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

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The Christmas City
Minden NEBRASKA

Minutes of Council Meeting
City of Minden, Nebraska
June 5, 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: City Attorney Andrew Olson, Mayor Larry Evans, City Administrator Michael Krings 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 reminded all that Minden's City Council follows Robert's Rules. Evans thanked all of the volunteers, Fire Department, Police Department, and Chamber of Commerce for their help with the NE Custom Cars that stopped in Minden on Saturday. Evans stated that on June 22nd at the Minden Opera House there will be a meet-and-greet for the new City Administrator, Michael Krings.

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. Lempka--Supplies 65.00, Amazon Capital Services--Supplies 471.77, Atlas Automation Llc--Repairs 1,468.94, Black Hills Energy--Utilities 104.33, Boarders Inn & Suites--Training 1,249.50, B. Butler--Training 944.55, Burgess Well Company--Supplies 75.80, City Of Minden--Fees 50.00, Construction Rental, Inc.--Supplies 1,088.00, Dier,Osborn & Cox, P.C., L.L.O--Legal 750.00, D. Patterson--Fees 3,300.00, Eakes Office Plus--Supplies 2,408.76, Electric Pump--Repairs 325.19, E. Wheeler--Supplies 111.71, F. Rogers--Cleaning 430.00, Figgins Construction Inc--Infrastructure Repair 38,592.00, Fyr-Tek, Inc.--Supplies 5,223.02, Great Plains Communications--Utilities 146.23, Hawkins Water Treatment--Chemical 3,693.53, Isw--Supplies 116.55, Jameson Sandblasting & Paintin--Repairs 636.50, J. Carter--Infrastructure Repair 9,505.20, Jims Ok Tire Minden Llc--Repairs 60.00, John Deere Financial--Repairs 652.81,

Johnson Service Company--Infrastructure Repair 21,332.50, Johnstone Supply--Supplies 196.40, Ke Co Treasurer--Fees 5,516.66, Kearney Co. Clrk Myra Johnson--Fees 80.00, Landmark Implement Carquest--Repairs 323.68, Mason's Market--Supplies 512.48, Mid-States Organized Crime Information Center--Fees 50.00, Miller & Associates--Fees 272.50, Minden Exchange Bank & Trust C--Financing 6,050.40, Minden Lumber & Concrete Co.--Supplies 123.25, Minden Utility Dept.--Utilities 3,247.53, Napa Auto Parts--Repairs 272.97, Nphe--Fees 18.00, Olsson Associates--Tech/Engineering 30,966.10, P. Philippi--Training 720.00, P. Carkoski Construction--Infrastructure Repair 58,807.73, Premier Claims Llc--Insurance 11,201.59, Presto X Co.--Fees 143.28, Revenue Bond Payment Account--Fees 13,850.00, R. Crooks--Supplies 78.46, Rose Equipment Inc.--Supplies 316.20, Sargent Drilling Co.--Fees 1,400.00, Share Corp.--Supplies 331.61, S. Kile--Fees 400.00, Siteone Landscape Supply Holding, Llc--Chemical 1,012.50, Southern Power District--Utilities 63.63, Syndicate Publishing, Llc--Printing 396.95, T. Beck--Supplies 82.24, Travelers--Insurance 344.00, Tyler Technologies--Fees 250.00, United States Postal Service--Fees 178.00, Van Diest Supply Co--Chemical 4,996.75, Verizon Wireless--Utilities 688.91, Vermeer High Plains--Rental 700.00, Vessco Inc--Supplies 770.04, Village Cleaners Inc--Cleaning 160.30, 5-19-23 Payroll $51,516.43, 6-02-23 Payroll $57,526.37.

Schneider stated that she was not sure if the voting on the Sumstine Resolutions were correct on the pervious minutes. She also stated that on #21, she did not think that Sumstine abstained. On #12 it stated that Yant motioned and seconded. Jordan stated that she would correct these. Schneider asked why the Patterson fee was paid out of light. Jordan stated that it was booked her because that is what department the administrator was paid out of. Schneider also asked if Huff was always on the payroll. Jordan and Evans stated that he is a seasonal employee for the Cemetery. Yant motioned to approve the consent agenda with the changes to the previous minutes. Schneider seconded. On roll call, the following voted aye: Kring, Sumstine, Yant and Schneider. Motion carried.

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

Schneider asked if the Butler reimbursement was for a training, Jordan confirmed that it was for training. J. Kring asked about the reimbursement for Lempka for dog food. Jordan stated that it was a reimbursement for food that was purchased and that she has a note to put this in the budget for next fiscal year.

Schneider motioned to approve the Police Department's Bills & Claims for this Council Meeting and Yant 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 Resolution Adopting the Tri-Basin NRD Multi-Jurisdiction Hazard Mitigation Plan Update in its Entirety.

Evans stated that the Hazard Mitigation Plan was put together by the Tri-Basin NRD and provided to the City. Jordan stated that she was not sure how often they update this, but guessed every 5-10 years. She also stated that Tri-Basin hired JEO Consulting to complete this. Klahn and Fischer had attended some of the meetings held to discuss this. Jordan also stated that the council received the pages that included Minden, as there are other towns included in the plan. Evans stated that M. Krings and himself had discussed prior that on page 12 it talks about the Kearney County Local Emergency Plan and that there is a 2020 plan that was provided by Craig Lupkes, the Kearney County Emergency Manager. Evans also stated that he would like the council to have a table-top discussion on the Emergency Plan.

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RESOLUTION No. 1765

WHEREAS, the Federal Disaster Mitigation Act of 2000 was signed in to law on October 30, 2000, placing new emphasis on state and local mitigation planning for natural hazards and requiring communities to adopt a hazard mitigation action plan to be eligible for pre-disaster and post-disaster federal funding for mitigation purposes; and

WHEREAS, a Multi-Jurisdictional Hazard Mitigation Plan was prepared by the Tri-Basin Natural Resources District, with assistance from JEO Consulting Group, Inc.

WHEREAS, the purpose of the mitigation plan was to lessen the effects of disasters by increasing the disaster resistance of the counties and participating jurisdictions located within the planning boundary by identifying the hazards that affect Minden and prioritize mitigation strategies to reduce potential loss of life and property damage from those hazards, and

WHEREAS, FEMA regulations require documentation that the plan has been formally adopted by the governing body of Minden in the form of a resolution and further requesting approval of the plan at the Federal Level; and

NOW, THEREFORE, the governing body of Minden does herewith adopt the most recent and FEMA approved version of the Tri-Basin NRD Multi-Jurisdictional Hazard Mitigation Plan Update in its entirety; and

PASSED AND APPROVED this 5th day of June, 2023.

/s/ Larry Evans
Larry Evans, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Schneider motioned to approve Resolution No. 1765 Adopting the Tri-Basin NRD Multi-Jurisdiction Hazard Mitigation Plan Update in its Entirety and Kring seconded. On roll call, the following voted aye: Kring, Sumstine, Yant and Schneider. Motion carried.

Agenda Item #8, 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 they are working on the demolition application. Black Hills Energy just finished disconnecting the natural gas line which could not have been done until the ground was warmer, despite being ordered in January. She stated that Dana Hansen, their contractor, is working on the minor asbestos removal and getting the landfill disposal receipts. The second-floor widows on the north side have not been covered because they cannot work on the interior without the light they provide. They need to utilize the east-west hallway to remove the interior elements. They do have liability insurance if something were to happen, such as a window breaking.

Hansen has continued stripping down the interior and S. Biever has personally worked with individuals that she has hired to remove anything that has been stripped away. She also stated that in the past months, during her inspections, she has not seen any broken

glass or fallen bricks along the sidewalk. On the first day she saw some glass in the alley from the west window that had previously been broken, but since then she has not seen anything other than animal refuse, leave, and cigarette butts.

She and John Biever are asking the City to wait on moving forward with the demolition of the building until after the awarding of the possible grant for the building is announced in August or September. If the grant is awarded, they would like to use those funds to hire a demo company that can bring it safely down without damaging the original historic building. She stated that Hansen has met with two different demo contractors and that he has an appointment tomorrow, June 6, 2023, that the mayor had contacted. S. Biever staed they have learned from the demo contractors that it will be difficult to take the addition down.

Hansen stated that he can send the pictures that he is showing to council to Jordan. The 1st picture he showed was of the original wall that they are intending to keep. Olson confirmed that this was the east wall. He stated that the 2x4s that hold the ceiling are tied into the existing wall. The floor is on a temporary foundation and is not tied into anything else. He stated that if someone was to pull the ceiling boards away that it would also pull down the existing wall with it that is not part of the NW addition.

Hansen asked the council if anyone knew how the hole in the exterior wall got there? He went on to state that there was a car that had jumped the curb and smashed into the building. He asked if there was anyway to see how that had happened? Jordan stated that she would think that there would have been a police report or even an ambulance call if that did happen. He stated that one of the people he had met stated that the hole did not happen naturally and that a car had ran into the building.

Hanses stated that they will have to figure out the cost to get the boards cut and walked-down. He said that one of the contractors he spoke with stated that there was an old bank located where the new bank is at and that they had to walk it down because it was connected to the old building.

Olson asked if they were to contract it out what timeline they are looking at outside of the grant? Hansen stated that he has a contractor that will not touch it because once they start taking it down and the wall was to fall it was unsure who would be liable. Evans asked if the original wall was pushing the building out? Hansen stated, no, that it is stuck into the original building. Evans stated that it was his understanding before that everything on the roof was pushing the outside wall next to the street out. Hansen stated that it is not and he had found that out after discussing with Evans. He stated that that wall is structurally sound other than where that car had hit it.

Hansen stated that some of the information he did not have before as he had not previously removed those parts until it was requested by the contractor. Yant confirmed that the ceiling and the roof would have to be taken down separately. Hansen stated that yes, that is how it would have to be done that way for the stair-stepping. He also stated that it was Rehtus that he spoke to about this. Kring stated that the police department could see if the records they have will go back that far.

Olson stated that he has been hard on them but he also appreciates the visual inspections and reports, and keeping the barriers up. S. Biever stated that she appreciates that and she has been worried over this process. She stated that currently they cannot afford to have someone come in and take down that building. They were hoping to be able to wait and see what is going to happen with the grant. She stated that the building does not look good but that it is not in danger of falling down. Hansen stated that in Kearney in a couple of week there is an event where contractors can go and hire someone to help write a grant to help and apply for grant money.

Evans stated that he would like more clarification if the application would be for an individual or for the building as the current grant that has been applied for under the City was not in their name. S. Biever stated that he had been in contact with LeAnn with SCEDD and that the grant money is tied to the building and not the applicant. Olson stated that he believes that to be true. He also stated that the grant funds currently applied for are to help with renovation costs and not for the demo of the building and clarified that there is a second grant that they are applying for to help with the demo costs. Hansen stated that this was true. Olson asked if this was the grant

awarded in August that they were looking into? S. Biever stated no, she was misinformed and was not aware that the original grant fund could not be used to help fund the demolition. Olson stated that his understanding of the grant is that it can only be used to restore or build out what is already there. Hansen stated that tearing down that section is part of renovating. Jordan stated that is only for housing and that she does not think tearing that part down would not affect the housing. Sumstine stated that she thinks there needs to be some clarification of the uses of the grant. Sumstine stated that in both projects, the Albers building and the old Bank building, that there is demo involved in both projects. Olson stated that the demo will have to be directly toward the renovation of the apartments. As an example, in the Old Bank building they are demolishing the inside of the building and leaving the actual structure of the building the same. In the Albers building, the back half of the building is coming down either way and is irrelevant to the renovation of the apartments. Sumstine stated that she knows that this part of the grant was discussed when LeAnn was at the meeting. Yant stated that he thought this was something that needed to be looked into more. Evans stated that the original application sent in with the plan provided by Jacob. S. Biever stated that Jacob has said he does not want to purchase the building until he knows if the grant is awarded.

Jordan stated that no action is required but the council can take any action desired. Sumstine wanted to mention that in the past the Council has tried to work with the residents if they showed signs of progress and were cooperative. She asked if it was tax-payers' dollars that would be paying for the demo of the building? Olson and Evans agreed that yes initially it would, but then the costs would then be assessed back to the property. Sumstine stated that she would like to give them some more time and see what the contractor has to say. She stated some of the circumstances could not be avoided, like the gas company, she feels that an extension is not unreasonable.

Hansen also asked about the powerlines in the alley for the demo. Jordan stated that she was not sure how that would need to be handled and that would need to go through NPPD. Olson asked if they would mind if someone from the City sat in on that meeting. They agreed they did not mind. S. Biever stated that she was not going to be involved in it as she is not a structural engineer. Hansen asked where the Council was standing on the extension. Yant stated that the council would not decide right now and wait to see what the contractor has to say tomorrow. Olson stated the council would follow what Yant had stated and take no action currently and have M. Krings sit in on the meeting and report back what was discussed and his thoughts on what needs to be done.

Sumstine asked if there was anything that could be done to take pressure off of the Biever's, that if this is not completed by the 30th could the council show them that the council wants to work with them and for them to take on the responsibility and the cost and not have it done on the City's part and with tax payers money. Yant and Evans stated that, that is what is being done now. Evans stated that at the next council meeting on the 19th it will be discussed what the contractor says and will go from there once more information if received. S. Biever stated that she will not be able to attend the June 19th meeting, but that Hansen and J. Biever would be there. Sumstine asked if she could provide some notes again as to what has been done. Jordan asked if any part of the demo permit on the City's side has been done, electric, water, or sewer? S. Biever stated no, and that she may have to bring that in to have it signed off. Jordan stated that she will get her new phone numbers on who to contact to schedule those with.

Olson wanted to make clear that at this moment, the council is not extending the deadline, but to keep going on this and continue to make progress.

No action taken.

Agenda Item #9, Consider Approval of Resolution Rescinding the Nuisance at Part of Lot 6 and all of Lots 7 and 8 and Part of Lot 9 and vacated portions of Block 20, Railroad Addition, Minden, Kearney County, Nebraska.

Evans stated that this is similar to what was completed at the last meeting and this is to finish up the nuisances that were to be rescinded.

RESOLUTION 1766

A Resolution of the City of Minden, Nebraska, rescinding a nuisance on a property in Railroad Addition.

WHEREAS, per Resolution 1543 dated May 17, 2010, the Mayor and City Council declared Part of Lot 6 and all of Lots 7 and 8 and Part of Lot 9 and vacated portions of Block 20, Railroad Addition, Minden, Kearney County, Nebraska and known as parcel number 5255.00. to be a public nuisance because the property was in violation of Section 30-27 (1)- (5) and Section 30-28 (3), (6), (7) and (9), of the City Code of the City of Minden, Kearney County, Nebraska. Mike Sumstine, Teresa Sumstine and King of Kars, Inc., the owners or individuals in control of the property described as Part of Lot 6 and all of Lots 7 and 8 and part of Lot 9 and vacated portions of Block 20, Railroad Addition, Minden, Kearney County, Nebraska and known as parcel number 5255.00. were to remedy this nuisance within 30 days and if not done then the City was hereby authorized to move onto the premises and clean up the property at the expense of the owner or individual in control per Resolution 1543, dated May 17, 2010.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Minden, Nebraska:

In accordance with the ruling issued by the District Court of Kearney County, Nebraska on or about August 5th, 2011 the nuisance order is being rescinded from the property described as Part of Lot 6 and all of Lots 7 and 8 and Part of Lot 9 and vacated portions of Block 20, Railroad Addition, in Lincoln, Minden, Kearney County, Nebraska and known as parcel number 5255.00. The City of Minden has taken no action to the detriment of the landowner in violation of said ruling since the date of its issuance.

This Resolution shall become effective upon its passage and approval. Passed and approved on the 5th day of June, 2023.

/s/ Larry Evans
Larry Evans, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Yant motioned to approve Resolution No. 1766 and Schneider seconded. On roll call, the following voted aye: Kring, Yant, and Schneider. Abstain: Sumstine. Motion carried.

Agenda Item #10, Consider Approval of Resolution Rescinding the Nuisance at Tract in Lot A, B and C, E ½ NW ¼ 7-6-14, Subdivision Minden, in Lincoln, Minden, Kearney County, Nebraska.

RESOLUTION 1767

A Resolution of the City of Minden, Nebraska, rescinding a nuisance on a property in Subdivision Minden in Lincoln.

WHEREAS, per Resolution 1546 dated May 17, 2010, the Mayor and City Council declared Tract in Lot A, B and C, E ½ NW ¼ 7-6-14, Subdivision Minden, in Lincoln, Minden, Kearney County, Nebraska and known as parcel number 5377.02. to be a public nuisance because the property was in violation of Section 30-27 (1)- (5) and Section 30-28 (3), (6), (7) and (9), of the City Code of the City of Minden, Kearney County, Nebraska. Mike Sumstine, Teresa Sumstine and King of Kars, Inc., the owners or individuals in control of the property described as Tract in Lot A, B, and C, E ½ NW ¼ 7-6-14, Subdivision Minden, in Lincoln, Minden, Kearney County, Nebraska and known as parcel number 5377.02. were to remedy this nuisance within 30 days and if not done then the City was hereby authorized to move onto the premises and clean up the property at the expense of the owner or individual in control per Resolution 1546, dated May 17, 2010.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Minden, Nebraska:

In accordance with the ruling by the District Court of Kearney County, Nebraska on or about August 5th, 2011, the nuisance order is being rescinded from the property described as a Tract in Lot A, B and C, E ½ NW ¼ 7-6-14, Subdivision Minden, in Lincoln, Minden, Kearney County, Nebraska and known as parcel number 5377.02. The City of Minden has taken no action to the detriment of the landowner in violation of said ruling since the date of its issuance.

This Resolution shall become effective upon its passage and approval. Passed and approved on the 5th day of June, 2023.

/s/ Larry Evans
Larry Evans, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Schneider motioned to approve Resolution No. 1767 and Kring seconded. On roll call, the following voted aye: Kring, Yant, and Schneider. Abstain: Sumstine. Motion carried.

Agenda Item #11, Consider Approval of Resolution Rescinding the Nuisance at Lot "E" Section 7-6-14 Subdivision of Minden, in Lincoln, Minden, Kearney County, Nebraska.

RESOLUTION 1768

A Resolution of the City of Minden, Nebraska, rescinding a nuisance on a property in Subdivision of Minden in Lincoln.

WHEREAS, per Resolution 1544 dated May 17, 2010, the Mayor and City Council declared Lot "E" Section 7-6-14 Subdivision of Minden, in Lincoln, Minden, Kearney County, Nebraska and known as parcel number 5374.00. to be a public nuisance because the property was in violation of Section 30-27 (1)- (5) and Section 30-28 (3), (6), (7) and (9), of the City Code of the City of Minden, Kearney County, Nebraska. Mike Sumstine, Teresa Sumstine and King of Kars, Inc., the owners or individuals in control of the property described as Lot "E" Section 7-6-14, Subdivision of

Minden, in Lincoln, Minden, Kearney County, Nebraska and known as parcel number 5374.00. were to remedy this nuisance within 30 days and if not done then the City was hereby authorized to move onto the premises and clean up the property at the expense of the owner or individual in control per Resolution 1544, dated May 17, 2010.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Minden, Nebraska:

In accordance with the ruling issued by the District Court of Kearney County, Nebraska on or about August 5th, 2011, the nuisance order is being rescinded from the property described as Lot "E" Section 7-6-14 Subdivision of Minden, in Lincoln, Minden, Kearney County, Nebraska and known as parcel number 5374.00. The City of Minden has taken no action to the detriment of the landowner in violation of said ruling since the date of its issuance.

This Resolution shall become effective upon its passage and approval. Passed and approved on 5th day of June, 2023.

/s/ Larry Evans
Larry Evans, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Yant motioned to approve Resolution No. 1768 to rescind the nuisance at Lot "E" Section 7-6-14 Subdivision of Minden, in Lincoln, Minden, Kearney County, Nebraska and Kring seconded. On roll call, the following voted aye: Kring, Yant, and Schneider. Abstain: Sumstine. Motion carried.

Agenda Item #12, Consider Approval of Resolution Rescinding the Nuisance at W. 70' of Lots 5 and 6 and vacated 10' of Minden Avenue, Block 2, Railroad Addition, Minden, Kearney County, Nebraska.

RESOLUTION 1769

A Resolution of the City of Minden, Nebraska, rescinding a nuisance on a property in Railroad Addition.

WHEREAS, per Resolution 1541 dated May 17, 2010, the Mayor and City Council declared W. 70' of Lots 5 and 6 and vacated 10' of Minden Avenue, Block 2, Railroad Addition, Minden, Kearney County, Nebraska and known as parcel number 5205.00. to be a public nuisance because the property was in violation of Section 30-27 (1)- (5) and Section 30-28 (3), (6), (7) and (9), of the City Code of the City of Minden, Kearney County, Nebraska. Mike Sumstine, Teresa Sumstine and King of Kars, Inc., the owners or individuals in control of the property described as W. 70' of Lots 5 and 6 and vacated 10' of Minden Avenue, Block 2, Railroad Addition, Minden, Kearney County, Nebraska and known as parcel number 5205.00 were to remedy this nuisance within 30 days and if not done then the City was hereby authorized to move onto the premises and clean up the property at the expense of the owner or individual in control per Resolution 1541, dated May 17, 2010.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Minden, Nebraska:

In accordance with the ruling issued by the District Court of Kearney County, Nebraska on or about August 5th, 2011 the nuisance order is being rescinded from the property described as W. 70' of Lots 5 and 6 and vacated 10' of Minden Avenue, Block 2, Railroad Addition, in Lincoln, Minden, Kearney County, Nebraska and known as parcel number 5205.00. The City of Minden has taken no action to the detriment of the landowner in violation of said ruling since the date of its issuance.

This Resolution shall become effective upon its passage and approval. Passed and approved on 5th day of June, 2023.

/s/ Larry Evans
Larry Evans, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Schneider motioned to approve Resolution 1769 to rescind the nuisance at W. 70' of Lots 5 and 6 and vacated 10' of Minden Avenue, Block 2, Railroad Addition, Minden, Kearney County, Nebraska and Kring seconded. On roll call, the following voted aye: Kring, Yant, and Schneider. Abstain: Sumstine. Motion carried.

Agenda Item #13, Consider Approval of Resolution Rescinding the Nuisance at Lots 8 and 9, Block 14, Railroad Addition, Minden, Kearney County, Nebraska.

RESOLUTION 1770

A Resolution of the City of Minden, Nebraska, rescinding a nuisance on a property in Railroad Addition.

WHEREAS, per Resolution 1540 dated May 17, 2010, the Mayor and City Council declared Lots 8 and 9, Block 14, Railroad Addition, Minden, Kearney County, Nebraska and known as parcel number 5221.00. to be a public nuisance because the property was in violation of Section 30-27 (1)- (5) and Section 30-28 (3), (6), (7) and (9), of the City Code of the City of Minden, Kearney County, Nebraska. Mike Sumstine, Teresa Sumstine and King of Kars, Inc., the owners or individuals in control of the property described as Lots 8 and 9, Block 14, Railroad Addition, Minden, Kearney County, Nebraska and known as parcel number 5221.00. were to remedy this nuisance within 30 days and if not done then the City was hereby authorized to move onto the premises and clean up the property at the expense of the owner or individual in control per Resolution 1540, dated May 17, 2010.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Minden, Nebraska:

In accordance with the ruling issued by the District Court of Kearney County, Nebraska on or about August 5th, 2011 the nuisance order is being rescinded from the property described as Lots 8 and 9, Block 14, Railroad Addition, Minden, Kearney County, Nebraska and known as parcel number 5221.00. The City of Minden has taken no action to the detriment of the landowner in violation of said ruling since the date of its issuance.

This Resolution shall become effective upon its passage and approval. Passed and approved on the 5th day of June, 2023.

/s/ Larry Evans
Larry Evans, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Kring motioned to approve Resolution 1770 to rescind the nuisance at Lots 8 and 9, Block 14, Railroad Addition, Minden, Kearney County, Nebraska and Yant seconded. On roll call, the following voted aye: Kring, Yant, and Schneider. Abstain: Sumstine. Motion carried.

Agenda Item #14, Consider Approval of Resolution Rescinding the Nuisance at Lots 7-9 and West 10' of vacated Ridge Street, Block 48, Pearson's and Campbell's Addition, Minden, Kearney County, Nebraska.

RESOLUTION 1771

A Resolution of the City of Minden, Nebraska, rescinding a nuisance on a property in Pearson's and Campbell's Addition.

WHEREAS, per Resolution 1538 dated May 17, 2010, the Mayor and City Council declared Lots 7-9 and West 10' of vacated Ridge Street, Block 48, Pearson's and Campbell's Addition, Minden, Kearney County, Nebraska and known as parcel number 5166.00. to be a public nuisance because the property was in violation of Section 30-27 (1)- (5) and Section 30-28 (3), (6), (7) and (9), of the City Code of the City of Minden, Kearney County, Nebraska. Mike Sumstine, Teresa Sumstine and King of Kars, Inc., the owners or individuals in control of the property described as Lots 7-9 and West 10' of vacated Ridge Street, Block 48, Pearson's and Campbell's Addition, Minden, Kearney County, Nebraska and known as parcel number 5166.00. were to remedy this nuisance within 30 days and if not done then the City was hereby authorized to move onto the premises and clean up the property at the expense of the owner or individual in control per Resolution 1538, dated May 17, 2010.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Minden, Nebraska:

In accordance with the ruling issued by the District Court of Kearney County, Nebraska on or about August 5th, 2011 the nuisance order is being rescinded from the property described as Lots 7-9 and West 10' of vacated Ridge Street, Block 48, Pearson's and Campbell's Addition, in Lincoln, Minden, Kearney County, Nebraska and known as parcel number 5166.00. The City of Minden has taken no action to the detriment of the landowner in violation of said ruling since the date of its issuance.

This Resolution shall become effective upon its passage and approval. Passed and approved on the 5th day of June, 2023.

/s/ Larry Evans
Larry Evans, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Schneider motioned to approve Resolution 1771 to rescind the nuisance at Lots 7-9 and West 10' of vacated Ridge Street, Block 48, Pearson's and Campbell's Addition, Minden, Kearney County, Nebraska and Kring seconded. On roll call, the following voted aye: Kring, Yant, and Schneider. Abstain: Sumstine. Motion carried.

Agenda Item #15, Consider Approval of Resolution Rescinding the Nuisance at Lots 4-6 except the East 17.1' and West 8', Block 48, Pearson's and Campbell's Addition, Minden, Kearney County, Nebraska.

RESOLUTION 1772

A Resolution of the City of Minden, Nebraska, rescinding a nuisance on a property in Pearson's and Campbell's Addition.

WHEREAS, per Resolution 1539 dated May 17, 2010, the Mayor and City Council declared Lots 4-6 except the East 17.1' and West 8', Block 48, Pearson's and Campbell's Addition, Minden, Kearney County, Nebraska and known as parcel number 5167.00. to be a public nuisance because the property was in violation of Section 30-27 (1)- (5) and Section 30-28 (3), (6), (7) and (9), of the City Code of the City of Minden, Kearney County, Nebraska. Mike Sumstine, Teresa Sumstine and King of Kars, Inc., the owners or individuals in control of the property described as Lots 4-6 except the East 17.1' and West 8', Block 48, Pearson's and Campbell's Addition, Minden, Kearney County, Nebraska and known as parcel number 5167.00. were to remedy this nuisance within 30 days and if not done then the City was hereby authorized to move onto the premises and clean up the property at the expense of the owner or individual in control per Resolution 1539, dated May 17, 2010.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Minden, Nebraska:

In accordance with the ruling issued by the District Court of Kearney County, Nebraska on or about August 5th, 2011 the nuisance order is being rescinded from the property described as Lots 4-6 except the East 17.1' and West 8', Block 48, Pearson's and Campbell's Addition, in Lincoln, Minden, Kearney County, Nebraska and known as parcel number 5167.00. The City of Minden has taken no action to the detriment of the landowner in violation of said ruling since the date of its issuance.

This Resolution shall become effective upon its passage and approval. Passed and approved on 5th day of June, 2023.

/s/ Larry Evans
Larry Evans, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Kring motioned to approve Resolution 1772 to rescind the nuisance at Lots 4-6 except the East 17.1' and West 8', Block 48, Pearson's and Campbell's Addition, Minden, Kearney County, Nebraska and Schneider seconded. On roll call, the following voted aye: Kring, Yant, and Schneider. Abstain: Sumstine. Motion carried.

Agenda Item #16, Consider Approval of Resolution Rescinding the Nuisance at Lot "F" SW ¼ SE ¼ 7-6-14 Subdivision of Minden, in Lincoln, Minden, Kearney County, Nebraska.

RESOLUTION 1773

A Resolution of the City of Minden, Nebraska, rescinding a nuisance on a property in Subdivision of Minden in Lincoln.

WHEREAS, per Resolution 1545 dated May 17, 2010, the Mayor and City Council declared Lot "F" SW ¼ SE ¼ 7-6-14 Subdivision of Minden, in Lincoln, Minden, Kearney County, Nebraska and known as parcel number 5375.00. to be a public nuisance because the property was in violation of Section 30-27 (1)- (5) and Section 30-28 (3), (6), (7) and (9), of the City Code of the City of Minden, Kearney County, Nebraska. Mike Sumstine, Teresa Sumstine and King of Kars, Inc., the owners or individuals in control of the property described as Lot "F" SW ¼ SE ¼ 7-6-14 Subdivision of Minden, in Lincoln, Minden, Kearney County, Nebraska and known as parcel number 5375.00. were to remedy this nuisance within 30 days and if not done then the City was hereby authorized to move onto the premises and clean up the property at the expense of the owner or individual in control per Resolution 1545, dated May 17, 2010.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Minden, Nebraska:

In accordance with the ruling issued by the District Court of Kearney County, Nebraska on or about August 5th, 2011 the nuisance order is being rescinded from the property described as Lot "F" SW ¼ SE ¼ 7-6-14 Subdivision of Minden, in Lincoln, Minden, Kearney County, Nebraska and known as parcel number 5375.00. The City of Minden has taken no action to the detriment of the landowner in violation of said ruling since the date of its issuance.

This Resolution shall become effective upon its passage and approval. Passed and approved on the 5th day of June, 2023.

/s/ Larry Evans
Larry Evans, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Kring motioned to approve Resolution 1773 to rescind the nuisance at Lot "F" SW ¼ SE ¼ 7-6-14 Subdivision of Minden, in Lincoln, Minden, Kearney County, Nebraska and Yant seconded. On roll call, the following voted aye: Kring, Yant, and Schneider. Abstain: Sumstine. Motion carried.

Agenda Item #17, Consider Approval of a Shared Operators Agreement between the City of Wahoo and the City of Minden and Give the City Administrator the Authority to Enter into an Agreement with Ryan Hurst as the City's Water and Wastewater Operators.

M. Krings reminded everyone that with the resignation of Fischer, the City does not have a designated licensed operator for the water and sewer, which is required by the State of Nebraska. He stated that he has been in contact with those state offices to let them know the situation and what the plan is as of now. He has also been in contact with Ryan Hurst, out of Wahoo, he was previously with the City of Minden. He is working with Hurst to be our temporary licensed operators. M. Krings also stated that this is a popular occurrence in the state. He stated that with the Shared Agreement there are 3 parts, the first being that Wahoo accepts that Minden will be using their employee and the City accepts that we will be using the City of Wahoo's employee

M. Krings shared that Hurst was able to stop and visit with our utilities employees and visit the plants. He stated that what is currently in place is what he had in place while he was here. The State will have to approve the plan, at least on the Water side. They are wanting to know what is going to happen, what testing will be done, and how often. Hurst is working with the State of this. The final part is the contract with Hurst. Olson is still finalizing this document. Part of this agreement is every time Hurst come to Minden it is a $500 charge plus mileage, and $250 per license and per month, equaling $500 per month. M. Krings stated that licenses are the important part as the liability is with those licenses. He stated that once the document is finalized, M. Krings requests permission to enter into the agreement with Hurst.

Schneider asked if the City has advertised for this position? M. Krings stated that yes, it has been advertised as of last Thursday in papers in Minden and surrounding areas and professional associations. He also stated that there are 2 open positions, the Utilities Superintendent and Utilities Worker. Schneider confirmed that the Utilities Superintendent was the position that was held previously by Hurst. M. Krings confirmed this, and Jordan stated that he held that position in Minden until he moved to Wahoo and that Fischer worked under him. Sumstine stated that she was impressed with Hurst while he was an employee for Minden.

Schneider motioned to approve the Shared Operators Agreement between the City of Wahoo and the City of Minden and Give the City Administrator the Authority to Enter into an Agreement with Ryan Hurst as the City's Water and Wastewater Operators. Sumstine seconded. On roll call, the following voted aye: Kring, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #18, Consider Approval of the Minden West Estates Phase II Change Order #3 for Concrete Sidewalks and Parking Lot at Chautauqua Park to be Completed by Werner Construction in the Amount of $96,618.50.

Evans stated that this project was budgeted for $50,0000. He stated that he spoke with Alan Eschliman, Parks Superintendent, and he thought the parking lot could be removed. Evans stated that the sidewalks at Chautauqua Park have already demolished in anticipation of the splashpad. Schneider asked if there was an update on the date for the splashpad. Evans and Jordan stated that it keeps getting pushed back and that Jordan was guessing that it will not be open this year. Yant asked if we could look into why there is a delay?

Jordan stated that on the Change Order it states that it is for Minden West Estates, she said that this was because the same company working on West Estates will be doing the sidewalks. She stated the alley by the doughnut shop was previously discussed and that that will be on a different change order later. Yant asked if there were funds from other departments that could help cover the difference.? Jordan said she was not sure and that other departments had their own planned projects as well. M. Krings thought that this may happen in the next fiscal year, and could be budgeted then or there may be other projects in other departments that may be delayed that we could pull funds from.

Jordan stated that there is also the gun club project. Evans wanted to clarify when that project needed to be completed, and thought it was by 2024. Jordan said she was unsure but would check for the ARPA Funds. Yant said that he thought the project needed to be completed in 2026. Olson asked if the parking lot was something that would be budgeted and added later. Jordan said that, yes it could be added later. M. Krings said that we could do something to mark out where parking is, but it just wouldn't be paved. Yant asked if

there could be diagonal parking and Sumstine suggested handicap parking as well. M. Krings suggested that the council approve the project with the removal of the parking lot to get the sidewalks going. Jordan stated that they are planning on extending the West Estates project about another month. Sumstine asked if the new sidewalk was going back in the same place or if it was being moved. Jordan said that she believes they are going where they previously were. Evans asked if the sidewalk along the tennis courts was going to be removed from the change order too? Jordan said that it was something that could be removed from the Change Order. M. Krings suggested not taking it out.

Schneider motioned to approve Minden West Estates Phase II Change Order #3 with the removal of the parking lot by Werner Construction in the amount of $68,784 and Yant seconded. On roll call, the following voted aye: Kring, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #19, Adjournment

Schneider motioned to adjourn at 7:11 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)