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
May 1, 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 6:01 p.m. The following City Council members were present: Jarvis Kring, Teresa Sumstine, Jack Yant and Alyssa Schneider. The following City Officials were present: Mayor Larry Evans, City Attorney Andrew Olson, and City Clerk Abbey Jordan.

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

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

Then Evans made the following statement:

> "Pursuant to the Open Meetings Act and Public Records Law Requirements a current copy of the Open Meetings Act is posted for public inspection on the east wall of the Council Chambers. In addition, for public inspection, there is located on the table to the south of the chairs in the Council Chambers, a copy of the Council packet that was distributed to the members of the Council prior to this meeting.
>
> The City Council will take public comments on an agenda item, if it is deemed necessary. Please state your name and address prior to commenting."

Agenda Item #3, Council Announcements. Sumstine congratulated the junior and senior trap shooters as they competed at Cornhusker State. Evans thanked the tree board for planting a Blooming Japanese Lilac for Arbor Day at the Minden Cemetery. Evans stated the City sent out another waterline survey with the utility bills this month as we only had a 25-30% response last month. May 4th is the National Day of Prayer with an open house at the Minden Exchange Bank. Last Saturday Evans attended the talk with Senator Steve Halloran and wanted to thank the Minden Chamber of Commerce for setting that up. On May 5th and 6th the Kearney County clean up will take place. Also on May 6th is the fire department's annual pancake feed and Dawg Days will take place on the downtown square in the afternoon. The City is offering free compost at the city landfill. Please remember to take your yard waste out of the bags. Jordan reminded all of the Highway 10 re-surfacing to start anytime and it may affect Bandfest. On June 3rd there will be about 450 cars coming into Minden and will be here for two hours starting at 9:00 am. The mayor and council members will be paid on May 5th. Evans thanked Yant for filling in for him at the last City Council meeting.

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

B. Butler--Training 221.93, Black Hills Energy--Utilities 522.60, Carrot Top Industries--Supplies 457.58, Construction Rental, Inc.--Rental 90.15, Core & Main Lp--Supplies 945.06, Dier,Osborn & Cox, P.C., L.L.O--Legal 2,650.00, Emergency Medical Products--Supplies 721.15, F. Rogers--Cleaning 400.00, Fyr-Tek, Inc.--Supplies 870.70, Gilmore & Bell, Pc--Fees 5,600.00, Great Plains Communications--Utilities 146.23, Hawkins Water Treatment--Chemical 3,108.28, Holmes Plbg.& Htg Supp Co--Supplies 643.61, IIMC--Fees 185.00, Integrated Security Solutions, Llc--Fees 391.00, John Deere Financial--Supplies 161.28, Johnson Service Company--Infrastructure Repair 3,325.00, K. League--Training 46.27, Ke Co Treasurer--Fees 5,516.66, Kearney Co. Clrk Myra Johnson--Fees 6.00, L. Shrader--Training 19.03, L. Stangl--Supplies 68.22, Landmark Implement Carquest--Repairs 189.19, Lawson Products, Inc.--Repairs 134.25, Logan Contractors Supply--Supplies 7,878.28, Mason's Market--Supplies 108.02, Matheson Tri-Gas Inc--Supplies 32.81, Menards Of Kearney--Supplies 281.32, Mid Nebraska Aggregate, Inc--Infrastructure Repair 4,136.09, Minden Exchange Bank & Trust C--Financing 6,050.40, Minden Office Supply, Inc--Supplies 108.22, Minden Utility Dept.--Utilities 3,715.08, Napa Auto Parts--Repairs 1,041.32, Ndee--Operator Certification Program--Fees 115.00, Ne Mosquito And Vector Control--Fees 65.00, Ne Water Environment Assoc--Training 450.00, Nebraska Rural Water Assoc.--Membership 450.00, Nmc, Inc.--Rental 3,395.00, Nphe--Fees 18.00, Olsson Associates--Tech/Engineering 60,297.29, Philadelphia Insurance Companies--Insurance 301.00, Productivity Plus Account--Repairs 17.06, Raynor Doors Of Ce Ne Inc--Repairs 534.00, Revenue Bond Payment Account--Fees 13,850.00, Syndicate Publishing, Llc--Printing 54.66, The Library Store--Supplies 105.49, United States Postal Service--Printing 554.04, Village Cleaners Inc--Cleaning 130.83, Ziemba Roofing Co.--Infrastructure Repair 235.00, 4-21-23 Payroll $56,951.70.

Sumstine 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.

Sumstine asked Butler where he was attending training regarding his reimbursement request? Butler replied he is going to the Narcotic Investigators Training in Florida.

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

Agenda Item #6, Public Forum

No comments were made.

Agenda Item #7, Consider Approval of the Minden West Estates Phase II Change Order #2 for the Electrical Work to be completed by Ensley Electrical Services in the Amount of $89,071.50.

Evans reminded the council that NPPD will be running the wiring and Ensley will be putting in the conduit that needs to be in place for the new homes to be built at MWE Phase II. The charges for the conduit will put the electrical portion of MWE Phase II over budget. The City will be able to pull from other areas of the budget to cover these costs. In the light department budget there is a line item with NPPD in the amount of $25,000 for business expansion (DG and Fill N Chill) but the business will not be until the next budget year. The NPPD facilities study in the amount of $25,000 which will not be completed this fiscal year. Also, a $40,000 recycle pickup that was budgeted will not be purchased this budget year. There is $12,000 in the budget for wages for a nuisance officer, but Evans will continue to handle nuisance properties. The Sanitation truck will be paid off by Aug 2023 which will save the City money in the budget. Yant stated that the amount the City will pay Ensley is not as much as he thought it would be.

Jordan stated that the previous administrator had approximately $3.4 million as a contingency line item for the City of Minden with the assumption that a lot of the City contingency would go towards the Minden West Estates Phase II project. The total expenses on our state budget is 16 million dollars, therefore, a hundred thousand dollars is a small portion, and the City has the option to reallocate the money Evans talked through earlier.

Sumstine motioned to approve the Minden West Estates Phase II Change Order #2 for the Electrical Work to be completed by Ensley Electrical Services and Schneider seconded. On roll call, the following voted aye: Kring, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #8, Consider Approval for the Construction of a Floating Dock for Dr. Andrew Craig, M.D., and Katie Craig per the Agreement for Easement for the Pond Easement Located in part of the Southeast ¼ of the Southwest ¼ Section of 12, Township 6 North, Range 15, West of the 6th P.M., Kearney County, Nebraska.

Evans stated Andy Craig had a gentleman's agreement with the previous administrator that allowed him to put a dock on his side of the stormwater pond. Evans would like to bring before the council Andy Craigs request to construct a floating dock on his side of the stormwater pond as the easement requests City approval for construction changes.

Yant motioned to approve the Construction of a Floating Dock for Dr. Andrew Craig, M.D., and Katie Craig per the Agreement for Easement for the Pond Easement and Schneider seconded. On roll call, the following voted aye: Kring, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #9, Consider Approval to Authorize Chief Elected Official to Sign the Application for Nebraska Affordable Housing Trust Fund (NAHTF) – Rental Conversion of the Old Bank Building.

LeAnn Jochum, South Central Economic Development (SCEDD) reviewed the applicant/developer, MaKayla Rutt and her application. The trust funds will have income limits for the tenants who rent the apartments in the renovated old bank building. The income limit will be 120% median income rate to rent the apartments. The renovation will be a very expensive process and Rutt will not be able to renovate the building without the Nebraska Affordable Housing Trust Fund grant. The Trust Fund is funded by a real estate tax.

As the City of Minden is the applicant, it is up to the City to make sure that income eligibility requirements are met for the required 10 years. To help ensure the requirements are met, the owner would come to the city annually and review the tenants that are renting apartments in the old bank building. The owner would not share the tenant's personal details. The tenants will need to complete an extensive application process to rent the apartments. The 10-year eligibility for the grant starts once all 5 units are rented out.

Grievances are to start with the City of Minden following the written procedures. Hopefully the grievance can then be resolved and not make it to the state level. Any city personnel associated with the decision-making process will not be able to rent one of the apartments due to a conflict of interest.

Jochum reminded the council that the included document is the preliminary rental guidelines. The guidelines will be finalized at the award of the grant. Sumstine asked what happens if a tenant's income changes? Jochum stated the tenants are reviewed annually and the rent may be adjusted if they have more or less income or if the household size changes. The rent includes all utilities except wi-fi.

The State of Nebraska will announce the award of the grant in the fall of 2023. There are currently over 80 applicants that have submitted pre-applications for the Nebraska Affordable Housing Trust Fund with only $3.3 million to fund projects.

Sumstine motioned to approve the authorized Chief Elected Official, Mayor Evans, to Sign the Application for Nebraska Affordable Housing Trust Fund – Rental Conversion of the Old Bank Building and Kring seconded. On roll call, the following voted aye: Kring, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #10, Consider Approval to Authorize Chief Elected Official to Sign the Application for Nebraska Affordable Housing Trust Fund (NAHTF) – Rental Conversion of the Albers Building.

Jochum stated the Albers building is also applying for $750,000 for the two parcels. There is currently separate ownership and there is not a contingency agreement for purchase. The developer, Jacob Rafert, has determined that the sale price is prohibitive due to the building's current condition. The City of Minden has applied for the grant and the city can explore a different developer if awarded.

Sumstine inquired about snow removal. Jochum responded that the owner is responsible for landscaping and sidewalk snow removal. Rafert has chosen to include wi-fi and utilities in his rent amounts. Rafert is exploring investment partners for his project.

Yant motioned to approve the authorized Chief Elected Official to Sign the Application for Nebraska Affordable Housing Trust Fund – Rental Conversion of the Albers Building and Kring seconded. On roll call, the following voted aye: Kring, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #11, Review of the Order of Condemnation for Lot 1, Block 14, Original Town, Minden, Kearney County, Nebraska, and Take Action as Desired.

Shelley Biever stated that her and her husband, John Biever have been completing the required daily cleaning, inspection, and emailing pictures of the Albers building. S. Biever stated they have been having issues with the barricades staying up due to wind. They also don't have all the exterior windows covered due to the wind. They can't rent a lift while the wind has been so strong along with the backlog of renters waiting to rent one too. S. Biever stated if they were able to cover the interior of the windows instead of the exterior of the windows, they would be able to complete the window covering. Evans stated that there is plywood on the inside of the windows on the 2nd story of the building that is facing Colorado. S. Biever agreed.

Olson stated the Bievers have made good progress and the work is appreciated. Olson stated that the Façade loan has also been brought current. S. Biever stated they were behind on the facade loan due to her not being aware that the request to forgive the loan was not approved.

Evans asked the Beivers if they are still on track with the timeline to have the addition demolished by the end of June? S. Biever stated that they including the contractor are still on the timeline of tearing down the addition by the end of June.

Sumstine asked if it is necessary for the Biever's to complete a review of the building, along with sending pictures to Abbey daily? S. Biever stated that nothing changes daily, she stated in the last 30 days she has swept up leaves but has not had to clean up any broken glass from the building. Olson stated that he believes sending pictures to Abbey three times a week would be sufficient, however, would like to continue with the daily inspections.

S. Biever stated that she received the demolition permit application from Jordan and they previously had an asbestos inspection completed and will email the report to Jordan. Jordan asked if there was any asbestos that needed abated? S. Biever stated that what was there Dana Hansen had already abated. Jordan stated the City will need the landfill tickets for the asbestos disposal. S. Biever stated she didn't know what to do while remediating, so she doesn't have any paperwork. Jordan stated if there is asbestos on the

initial report, then it is abated and must show proof it was disposed of, then she believes there will need to have another asbestos report completed. Jordan will double check to make sure that statement is correct.

Evans wanted to make it clear that the NW addition portion needs to be taken down by the end of June. Evans has been in contact with two contractors getting bids for the demo of the NW addition portion to assure the demo of the addition of the Albers building if it is not done by the end of June. S. Biever asked who Evans contacted to receive bids for the demo of the addition? Evans stated he contacted a contractor in Hastings and another from Grand Island. Evans stated that the demolition cost that the City incurs will be assessed back to the property. Sumstine stated maybe the Bievers could utilize our bids if they are less then the current bid the Biever's have obtained. S. Biever previously obtained a bid from Blessing Construction. Evans stated they are closing business the start of June. S. Biever requested a copy of the bids to tear down the building. Evans stated that he would be able to share the bids.

LeAnn Jochum, SCEDD, stated it isn't the City's responsibility to research and find a demolition contractor. The private owners are responsible for getting the demolition done. S. Biever has someone to complete the demolition and wants to ensure it's financially feasible to complete. Evans asked if $40,000 - $50,000 is financially feasible for the Biever's for the demolition work? S. Biever and J. Biever both stated no, it's not financially feasible for them.

Yant motioned to rescind the order of condemnation dated April 3, 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 June 30, 2023:
    - Window coverings placed on all second story windows
- Conduct daily visual inspections ensuring the barriers are in place on the NW portion, and for debris and clean-up as needed.
- Provide a report and site photos three times a week with at least a day in-between via email to ajordan@mindennebraska.org.
- Provide physical barrier blocking pedestrian traffic on the sidewalk to the north of the NW addition. Barrier is to remain up until the NW addition is demolished and debris cleared.
- Provide progress updates at the June 5, 2023 City Council meeting and at the June 19, 2023 City Council meeting.

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

Agenda Item #12, Consider Approval of the Accounts Receivable Module with Tyler Technologies for $4,784.

Jordan reviewed the current Accounts Receivable process.

Schneider motioned to approve the Accounts Receivable Module with Tyler Technologies and Kring seconded. On roll call, the following voted aye: Kring, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #13, Consider Approval of Ordinance Amending Chapter 94, Article III, C1 Central Commercial District Use Regulations of the Minden Municipal Code, Second Reading.

Schneider introduced Ordinance 1280 for its second reading.

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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)	66	66
Front yard depth	25	25
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. 1280, __/__/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.

Yant seconded. On roll call, the following voted aye: Kring, Yant, and Schneider. Absent and not voting: Sumstine. Motion carried.

Agenda Item #14, Consider Approval of Ordinance Vacating a Portion of Lots 4-9, Block 17, Pearson & Campbell's Addition to the Town of Minden, Nebraska; Second Reading.

Yant introduced Ordinance 1281 for its second 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. 1281 and shall be in full force and effect from and after its passage, approval and publication according to law.

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

Agenda Item #15, Discussion on Pending Litigation.

Schneider motioned to enter closed session at 7:12 p.m. and Yant seconded. On roll call, the following voted aye: Kring, Sumstine, Yant and Schneider. Absent and not voting: Kring. Motion carried.

Schneider motioned to exit closed session and enter open session at 7:37 p.m. and Kring seconded. On roll call, the following voted aye: Kring, Sumstine, Yant and Schneider. Motion carried.

Agenda Item #16, Discussion on City Administrator Vacancy.

Yant motioned to enter closed session at 7:37 p.m. and Schneider seconded. On roll call, the following voted aye: Kring, Sumstine, Yant and Schneider. Motion carried.

Yant motioned to exit closed session and enter open session at 8:16 p.m. and Schneider seconded. On roll call, the following voted aye: Kring, Sumstine, Yant and Schneider. Motion carried.

Agenda Item #17, Adjournment

Yant motioned to adjourn at 8:16 pm and Schneider 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)