City of Minden
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The Christmas City
Minden NEBRASKA

Minutes of Council Meeting
City of Minden, Nebraska
October 16, 2023

The City Council of the City of Minden, Nebraska, met on this day at 6:00 p.m. in regular session in the Council Chambers, pursuant to advance notice of said meeting simultaneously transmitted to all members of the Council and to the public as shown by the copy thereof posted in the Minden City Hall, Outside the Minden City Hall, First Bank & Trust Co., Minden Exchange Bank & Trust Co., and the Post Office. A copy of the notice is on file in the office of the City Clerk.

Mayor Evans called the meeting to order at 6:00 p.m. The following City Council members were present: Jarvis Kring, Teresa Sumstine, Jack Yant and Alyssa Schneider. The following City Officials were present: Mayor, Larry Evans, City Attorney Andrew Olson, 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 council will take comments on an agenda item, not related to a public hearing, during the public forum only. Please state your name and address prior to commenting."

Agenda Item #3, Council Announcements. Evans thanked Yant for filling in in his absence. He also congratulated the Minden Girls Golf team for getting 2nd at State, those that qualified for State Cross Country, and all who helped and participated in the Minden Bandfest.

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

Ne Statewide Arboretum--Membership 130.00, Alert-All Corp.--Supplies 1,250.00, Amazon Capital Services--Supplies 999.92, Aurora Cooperative--Supplies 38.51, Baker & Taylor Books--Supplies 312.69, B. Norgaard--Repairs 426.01, Business World Products--Supplies 17.58, Cardmember Service--Supplies 1,774.83, Central District Health Dept--Fees 168.00, City Of Holdrege Landfill--Fees 5,758.22, City Of Minden--Refunds 9.55, Core & Main Lp--Supplies 221.88, Dana F Cole & Company, Llp--Fees 2,250.00, Dier,Osborn & Cox, P.C., L.L.O--Legal 1,932.00, Dutton Lainson Co--Supplies 2,964.08, Emergency Medical Products--Supplies 845.64, F. Rogers--Cleaning 376.25, Fyr-Tek, Inc.--Uniforms 537.50, Great Plains Communications--Phone/Internet 282.29, Gurney--Repairs 2,092.86, Hawkins Water Treatment--Chemical 2,684.63, Intellicom Computer Consulting--Tech/Engineering 3,401.00, Isw--Supplies 75.70, J. Hill--Training 444.45, Junior Library Guild--Supplies 3,723.46, Kearney Co. Clrk Myra Johnson--Printing 328.64, Landmark Implement

Carquest--Supplies 275.00, Mason's Market--Supplies 79.35, Menards Of Kearney--Supplies 214.35, Mh Equipment Company--Repairs 815.25, M. Krings--Training 555.63, Midwest Laboratories--Supplies 165.35, Midwest Tapes--Supplies 45.73, Miller & Associates--Tech/Engineering 392.10, Minden Hardware--Supplies 524.26, Minden Lawn & Sprinkler--Vegetation 270.00, Minden Lumber & Concrete Co.--Supplies 217.24, Minden Opera House--Economic Development 50.00, Municipal Supply-Nebraska--Supplies 3,445.39, Napa Auto Parts--Supplies 120.45, N. Murray--Economic Development 1,125.00, Ne State Treasurer--Fees 572.42, Nebraska Economic Developers--Economic Development 150.00, Nmc, Inc.--Supplies 34.40, Nppd Kwh--Utilities 185,210.78, Nppd O&M--Maintenance 26,607.87, Olsson Associates--Tech/Engineering 1,743.99, One Call Concepts Inc--Fees 56.98, Oneill Heinrich Damkroger--Legal 495.00, Oriental Trading--Supplies 701.83, Pony Express Ford--Repairs 3,862.25, Presto X Co.--Maintenance 160.37, Quadient Leasing--Supplies 801.78, Quick Med Claims--Fees 238.49, Rek Enterprises Llc--Repairs 134.76, R. Hurst--Fees 1,000.00, Sandry Fire Supply Llc--Uniforms 11,355.00, Southern Power District--Utilities 68.44, Spectrum Business--Phone/Internet 1,210.60, Sunbelt Rentals, Inc--Rental 62.10, Syndicate Publishing, Llc--Printing 122.37, The Hastings Tribune--Printing 466.00, T. Beck--Supplies 792.49, Titan Machinery Inc--Repairs 551.00, Wex Bank--Gas 5,895.89, Wpci--Fees 325.00, Ziemba Roofing Co.--Repairs 109.00, 10-06-23 Payroll $53,034.01.

Yant motioned to approve the consent agenda and J. Kring seconded. On roll call, the following voted aye: J. Kring, Sumstine, Yant, and Schneider. Motion carried.

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

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

Agenda Item #6, Public Forum

Ron Terrel, 121 N Kearney, stated that his neighbor's tree is hitting the roof of his house and 141 N Kearney has a lot of junk and tires around the property.

No action taken.

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

Jordan presented the state of the Treasury for September 2023. Overall the treasury is up $310,435.

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

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

Jordan reviewed the September 2023 Budget Report.

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

Agenda Item #9, Consider Approval of a Resolution Amending the Public Participation Policy and Rescinding Resolution 1753.

Evans reviewed the proposed changes to the Public Participation Policy.

Resolution No. 1786

Public Participation Policy

WHEREAS, the City of Minden requires formal policies to guide the public's participation in meetings of the City Council and all of the City's various authorities, boards and commissions, and;

WHEREAS, the City Council has the authority and responsibility to make and enforce the rules and regulations regarding the conduct of persons attending and speaking at local public meetings;

WHEREAS, Resolution 1753 shall be rescinded;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Minden, Nebraska that the following City of Minden Public Participation Policy be adopted and enforced at all local public meetings.

City of Minden Public Participation Policy

In accordance with the Open Meetings Act of the State of Nebraska Neb. Rev. Statute 84-1407 et seq. (Act), which provides that every meeting of a public body shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of public bodies, except as otherwise provided by the Constitution of Nebraska federal statutes, and the Open Meetings Act and which provides that a body may not be required to allow citizens to speak at each meeting but it may forbid public participation at all meetings, the Minden City Council has adopted the following policy for public participation at meetings of all the City's authorities, boards and commissions which qualify as a meeting under the Act.

1. **Attendance**
   a. Members of the public are permitted to attend meetings of the City Council and other authorities, boards and commissions which are open to the public.
   b. Members of the public will not be required to identify themselves as a condition for admission to a meeting.
2. **Speaking**
   a. For meetings at which a public comment period is offered as noted on the meeting agenda, the public comment period will generally be a maximum of three (3) minutes and will be handled on a first-come, first-served basis.
   b. The presiding officer shall have the discretion to adjust the amount of time set aside for public comment, and the amount of time set aside may, at the presiding officer's discretion, vary from meeting to meeting.
   c. Every member of the public addressing the public body shall begin by stating his or her name, address (unless the address requirement is waived to protect the security of the individual) and the name of any organization represented by such person for the purpose of maintaining a proper record.

d. Remarks shall be concise and limited to no more than three (3) minutes unless the presiding officer grants additional time.
e. All remarks made shall be addressed to the Council, board or committee as a body and not to any individual member thereof.
f. During the public comment section of a meeting, citizens may only address items on the agenda, not related to a public hearing.
g. Citizens will be given an opportunity to discuss items related to a public hearing, during the public hearing.

3. Other

a. The presiding officer of the meeting may designate a location for persons attending, videotaping, televising, photographing, broadcasting, or recording the meetings.
b. All members of the public in attendance and those speaking are required to be courteous and respectful to others in attendance and to members of the public body. Members of the public are not allowed to interrupt other speakers or public body members, to threaten the safety of meeting attendees, or to behave in a hostile or disruptive manner.
c. Persons in violation of this policy may be asked to leave or removed from the meeting.
d. Members of the public may request a topic be placed on the agenda by submitting such a request to city hall, no later than 3 business days prior to the meeting.

The City Council may at any time, make and enforce other rules regarding the conduct of persons attending or speaking at local public meetings, that are not in conflict with current Federal Law, the Constitution of Nebraska or the Nebraska Open Meetings Act.

PASSED AND APPROVED this 16th day of October, 2023.

_____
Larry Evans, Mayor

Attest:

_____
Abbey Jordan, City Clerk
(SEAL)

Yant motioned to approve Resolution 1786 Amending the Public Participation Policy and Rescinding Resolution 1753, and Schneider seconded. On roll call, the following voted aye: J. Kring, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #10, Consider Approval of a Resolution amending Section 10.07 Cafeteria Plan in the City of Minden Personnel Manual and setting an annual maximum for the Health Flexible Spending Account.

Jordan explained that it was discovered that there was more liability for the City on the Health Flexible Spending Account. She stated that there is potential for loss of funds for the City. She stated that it was recommended that the amount be reduced to $1,000 per employee. She also stated that if the employee is not eligible for the City's health insurance they would not be eligible for the Health portion. This would mainly affect the part-time Library employees.

RESOLUTION NO. 1787

Whereas, the City of Minden recognizes the importance of offering benefits to employees; and,

Whereas, the City Council of the City of Minden is desirous of making certain changes to section 10 Insurance, Pension, and Other Benefits;

Now Therefore Be It Resolved, by the City Council of the City of Minden, Kearney County, Nebraska, that Section 10.07 Cafeteria Plan of the City of Minden Personnel Manual be added to read as follow, to wit:

Section 10.07 Cafeteria Plan
All full-time and regular part-time employees of the City of Minden, excluding seasonal employees, are eligible to participate in a Cafeteria Plan. The plan outlines enrollment, contribution limits, and reimbursement policies.

Employees eligible for the City's health insurance plan are eligible to participate in the Health Flexible Spending Account and the Dependent Care Flexible Spending Account.

Employees not eligible for the City's health insurance plan are eligible to participate in the Dependent Care Flexible Spending Account.

Dated this 16th day of October, 2023.

_____
Larry Evans, Mayor

ATTEST:

_____
Abbey Jordan, City Clerk

Sumstine motioned to approve Resolution 1787 Amending Section 10.07 Cafeteria Plan in the City of Minden Personnel Manual and setting a $1,000 annual maximum for the Health Flexible Spending Account. Yant seconded. On roll call, the following voted aye: Sumstine, Yant, and Schneider. Abstain: J. Kring. Motion carried.

Agenda Item #11, Consider Approval of Selling/Vending per Minden Municipal Code Sec. 58-1 on Friday, November 24, 2023 from 11:00 a.m. – 9:00 p.m. on the Inside of the Downtown Square: 400 block of N Colorado northbound, 400 block of N Minden southbound, 300 block of E 4th St westbound, and 300 block of E 5th St eastbound; and the 400 block of N Colorado Avenue southbound along the island only.

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Schnieder motioned to approve Selling/Vending per Minden Municipal Code Sec. 58-1 on Friday, November 24, 2023 from 11:00 a.m. – 9:00 p.m. on the Inside of the Downtown Square. Sumstine seconded. On roll call, the following voted aye: J. Kring, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #12, Adjournment

Yant motioned to adjourn at 6:20 pm and Schnieder seconded. On roll call, the following voted aye: J. Kring, Sumstine, Yant, and Schneider. Motion carried.

_____
Larry Evans, Mayor

Attest:

_____
Abbey Jordan, City Clerk

(SEAL)