cause the Notes to be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration and authentication of the Notes, they shall be delivered to the City Treasurer, who is authorized to deliver them to the Underwriter, as the initial purchaser thereof, upon receipt of the purchase price as determined in the Designation, plus accrued interest thereon to date of payment for the Notes. Said initial purchaser shall have the right to direct the registration of the Notes and the denominations thereof within each maturity, subject to the restrictions of this Ordinance. The Mayor or Clerk of the City are each individually hereby authorized to execute a Note Purchase Agreement for the sale of the Notes to the Underwriter, as initial purchaser of the Notes. Piper Sandler & Co., and its agents, representatives and counsel (including the City's bond counsel for the Notes) are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Notes, including, without limitation, authorizing the release of the Notes by the Depository at closing. The officers of the City, or any one or more of them are hereby further authorized to take any and all actions and enter into any and all agreements deemed necessary or appropriate in connection with the issuance and sale of the Notes, and any such actions previously taken are hereby ratified and confirmed.

- Section 7. The proceeds of the Notes will be used to pay the costs of the improvements described in Section 1 hereof, and may be used to pay costs of issuance of the Notes and a portion of interest accrued on the Notes. The City covenants and agrees that it will take all steps required to complete the improvements described in Section 1 hereof in a manner to allow it to issue and sell its Various Purpose Bonds or other bonds. The City further covenants and agrees to issue and sell its Various Purpose Bonds or other bonds in a sufficient amount and at such times as will enable it to take up and pay off the Notes herein authorized, both principal and interest, at or prior to maturity, to the extent not paid from other sources.
- Section 8. The City hereby reserves the right to issue additional bond anticipation notes for the purpose of paying the balance of the cost of the projects of the City set out in Section 1 hereof, for the purpose of refunding the Notes herein ordered issued at or prior to maturity and for the purpose of paying for additional improvements for the City.
- Section 9. The City Clerk shall make and certify a complete transcript of the proceedings had and done by said City precedent to the issuance of said Notes, a copy of which shall be delivered to the initial purchaser of the Notes. After being executed by the Mayor and Clerk, Notes shall be delivered to the City Treasurer who shall be responsible therefor under his official bond. The City Treasurer is authorized and directed to deliver said Notes to the purchaser upon receipt of payment of the purchase price in accordance with the contract of the City with said purchaser.

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- Section 10. The City hereby covenants to the purchasers and holders of Bond Anticipation Notes, Series 2023, that it will make no use of the proceeds of said Notes issue, including money held in any sinking fund attributable to said Notes which would cause said Notes to be arbitrage bonds within the meaning of the Internal Revenue Code of 1986, as amended, and further covenants and agrees to take all actions necessary under current federal law to maintain the tax-exempt status (as to taxpayers generally) of interest payable on the Notes. The City hereby designates the Notes as its qualified tax-exempt obligations under Section 265(b)(3)(B)(i)(III) of the Internal Revenue Code of 1986, as amended, and covenants and warrants that it does not reasonably anticipate issuance of tax-exempt bonds or other obligations, not including private activity bonds (other than qualified 501(c)(3) bonds), in the aggregate principal amount of more than \$10,000,000 in calendar year 2023. The City agrees to take all further actions, if any, necessary to qualify the Notes herein authorized for such treatment if available.
- Section 11. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this ordinance.
- Section 12. All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of said conflict hereby repealed.
- Section 13. The Authorized Officers (or any one or more of them) are hereby authorized to approve and deem final a Preliminary Official Statement or Preliminary Offering Circular with respect to the Notes and are further authorized to approve and deliver a final Official Statement or final Offering Circular for and on behalf of the City, all in accordance with the requirements of Reg. Sec. 240.15c2-12 of the Securities and Exchange Commission.
- Section 14. All documents, agreements, certificates, and instruments related to the Notes shall be valid, binding, and enforceable against the City when executed and delivered by means of (i) an original manual signature; (ii) a faxed, scanned, or photocopied manual signature, or (iii) any other electronic signature permitted by electronic signatures laws, including any relevant provisions of the Uniform Commercial Code, in each case to the extent applicable. Each faxed, scanned, or photocopied manual signature, or other electronic signature, shall for all purposes have the same validity, legal effect, and admissibility in evidence as an original manual signature. Each document, agreement, certificate, and instrument related to the Notes may be executed in any number of counterparts, each of which shall be deemed to be an original, but such counterparts shall, together, constitute one and the same document, agreement, certificate, or instrument, as applicable.

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Section 15. This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet or electronic form as provided by law.

PASSED AND APPROVED this 20th day of March, 2023.

/s/ Abbey Jordan  
City Clerk

/s/ Larry Evans  
Mayor

[SEAL]

I, the undersigned City Clerk for the City of Minden, Nebraska, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council on March 20, 2023; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; kept continually current, was available for public inspection at the office of that such subjects were contained in said agenda for at least 24 hours prior to said meeting; that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held; that at least one copy of all ordinances or other reproducible materials discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

/s/ Abbey Jordan  
City Clerk

[SEAL]

NOTICE OF PUBLICATION  
OF ORDINANCE NO. 1279  
IN PAMPHLET FORM

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Public Notice is hereby given that at a meeting of the Mayor and City Council of the City of Minden, Nebraska, held at 6:00 o'clock p.m. on March 20, 2023, there was passed and adopted Ordinance No. \_\_\_\_ entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES, SERIES 2023, OF THE CITY OF MINDEN, NEBRASKA, OF THE PRINCIPAL AMOUNT OF NOT TO EXCEED THREE MILLION ONE HUNDRED THOUSAND DOLLARS (\$3,100,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR A PORTION OF THE COSTS OF CONSTRUCTING IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NOS. 2022-1 AND 2022-2, AND STORM SEWER IMPROVEMENT DISTRICT NO. 2022-1, PENDING THE ISSUANCE OF PERMANENT GENERAL OBLIGATION BONDS; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE GENERAL OBLIGATION BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; FIXING CERTAIN TERMS OF THE NOTES AND AUTHORIZING THE FIXING OF OTHER TERMS OF THE NOTES; AND, ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES.

Said Ordinance was published in pamphlet form. Copies of said Ordinance as published in pamphlet form are available for inspection and distribution at the Office of the City Clerk, in the City of Minden, Nebraska.

/s/ Abbey Jordan  
City Clerk

[SEAL]

Publish One Time: March 29, 2023

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

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

Schneider motioned to adopt Ordinance 1279 by title and Sumstine seconded. On roll call, the following voted aye: Kring, Sumstine, Yant, and Schneider. Motion carried.

**Agenda Item #12**, Consider Approval of the Lot Layout of the SE Property Owned by the CRA.

Brian Friedrichsen with Olsson Associates stated that option 1 has a softball four-plex and more housing options, with the new swimming pool to the west of the ballfields. Option 1.1 has 3 softball fields and a baseball field, with the new swimming pool between two softball fields and less housing options in the area. He stated that the CRA Board recommended option 1.1. The natural drainage ditch is planned to remain the same.

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Sumstine stated that she likes the extra parking and exit and entrances in option 1.1. Yant did state that the overflow parking is appreciated. Yant did ask if there will be bleacher seating. Yes, there will be seating along with room for tents that people do normally bring to these events. The concessions will be a part of the pool bathhouse along with the restrooms.

Evans did add that this is a project for down the road and can be done in phases. Joe Anderson did state that one of his concerns is the number of foul balls that will end up in the pool. He also stated the room for other organizations doing fundraising. Playground equipment for younger siblings would be nice. Yant did have concerns about the pool being in the middle of the fields. Brian stated that the idea, with the pool being where it is, is multiple emergency access points for ambulance and emergency personnel to the fields. Jeff Palik of Olsson & Associates stated things can be moved around and if playground equipment is added netting can be added and for safety. Anderson did state that with the fields being closer together that the poles for lighting can be used to light two fields rather than one.

Quinton Pohl asked about the pool layout and the possibility of hosting swim meets. Friedrichsen stated that pool layout has not been determined yet. Palik stated that they are looking for approval for a general layout so that the platting process can begin. The final layout of the fields and pool will be determined later.

Sumstine motioned to approve option 1.1 for the SE Lot Layout and Kring seconded. On roll call, the following voted aye: Kring, Sumstine, Yant, and Schneider. Motion carried.

### **Agenda Item #13**, Consider Approval of the West Water Tower Painting Bid Specifications.

Friedrichsen stated that they have been working with the company who originally painted the tower. They are also looking to add railing for safety and replace the vent cap on the top of the tower. Fredrickson also stated that there is a fee for the state's review of the plans. Jordan stated that this was in the consent agenda.

Yant motioned to approve the Water Tower Painting Bid Specifications and Sumstine seconded. On roll call, the following voted aye: Kring, Sumstine, Yant, and Schneider. Motion carried.

### **Agenda Item #14**, Consider selection of Bid for the Water Treatment Plant's Discharge De-Chlorination Installation.

Darin Fischer stated that this is the last step of the project.

Sumstine motioned to select IPT's bid for the Water Treatment Plant's Discharge De-Chlorination Installation with a bid of \$32,458.00. Schneider seconded. On roll call, the following voted aye: Kring, Sumstine, Yant, and Schneider. Motion carried.

### **Agenda Item #15**, Consider Approval of Renewal of Travelers Insurance for 2023-24.

Kevin Krull with Jones Group spoke about the cost difference for 2023-24, \$44,000 higher than the previous year. Krull stated that the 2021 and 2022 claims will change and will no doubt be worse than what is on the handout due to the fact that our cost estimate to repair the City's roofs will have increased in 2023. Krull stated that the fatality that had happened will remain in effect and Travelers Workman's Comp will be paying this claim to the family. He also stated that other than the one year of the fatality; the City of Minden's workers comp claims are very good with only small claims being filed.

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Krull stated that through no fault of the City of Minden, Travelers forced the City to go to a \$100,000 Wind and Hail deductible. Last year the City of Minden was able to buy down to \$10,000. On any wind and hail loss the City of Minden will have a \$10,000 deductible.

Krull stated that as we review the auto section, there was an increase mainly due to the new fire truck, new vehicles and the insurance industry increasing rates on commercial vehicles. Krull recommended that the City of Minden go from a \$500 Comp and Collision deductible to a \$1000 Comp and Collision, which would save the city of Minden \$2807 in premiums. He stated that we have not had more than 5 claims with the exception of the hail damage.

Jordan stated that the insurance premium is paid once and year, normally around April.

Yant motioned to approve the renewal of Travelers Insurance for 2023-24 and Kring seconded. On roll call, the following voted aye: Kring, Sumstine, Yant, and Schneider. Motion carried.

**Agenda Item #17**, Consider Approval of the Interlocal Agreement with the Educational Service Unit Coordinating Council for Cooperative Public/Governmental Purchasing.

Yant stated that when he was at the League Conference, he found out that we can purchase office supplies and other equipment such as vehicles through the ESU at a governmental discount. Jordan stated that this does not bind us with ESU exclusively and that Eakes and Business World from Hastings are other supply options. Attorney Olson highlighted the key points of the agreement.

Schneider motioned to approve the Interlocal Agreement with the Educational Service Unit Coordinating Council for Cooperative Public/Governmental Purchasing and Kring seconded. On roll call, the following voted aye: Kring, Sumstine, Yant, and Schneider. Motion carried.

**Agenda Item #18**, Consider Approval of Selling/Vending per Minden Municipal Code Sec. 58-1 on Saturday, May 6, 2023 for Dawg Days from 2:00 p.m. – 8:00 p.m. on the inside of the downtown square: 400 block of N Colorado northbound, 400 block of N Minden southbound, 300 block of E 4th St westbound, and 300 block of E 5th St eastbound.

Jordan explained that the Chamber is looking to do something different for Dawg Days by having it closer to the end of school. Along with this they plan to have bounce houses and food trucks.

Schneider motioned to approve Selling/Vending per Minden Municipal Code Sec. 58-1 on Saturday, May 6, 2023 for Dawg Days from 2:00 p.m. – 8:00 p.m. on the inside of the downtown square and Sumstine seconded. On roll call, the following voted aye: Kring, Sumstine, Yant, and Schneider. Motion carried.

**Agenda Item #19**, Consider Approval of Selling/Vending per Minden Municipal Code Sec. 58-1 on Saturday, April 8, 2023 for the Minden Easter Egg Hunt from 9:00 a.m. – 2:00 p.m. on the inside of the downtown square: 400 block of N Colorado northbound, 400 block of N Minden southbound, 300 block of E 4th St westbound, and 300 block of E 5th St eastbound.

Jordan stated that she is unsure if this is a chamber event or not. She stated that they are looking to have vendors along with the egg hunt.

Kring motioned to approve Selling/Vending per Minden Municipal Code Sec. 58-1 on Saturday, April 8, 2023 for the Minden Easter Egg Hunt from 9:00 a.m. – 2:00 p.m. on the inside of the downtown square and Schneider seconded. On roll call, the following voted aye: Kring, Sumstine, Yant, and Schneider. Motion carried.

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### **Agenda Item #20**, Consider Approval of Resolution increasing the Number of Police Officers from 6 to 7.

Evans gave an overview of the previous discussions and interactions that he has seen. He stated that while visiting the schools, especially the middle school, with an officer, he can already see the positive interactions that are being made with the students and officers.

Evans stated that the school will be responsible for about 66% of salary and benefits and the city will be 34% and the equipment needed for another officer. He also stated that through the COPS program a grant is available to help fund the new officer if the city is understaffed. He stated that the resolution would be one of the first steps to help the city to apply for this grant. He stated that he is not sure of the other qualifications needed for the grant, but that this is one step to being able to qualify.

Evans stated that this is also an introduction to other staff ceilings that will go along with the Pay Plan that was previously introduced. Schneider asked if there were other ways for the City to be able to show the understaffing. Evans stated that he was not sure of that. Schneider also asked who would be filling out this grant. Evans stated that he hopes the Police Department, himself, and Abbey could fill this out. Yant stated that he feels like building the rapport with the kids is helping and all of the officers going up there. Kring stated that this is done as their schedule allows and not something that is scheduled ahead of time.

Evans asked for clarification for the hiring from Jordan and Olson. The council wanted clarification that this does not give approval for a new hire but just that is the maximum number that the City is willing to hire. Yant stated that he is not against this completely, but that he would like to see completed agreements and more explanations of this officer. Sumstine stated that she is not ready to say yes to another officer but is not opposed to the staffing ceiling.

Tim Holman stated that at the University of Nebraska at Kearney that they have a staffing ceiling of 13 but only have 11 positions filled. He stated that the more involvement the officers have with the students, then the more likely they are to go to an officer when an issue arises.

Yant wanted clarification if other departments have staff ceilings. Evans stated that currently there are no other staff ceilings set but that this will be presented with the Pay Plan. Olson stated that for the grant it looks better to have this on paper and to establish this for grant purposes.

### **RESOLUTION NO. 1756**

WHEREAS, the City of Minden desires to establish an authorized staff ceiling for the Minden Police Department.

WHEREAS, such a ceiling has been prepared by the Mayor of the City of Minden and submitted to the Council for approval and to authorize the number of positions.

WHEREAS, the Mayor of Minden is recommending a staff ceiling for the Police Department of seven (7) full-time Police Officers.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF MINDEN, NEBRASKA, that the Police Department Staff Ceiling be effective on its adoption and remain in effect until modified by a majority vote of the City Council.

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Dated this 20th day of March, 2023.

/s/ Larry Evans  
Larry Evans, Mayor

ATTEST:

/s/ Abbey Jordan  
Abbey Jordan, City Clerk

Sumstine motioned to approve Resolution 1756, Increasing the Staff Ceiling from 6 Police Officers to 7 and Schneider seconded. On roll call, the following voted aye: Sumstine, Yant, and Schneider. Abstain: Kring. Motion carried.

**Agenda Item #21**, Review of the Order of Condemnation for Lot 1, Block 14, Original Town, Minden, Kearney County, Nebraska and Take Action as Desired.

Evans stated that the contractor is currently out of town because of family health issues. He also stated that the current situation of the fencing is not working and is littering the sidewalk. Evans stated that the contractor, Dana Hansen had reached out and stated that his plan for window coverings. Attorney Olson did state that neither the Beivers or the contractor are here to give an update, as required. Evans desires to move the demolition date up to May. Olson asked what has been completed. The proof of insurance has been provided.

Jordan stated that if any date changes are desired, then the current order would need to be rescinded and a new order of condemnation issued. Sumstine stated that she does not agree with the date changes by moving the date up and would prefer to leave them the same. Evans stated that both legal counsel and the League of Municipalities have stated this can be done as long as notice is provided.

Schneider motioned to rescind the Order of Condemnation from March 20, 2023 to Lot 1, Block 14, Original Town, Minden, Kearney County, Nebraska and Issue an Order of Condemnation changing dates from March 20, 2023 to April 3, 2023. Sumstine seconded. On roll call, the following voted aye: Kring, Sumstine, Yant, and Schneider. Motion carried.

**Agenda Item #22**, Adjournment

Schneider motioned to adjourn at 8:18 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:

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/s/ Abbey Jordan

Abbey Jordan, City Clerk

(SEAL)