

City of Minden

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

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www.MindenNebraska.org



Minutes of Council Meeting
City of Minden, Nebraska
April 17, 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.

Council President Yant 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: City Attorney Andrew Olson, and City Clerk Abbey Jordan. Absent: Mayor Larry Evans. Vacancy: City Administrator.

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

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

Then Yant 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. Schneider presented the proclamation of the Young Child for Mayor Evans signed by the preschoolers.

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 Kent A. Shaffer for June 30, 2023 from 1 pm to 1 am at the Kearney County Fairgrounds for a Wedding Reception.
- f. Consider Approval of Special Designated Liquor Permits for Windmill Studios for May 6, 2023 from 12 pm to 1 am at the sidewalk in front of 521 N. Colorado Ave.
- g. Consider Approval of Special Designated Liquor Permits for Windmill Studios for May 27, 2023 from 12 pm to 1 am at the Kearney County Fairgrounds for a Wedding Reception.
- h. Consider Approval of Volunteer Firefighter, Lane Archer

Amazon Capital Services --Supplies 1,125.23, Anderson Bros Ele Inc --Repairs 79.92, Aussie Hydraulics, Llp --Supplies 375.28, Baker & Taylor Books --Supplies 241.30, Bill's Plumbing & Htg. Inc --Repairs 68.62, Black Hills Energy --Utilities 349.95, Cardmember Service --Supplies 195.68, Cengage/Gale --Supplies 124.75, Central District Health Dept --Fees 189.00, Chane Mcdowell --Fees 100.00, City Of Holdrege Landfill --Fees 5,885.27, Cummins Central Power, Llc --Repairs 2,428.45, D & M Security --Fees 75.00, Department Of Environment And Energy --Training 195.00, Eakes Office Plus --Fees 2,207.85, Ellis Wheeler --Supplies 216.47,

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Emergency Medical Products --Supplies 975.22, Essential Resource Group Inc --Fees 33.99, Fyr-Tek, Inc. --Supplies 3,163.98, Great Plains Communications --Utilities 134.84, Greatamerica Financial Services Corporation --Financing 452.41, Holdrege Daily Citizen --Printing 154.00, Innovative Pharmacists, Inc. --Supplies 7.38, Intellicom Computer Consulting --Tech/Engineering 3,251.78, Isw --Supplies 106.57, Jims Ok Tire Minden Llc --Repairs 1,593.42, J. Miller --Fees 2,400.00, Kearney Co. Clrk Myra Johnson --Fees 16.00, K. League --Training 288.20, Lee Bhm Corp --Printing 1,131.56, Mason's Market --Supplies 72.90, Matheson Tri-Gas Inc --Supplies 142.50, Midwest Laboratories --Fees 188.05, Midwest Tapes --Supplies 108.44, Miller & Associates --Tech/Engineering 904.15, Minden Exchange Bank & Trust C --Financing 6,654.13, Minden Hardware --Supplies 343.40, Minden Lumber & Concrete Co. --Supplies 43.96, Minden Office Supply, Inc --Supplies 2,900.72, National Association Of Drug Diversion Investigators, Inc. --Fees 150.00, Nebraska Municipal Power Pool --Supplies 1,686.02, Nppd Kwh --Utilities 133,817.23, Nppd O&M --Maintenance 18,981.44, One Call Concepts Inc --Fees 101.28, Pony Express Ford --Repairs 338.74, Presto X Co. --Fees 83.62, Quick Med Claims --Fees 107.80, Rek Enterprises Llc --Repairs 65.00, Southern Power District --Utilities 87.79, Spectrum Business --Utilities 1,298.12, Syndicate Publishing, Llc --Printing 255.72, The Library Store --Supplies 447.12, Trade Well Pallet Inc --Supplies 250.00, Vessco Inc --Fees 1,270.88, Wex Bank --Gas 6,134.66, Wpci --Fees 246.00, 4-7-23 Payroll \$50,217.10.

Schneider wanted clarification on the condemnation property windows needing to be replaced. The 2nd story should have all windows replaced on both the addition and original portion of the building. The first story windows need to be replaced on the addition only. The first story windows were replaced on the original portion of the building using the façade loan.

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.

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

Agenda Item #6, Public Forum

No comments were made.

Agenda Item #7, Mayoral Proclamation for National Library Week

Yant declared the week of April 23-29 as National Library Week and read the proclamation.

Agenda Item #8, Consider Approval of Treasury Report, March 2023.

Jordan explained the decrease in the tax revenues and the increase in the enterprise revenues. She also explained that overall, there was an increase in funds from the previous month. She also explained the expenses that were incurred during this month on the tax and enterprise sides.

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

Agenda Item #9, Consider Approval of Budget Report, March 2023.

Jordan stated that there was an error on the original report and passed out a new report with the correction. She also explained the changes in different line items.



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

Agenda Item #10, Presentation on the Proposed New Elementary School by Minden Public Schools Superintendent, James Widdifield.

Minden Public Schools Superintendent, James Widdifield and East Elementary Principal, Sandy Pohl spoke about the proposed design for the new Elementary School. Pohl stated two main issues that need addressed for East Elementary School. The first item needing to be addressed is a programing issue in our growing community with the importance of early childhood education. Students start pre-school at the age of 3 and attend pre-school until they move into kindergarten. If students are starting Kindergarten without first attending pre-school, they are starting their school career behind. With limited space, last year, they turned away 20 families from the pre-school program, along with the Headstart program in Minden turning away 9 families. This year Minden Public Schools has had 60 families turn in applications for the pre-school program with 32 available spots. Minden Public Schools currently knows that the Headstart program, along with surrounding pre-school programs, are currently full for this coming year. They are unable to properly serve the age group from 3 years old to kindergarten.

The second item needing to be addressed is Minden East Elementary's facilities. The roof is beyond repair, with many hours spent cleaning up leaks anytime there is rain or thawing of snow. Architects have stated there are concerns with the structural soundness of the building, leaving settling holes, soft areas under the floor in which it is unknown what is under that area, and tiles popping up. Tennis balls are used under tables and chairs throughout East Elementary to level them out. The current storm shelter in the basement is needing structural repairs. There are also drainage issues identified, especially to the south portion of the building.

The location is also landlocked with nowhere to grow. Widdifield stated that they have made efforts to repair some of the issues discussed. Most of the repairs that need to take place are millions of dollars, with some of the structural concerns being next to impossible to resolve. He stated that with this new school they will also address current security issues and parking. Minden Public Schools are expecting an increase of 40-50 students with the addition of MWE Phase II.

Other areas of concern that MPS would like to address and include in the bond for building the Elementary School is parking and current security issues with both East Elementary School and CL Jones Middle School. Neither of the schools have a secure entrance. Widdifield stated that just with refinancing alone they have been able to reduce the bond for the High School by 5 million dollars. Because of the size of the Minden, MPS can refinance the bond more often. He stated that there is a possibility to refinance every 5 years. Everything they have completed so far is preliminary. Also, there are few other schools that are adding or remodeling their schools right now, so MPS may be able to get cheaper rates from the contractors.

Yant clarified that the current proposed plan can hold more students than the current facility. Widdifield confirmed this and explained the plan for expansion later, to all the schools, if the need were to arise. Sumstine questioned the resources for the special education students. Pohl stated right now there are 2 special education teachers covering a little over 400 square feet area helping with 18 students moving in and out of classrooms. The new school will provide more room for special education students. Moving closer to the high school provides more opportunities for all the students to visit places, such as the high school auditorium to watch programs.

Widdifield stated that they are working on grants to help cover costs. MPS has applied for a FEMA grant for the gym to become a community shelter in an emergency, along with a grant to help with the cost of safety and security measures and an early childhood development grant. The elementary gym can be used for Optimist programs. The placement of the new gym will allow the school areas to be shut off to the public while the events are going on and patrons can travel from gym to gym. Olson asked if the gym will be full sized with bleachers. Widdifield stated, it will be full sized and similar to the current high school gym. Cost will be the ultimate factor with the seating in the new gym. Kring asked about the safety by connecting the schools and how big of area it would be to keep secure and slow a threat. Widdifield stated that all fire and safety codes will be implemented in the new school, along with a grant to help cover additional safety options.

Josh Jorgensen, 592 33 Road, spoke in support of the school. He stated that when he first left the community it was smaller but better with many businesses. The school will help bring local support back to the community and encouraged others to start investing back into the community.

Carli Oberg, 559 W Holland, stated that when first married they lived in Kearney and her husband worked in Minden. She stated that when they were expecting their first child, they began looking for housing in Minden because of the wonderful school system. We need to do anything we can to support our teachers and amazing school staff.

Kirk Ramsey, 221 S Blaine, stated that he was born and raised in Minden. Both him and his wife have been in education for 30+ years and have seen a lot of facilities over the years. Our current facility is not ready for the 21st century child needs. The new elementary school would give our kids the options they need. Kirk stated turning pre-schools kids away is heartbreaking. Every kid deserves to start their school career on the same level. The reason Kirk came back to Minden is because it is a great small town with a wonderful community. He stated that he broke down the cost of the bond based on the number of kids enrolled and it was about 14 cents for each kid per month.

No action taken.

Agenda Item #11, Consider Approval of a Revolving Fund Loan of \$75,000 to Shon Lieske and Jeff Ensz for 10 Years at a 5.4% Interest Rate for the Purchase and Renovation of 435 N. Colorado Avenue as Recommended by the Revolving Loan Fund Review Committee.

Jordan stated that in 2017 the city applied for the USDA REDLEG Grant in the amount of \$300,000. These funds were loaned to the hospital for renovation of the radiology department and labs improvements. With the funds that the City of Minden loaned to the hospital, they have repay the City of Minden two payments in the amount of \$18,000.00 each year. With the funds that have been repaid to the City of Minden, approximately \$200,000, we are able to loan out the funds again to another business. The Revolving fund loan committee met last week to review the application Jeff Ensz submitted to renovate their new office purchased in downtown Minden. Ensz explained they asked for the loan to help renovate the Office Supply building they purchased for their new business office quickly and still have enough cash flow to invest in their current staff. Sumstine asked about the interest rates that were set and why the loans for Lieske and Ensz were not the same rate as MaKayla Rutt. The Revolving loan committee can set the interest rate with Ensz stating that there are limits on the percentage that can be set. He also stated that with them being a current business that is taking in income and Rutts' circumstances being different. Sumstine asked about the property owner and the leasing of the property. Ensz stated that himself and Shon Lieske are purchasing the property personally and leasing it to the business.

Kring motioned to approve the Revolving Fund Loan of \$75,000 to Shon Lieske and Jeff Ensz for 10 years at a 5.4% interest rate for the purchase and renovation of 435 N. Colorado Avenue as Recommended by the Revolving Loan Fund Review Committee and Sumstine seconded. On roll call, the following voted aye: Kring, Sumstine, Yant and Schneider. Motion carried.

Agenda Item #12, Consider Approval of a Revolving Fund Loan of \$75,000 to MaKayla Rutt for 10 Years at a 2% Interest Rate for Sidewalk Repair and Concrete Work along with a Fire Suppression System at the Old Bank Building on the NE corner of 5th Street and Minden Avenue as Recommended by the Revolving Loan Fund Review Committee.

MaKayla Rutt gave her vision of the old bank building. Rutt is also applying for the Nebraska Affordability Trust Fund Grant that is used to help provide affordable housing in Nebraska. The grant is a large piece of the funds needed to help purchase and renovate the building. The grant application is due May 11, 2023, and Rutt should know by September 2023 if she will receive the grant funds. Rutt envisions this building being a multipurpose property, having 5 residential rentals and a commercial area available to rent. Jordan stated that this loan is based on the contingency of the grant from the state.



Sumstine motioned to approve the Revolving Fund Loan of \$75,000 to MaKayla Rutt for 10 years at a 2% interest rate for sidewalk repair and concrete work along with a fire suppression system at the Old Bank Building on the NE corner of 5th Street and Minden Avenue as Recommended by the Revolving Loan Fund Review Committee and Schneider seconded. On roll call, the following voted aye: Kring, Sumstine, Yant and Schneider. Motion carried.

Agenda Item #13, Consider Approval of the Revised Administrative & Sanitation Fee Schedules.

Jordan gave a brief description of the extra items the City of Minden sends out invoices for. The City would like to add a 10% late fee as there is a customer that is continually late in paying. The City of Holdrege landfill is now charging a \$10.00 fee for each mattress that is brought to the landfill. The City would like to pass on that fee to the residents that are disposing of the mattress. The City of Minden would like to add the fee for the 4 yd dumpster currently rented to citizens.

Schneider motioned to approve the revised Administrative & Sanitation Fee Schedules and Kring seconded. On roll call, the following voted aye: Kring, Sumstine, Yant and Schneider. Motion carried.

Agenda Item #14, Consider Approval of Ordinance Amending Chapter 94, Article III, C1 Central Commercial District Use Regulations of the Minden Municipal Code, First Reading.

Jordan stated that currently the zoning of C-1 does not allow more than 2 residential units in our C-1 area. The proposed change will include that the upper levels above the street may include single and multiple dwelling units, with no more than 20% of the street level can be used for residential spaces if there are dwellings on the upper level. It is not practical to rezone the two properties applying for the trust fund housing grants to R-2 as that zoning severely limits the commercial options.

Jordan said Rutt stated earlier today that her plan includes 35% residential space on the street level and the council may choose to change the percentage in the proposed ordinance. Olson clarified that the main goal is to keep the focus of the building's street level for commercial use.

Schneider introduced Ordinance 1280 for its first reading and increasing (a) (13) from 20% to 35%.

ORDINANCE NO. 1280

AN ORDINANCE TO AMEND CHAPTER 94, ARTICLE III, OF THE MUNICIPAL CODE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA, BY AMENDING SECTION 94-69, AS THE SAME RELATES TO C1 CENTRAL COMMERCIAL DISTRICT USE REGULATIONS WITHIN THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA.

Section 1. That Section 94-69 be amended in the Municipal Code of the City of Minden, Kearney County, Nebraska, to read as follows:

Section 94-69. C1 Central Commercial District Use Regulations.

(a) Permitted uses. In the C1 central commercial district, the following buildings and uses are permitted

(1) Any use permitted in the R1 residential district.



- (2) Automotive sales and service, such as filling or service stations, commercial garages, enclosed salesrooms, and enclosed buildings for vehicle repair.
 - (3) Business service, such as banks, office buildings, and postal stations.
 - (4) Clothing services, such as laundry agencies, self-service laundries, dressmaking, millinery, shoe repair and dry cleaning and pressing establishments and using only cleaning materials safe from fire hazards.
 - (5) Equipment service, such as radio shops, electric appliance shops, record shops.
 - (6) Personal service, such as barber shops, beauty salons, reducing salons, and photographic studios.
 - (7) Retail sales, such as food markets, drugstores, haberdashers, stationers, newsdealers, apparel shops, showrooms, and flower shops.
 - (8) Food service, such as eating and drinking establishments.
 - (9) Service establishments and wholesale trade conducted completely within an enclosed building.
 - (10) Transportation terminals.
 - (11) Warehouse buildings and commercial storage.
 - (12) Hotels and motels.
 - (13) The upper levels above street level of a building may be used for multiple dwellings. No more than 35% of the street level may be used for residential space if there are dwellings on the upper levels.
 - (14) Accessory or secondary buildings, structures or uses, subordinate and customarily incidental to and located in the same lot with any of the foregoing principal uses, provided that no person who is not a resident of the premises shall be employed in such accessory or secondary use thereof.
- (b) Height and area requirements. The required height and area regulations in the C1 central commercial district are as follows:

Maximum Building Height

Stories	3
Feet	45

Minimum Lot Requirements for new family dwelling structures

	Single-family	Two-family
Area (square feet)	7,920	9,240



Lot frontage (feet)	<u>66</u>	<u>66</u>
Front yard depth	<u>25</u>	<u>25</u>
Rear yard depth	30	30
Total side yard width	12	12
One side yard width	6	6

Source: Code 1982, SS 15-206.01, 15-206.02; Ord. No. 1131, SS 1, 1-15-07; Ord No. 12XX, __/__/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. 1280 and shall be in full force and effect from and after its passage, approval and publication according to law.

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

Agenda Item #15, Consider Approval of Sign Center Quote for replacement of the Christmas City sign at Colorado Avenue and Highway 6/34 for \$5,258.54 and payment of \$2,629.27 deposit.

Yant stated that originally the bid to repair the sign structure and replace the sign was approximately \$19,000 by Versatile Roofing. Mayor Evans pursued a lower quote. Sign Center would be able to repair the structure and replace the sign for a lower cost than the original bid.

Schneider motioned to approve the Sign Center Quote for replacement of the Christmas City sign at Colorado Avenue and Highway 6/34 for \$5,258.54 and payment of \$2,629.27 deposit and Kring seconded. On roll call, the following voted aye: Kring, Sumstine, Yant and Schneider. Motion carried.

Agenda Item #16, Consider Approval of Ordinance Vacating a Portion of Lots 4-9, Block 17, Pearson & Campbell's Addition to the City of Minden, Nebraska; First Reading.

Jordan stated that Dollar General is looking to purchase the current trailer park on Campbell to build another store. There is currently a platted alley on this property. The proposed ordinance would allow the City of Minden to vacate the alley which would allow Dollar General to obtain the entire property, with the City completing an easement with Dollar General which would allow us to maintain all the utilities that are located under the alley. Dollar General would be responsible for relocating the overhead electric lines. Jordan recommended completing three readings on this ordinance, with two readings (one now and the 2nd at the next meeting) with the third reading after the purchase of the property. Once the property is purchased, the easement would be completed for the City of Minden to maintain the utilities in the alley. Bernie Straetker with Miller and Associates spoke on behalf of Dollar General and asked if the approval of the building permit would be possible before the purchase of the property. Jordan stated that she thought that this would be possible upon the contingency of the purchase. Sumstine asked if this would change the drainage of water in the area for surrounding residents. Straetker stated that he believes that the current plan is to drain into the surroundings streets but that he would check into this more as the project develops. Schneider asked about the current residences of this property. Jordan stated that the City of Minden is not involved in that area.

Kring introduced Ordinance 1281 for its first reading.

ORDINANCE NO. 1281



AN ORDINANCE TO VACATE THE WEST 8 FEET OF LOTS 4, 5, AND 6 TOGETHER WITH THE WEST 8 FEET OF THE VACATED NORTH 10 FEET OF CAMPBELL STREET ABUTTING LOT 6 AND THE EAST 8 FEET OF LOTS 7, 8, AND 9 TOGETHER WITH THE EAST 8 FEET OF THE VACATED NORTH 10 FEET OF CAMPBELL STREET ABUTTING LOT 7, ALL IN BLOCK 17 OF PEARSON & CAMPBELL'S ADDITION TO THE CITY OF MINDEN, NEBRASKA AS THE SAME WAS FORMERLY USED FOR ALLEY PURPOSES. THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA RESERVES UNTO ITSELF ANY AND ALL EASEMENTS WHICH IT MAY HAVE FOR UTILITIES ACROSS THE HEREIN DESCRIBED PROPERTY; AND PROVIDING FOR THE PUBLICAITON 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 the alley which lies between and being more particularly described as follows: the west 8 feet of Lots 4, 5, and 6 together with the west 8 feet of the vacated north 10 feet of Campbell Street abutting lot 6 and the east 8 feet of Lots 7, 8, and 9 together with the East 8 feet of the vacated north 10 feet of Campbell Street abutting Lot 7, all in Block 17 of Pearson & Campbell's Addition to the City of Minden, Nebraska, as the same was formerly used for alley purposes, be and the same is hereby vacated.

Section 2. That the title to the north 100' of the vacated alley herein described shall and does hereby revert to the owners of the adjacent land lying on the east side thereof.

Section 3. That the City of Minden, Kearney County, Nebraska hereby reserves unto itself an easement for utility purposes in and to the vacated portion of this alley.

Section 4. That the Council finds that no persons or property will be in any way damaged by this vacation and, therefore, no provision is made for determination of damages.

Section 5. 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 6. This ordinance shall be known as Ordinance No. 12XX and shall be in full force and effect from and after its passage, approval and publication according to law.

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

Agenda Item #17, Discussion of City Administrator Vacancy.

Yant motioned to enter closed session at 7:44 p.m. and Schnieder seconded. On roll call, the following voted aye: Kring, Sumstine, Yant and Schneider. Motion carried.

Sumstine motioned to exit closed session and enter open session at 8:18 p.m. and Kring seconded. On roll call, the following voted aye: Kring, Sumstine, Yant and Schneider. Motion carried.

Agenda Item #18, Adjournment

Kring motioned to adjourn at 8:18 pm and Schneider seconded. On roll call, the following voted aye: Kring, Sumstine, Yant and Schneider. Motion carried.

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/s/ Larry Evans
Larry Evans, Mayor

Attest:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

(SEAL)