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

phone 308.832.1820
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The Christmas City
Minden NEBRASKA

Minutes of Council Meeting
City of Minden, Nebraska
May 6, 2024

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: 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. No comments were made.

Agenda item #4, Council Announcements. Sumstine stated the Chamber's Dawg Days was a success!

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 Approval of Special Designated Liquor Permits for Windmill Studios for June 22, 2024 from 12 pm to 1 am at the Kearney County Fairgrounds for a Reception
f. Consider Approval of Volunteer Firefighter, Rylie Cole
g. Consider Mayoral Appointment of Dusty Reed to the Library Board for a term ending 12/31/2027

911 Custom--Uniforms $1,282.00, Ace Irrigation Inc--Supplies $16.15, Amazon Capital Services--Supplies $193.05, Anderson Bros Electric, Plumbing & Heating, Inc--Repairs $215.35, B&D Diamond Pro--Supplies $562.00, B. Norgaard--Repairs $146.76, Black Hills Energy--Utilities $356.30, Capital One--Training $1,749.09, Chemsearch--Chemical $557.33, Consolidated Management Co--Training $445.10, Core & Main Lp--Supplies $2,628.59, Dana F Cole & Company, Llp--Fees $30.00, Dier,Osborn & Cox, P.C., L.L.O--Legal

$3,508.65, D. Phillips--Supplies $1,251.21, Eakes Office Plus--Supplies $288.17, Gangwish Turf--Supplies $696.00, Grayson Tool, Inc--Incentive $900.00, Great Plains Communications--Phone/Internet $159.44, Hawkins Water Treatment--Chemical $3,744.92, Hd Supply Facilities Maintenance Ltd--Supplies $136.35, Iimc--Membership $185.00, Inland Potable Services--Infrastructure Repair $7,375.00, J. Crowell--Fees $1,250.00, Jan L. Carter--Repairs $176.05, Jims Ok Tire Minden Llc--Repairs $281.50, John Deere Financial--Supplies $113.09, Ke Co Treasurer--Fees $5,683.33, K. Frecks--Incentive $2,400.00, Landmark Implement Carquest--Supplies $36.38, Mason's Market--Supplies $232.98, M. Raffaeli--Cleaning $196.88, M. Shelton--Training $150.00, Mid Nebraska Aggregate, Inc--Supplies $1,076.25, Midwest Radar & Equipment--Repairs $246.00, Miller The Driller--New Infrastructure $5,806.25, Minden Exchange Bank & Trust C--Financing $6,050.40, Minden Opera House--Fees $50.00, Minden Utility Dept.--Utilities $4,231.89, Municipal Supply-Nebraska--Supplies $2,822.23, Napa Auto Parts--Supplies $296.35, Nebraska Rural Water Assoc.--Fees $450.00, Nmc Industrial Services--Rental $4,207.00, Nphe--Fees $265.00, Philadelphia Insurance Companies--Insurance $301.00, Pony Express Ford--Repairs $94.38, Presto X Co.--Maintenance $157.70, Protex Central Inc.--Maintenance $145.00, R. Burwell--Refunds $253.43, R. Carey--Refunds $100.00, Revenue Bond Payment Account--Fees $13,850.00, R. Marshall--Training $265.50, Siteone Landscape Supply Holding, Llc--Supplies $335.84, Sos Portable Toilets Inc--Rental $190.50, Southern Power District--Utilities $78.36, State Of Nebraska--Training $115.00, Steinbrink Landscaping--Supplies $224.99, Syndicate Publishing, L.L.C.--Fees $474.49, T. Arnold--Supplies $50.49, T.R. Beck--Supplies $90.25, Town And Country Farm And Home Inc--Supplies $77.93, United Parcel Service--Fees $34.35, Verizon Wireless--Phone/Internet $751.53, Vessco Inc--Supplies $519.65, Village Cleaners Inc--Uniforms $292.42, E. Cline $30.48—Medical Reimbursement; E. Cline $1289.28—Dependent Care; 04-19-24 Payroll $61,898.05.

Schneider 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 #6, 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: Yant, Sumstine, and Schneider. Abstain: J. Kring. Motion carried.

Agenda Item #7, Mayoral Proclamation for Arbor Day.

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Proclamation

"ARBOR DAY"

WHEREAS, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal, and

WHEREAS, Minden has been recognized as a Tree City USA by The National Arbor Day Foundation and desires to continue its tree-planting practices,

NOW, THEREFORE, I, Larry Evans, Mayor of Minden, Nebraska, do hereby proclaim April 26th, 2026, as the day of celebration of "**ARBOR DAY**" in the City of Minden, and urge all citizens to plant a tree and to support efforts to protect our trees and woodlands.

Dated this 26th day of April, 2024.

In witness whereof, I have hereunto set my hand and caused this seal to be affixed.

Larry Evans

Larry Evans,
Mayor of the Minden

No action taken.

Agenda Item #8, Mayoral Proclamation for National Day of Prayer.

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NATIONAL DAY OF PRAYER

BY THE MAYOR OF CITY OF MINDEN
A PROCLAMATION for THE NATIONAL DAY OF PRAYER

WHEREAS: Throughout history America has faced trials and triumphs, and Americans have responded in prayer seeking courage and comfort, inspiration, and joy-filled celebration. Faith compels us to seek and cling to the Light in times of darkness and spread light to those in need.

WHEREAS: From the first gatherings of our Founding Fathers, elected officials have prayed and entreated those they serve and represent to join them in prayer, including the authors of our Declaration of Independence, wrote that they, "the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world..." and carried on to present day in Presidential Proclamations such as last year's invitation to "join him in asking for God's continued guidance, mercy, and protection.", and

WHEREAS: A National Day of Prayer has not only been a part of our heritage since it was declared by the First Continental Congress in 1775, but it is a Public Law established in the United States Congress in 1952 approved by a Joint Resolution and amended by Congress and President Reagan with Public Law 100-307 in 1988, affirming that it is essential for us as a nation to pray and directs the President of the United States to set aside and proclaim the first Thursday of May annually as The National Day of Prayer; and

WHEREAS: In every state across America the observance of the National Day of Prayer will be held on Thursday, May 2, 2024, with the theme, "Lift Up the Word, Light Up the World," based on the verses found in 2 Samuel 22:29-31, "For you are my lamp, O Lord, and my God lightens my darkness ... This God—his way is perfect; the word of the Lord proves true; he is a shield for all those who take refuge in him." and

WHEREAS: Unified prayer is mobilized across America every first Thursday of May on the National Day of Prayer as neighbors come together to join their hearts and voices in reading sacred Scriptures and attending services to seek God for the city and country where we live, learn, work, worship, serve, and desire all to thrive; and

WHEREAS: We express our faith and exercise our freedom in prayer, then unite our hearts and voices in personal prayer and public gatherings across America with fervent praise, repentance, love, and humble intercession for our neighbor and nation, holding fast to the promises throughout the Holy Scriptures that the Lord hears and avails much as He answers the faith-filled prayers of His people.

NOW, THEREFORE, I, (NAME OF MAYOR / COUNCIL), (POSITION) of the (CITY/TOWN), by virtue of the authority vested in me by the (CHARTER / GOVERNING DOCUMENTS) and the laws of the United States, do hereby proclaim May 2, 2024, as a National Day of Prayer.

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of May in the year of our Lord two thousand and twenty-four.

Larry Evans
(Mayor / Council)

No action taken.

Agenda Item #9, Consider the Approval of the Wind & Hail Insurance Deductible Buyback through April 5, 2025.

Yant motioned to approve the Wind & Hail Deductible Buyback through April 5, 2025 for $13,163.53. Sumstine seconded. Kevin Krull, Jones Group, reminded the council this would lower the City's $100,000 deductible to $10,000 per event for wind and hail only. Krull reminded them there are roofs that are not included in the total roof value until they are repaired. The cost is very similar to last year.

Krull also stated that Travelers and the roofing contractor have agreed upon almost everything so we can begin to move forward with the repairs.

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

Agenda Item #10, Consider Approval of Appointments of Larry Evans, Michael Krings, and Jack Yant as the Committee to Hear Nuisance Appeals per Minden Municipal Code Section 30-30.

Evans stated the City is going to work with the property owners to resolve the nuisance. A positive approach is going to be taken.

Schneider motioned to approve the Appointments of Larry Evans, Michael Krings, and Jack Yant as the Committee to Hear Nuisance Appeals per Minden Municipal Code Section 30-30. Sumstine seconded. Discussion took place concerning requested extensions. On roll call, the following voted aye: J. Kring, Sumstine and Schneider. Abstain: Yant. Motion carried.

Agenda Item #11, Consider Approval of Resolution Deleting Section 4.07, Retirement, from the City of Minden Personnel Manual.

Yant motioned to approve Resolution 1974 Deleting Section 4.07, Retirement, from the City of Minden Personnel Manual. Schneider seconded.

RESOLUTION NO. 1794

Whereas, the City of Minden recognizes the importance of retirement and,

Whereas, the City Council of the City of Minden is desirous of making certain changes to section 4 Promotion, Transfer, Demotion, and Reclassification as the Retirement age has increased;

Now Therefore Be It Resolved, by the City Council of the City of Minden, Kearney County, Nebraska, that Section 4.07 Retirement of the City of Minden Personnel Manual be deleted.

Dated this 6th day of May, 2024.

_____
Larry Evans, Mayor

ATTEST:

_____
Abbey Jordan, City Clerk

Jordan stated the city's pension advisor, Dennis Amstuz advised them this section was no longer needed. On roll call, the following voted aye: Sumstine, Yant and Schneider. Abstain: J. Kring. Motion carried.

Agenda Item #12, Consider Approval of Resolution Amending Section 7.02, (Vacation) Use and Carry Over, of the City of Minden Personnel Manual.

Schneider motioned to approve Resolution 1795 Amending Section 7.02, (Vacation) Use and Carry Over, of the City of Minden Personnel Manual. Sumstine seconded.

RESOLUTION NO. 1795

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 7 Vacation Leave Section;

Now Therefore Be It Resolved, by the City Council of the City of Minden, Kearney County, Nebraska, that Section 7.02 Use and Carry Over of the City of Minden Personnel Manual be added to read as follow, to wit:

Section 7.02 Use and Carry Over
Requests for vacations of four (4) hours or eight (8) hours must be submitted at least two (2) days in advance to the City Administrator for approval, vacations of twelve (12) hours to thirty six (36) hours must be submitted at least one (1) week in advance to the City Administrator for approval, and requests for vacations of forty (40) hours or more must be submitted at least two (2) weeks in advance to the City Administrator for approval. In instances where two or more persons from the same department request vacation for the same period, seniority will determine who gets the particular time requested, unless the persons mutually agree on another arrangement. Vacations may be taken at any time during the year, after earned, provided that the particular time does not have an adverse effect on the overall effectiveness of the department, as determined by the City Administrator.

Vacation leave shall be used in four (4) hour increments subject to the approval of the Department Head and City Administrator.

All regular full time employees, who have been employed on a regular basis for two years or greater, are required to take at least forty (40) consecutive hours of vacation.

At the anniversary date of the employee, the employee shall be paid for any accrued hours as follows:

Employees with two through ten years of service shall be paid for any accrued hours in excess of eighty (80) hours.

Employees with eleven years of service and beyond shall be paid for any accrued hours in excess of one hundred and twenty (120) hours.

In the event an employee is transferred to a different schedule, the employee's accrued vacation time shall be

converted accordingly, in order to maintain the same basic ratio of time off the job for vacation.

Vacation shall not be accrued while an employee is on any unexcused unpaid leave of absence.

In the event that the City Administrator closes the City offices due to weather conditions, an employee will not have vacation leave hours that otherwise would have been utilized added back to their vacation leave account.

Dated this 6th day of May, 2024.

_____
Larry Evans, Mayor

ATTEST:

_____
Abbey Jordan, City Clerk

Jordan explained this is just removal of a redundancy that is in Section 7.01 already. On roll call, the following voted aye: Sumstine, Yant and Schneider. Abstain: J. Kring. Motion carried.

Agenda Item #13, Consider Approval of Resolution Amending Section 6.02, Pay Periods; Section 6.04, Work Week; and Section 6.06, Overtime Policies; of the City of Minden Personnel Manual.

Schneider motioned to approve Resolution 1796 Amending Section 6.02, Pay Periods; Section 6.04, Work Week; and Section 6.06, Overtime Policies; of the City of Minden Personnel Manual. Yant seconded.

RESOLUTION NO. 1796

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 6 Compensation;

Now Therefore Be It Resolved, by the City Council of the City of Minden, Kearney County, Nebraska, that Section 6.02 Pay Periods of the City of Minden Personnel Manual be added to read as follow, to wit:

Section 6.02 Pay Periods
The pay periods for the City of Minden are bi-weekly; thus, employees receive twenty-six (26) paychecks per year. Time for payroll purposes, starts on Sunday at 12:00 A.M. and ends on Saturday at 11:59 P.M. City employees are usually paid on Fridays, unless a legal holiday occurs on Friday, then the payday is adjusted.

Now Therefore Be It Resolved, by the City Council of the City of Minden, Kearney County, Nebraska, that Section 6.04 Work Week of the City of Minden Personnel Manual be added to read as follow, to wit:

Section 6.04 Work Week
City Hall is open Monday - Friday from 8:00 a.m. to 5:00 p.m. Other departmental working schedules are established by the Department Head with some departments to be operational more than eight (8) hours a day and on Saturdays, Sundays, and holidays. The City of Minden, as a condition of employment, reserves the right to adjust work schedules to fit the needs of the organization.

During each four (4) hour work period employees are normally given a 15-minute break. Employees will be advised by their Supervisor as to where and when these breaks can be taken.

Now Therefore Be It Resolved, by the City Council of the City of Minden, Kearney County, Nebraska, that Section 6.06 Overtime Polices of the City of Minden Personnel Manual be added to read as follow, to wit:

Section 6.06 Overtime Policies
It is the policy of the City to minimize overtime work except when required to safeguard public health, safety, and property. The following overtime guidelines were adopted to assure full compliance with the Fair Labor Standards Act by the City:

1. All non-exempt City Employees are to be paid in a standard 7-day work cycle of 7 consecutive days starting on Sunday and will be paid one and one-half times their regular hourly rate of pay for every hour worked in the excess of 40 hours in a standard 7-day work cycle.

2. Police Officers are to be paid in a standard 14-day work cycle of 14 consecutive days starting on Sunday and will be paid one and one-half times their regular hourly rate of pay for every hour worked in the excess of 84 hours in a standard 14-day work cycle.

3. Certain employees according to the Fair Labor Standards Act are exempt and thus do not receive overtime compensation.

4. Computation of overtime hours shall only include those hours actually worked and holidays listed in Section 8.01 Holidays. Vacation, personal leave, and leave per Section 9 absences are not to be counted towards computation of overtime hours.

6. Employees working in the Water and Sanitary Sewer Departments shall receive 1 hour of regular pay for each day they are on call.

Dated this 6th day of May, 2024.

_____
Larry Evans, Mayor

ATTEST:

_____
Abbey Jordan, City Clerk

M. Krings stated the work week is being modified to reflect City Hall's current hours. The overtime policy is being modified for police officers to be paid overtime above and beyond their regular two week schedule of 84 hours. The other part is counting holiday hours as hours worked and therefore anyone working on a holiday will be paid time and a half. Jordan clarified that any leave taken during a holiday week is not counted as hours worked.

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

Agenda Item #14, Consider Approval of Resolution Amending Section 8.01, Holidays, of the City of Minden Personnel Manual.

Schneider motioned to approve Resolution 1797 Amending Section 8.01, Holidays, of the City of Minden Personnel Manual. Sumstine seconded.

RESOLUTION NO. 1797

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 8 Holidays and Personal Days;

Now Therefore Be It Resolved, by the City Council of the City of Minden, Kearney County, Nebraska, that Section 8.01 Holidays of the City of Minden Personnel Manual be added to read as follow, to wit:

Section 8.01 Holidays
The following named days shall be official holidays for City Employees:

New Years Day
Martin Luther King, Jr. Day
Presidents' Day
Arbor Day
Memorial Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving Day
Christmas Eve Day
Christmas Day
*1/2 Day New Years Eve Day

Holidays shall be observed on the day they are observed by the courts of the State of Nebraska. When a holiday falls on Sunday, the following Monday shall be observed as a holiday. When a holiday falls on a Saturday, the preceding Friday shall be observed as a holiday. If Christmas Eve Day falls on a Friday and Christmas Day falls on a Saturday, Thursday and Friday will be observed as the holidays. If Christmas Eve Day falls on Sunday and Christmas Day falls on Monday, Monday and Tuesday will be observed as the holidays.

*If New Year's Eve Day, December 31, falls on a Monday, Tuesday, Wednesday, or Thursday, the City Offices shall close at 12:00 noon on such day. The City Administrator has the discretion to close the City offices on December 31 of any year of which New Years Day falls on a Tuesday or Friday.

Regular, full-time employees who are not required to be on duty, will be allowed to be absent from work without loss of pay on an official holiday. Seasonal and part-time employees shall not be paid for the holiday. In order to qualify

for holiday pay, employees shall not be absent, without authorized leave, on either the day prior to or the day after such holiday. Holidays which occur during a vacation, personal time, and leave per Section 9.01, 9.02, 9.04, 9.06 (1), (2), (3), (4), and (5); shall not be charged against that leave. If a holiday occurs while an employee is on Workers' Compensation or other disability compensation, no credit for the holiday shall be allowed.

The holidays listed in this section will count as hours worked and will be compensated for a full shift at regular pay for their normal work shift. An employee may be required to work on a holiday if it is necessary to maintain essential services to the public. If an employee works on a holiday as listed in this section, they will be compensated in accordance with Section 6.06 Overtime Policies.

Employees must be on the active payroll in order to be paid for the holiday.

Dated this 6th day of May, 2024.

_____
Larry Evans, Mayor

ATTEST:

_____
Abbey Jordan, City Clerk

M. Krings stated in the past Christmas Eve was a half day and he recommended making it a full day. The other changes are clean up. Evans shared concerns about sanitation. M. Krings stated the sanitation department will find a solution to provide this service despite the holidays.

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

Agenda Item #15, Review the 24NAHTF City of Minden RH Conversion Application.

LeAnn Jochum, South Central Economic Development District, provided an overview of the housing project which is five one bedroom, one bathroom units with one on the ground level. Jochum reviewed all documents provided.

Jochum reviewed the results from the employer housing meeting. The feedback stated there was a need for rentals and housing at all levels as stated by all employers.

Sumstine asked when the award will be made. Jochum stated it should be end of August or early September, but last year it was in October. Best case scenario, release of funds would be before Christmas. No action taken.

Agenda Item #16, Consider Approval of the 2024 NAHTF Match Documentation Form for the Mayor's signature, stating $30,000 is provided as Cash Match for the Project.

Sumstine motioned to approve the 2024 NAHTF Match Documentation Form for the Mayor's signature, stating $30,000 is provided as Cash Match for the Project. Schneider seconded. On roll call, the following voted aye: J. Kring, Sumstine, Yant and Schneider. Motion carried.

Agenda Item #17, Consider Approval of Ordinance Amending Sections 46-1, 46-71, and 46-72; and Adding Section 46-75; as the Same Relates to Manufactured Homes and Trailers in the Minden Municipal Code, First Reading.

Yant introduced Ordinance No. 1290 for its first reading.

ORDINANCE NO. 1290

AN ORDINANCE TO AMEND CHAPTER 46, ARTICLES I & III; OF THE MUNICIPAL CODE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA, BY AMENDING SECTIONS 46-1, 46-71, AND 46-72; AND ADDING SECTION 46-75; AS THE SAME RELATES TO MANUFACTURED HOMES AND TRAILERS 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 46-1 be amended in the Municipal Code of the City of Minden, Kearney County, Nebraska, to read as follows:

Sec. 46-1. - Definitions.

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

Camper lot means a unit of level, adequately drained ground of definite size, clearly indicated by corner markers for the placing of a trailer or trailer and tow car.

Campgrounds means any lot or tract of ground upon which two or more campers are placed and shall include any building, structure or enclosure used or intended for use as part of the equipment of such park.

Highway operation means fully licensed, on its wheel or jack system, and no permanent additions.

Manufactured home shall mean (a) a factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards, 24 C.F.R. 280 et seq., promulgated by the United States Department of Housing and Urban Development, or (b) a modular housing unit as defined in R.R.S. 1943 § 71-1557 bearing the seal of the department of health, and meeting the following standards:

(1) The home shall have no less than 900 square feet of floor area;
(2) The home shall have no less than an 18-foot exterior width;
(3) The roof shall be pitched with a minimum vertical rise of two and one-half inches for each 12 inches of horizontal run;

(4) The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single-family construction;
(5) The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile or rock; and
(6) The home shall have wheels, axles, transporting lights and removable towing apparatus removed.

Manufactured home lot means a designated portion of a manufactured home park designed for the accommodation of one manufactured home and one accessory building not to exceed 200 square feet for the exclusive use of the occupants.

Manufactured home park means a parcel or contiguous parcels of land which have been so designated and improved that they contain two or more manufactured home lots available to the general public for the placement thereon of manufactured homes for occupancy. The term "manufactured home" park shall not be construed to include manufactured homes, buildings, tents or other structures temporarily maintained by any individual, corporation, company or other entity on its own premises and used exclusively to house its own labor force.

Permanent Dwelling means a residence for a period longer than one year.

Person means any individual, firm, partnership, corporation, company, association, joint stock company or association, political subdivision, governmental agency or other legal entity, and shall include any trustee, receiver, assignee or other legal representative thereof.

Recreational vehicle means any vehicle used, or maintained for use as a conveyance upon the highways or city streets, so designed and constructed as to permit occupancy thereof as a temporary dwelling or sleeping place for one or more persons, on wheels, temporary foundations or jacks.

(Code 1982, § 5-301; Ord. No. 1000, § 1, 2-20-95; Ord. No. 1232, § 1, 3-5-18)

Cross reference— Definitions generally, § 1-2.

Section 2. That Section 46-71 be amended in the Municipal Code of the City of Minden, Kearney County, Nebraska, to read as follows:

Section 46-71. – Permit required; fee; duration.

(a) It shall be unlawful within the limits of the city for any persons to park any recreational vehicle or manufactured home on any street, alley or highway or other public place or on any tract of land owned by any person, except as provided in this article.
(b) This article shall not apply to persons occupying a manufactured home as a permanent dwelling when such manufactured home is situated on the occupant's own land.
(c) Said recreational vehicle shall be fully licensed with all applicable local, state, and federal authorities and readily suitable for highway operation.
(d) A permit shall be obtained from the city council to: Park a camper on the land of another and outside of a duly established campground.

The permit shall be for a period not to exceed one year and at a fee of $120.00, no part of which shall be refunded if the occupancy is terminated at any time prior to the expiration of the year for which the permit is issued. The permit will be granted only upon the written consent of the owner, legal agent or lessee of the premises for which the permit is issued.

(Code 1982, §§ 5-302.01, 5-302.03, 5-302.04; Ord. No. 1000, § 1, 2-20-95)

Section 3. That Section 46-72 be amended in the Municipal Code of the City of Minden, Kearney County, Nebraska, to read as follows:

Section 46-72. – Application for permit.

Application for the permit required in section 46-71 shall be made at the city light and water office and on forms furnished by the city. The application shall contain the reason(s) for parking outside of any manufactured home park or campground; the street number or legal description of the property on which the recreational vehicle shall be parked; the name of the owner of such premises and his permission to park; length of stay in months; a statement of the nature and location of sanitary facilities and that all wastewater from the recreational vehicle shall be emptied into proper sewer connected fixtures. A plat of the premises on which the camper is to be parked shall accompany the application showing the location of the recreational vehicle in reference to streets, alleys and nearest buildings.

Section 4. That Section 46-75 be added to the Municipal Code of the City of Minden, Kearney County, Nebraska, to read as follows:

Section 46-75. – Penalty for violation of article.

Any person found guilty of violating any provision of this article, whether or not such violation shall be found sufficient by the city board of health for revocation of any permit or license, shall be punished by fine of not less than $10.00 and not more than $500.00. Every violation of this article shall be considered a separate offense.

Section 5. That any other ordinance or section passed and approved prior to the passage, approval and publication or posting of this ordinance and in conflict with its provisions is hereby repealed.

Section 6. This ordinance shall be known as Ordinance No. 1290 and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 6th day of May, 2024.

_____
Larry Evans, Mayor

ATTEST:

_____
Abbey Jordan, City Clerk
(SEAL)

Sumstine seconded. M. Krings stated the ordinance is clarifying that RVs cannot be lived in outside of a campground or manufactured home park. The city council can issue a permit to allow this temporarily, but they must connect to city water and sewer. On roll call, the following voted aye: J. Kring, Sumstine, Yant, and Schneider. Motion carried.

Yant motioned to suspend the three readings of Ordinance No. 1290 and J. Kring seconded. On roll call, the following voted aye: J. Kring, Yant, and Schneider. Voting nay: Sumstine. Motion carried.

Yant motioned to adopt Ordinance No. 1290 by title and J. Kring seconded. On roll call, the following voted aye: J. Kring, Yant, and Schneider. Voting nay: Sumstine. Motion carried.

Agenda Item #18, Consider Adjournment

Yant motioned to adjourn at 6:48 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)