City of Minden
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The Christmas City
Minden NEBRASKA

Minutes of Council Meeting
City of Minden, Nebraska
February 20, 2024

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, 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, Mayor 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, Public Forum. Joe Anderson, 886 S. Nebraska, shared his concerns about the vacant property registration ordinance. Anderson was concerned about the definition of lots vs. properties in the state statute and the proposed ordinance. He asked if that will hold up in court? Anderson believed the proposed ordinance is an overreach of power.

Agenda item #4, Council Announcements. Sumstine congratulated the high school wrestling teams, speech teams, and basketball teams. Schneider provided a flyer on an event to assist childcare providers in becoming licensed. Pastor Barnes stated the law enforcement appreciation event was very well attended.

Agenda Item #5, The following items were listed under the agenda item "**consent agenda**" for this meeting:

a. Consider Approval of Minutes of Previous City Council Meetings
b. Consider Approval of Bills & Claims for this Council Meeting excluding the Police Department
c. Consider Acceptance of Excused Absence of Mayor or Council Member(s)
d. Consider Reports that are Enclosed in the Council Packets for This Council Meeting
e. Consider Mayoral Appointment of Nickola VanHorn to the Tree Board for a term of 2-20-24 to 12-31-26

A. Christensen--Training $70.00, Amazon Capital Services--Supplies $1,655.90, Anderson Bros Ele Inc--Repairs $694.26, Aurora Cooperative--Gas $199.34, Baker & Taylor Books--Supplies $560.47, Bill's Plumbing & Htg. Inc--Repairs $284.57, Black Hills Energy--

Utilities $472.47, Calibre Press--Training $359.00, Carrot Top Industries--Supplies $105.36, Cengage/Gale--Supplies $62.38, C. Klahn--Repairs $881.40, City Of Holdrege Landfill--Fees $6,074.69, Consolidated Management Co--Training $207.55, Cooperative Producers,Inc.--Gas $1,032.02, C. Lupkes--Training $70.00, Crossroads Welding--Repairs $7,156.00, Curlys Radiator Service--Repairs $391.00, Elan Financial Services--Supplies $880.84, Fastenal Company--Supplies $525.20, Gokie's Daylight Donut--Supplies $100.00, Great Plains Communications--Phone/Internet $141.75, Greatamerica Financial Services Corporation--Fees $245.74, Hersh Digging--New Infrastructure $11,790.00, Hydro Tech Inc.--Supplies $89.95, Integrated Security Solutions, Llc--Supplies $75.00, Intellicom Computer Consulting--Tech/Engineering $5,300.40, Isw--Supplies $157.67, K&D Motor & Electric Inc--Repairs $1,935.32, Kearney County Econ Develop Agency--Membership $1,660.00, Kelly Supply Company--Supplies $43.08, Landmark Implement Carquest--Supplies $56.19, Logan Contractors Supply--Supplies $1,917.00, Mason's Market--Supplies $47.02, Menards Of Kearney--Supplies $928.81, Mid Nebraska Aggregate, Inc--Infrastructure Repair $2,090.16, Midwest Laboratories--Fees $359.42, Midwest Tapes--Supplies $48.73, Miller & Associates--Tech/Engineering $78.75, Minden Hardware--Supplies $750.49, Minden Lumber & Concrete Co.--Supplies $338.83, Municipal Supply-Nebraska--Supplies $2,212.30, Napa Auto Parts--Supplies $825.33, Ndee Swimming Pools--Fees $40.00, Nebraska Library Commission--Fees $500.00, Nebraska State Patrol--Fees $2,700.00, Nmc, Inc.--Rental $8,500.00, Nppd Kwh--Utilities $156,166.57, Nppd O&M--Utilities $34,213.41, One Call Concepts Inc--Fees $25.06, Penworthy/Media Source--Supplies $158.87, Platte Valley Communications Of Kearney, Inc.--Repairs $425.34, Pony Express Ford--Repairs $92.95, Presto X Co.--Fees $167.38, Quick Med Claims--Fees $689.92, R. Hurst--Fees $1,000.00, Sandry Fire Supply Llc--Supplies $254.00, Sayler Screenprinting Llc--Uniforms $106.00, Share Corp.--Supplies $555.50, Southern Power District--Utilities $107.21, Spectrum Business--Phone/Internet $1,216.89, Sunbelt Rentals, Inc--Rental $316.62, Syndicate Publishing, Llc--Fees $97.20, T. R. Beck--Supplies $76.34, T. Brown--Training $70.00, Wex Bank--Gas $6,711.97, Winzer Franchise Company--Supplies $144.65, Witmer Public Safety Group--Supplies $420.70, Wpci--Fees $123.00, 1-26-24 Payroll $65,170.01.

Schneider had two corrections to the minutes: Agenda Item #12 is missing the second and vote and Agenda Item #12 discussion Yant motioned to approve the consent agenda with the corrections to the minutes and Sumstine seconded. On roll call, the following voted aye: J. Kring, Sumstine, Schneider and Yant. Motion carried.

Agenda Item #6, Consider Approval of Police Department's Bills & Claims for this Council Meeting.

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

Agenda Item #7, Consider Approval of Treasury Report, January 2024.

Jordan reviewed the Treasury Report accounting for the increases and decreases. Schneider motioned to approve the January 2024 Treasury Report and Sumstine seconded. On roll call, the following voted aye: J. Kring, Sumstine, Schneider and Yant. Motion carried.

Agenda Item #8, Consider Approval of Budget Report, January 2024.

Sumstine motioned to approve the January 2024 Budget Report. J. Kring seconded. On roll call, the following voted aye: J. Kring, Sumstine, Schneider and Yant. Motion carried.

Agenda Item #9, Presentation of Jensen Memorial Library Annual Report by Library Director, Janene Hill.

Hill presented the statistics from 2023 noting the decreased door count was due to two daily patrons that had passed. No action taken.

Agenda Item #10, Consider Approval of Minor Subdivision for Lot 3, Block 1, MEB Addition, an addition to the City of Minden, Kearney County, Nebraska, EXCEPT the East 270.00 feet thereof; AND EXCEPT the North 334.00 feet of the West 234.00 feet of said Lot 3 for MEB&T Subdivision CDI, LLC.

Sumstine motioned to approve the Minor Subdivision for Lot 3, Block 1, MEB Addition, an addition to the City of Minden, Kearney County, Nebraska. Schneider seconded. On roll call, the following voted aye: J. Kring, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #11, Consider Approval of Amended and Restated Development Agreement with Minden Mining, LLC.

Schneider motioned to approve the Amended and Restated Development Agreement with Minden Mining, LLC and Sumstine seconded. M. Krings stated the agreement is a formality to change the name of the company and to allow an extension to complete the sound study. On roll call, the following voted aye: J. Kring, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #12, Consider Approval of SCEDD Professional Services Agreement for General Administration of Grant 23TFRH34009.

Schneider motioned to approve the SCEDD Professional Services Agreement for General Administration of Grant 23TFRH34009. J. Kring seconded. LeAnn Jochum with SCEDD stated this agreement allows them to handle the general administration of the grant and is paid for by the grant. On roll call, the following voted aye: J. Kring, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #13, Consider Approval of SCEDD Professional Services Agreement for Housing Management of Grant 23TFRH34009.

Schneider motioned to approve the SCEDD Professional Services Agreement for Housing Management of Grant 23TFRH34009 and Yant seconded. Jochum said this agreement is for SCEDD to manage the tenants and their eligibility during the grant period. They will ensure tenants meet income requirements and keep all required documentation. On roll call, the following voted aye: J. Kring, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #14, Consider Approval of Fair Housing Action Statement for Grant 23TFRH34009.

Yant motioned to approve the Fair Housing Action Statement for Grant 23TFRH34009 and J. Kring seconded. Jochum stated the City's website already has a good page on fair housing, but the publication of the provided statement which includes a fair housing representative meets the requirements for this grant. On roll call, the following voted aye: J. Kring, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #15, Consider Approval of Authorization to Request Funds for Grant 23TFRH34009.

Sumstine motioned to approve the Authorization to Request Funds for Grant 23TFRH34009 and Yant seconded. Jochum said once the special conditions are all fulfilled, the authorization to request funds will be submitted. This should be completed within the next couple of weeks. On roll call, the following voted aye: J. Kring, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #16, Consider Approval to Submit a Pre-Application for the Nebraska Affordable Housing Trust Fund for the Old Bank Building.

J. Kring motioned to approve to Submit a Pre-Application for the Nebraska Affordable Housing Trust Fund for the Old Bank Building. Schneider seconded. Jochum stated the authorization to request funds for the current project has to be completed before the pre-

application can be submitted for the potential new project. Jochum stated there is an error on page 8. The table should have 5 units with a total of $25,000. On roll call, the following voted aye: J. Kring, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #17, Consider Approval of a Resolution for SCEDD to assist with a Nebraska Affordable Housing Trust Fund Application for a Rental Rehabilitation Conversion for the Bank Building located at the NE corner of Minden Avenue and 5th Street.

RESOLUTION No. 1791

REQUEST FOR THE SOUTH CENTRAL ECONOMIC DEVELOPMENT DISTRICT, INC. TO ASSIST WITH A NAHTF APPLICATION FOR A RENTAL REHABILITATION CONVERSION

WHEREAS, the City of Minden is within a member county of the South Central Economic Development District, Inc. (SCEDD); and

WHEREAS, the City of Minden would be the eligible Applicant for a Nebraska Affordable Housing Trust Fund (NAHTF) under the Rental Rehabilitation – Conversion Category; and

WHEREAS, the City of Minden desires to have grant application assistance for this NAHTF conducted by SCEDD in partnership with the Developer for the 'Bank Building'; and

WHEREAS, SCEDD provides this service for no fee to member counties of the South Central Economic Development District, Inc.

WHEREAS, the City of Minden agrees to provide a local point of contact and committee as necessary, to work with SCEDD in the fulfillment of said services;

WHEREAS, the City of Minden agrees to accept full responsibility for following all grant guidelines and fulfilling all grant requirements serving as the 'pass-through' agent for all expenses and reimbursements with the Developer and the Department of Economic Development in the event the funds are awarded;

NOW THEREFORE, BE IT RESOLVED, that the City of Minden requests and authorizes SCEDD to provide grant application assistance for this 2024 Nebraska Affordable Housing Trust Fund opportunity.

PASSED THIS _____ DAY OF _____, 2024.

_____
Larry Evans, Mayor

Attest:

_____

Abbey Jordan, City Clerk

Sumstine motioned to approve to a Resolution for SCEDD to assist with a Nebraska Affordable Housing Trust Fund Application for a Rental Rehabilitation Conversion for the Bank Building located at the NE corner of Minden Avenue and 5th Street. Schneider seconded. On roll call, the following voted aye: J. Kring, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #18, Consider Approval of Ordinance Amending Sections 30-28 and 30-30; as the Same Relates to Nuisances of the Minden Municipal Code, Second Reading.

Yant introduced Ordinance No. 1288 for its Second Reading:

ORDINANCE NO. 1288

AN ORDINANCE TO AMEND CHAPTER 30, ARTICLE II, OF THE MUNICIPAL CODE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA, BY AMENDING SECTIONS 30-28 AND 30-30, AS THE SAME RELATES TO NUISANCES 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 30-28 be amended in the Municipal Code of the City of Minden, Kearney County, Nebraska, to read as follows:

Section 30-28. – Specifically defined.

The maintaining, using, placing, depositing, leaving or permitting of any of the following specific acts, omissions, places, conditions and things are hereby declared to be nuisances:

(1) Any odorous, putrid, unsound or unwholesome grain, meat, hides, skins, feathers, vegetable matter, or the whole or any part of any dead animal, fish or fowl.
(2) Privies, vaults, cesspools, dumps, pits or like places which are not securely protected from flies or rats, or which are foul or malodorous.
(3) Filthy, littered or trash-covered cellars, houseyards, barnyards, stableyards, factory-yards, mill yards, vacant areas in rear of stores, granaries, vacant lots, houses, buildings or premises.
(4) Animal manure in any quantity which is not securely protected from flies and the elements, or which is kept or handled in violation of any ordinance of the municipality.
(5) Liquid household waste, human excreta, garbage, butcher's trimmings and offal, parts of fish or any waste vegetable or animal matter in any quantity; provided nothing contained in this subsection shall prevent the temporary retention of waste

in receptacles in a manner provided by the health officer of the municipality, nor the dumping of nonpurifying waste in a place and manner approved by the health officer.

(6) Tin cans, bottles, glass, cans, ashes, paper, rags, wood, small pieces of scrap iron, wire metal articles, bric-a-brac, building rubble, broken stone or cement, brick, broken crockery, broken glass, broken plaster and all trash, rubbish or abandoned material, unless the same be kept in covered bins or galvanized iron receptacles, and any other waste materials when any of such articles or materials create a condition in which flies or rats may breed or multiply, which may be a fire danger or which are so unsightly as to depreciate property values in the vicinity thereof.

(7) The owner or occupant of any lot or piece of ground within the municipality shall keep the lot or piece of ground and the adjoining street and alleys free of any growth of 9 inches or more in height of weeds, grasses or worthless vegetation.

(8) Any unsightly building, billboard or other structure, or any old, abandoned or partially destroyed building or structure, or any building or structures commenced and left unfinished, or lumber not neatly piled, which buildings, billboards or other structures are either a fire hazard, a menace to the public health or safety, or are so unsightly as to depreciate the value of property in the vicinity thereof.

(9) All places used or maintained as junkyards, dumping grounds, or for the wrecking and dissembling of automobiles, trucks, tractors, or machinery of any kind; for the storing or leaving of worn-out, wrecked or abandoned automobiles, trucks, tractors or machinery of any kind, or of any of the parts thereof; for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, and any machine, vehicle, or parts of a machine or vehicle which have lost their identity, character, utility or serviceability as such through deterioration, dismantling, or the ravages of time, are inoperative or unable to perform their intended functions, are castoff, discarded or thrown away or left as waste, wreckage or junk; which places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property by others, or which are so unsightly as to tend to depreciate property values in the vicinity thereof.

(10) Any and all lots or pieces of ground within the municipality shall be drained or filled so as to prevent stagnant water or any other nuisance accumulating thereon.

(11) Stockyards, granaries, mills, pig pens, cattle pens, chicken pens or any other place, building or enclosure in which animals or fowls of any kind are confined or on which are stored tankage or any other animal or vegetable matter or on which any animal or vegetable matter including grain is being processed, when such places in which the animals are confined or the premises on which the vegetable or animal matter is located are maintained and kept in such a manner that foul and noxious odors are permitted to emanate therefrom to the annoyance of inhabitants of the municipality, or are maintained and kept in such a manner as to be injurious to the public health.

(12) All other nuisances specifically designated elsewhere in this Code.

Source: Code 1982, § 2-302; Ord. No. 944, § 2, 6-1-92; Ord No. 17XX, XX-XX-20XX

Section 2. That Section 30-30 be amended in the Municipal Code of the City of Minden, Kearney County, Nebraska, to read as follows:

Section 30-30. – Abatement Procedure.

It shall be the duty of every owner, occupant, lessee or mortgagee of real estate in the municipality to keep such real estate free of public nuisances. Upon determination by the Development Services Director, the chief of police or the fire chief that the owner, occupant, lessee or mortgagee has failed to keep such real estate free of public nuisances, the city shall thereupon cause notice to be served upon the owner, occupant, lessee, mortgagee or agent thereof, by personal service or by certified mail or by publication. Such notice shall describe the condition as found by the designated officer and state that such condition has been declared a public nuisance, and that the condition has been declared a public nuisance, and that the condition must be remedied within 5 days of receipt of the notice or date of publication, whichever is later. Within 5 days

after the receipt of such notice, if the owner, occupant, lessee or mortgagee of the real estate does not request a hearing or fails to comply with the order to abate and remove the nuisance, the municipality shall have such work done and may levy and assess the costs and expenses of the work upon the real estate so benefitted in the same manner as other special taxes for improvements are levied and assessed. The municipality may also direct the law enforcement officers of the municipality to issue a citation to the owner, occupant, lessee or mortgagee charging them with a violation of the nuisance ordinances of the city.

Within five days after receipt of such notice, the owner, occupant, lessee or mortgagee of real estate may request a hearing with the city to appeal the decision to abate or remove a nuisance by filing a written appeal with the office of the City Clerk. A hearing on the appeal shall be held within 14 days after the filing of the appeal and shall be conducted by a committee designated by the Mayor. The committee shall render a decision on the appeal within five business days after the conclusion of the hearing.

Source: C.O. Ord. No. 944, § 4(2-303.01), 6-1-92; Ord. No. 1016, § 1, 7-1-96; Ord No. 17XX, XX-XX-20XX

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. 1288 and shall be in full force and effect from and after its passage, approval and publication according to law.

Olson recommended having the city council approve the committee appointees for the appeal hearings and having the committee subject to the open meetings act for transparency and consistency.

Kring motioned to amend the motion to amending the last paragraph of Section 30-30 per Olson's comments. Sumstine seconded the motion. On roll call, the following voted aye: J. Kring, Sumstine, Yant, and Schneider. Motion carried.

Voting on the motion with the amendment, On roll call, the following voted aye: J. Kring, Sumstine, Yant, and Schneider. First reading of the amended ordinance: Motion carried.

Yant motioned to waive the third reading. Motion died due to lack of a second.

Agenda Item #19, Consider Approval of Ordinance Amending Chapter 14 by Adding Article XIII and Sections 14-340 through 14-346; as the Same Relates to Registration of Vacant Property to the Minden Municipal Code, Second Reading.

Yant introduce Ordinance No. 1289 for its Second Reading:

ORDINANCE NO. 1289

AN ORDINANCE TO ADD ARTICLE XIII, SECTIONS 14-340 THROUGH 14-346 REGARDING THE REGISTRATION OF VACANT PROPERTY TO CHAPTER 14 OF THE MINDEN MUNICIPAL CODE; TO REPEAL ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR THE SEVERABILITY OF ALL PARTS HEREOF; TO ORDER THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND TO DESIGNATE THE TIME DESCRIBED WHEN THIS ORDINANCE SHALL BE IN EFFECT.

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BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MINDEN, NEBRASKA:

Section 1. That Chapter 14 of the Municipal Code if Minden, Nebraska, be amended to add the following:

ARTICLE XIII. - VACANT PROPERTY REGISTRATION

SECTION 14-340. – Purpose.

The City of Minden finds and declares that:

1. Vacant properties have the potential to create a host of problems for Nebraska communities, including a propensity to foster criminal activity, create public health problems, and otherwise diminish quality of life.
2. Vacant properties have the potential to reduce the value of area properties, increase the risk of property damage through arson and vandalism, and discourage neighborhood stability; Vacant properties represent unrealized economic growth in Nebraska communities:
3. A vacant property registration ordinance allows a municipality to discourage property vacancy, maintain unoccupied buildings, provide a data base of vacant properties and their owners, and assess fees for the increased public costs associated with vacant properties.
4. Fees imposed under a vacant property registration ordinance have the potential to benefit the owners of vacant properties by helping to finance additional government services to protect the value and security of such properties and
5. Enactment of this vacant property registration ordinance is a proper exercise of governmental authority to protect the public health, safety, and welfare of community residents and a valid regulatory scheme.
6. The City of Minden is given the power and authority pursuant to Nebraska Revised Statute 18-1720 to define, regulate, suppress, and prevent such nuisances.

SECTION 14-341. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A. *Evidence of vacancy* means any condition or circumstance that on its own or in combination with other conditions or circumstances would lead a reasonable person to believe that a residential or commercial building is vacant. Such conditions or circumstance may include but are not limited to:
    i. Lack of active utility service accounts;
    ii. Overgrown or dead vegetation including grass, shrubbery, and other plantings;
    iii. An accumulation of abandoned personal property, trash, or other waste;
    iv. Visible deterioration or lack of maintenance of any building or structure on the property.
    v. Graffiti or other defacement of any building or structure on the property;
    vi. Any other condition or circumstance reasonably indicating that the property is not occupied for residential purposes or being used for the operation of a lawful business.
B. *Owner* means the person or persons shown to be the owner or owners of record in the records of the County Register of Deeds.
C. *Residential building* means a housing structure or other framework, together with such land on which a dwelling or apartment buildings are located that is used or intended to support occupancy of one or more persons for non-business purposes. This included but is not limited to the following: a house, condominium, a townhouse, an apartment unit or building or a trailer house.

D. *Commercial building* means any building with more than fifty (50%) percent of the floor space used for commercial activity. For the purposes of this section, floor space shall be designated as the area on the main or street level of the building. For purpose of this section, commercial activity means having the objective of supplying commodities (goods and services), industrial uses, industrial manufacturing and ancillary business functions.
E. *Vacant* means that a residential or commercial building exhibits evidence of vacancy for 180 days or longer.

SECTION 14-342. – Vacant Building Registration.

1. The City shall create a vacant property registration database, and the Development Services Director is designated as the program administrator. The program administrator may utilize additional City employees as may be necessary to administer the program.
2. The owner of a vacant building shall register the building with the Development Services Director (within thirty calendar days (30) of written notice) if the property has been vacant for one hundred eighty (180) days or longer. A vacant property registration form shall be provided by the city and the following information shall be required:
    a. The name, street address, mailing address, telephone number and email address of the property owner and his or her agent;
    b. The street address and parcel identification number of the vacant property;
    c. The transfer date of the instrument conveying the property to the owner;
    d. The date on which the property became vacant; and
    e. A plan for occupancy of the property.
3. The owner shall notify the city of any changes in information supplied as part of the vacant building registration within thirty (30) days of the change. Removal of the property from the vacant property registration database shall occur when the property is no longer vacant.
4. If the owner of the vacant property does not reside in the City of Minden or Kearney County for at least one hundred eighty (180) days in a calendar year, then the owner must provide information for a resident agent with authority to act with respect to the property, including the name, current mailing address, phone number, and any other contact information of the owner's agent. Any subsequent owner of a vacant property must register or re-register the building with the City within thirty (30) calendar days of any transfer of any ownership interest in the vacant property. The new owner shall comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted by the new owner and meet the approval of the City.
5. An owner who acquires a vacant property for which a registration fee has already been paid for a particular period is not liable for any additional registration fee for that period; however, the new owner must register the change of ownership with the City.

SECTION 14-343. – Vacant Building Fees.

1. Residential Property: There is no fee for initial registration of vacant residential property. However, if the owner fails to remedy the vacant property and successfully have it removed from the vacant property registration list within 180 days from the initial registration date, or within 180 days from the initial registration date deadline if the owner fails to register the property, then the owner of vacant residential property shall be assessed a fee of $250, payable to the City of Minden. In addition, a supplemental fee of

$500 will be assessed to the owner of the vacant property for every 180-day period thereafter, until the vacant property is removed from the registration list.

2. Commercial Property: There is no fee for the initial registration of vacant commercial property. However, if the owner fails to remedy the vacant property and successfully have it removed from the vacant property registration list within 180 days from the initial registration date, or within 180 days from the initial registration date deadline if the owner fails to register the property, then the owner of the vacant commercial property shall be assessed a fee of $500, payable to the City of Minden. In addition, a supplemental fee of $1,000 will be assessed to the owner of the vacant property for every 180-day period thereafter, until the vacant property is removed from the registration list.
3. Registration fees may be refundable for the year preceding the date on which the property is no longer vacant. Unpaid registration fees shall become a lien on the premises, as well as a liability of the responsible party. Additionally, the City attorney may institute appropriate action against the owner for the recovery of such costs.

SECTION 14-344. – Inspections.

The Development Services Director or his or her designee may inspect the interior and exterior of the vacant property upon registration and at one-year intervals thereafter for so long as the property remains on the vacant property registration database. A report will be provided to the owner noting code deficiencies, if any. The owner will be required to make necessary repairs based upon a reasonable timetable to allow the property to become occupied. Follow-up inspections will be made by the Development Services Direct or his or her designed to ensure that repairs have been timely completed.

SECTION 14-345. – Exemptions.

The following vacant properties shall be exempt from registration and fee requirements:

1. A vacant property that is advertised in good faith for sale or lease shall be exempt from registration and fee requirements. Any building advertised for sale at a price not exceeding one hundred and twenty-five (125) percent of the assessed valuation as documented by the Kearney County Assessor's office shall be deemed to be advertised in good faith for sale. Any building advertised for lease at an amount of rent comparable to other comparable buildings shall be deemed to be advertised in good faith for lease. The burden of proving this exemption shall be on the owner and the standard of proof shall be by clear and convincing evidence.
2. A vacant property under construction or renovation pursuant to a validly issued building permit or plan of renovation submitted to and approved by the program administrator;
3. A vacant property which is subject to ongoing divorce, probate, or estate proceedings;
4. A vacant property which is owned by the federal government, the State of Nebraska, or any political subdivision thereof.
5. Only considered to be a season resident and property is following current building code/property maintenance code.
6. Where the Owner is temporarily absent, but who has demonstrated his or her intent to return and property is in compliance with current building code/property maintenance code.
7. Such exemptions may be granted upon the affirmative vote of the City Council for a period up to, but not exceeding one (1) year.

SECTION 14-346. – Due Process.

Upon receiving notice declaring that a building is vacant or remains vacant, the owner of the building may appeal such decision within twenty (20) calendar days of receipt of the notice. Such an appeal shall be in writing to the Development Services Director. Such appeal shall request a hearing before the City Council to present reasons why the building should not be declared vacant. The Mayor shall set such a hearing within twenty (20) business days from the date of receipt of the written request.

A written notice of the City Council decision following the hearing shall be sent to the property owner by certified mail or shall be provided at the conclusion of the hearing. If the City Council rejects the appeal, the owner shall have thirty (30) calendar days from the decision to register the vacant building; provided, the property owner may appeal such decision, within thirty (30) calendar days of the City Council decision, to the appropriate court for adjudication during which proceedings the decision of the City council shall be stayed.

Source: Ord No. 12XX, XX-XX-20XX

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. 1289 and shall be in full force and effect from and after its passage, approval and publication according to law.

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

Yant motioned to waive the third reading of Ordinance No. 1289. Schneider seconded. On roll call, the following voted aye: Yant and Schneider. Voting nay: J. Kring and Sumstine. Motion did not pass.

Agenda Item #19, Consider Adjournment

Schneider motioned to adjourn at 7:03 pm and Sumstine 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)