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
April 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, Jack Yant and Alyssa Schneider. The following City Officials were present: Mayor Larry Evans, City Attorney Andrew Olson, and City Clerk Abbey Jordan. Vacancy: City Administrator.

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

After roll was called, 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 stated the Arbor Day Foundation named Minden a Tree City for 2022. Evans expressed his appreciation to the members of the Tree Board.

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. Appointment of Larry Evans, Mayor, on the Loan Review Committee for the Revolving Loan Fund Management replacing Matthew Cederburg, City Administrator.
f. Mayoral Appointment of Larry Lempka to the Planning and Zoning Commission for a term of 4/4/2023 to 12/31/2025

Dier,Osborn & Cox, P.C., L.L.O--Legal 750.00, Syndicate Publishing, Llc--Printing 244.40, T. Oltman--Training 250.00, Village Cleaners Inc--Cleaning 141.51, M. Raffaeli--Fees 152.73, Black Hills Energy--Utilities 1,654.96, Ke Co Treasurer--Fees 5,516.66, Travelers--Insurance 331.00, Minden Exchange Bank & Trust C--Financing 6,050.40, Bsn Sports--Supplies 204.96, Landmark Implement Carquest--Repairs 727.27, A. Eschliman--Supplies 19.07, Minden Utility Dept.--Utilities 4,611.17, Les Lee P. Mcgee--Infrastructure Repair 78,403.80, Bnsf Railway Co.--Fees 106.94, Ke Co Health Payment Cntr--Medical 219.00, Matheson Tri-Gas Inc--Supplies 157.54, Nebraska Truck Center, Inc.--Repairs 298.31, Presto X Co.--Fees 70.06, Olsson Associates--Tech/Engineering 33,095.04, Great Plains Communications--Utilities 146.23, D & M Security--Fees 150.00, Jones Insurance Agency, Inc--Insurance 241,158.92, F. Rogers--Cleaning 322.50, Revenue Bond Payment Account--Fees 13,850.00, Ndee--Operator Certification Program--Training 460.00, Hawkins Water Treatment--Chemical 2,079.04, Nphe--Fees 18.00, Atlas Automation Llc--Repairs 576.00, Aurora Cooperative--Gas

37.24, Anderson Bros Ele Inc--Repairs 889.73, B. Butler--Training 45.33, L. Shrader--Training 170.41, Midwest Radar & Equipment--Repairs 240.00, Eakes Office Plus--Fees 321.72, 3-24-23 Payroll $50,081.27.

Evans stated that he had spoken to Larry Lempka about being reappointed to the Planning and Zoning Commission but it was missed being added to a previous agenda. Evans also explained the Loan Review Committee and why there is a new appointment.

Kring motioned to approve the consent agenda and Sumstine 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

No Public Comments were made.

Agenda Item #7, Proclamation

Evans declared the week of April 1-7 as the week of the young child and read the proclamation.

The Christmas City Minden NEBRASKA

City of Minden, Nebraska

naeyc Week of the Young Child

Proclamation

On behalf of the City of Minden, Nebraska, and all its residents, I wish to declare the week of April1-7, 2023, as ***"Week of the Young Child."***

WHEREAS, the first years of a child's life are the period of the most rapid brain development and lay the foundation for all future learning, and

WHEREAS, early childhood professionals who work with young children make a difference in our community, and their efforts warrant thanks and recognition, and

WHEREAS, public policies that support early learning for all young children are crucial to young children's futures and to the prosperity of our society, and

WHEREAS, high quality early childhood programs provide important benefits to children, families, our state, and our nation, and

WHEREAS, children's cognitive, physical, social, emotional, language, and literacy developments are built on a foundation of children's positive interactions with adults, peers and their environments, and

WHEREAS, it is a time to recognize that children's opportunities are our responsibilities and to commit ourselves to the promotion of excellence in early child learning,

Now, therefore be it resolved, that we, the citizens of Minden, Nebraska, celebrate our young children and proclaim April 1-7, 2023, **Week of the Young Child,** and we thank the early childhood teachers Involved in their care and education.

Dated this 3rd day of April, 2023.

/s/ Larry Evans
Mayor of Minden, Nebraska

Agenda Item #8, Employee Service Recognition.

Evans recognized the following employees for their years of service with the City of Minden.

- Abbey Jordan, 13 years
- Darin Fischer, 10 years
- Jarvis Kring, 10 years
- Logan Shrader, 10 years
- Janene Hill, 9 years

Agenda Item #9, Consider Approval to Purchase a 2023 Superliner Ambulance for $363,929.

The Minden Fire Department applied for a grant through Health and Human Services and were awarded $75,000.00 to help purchase a new ambulance. The back-up ambulance is a 2003 model and is now outdated and not up to code. The main ambulance is a 2016 model, that would now become the backup ambulance. A committee put together a package they would like for the new ambulance to have with specifications according to current codes. Minden is not able to sell the 2003 ambulance to another Municipality as an

ambulance because it is not up to code. The Department would most likely sell the 2003 ambulance at auction. The build time frame for the new ambulance is 18-24 months. The ambulance will need to arrive by 2026 for the Fire and Rescue to receive the grant funds. The City would need to put a down payment in the amount of 15% to place the order for a new ambulance. The 2023-2024 budget will include the purchase of this ambulance.

Yant motioned to approve the purchase of a 2023 Superliner Ambulance and Schneider seconded. On roll call, the following voted aye: Kring, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #10, Consider Approval to Terminate the Contract with Premier Claims.

Kevin Krull, Jordan, Evans, Chris Klahn, and Nate from Ziemba Roofing in Hastings walked the roof of the fire hall to review for hail damage from the May 2021 storm. The roof showed very little to no hail damage. The current roof leaks are due to issues with drains. Nate with Ziemba roofing was not happy with the way Premier Claims patched the areas they took for samples. Nate would like to come out and re-patch those areas. Ziemba originally installed the roof in 2000. The roof has a 30-year lifespan and is nearing the end. Since Premier Claims and Travelers are at an impasse regarding damages sustained in May of 2021 to the Fire Hall roof, the City would like to terminate the contract with Premier Claims. By terminating the contract with Premier Claims, Travelers will have a different adjuster reinspect the Fire Hall roof for damages. Upon Premier Claims agreeing to terminate the Contact, as outlined in the contract the City will pay Premier Claims for hours worked at $350 per hour and incurred expenses.

Yant motioned to approve to terminate the contract with Premier Claims and Sumstine seconded. On roll call, the following voted aye: Kring, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #11, Consider Approval of Armor Coat Street Maintenance for Approximately $42,998.

These are sealing the current armor coat streets that have gravel underneath but have concrete curb and gutters. They are starting to show areas that need repaired. The street department would like to add the streets around the swimming pool; however, they don't want to proceed this year due to the wear and tear that will happen on them due to the upcoming summer construction of the tennis and pickle ball courts. Drive seven, located in the Cemetery, is included in this estimate.

Sumstine motioned to approve the Armor Coat Street Maintenance for approximately $52,998. Kring seconded. On roll call, the following voted aye: Kring, Sumstine, Yant and Schneider. Motion carried.

Agenda Item #12, Review of the Order of Condemnation for Lot 1, Block 14, Original Town, Minden, Kearney County, Nebraska and Take Action as Desired.

Dana Hansen spoke and was representing John and Shelley Biever, in their absence, as their contractor. He stated that he made progress today and was able to cover several of the first-floor windows with white tin. There are special order clear panels that will be installed on the upper story windows. The contractor agreed that the timetable to get everything done is still June 30th. Hansen stated that the new windows and panels should be received and installed within 30 days of ordering. Evans stated that currently there are 4 windows covered on the first story of the NW addition. None of the upper-level windows have been covered or replaced. They are wanting to replace the 5 windows on the east side of the building windows, that are currently open to the elements to match the first story windows.

Evans stated this has been a frustrating process with minimal progress throughout the past couple of years. Evans stated that last year, an informational meeting was held at the Minden Opera House through SCEDD and Brownfield addressing grants. During a break in the meeting a tour of this building was conducted and Hansen stated that 6 months from then, the public wouldn't be able to recognize the building with all the improvements. There has been little to no progress since then.

The Biever's are also 3 months behind on the façade loan payments to the City. Since there is a default on payments, which is addressed in the Deed of Trust filed on the property in 2020 and the City is the beneficiary; the City could then sell the property. J. Biever disagreed that they were behind. Jordan replied that S. Biever had emailed last week that by the end of April she was going to pay the January, February, March, and April facade payments.

Evans addressed the lack of barrier blocking the sidewalk on the north side of the building. J. Biever stated it has been done, but it kept blowing over. Olson reiterated if it's not working then another solution needs to be found for blocking the sidewalk. Sumstine asked why the City would want to be the beneficiary of the property? Olson stated the City would sell the building. The Bievers signed the Deed of Trust and granted the City to sell the building if the conditions are not met.

Evans stated nothing has been done with the property since it was purchased. J. Biever reminded the Council of the façade improvements made with the first story windows on the east, the entrance has been moved back, and the concrete has been reinforced on the east side. Olson agreed, but was concerned about the multiple broken windows allowing damage to the inside by the rain, snow, and wind. J. Biever confirmed there is a roof leak by the skylight. Olson questioned the structural soundness of the building. J. Biever stated it was structurally sound, but it hasn't been confirmed by an engineer. Evans doesn't want to keep postponing the repairs listed on the Order of Condemnation as has been done the past few months.

Sumstine questioned if the demolition is possible by the end of June? Hansen believes it is still possible to demolish the northwest portion of the building by the end of June.

J. Biever asked Hansen to address finding a new barrier type for the north side of the building. Hansen has asked to drill holes in the sidewalk area to attach the barrier to and he would put cattle panels up. Hansen stated it should be a permanent barrier. Jordan countered that it's not permanent as the barrier only needs to be up through the end of June when the demolition is finished. Kring and Evans confirmed there will not be any holes drilled in the city's sidewalks.

The glass from the windows will be removed and replaced by Kearney Glass. The city has cleaned up three broken windows already and needs that addressed.

Sumstine asked what type of liability the city would encounter if the Deed of Trust is enforced? She also asked if the Biever's would be able to recoup any of their invested funds through the sale of the property? Olson stated the type of sale has to be looked into further as the type might affect this.

J. Biever would like to know what has changed to get to this point where we can move forward without the City having to take any action for the sale of the property. Olson stated the repairs on the Order of Condemnation haven't been done. The certificate of insurance has been provided. The daily visual inspections haven't been being done as the north side barrier has been blown over for about two weeks with the poles, fencing, buckets, bricks, and sand covering the sidewalk and parking stalls making it a hazard instead of blocking off the area. Jordan added that on March 21, 2023, Evans, Klahn and herself moved the barrier out of the parking stalls and up onto the sidewalk.

J. Biever is taken by surprise with the potential forced sale as he thought there had been a cooperation between the City and himself and Shelley to it now being an aggressive stance. Olson stated there is a Deed of Trust that the Biever's signed in 2020 which provided notice of the potential sale. J. Biever isn't pleased that there hasn't been notice of default on their loan.

Olson firmly stated the City doesn't wish to keep renewing the Order of Condemnation due to the lack of results. J. Biever disagrees with the lack of results. Olson reiterated that words aren't enough. Action needs to happen. Sumstine understands everyone's frusterations and believes the Biever's have invested funds into it. She stated the Biever's have the right to an attorney and stop the City's actions. It would then cost the City more time and money. Waiting one more month would delay any extra costs.

Olson again stated that without results, there is still the opportunity with the Deed of Trust. Sumstine stated everything could be stopped by the courts. Olson replied it is possible, but it depends upon the judge's orders.

The City will appoint City Attorney, Andrew Olson, as the Successor Trustee, to the Deed of Trust on the Biever's property. Evans wishes to allow the Biever's one month to complete all the stipulations before the City will proceed with the sale. Olson requested a daily written report and daily pictures of the property emailed to Jordan daily. Discussion took place about installing a new barrier The by 5:00 pm on April 4, 2023 and the existing fence needs to be removed tonight, April 3, 2023.

Yant asked if the Biever's are actively trying to sell the building? J. Biever stated they are in the process of having the building appraised and selling it. J. Biever stated the City will see after the meeting that himself and Shelley will stand by their word and do as the City has requested. Jordan stated the revised order of condemnation will be emailed to the Biever's after tonight's meeting and also mailed.

Yant motioned to rescind the order of condemnation dated March 20, 2023 and issue a new order of condemnation with the following conditions:

- 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 May 1, 2023:
    - Window coverings placed on all second story windows
    - Window coverings placed on first story windows of the NW addition
- Conduct daily visual inspections for debris and clean-up as needed. Provide a daily report and site photos via email to ajordan@mindennebraska.org as proof of the inspection and clean-up starting April 4, 2023.
- Provide a physical barrier blocking pedestrian traffic on the sidewalk to the north of the NW addition. Barrier is to be up by 5pm on April 4, 2023 and remain up until the NW addition is demolished and debris cleared.
- Provide a progress update at the May 1, 2023 City Council meeting.

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

Agenda Item #13, Adjournment

Yant motioned to adjourn at 7:20 pm and Sumstine 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)