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
November 20, 2023

The City Council of the City of Minden, Nebraska, met on this day at 6:00 p.m. in special 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, Jack Yant, and Alyssa Schneider. Absent: Teresa Sumstine. 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 Ron Keen and his helpers for putting up the Christmas pageant scenery. Evans stated Ladies Night Out was a success. Evans wished all a safe and blessed Thanksgiving! Jordan added the Christmas traditions festivities on Friday.

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

Amazon Capital Services--Supplies 539.96, Baker & Taylor Books--Supplies 590.14, Black Hills Energy--Utilities 107.01, Cardmember Service--Fees 1499.79, Cengage/Gale--Repairs 411.07, City Of Holdrege Landfill--Fees 5726.70, City Of Minden--Fees 15.52, Construction Rental, Inc.--Rental 384.08, Cooperative Producers,Inc.--Supplies 3345.14, Core & Main Lp--Supplies 3538.88, Dale Vitito--Uniforms 1099.31, Demco--Supplies 91.26, Dhhs Nebraska Refunds--Refunds 50.00, Dier,Osborn & Cox, P.C., L.L.O--Legal 4435.00, Dutton Lainson Co--Repairs 119.33, Ebsco--Supplies 812.77, F. Rogers--Cleaning 537.50, Fyr-Tek, Inc.--Supplies 42.96, Greatamerica Financial Services Corporation--Fees 198.39, Great Plains Communications--Phone/Internet 135.45, Holmes Plbg.& Htg Supp Co--Infrastructure Repair 122.55, Industrial Systems Inc--Infrastructure Repair 798.46, Intellicom Computer Consulting--Tech/Engineering 4806.21, International Association Of Chiefs Of Police--Membership 190.00, Isw--Supplies 9.92, Jims Ok Tire

Minden Llc--Repairs 67.50, John Deere Financial--Supplies 105.98, Ke Co Health Payment Cntr--Medical 262.50, Ke Co Treasurer--Fees 15.00, Landmark Implement Carquest--Repairs 267.68, Lee Enterprises, Inc--Fees 1093.30, Mason's Market--Supplies 331.90, Meternally, Llc--Supplies 316.79, Mid Nebraska Digging--Infrastructure Repair 3995.00, Midwest Tapes--Supplies 198.66, Minden Chamber Of Commerce--Incentive 2837.50, Minden Lawn & Sprinkler--Repairs 271.15, Minden Lumber & Concrete Co.--Supplies 140.00, Motorola Solutions, Inc.--Supplies 6715.40, Municipal Supply-Nebraska--Supplies 275.40, Napa Auto Parts--Supplies 292.36, N. Murray--Economic Development 450.00, Ndee--Operator Certification Program--Training 115.00, Ne Dept Of Revenue--Fees 25.00, Nmc Industrial Services--Rental 4777.00, Nppd Kwh--Utilities 128067.79, Nppd O&M--Maintenance 49359.58, Ohio National Life Ins Co--Fees 4550.00, Olsson Associates--Tech/Engineering 947.73, One Call Concepts Inc--Fees 88.40, Oneill Heinrich Damkroger--Legal 165.00, Platte Valley Communications Of Kearney, Inc.--Repairs 40.00, Police Officers Assoc Of Ne--Membership 140.00, Pony Express Ford--Repairs 698.18, Presto X Co.--Maintenance 90.31, Quadient Finance Usa, Inc.--Fees 400.00, Quick Med Claims--Tech/Engineering 1121.01, R. Hurst--Tech/Engineering 1710.91, Southern Power District--Utilities 20.00, Spectrum Business--Phone/Internet 1216.89, Subway--Incentive 175.78, The Hastings Tribune--Fees 311.77, The Library Store--Supplies 138.28, The Lockmobile Inc.--Repairs 186.00, Usa Blue Book--Supplies 123.38, Wpci--Medical 136.00, 11-17-23 Payroll $58,382.33.

Yant motioned to approve the consent agenda and Schneider seconded. On roll call, the following voted aye: J. Kring, Schneider and Yant. Motion carried. Absent and not voting: Sumstine.

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

Schneider motioned to approve the Police Department's Bills & Claims for this Council Meeting and Yant seconded. On roll call, the following voted aye: Schneider and Yant. Abstain: J. Kring. Absent and not voting: Sumstine. Motion carried.

Agenda Item #6, Consider Approval of Claim of $271.15 to Minden Lawn and Sprinkler for Water Line Repair at 6th Street and Nebraska Avenue.

Schneider motioned to approve the Claim of $271.15 to Minden Lawn and Sprinkler for Water Line Repair at 6th Street and Nebraska Avenue. J. Kring seconded. On roll call, the following voted aye: J. Kring and Schneider. Abstain: Yant. Absent and not voting: Sumstine. Motion carried.

Agenda Item #7, Public Forum.

No comments were made.

Agenda Item #8, Reading of the Christmas City Proclamation by the Mayor

Evans read the proclamation below.

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STATE OF NEBRASKA

Proclamation

WHEREAS, The City of Minden has illuminated the Courthouse Square with over 10,000 colored lights during the holiday season since 1915; and

WHEREAS, J.H. "Jack" Hanes, the City Light Commissioner, was responsible for stringing the first set of lights and thus beginning this wonderful Christmas tradition, now celebrating its 108th year of illumination; and

WHEREAS, In 1946, Clayton Morey and Reverend Arthur Johnson could foresee the desire of the citizens of Minden to celebrate the holiday season with an outdoor pageant, so they undertook the arduous task of writing "The Light of the World" pageant; and

WHEREAS, On December 8, 1946, the first "The Light of the World" Christmas pageant was performed by 50 volunteers on the Courthouse Square; and

WHEREAS, The Christmas pageant is now celebrating its 78th year of being presented on the Courthouse Square three times during the Christmas season, including the last Saturday of November and the first two Sundays of December; and

WHEREAS, Since 1946, over 4,000 volunteers have braved the elements to bring to life "The Light of the World" for over 1 million people who have witnessed its splendor; and

WHEREAS, Since 1915, Minden, Nebraska has been host to visitors from every county in Nebraska and nearly every state in the Union during the holiday season to witness the lights and pageant.

NOW, THEREFORE, I, Jim Pillen, Governor of the State of Nebraska, DO HEREBY PROCLAIM Minden, Nebraska, to be NEBRASKA'S CHRISTMAS CITY and the 10th day of December, 2023, as

THE LIGHT OF THE WORLD DAY

in this seventy-eighth year of the "Light of the World" Christmas Pageant in Minden, Nebraska, and I do hereby urge all citizens to take due note of the observance.

IN WITNESS WHEREOF, I have hereunto set my hand, and cause the Great Seal of the State of Nebraska to be affixed this first day of November, in the year of our Lord Two Thousand Twenty-three.

Attest:

Secretary of State

Governor

Agenda Item #9, Consider Approval of Treasury Report, October 2023.

Schneider motioned to approve the October 2023 Treasury Report and J. Kring seconded Jordan reviewed the Treasury Report for October 2023. The total treasury has increased $105,000. On roll call, the following voted aye: J. Kring, Schneider and Yant. Absent and not voting: Sumstine. Motion carried.

Agenda Item #10, Consider Approval of Budget Report, October 2023.

Yant motioned to approve the October 2023 Budget Report and Schneider seconded. Jordan reviewed the new format of the Budget Report. On roll call, the following voted aye: J. Kring, Schneider and Yant. Absent and not voting: Sumstine. Motion carried.

Agenda Item #11, Consider Approval of the Certificate of Substantial Completion for Minden West Estates Phase II.

Yant motioned to approve the Certificate of Substantial Completion for Minden West Estates Phase II. Schneider seconded. Jordan stated the second page of the provided document lists the punch list. The retainage is for these final remaining items. On roll call, the following voted aye: J. Kring, Schneider, and Yant. Motion carried.

Agenda Item #12, Consider Approval of Ordinance Issuing General Obligation Various Purpose Bonds, Series 2023, for $3,135,000 for the Paving and Stormwater Portions of Minden West Estates II.

Yant introduced Ordinance No. 1286 for its first reading.

ORDINANCE NO. 1286

Public Notice is hereby given that at a meeting of the Mayor and Council of Minden, Nebraska, held at 6:00 p.m. on November 20, 2023, there was passed and adopted Ordinance No. 1286 entitled:

AN ORDINANCE OF THE CITY OF MINDEN, NEBRASKA AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION VARIOUS PURPOSE BONDS, SERIES 2023, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED THREE MILLION ONE HUNDRED THOUSAND DOLLARS ($3,100,000) TO PROVIDE FINANCING AND REIMBURSEMENT FOR THE COSTS OF VARIOUS STREET, STORM SEWER AND RELATED IMPROVEMENTS WITHIN THE CITY; PRESCRIBING CERTAIN TERMS AND FORM OF SUCH BONDS AND PROVIDING FOR THE SETTING OF CERTAIN TERMS AND FORM OF SUCH BONDS; PROVIDING FOR THE LEVY OF TAXES TO PAY THE INTEREST ON AND PRINCIPAL OF SUCH BONDS; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND RELATED MATTERS

Said Ordinance was published in pamphlet form on November 20, 2023. Copies of said Ordinance as published in pamphlet form are also available for inspection and distribution at the Office of the City Clerk, in the City of Minden, Nebraska.

/s/ Abbey Jordan City Clerk

[SEAL]

Schneider seconded. M. Krings stated after the bond fees, the City will be borrowing around $3 million. Earlier this afternoon, the rates were 5.29%. It is recommended to waive the three readings and adopt the ordinance by title tonight so the rates can be locked in. On roll call, the following voted aye: J. Kring, Schneider, and Yant. Absent and not voting: Sumstine. Motion carried.

Schneider motioned to waive the three readings of Ordinance No. 1286 and Yant seconded. On roll call, the following voted aye: J. Kring, Schneider, and Yant. Absent and not voting: Sumstine. Motion carried.

Schneider motioned to adopt Ordinance No. 1286 by title. Yant seconded. On roll call, the following voted aye: J. Kring, Schneider, and Yant. Absent and not voting: Sumstine. Motion carried.

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Agenda Item #13, Consider Approval of Ordinance amending Chapter 2, Administration, of the Minden Municipal Code concerning the Discharge and Discipline of Police Members.

Yant motioned to approve Ordinance No. 1287 amending Chapter 2, Administration, of the Minden Municipal Code concerning the Discharge and Discipline of Police Members. Schneider seconded. M. Krings stated NE state statute requires the city to have a process in place for these situations.

ORDINANCE NO. 1287

AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE IV, OF THE MUNICIPAL CODE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA, BY ADDING SECTIONS 2-103 AND 2-104 AS THE SAME RELATES TO DISCHARGE AND DISCIPLINE OF POLICE MEMBERS; 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 2-103 be added to the Municipal Code of the City of Minden, the same to read as follows:

Section 2-103. Discharge or Discipline of Police Members. Any police officer of the City's Police Chief may be disciplined or immediately discharged from duty for any gross misconduct, neglect of duty or disobedience of lawful orders of the Mayor or the City Council as a whole.

(C.O. Ord No. 1287, 11/20/2023)

Section 2. That Section 2-104 be added to the Municipal Code of the City of Minden, the same to read as follows:

Section 2-104. Appeal Procedure for Discharged or Disciplined Police Officers. In the event of discharge for any of the causes set forth in § 1-604, the police officer or City's Police Chief shall have the right to appeal his or her dischar4ge or disciplinary action to the City Council. Such appeal shall be made within 30 days of his or her discharge or disciplinary action by filing a written application for a hearing before the Council. Such written application shall be made to the City Clerk and, if such application is made, the Clerk shall immediately notify the Mayor of the receipt of such application. Upon notice of the filing of such application, the Mayor shall call a special meeting of the City Council, within 20 days of receipt of the written application, to consider such application. Both the police officer and the individuals causing such disciplinary action or discharge shall have the right at the hearing to be heard and to present evidence to the City Council for its consideration. Not later than 30 days following the adjournment of the meeting at which the hearing was held, the City Council shall vote to uphold, reverse, or modify the removal or disciplinary action. The failure of the City Council to act within 30 days or the failure of a majority of the elected board members to vote to reverse or modify the removal or disciplinary action shall be construed as a vote to uphold the removal or disciplinary action. The decision of the City Council shall be based upon its determination that, under the facts and evidence presented at the hearing, the challenged removal or disciplinary action was necessary for the proper management and the effective operation of the Police Department in the performance of its duties under the statutes of the state.

(C.O. Ord No. 1287, 11/20/2023)

Section 3. 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 4. This ordinance shall be known as Ordinance No. 1287 and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 20th day of November, 2023.

_____
Larry Evans, Mayor

ATTEST:

_____
Abbey Jordan, City Clerk
(SEAL)

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

Schneider motioned to waive the three readings of Ordinance No. 1287 and Yant seconded. On roll call, the following voted aye: Schneider, and Yant. Abstain: J. Kring. Absent and not voting: Sumstine. Motion carried.

Schneider motioned to adopt Ordinance No. 1276 by title. Yant seconded. On roll call, the following voted aye: Schneider and Yant. Abstain: J. Kring. Absent and not voting: Sumstine. Motion carried.

Agenda Item #14, Consider Approval of Resolution for Sale of Property Lot 1, Block 14, Original Town, Minden, Kearney County, Nebraska for $75,000.

Yant motioned to adopt Resolution 1788 for the Sale of Property Lot 1, Block 14, Original Town, Minden, Kearney County, Nebraska for $75,000. Schneider seconded.

M. Krings stated this resolution is per NE state statute for the city to sell property. On roll call, the following voted aye: J. Kring, Yant, and Schneider. Absent and not voting: Sumstine. Motion carried.

Agenda Item #15, Consider Approval of the Purchase Agreement with Longshot Property Development, LLC for the Purchase of Lot 1, Block 14, Original Town, Minden, Kearney County, Nebraska for $75,000.

Schneider motioned to approve the Purchase Agreement with Longshot Property Development, LLC for the Purchase of Lot 1, Block 14, Original Town, Minden, Kearney County, Nebraska for $75,000. Yant seconded.

M. Krings stated the agreement approves the sale to Longshot Property Development. The agreement includes regulations concerning the grant funding. Jacob Rafert, developer, reminded the council the grant funds can only be utilized for any costs for the apartments.

They cannot be used for renovation costs for the main level commercial space. The goal is to have tenants in the apartments in January of 2025.

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

Agenda Item #16, Adjournment

Schneider motioned to adjourn at 6:38 pm and J. Kring seconded. On roll call, the following voted aye: J. Kring, Yant, and Schneider. Absent and not voting: Sumstine. Motion carried.

_____
Larry Evans, Mayor

Attest:

_____
Abbey Jordan, City Clerk

(SEAL)