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
June 17, 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. J. Kring reminded all city employees to stay hydrated. Yant commented fireworks have already started. Schneider reminded all of the next event at "The Lot."

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

3n's Inc--Repairs $100.78, Amazon Capital Services--Supplies $1,452.92, American Red Cross--Fees $370.00, Anderson Bros Electric, Plumbing & Heating, Inc--Repairs $5,587.57, Andrew C Spracklin Pc--Fees $120.00, At-Scene,Llc--Membership $2,268.00, Aurora Cooperative Elevator Company--Gas $2,346.37, Black Hills Energy--Utilities $49.29, Bound Tree Medical Llc--Supplies $123.68, Btac United Acquisition Holding Company--Supplies $412.16, Cengage/Gale--Supplies $98.37, City Of Holdrege Landfill--Fees $6,720.85, Commercial Recreation Specialists--New Infrastructure $30,000.00, Danko Emergency Equip. Co--Supplies $262.00, Darca Inc.--Supplies $89.45, Dept Of Treasury--Fees $180.00, D. Phillips--Supplies $831.77, Donkey Towing & Transfer Llc--Fees $550.00, Eakes Office Plus--Supplies $106.99, Elan Financial Services--Supplies $1,183.59, Great Plains Communications--

Phone/Internet $301.19, Greatamerica Financial Services Corporation--Fees $233.32, Hawkins Water Treatment--Chemical $1,520.07, Hd Supply Facilities Maintenance Ltd--Supplies $450.07, Holmes Plbg.& Htg Supp Co--Supplies $134.92, Icon Enterprises, Inc.--Fees $4,470.42, Innovative Pharmacists, Inc.--Supplies $1,095.70, Intellicom Computer Consulting--Tech/Engineering $5,835.65, Isw--Supplies $91.77, J. Benson--Repairs $2,000.00, J. Carter--Repairs $3,727.00, Jims Ok Tire Minden Llc--Repairs $30.00, Jones Insurance Agency, Inc--Insurance $28,696.53, K&K Auto Repair Inc--Repairs $1,432.58, Ke Co Health Payment Cntr--Fees $200.00, Kearney County Ag Society--Fees $100.00, K. Beerman--New Infrastructure $6,000.00, Landmark Implement Carquest--Supplies $475.48, L. Mcgee--Supplies $568.74, Longshot Property Development--Fees $81,883.77, Mason's Market--Supplies $285.01, Menards Of Hastings--Supplies $91.25, Menards Of Kearney--Supplies $67.90, Mid Nebraska Aggregate, Inc--Supplies $633.75, Mid Plains Heating & Air--Repairs $980.78, Midwest Laboratories--Fees $284.42, Midwest Tapes--Supplies $114.71, Minden Lawn & Sprinkler--Repairs $280.00, Minden Rural Fire Dept.--Fees $9,421.60, N. Murray--Fees $69.00, Nlmg Inc--Repairs $222.25, Nmc, Inc.--Financing $6,480.00, Nppd Kwh--Utilities $123,185.22, Nppd O&M--Maintenance $22,191.00, Olsson Associates--Tech/Engineering $1,149.41, One Call Concepts Inc--Fees $40.60, Presto X Co.--Maintenance $248.01, Quadient Finance Usa, Inc.--Fees $445.16, Quality Sound & Water--Fees $588.00, R. Carey--Repairs $8,815.50, Rek Enterprises Llc--Rental $294.81, R. Hurst--Tech/Engineering $1,710.91, Scholastic Inc.--Supplies $256.51, Sos Portable Toilets Inc--Rental $133.99, South Central Economic Dev Dis--Fees $3,000.00, Southeast Crossings Llc--Training $1,299.50, Southern Power District--Utilities $86.01, Spectrum Business--Phone/Internet $1,216.90, Stryker Sales Corp--Supplies $246.27, Syndicate Publishing, L.L.C.--Fees $575.82, T. Beck--Printing $625.40, Town And Country Farm And Home Inc--Supplies $2,141.43, T. Arner--Training $454.00, Two Rivers Public Health Department--Repairs $500.00, United States Postal Service--Fees $188.00, Wex Bank--Gas $6,517.22, Whites Auto Glass--Repairs $349.35, Winzer Franchise Company--Supplies $497.13, Woodward Disposal--Fees $4,915.75, 6-14-24 Payroll $80,334.55.

Schneider had a date correction to the publication minutes and an aye correction. Yant motioned to approve the consent agenda and Sumstine 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.

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

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

Schneider motioned to approve the May 2024 Treasury Report. Sumstine seconded. Jordan reviewed the balances in the City's Treasury. On roll call, the following voted aye: J. Kring, Sumstine, Yant, and Schneider. Motion carried.

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

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

Agenda Item #9, Consider Approval of Claim of $280.00 to Minden Lawn and Sprinkler for Mowing of 511 N. Nebraska Avenue and 521 N. Nebraska Avenue.

Sumstine motioned to approve the Claim of $280.00 to Minden Lawn and Sprinkler with the signing of a conflict-of-interest statement by Yant. Schneider seconded. M. Krings stated other services have been and will be used for nuisance mowing. A certificate of liability insurance is required. Justin Cline, Development Services Director, provided the council the other lawn services he has contacted. On roll call, the following voted aye: J. Kring, Sumstine, and Schneider. Abstain: Yant. Motion carried.

Agenda Item #10, Update on Zu Haus Flats Project by Jacob Rafert.

Rafert stated the architectural plans have been released and have been sent out for bids. The entire outside of the building has been done for tuck pointing. Mission Plumbing of Minden will be doing the plumbing. Cornerstone Electric of Axtell will handle the electric. The HVAC contractor isn't set yet. Nebraska Fire Sprinkler will do the sprinklers. Sorensen Construction will be doing the concrete work. The fence will be removed soon and the hole filled in. Rafert will be full-time on site beginning mid-July. No action taken.

Agenda Item #11, Consider Approval of Wire Payment to Longshot Property Development, LLC., for $81,883.77 for new construction activities accomplished 5/11/2024 to 6/12/2024 of: masonry tuck pointing and plaster/stucco repair to outside walls, final construction plan sets for engineering and bids; and general contracting services.

Schneider motioned to approve the Wire Payment to Longshot Property Development, LLC., for $81,883.77. Sumstine seconded. M. Krings stated the payment and draw system is running smoothly. Items 11, 12, and 13 are all payments. All three lead to agenda item 14. On roll call, the following voted aye: J. Kring, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #12, Consider Approval of Payment to SCEDD, Inc., for $3,000 for Grant Administration as NAHTF reimbursement requests have met the total benchmark amount exceeding $131,500.00.

Yant motioned to approve the payment to SCEDD, Inc., for $3,000 for Grant Administration. Schneider seconded. On roll call, the following voted aye: J. Kring, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #13, Consider Approval of Payment to Two Rivers Public Health Department for $500.00 for Lead Base Paint Inspection conducted on 5-17-24.

Schneider motioned to approve the payment to Two Rivers Public Health Department for $500.00 for Lead Base Paint Inspection. Sumstine seconded. On roll call, the following voted aye: J. Kring, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #14, Consider Approval of Reimbursement Draw #4 for $85,383.77; this Amount will be Drawn on NAHTF 23-TFRH-34009 from NE Dept. of Economic Development.

Sumstine motioned to approve the Draw #4 for $85,383.77; this Amount will be Drawn on NAHTF 23-TFRH-34009 from NE Dept. of Economic Development. Yant seconded. On roll call, the following voted aye: J. Kring, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #15, Consider Approval of Ordinance Amending Sections 94-6, 94-59, 94-66, 94-67, 94-68, 94-69, 94-70, and 94-97; as the Same Relates to Zoning in the Minden Municipal Code, First Reading.

Schneider introduced Ordinance No. 1291 for its first reading,

ORDINANCE NO. 1291

AN ORDINANCE TO AMEND CHAPTER 94, ARTICLES I, III & IV; OF THE MUNICIPAL CODE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA, BY AMENDING SECTIONS 94-6, 94-59, 94-66, 94-67, 94-68, 94-69, 94-70, AND 94-97; AS THE SAME

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

RELATES TO ZONING 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 94-6 be amended in the Municipal Code of the City of Minden, Kearney County, Nebraska, to read as follows:

Sec. 94-6. - 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:

Accessory building, structure or use means a structure, use, or activity on the same lot with, and of a nature customarily incidental and subordinate to, the principal use of the structure.

Block means a tract or parcel of land legally dimensioned and described, duly recorded in the office of the register of deeds, bounded by public streets, streams, railroads, unplatted lands or a combination thereof.

Building means anything designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property and forming a construction that is safe and stable. The word "building" includes the word "structure."

Building, height of means the vertical distance from the grade, elevation of the curb, sidewalk or average elevation of the ground around the structure, to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

Cellar means a portion of a building located partly or wholly underground and having one-half or more of its floor-to-ceiling height below the average grade of the adjoining ground.
Commission means the planning commission of the city.

Dwelling means any building or portion thereof designed and used exclusively for residential purposes.

Dwelling, multiple means a dwelling containing more than two dwelling units.

Dwelling unit means a room or group of rooms within a dwelling and forming a single habitable unit with facilities for living, sleeping and cooking.

Family means one or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boardinghouse or lodginghouse or hotel.

Feedlot means any fenced-in pen or enclosure in which more than five head of cattle, hogs or 50 head of turkeys or other domestic fowls are kept for more than ten hours, in which such animals or fowls are fed and watered.

Floor area means the sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating buildings, but not including cellar or basement space.

Frontage means all the property abutting upon one side of street between the intersecting streets measured along the right-of-way line.

Garage, private means a building used only for the housing of motor vehicles without their equipage for operation, repair, hire or sale.

Garage, public means a garage other than a private garage.

Home occupation or profession means any use customarily conducted entirely within a dwelling clearly incidental and secondary to the use of the dwelling for dwelling purposes and which does not change the character thereof and in connection with which there is no display nor outside storage of equipment.

Lot means a parcel of land occupied or intended for occupancy by a use permitted in this chapter, including one main building together with its accessory building, open spaces, and parking spaces required by this chapter, and having its principal frontage upon a street.

Lot of record means a lot or parcel of land, the deed to which has been recorded in the office of the county recorder prior to the adoption of the ordinance from which this chapter is derived.

Manufactured home shall mean

(1) 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. 3280 et seq., promulgated by the United States Department of Housing and Urban Development; or
(2) A modular housing unit as defined in R.R.S. 1943 § 71-1557 bearing the seal of the department of health.

Nonconforming use means any building or land lawfully occupied by a use at the time of passage of this chapter which does not conform with the use regulations of the district within which it is located.

Parking space means a surfaced area, enclosed or unenclosed, sufficient in size to store one automobile not less than nine feet wide and 20 feet long connected to a public street or alley by a surfaced driveway and permanently reserved for the parking or storage of one motor vehicle.

Place of assembly means any room or space for the congregation or seating of 100 or more persons.

Recreational vehicle means any vehicle used or so constructed as to permit its use as a conveyance upon the public streets or highways, which shall include self-propelled and nonself-propelled vehicles, and so designed and constructed in such a manner as will permit the seasonal occupancy thereof as a dwelling unit and having no permanent foundation.

Recreational vehicle camp means any lot or parcel used for one or more coaches, house or camp cars or other portable or mobile shelters use for living purposes.

Right-of-way line means the dedicated boundary line of a street.

Special use exception means a use not in specific conformity with the provisions of this chapter, which may be allowed by the board of adjustment after public hearing. Such request shall be made on an application provided by the city. The cost of the application shall be $25.00.

Story means that portion of a building other than a basement, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and the ceiling next above it.

Street means any public or private way set aside as a permanent right-of-way for street purposes.
Structural alteration means any change in structural members of a building, such as a wall, columns, beams or girders.

Structure means anything constructed or erected, the use of which requires permanent location on the ground.

Undersized lot means any lot with a total area less than 7,920 square feet.

Use, secondary means a use subordinate to a primary or principal use and which may not occupy more than 45 percent of the street floor (ground) level of a structure on the lot area devoted to the primary use.
Variance means a legal modification or variation of the provisions of this chapter as applied to a specific piece of property.

Yard means an open space on the same lot with a building unobstructed from the ground upward and measured as the minimum horizontal distance between the lot line and main building.

Yard, front means a yard extending across the front of a lot between the side lot lines and measured between the right-of-way line and the main buildings or any projection thereof other than the projection of the usual steps, terraces, unenclosed porches or entrance ways.

Yard, rear means a yard extending across the rear of the lot between the side lot lines and measured between the rear lot line and the rear of the main building or any projections other than steps, unenclosed porches or entranceways.

Yard, side means a yard between the main building and the side line of the lot line.

(Code 1982, §§ 15-202, 15-202.01—15-202.37; Ord. No. 1000, § 2, 2-20-95; Ord. No. 1291, 06/17/24)
Cross reference— Definitions generally, § 1-2.

Section 2. That Section 94-59 be amended in the Municipal Code of the City of Minden, Kearney County, Nebraska, to read as follows:

Section 94-59. – Compliance with article.

(a) No building or structure shall be constructed, located, converted or altered nor shall any building or land be used except for the purposes permitted in the district in which the building or land is located, except as provided in this article. No building shall be erected, enlarged or altered except in conformity with the area regulations and minimum yard requirements of this article for the district in which such building is located.

(b) Except as specified elsewhere in this article, no buildings or structure shall be erected, reconstructed, or enlarged, and no use shall be established unless located on or comprising a lot.

(c) No part of a yard or other open space required in connection with any building or structure for the purpose of complying with the provisions of this article shall be included as a part of a yard or other open space similarly required for another building or structure.

(d) The Minimum Lot Requirements for undersized lots in Sections 94-66 through 94-70 do not allow for a minor subdivision of a lot that meets the Minimum Lot Requirements.

(Code 1982, § 15-203.04; Ord 1291, 06/17/24)

Section 3. That Section 94-66 be amended in the Municipal Code of the City of Minden, Kearney County, Nebraska, to read as follows:

Section 94-66. – R1 residential district use regulations.

(a) *Permitted uses.* In the R1 residential district the following buildings and uses are permitted:

(1) Residences, including single-family residences and two-family residences, but not including multiple dwellings, hotels, tourist accommodations, trailer parks or boardinghouses and lodginghouses. A boardinghouse or lodginghouse is a house in which two or more persons pay for their room and meals and such persons are not members of the immediate family of the owner or tenant of the house.
(2) Churches, Sunday schools, and other places of worship.
(3) Public and parochial schools.
(4) Public buildings, libraries, and publicly owned parks, playgrounds and community centers.
(5) Child day care centers licensed by the state department of social services, private clubs, private lodges, private social and recreational buildings and grounds for games, sports, and camping, including publicly or privately operated playgrounds, open to the public without charge.
(6) Hospitals or sanitariums and charitable institutions.
(7) Telephone exchanges, static transformer stations and public utility, water or gas installations, but such uses shall be permitted only if there is no yard for service or storage and no garage.
(8) Customarily agricultural uses, timbering, truck gardening and nurseries not including commercial buildings, except such buildings, structures and facilities as are incident to such uses, but excluding the raising or keeping of hogs, livestock, cattle, goats, poultry or other livestock generally raised or kept on a farm for profit.
(9) Accessory or secondary buildings, structures or uses, subordinate and customarily incidental to and located in the same lot with any of the foregoing principal uses, provided that no person who is not a resident of the premises shall be employed in such accessory or secondary use thereof.

(b) *Height and area requirements.* The required height and area regulations in the R1 residential district are as follows:

Maximum Building Height

Stories		3

Feet		45

Minimum Lot Requirements

	Single-family	Two-family	Undersized Lot
Area (square feet)	7,920	9,600	4,500
Lot frontage (feet)	66	80	45
Front yard depth	25	25	25
Rear yard depth	30	30	20
Total side yard width	12	12	10
One side yard width	6	6	5

Section 4. That Section 94-67 be amended in the Municipal Code of the City of Minden, Kearney County, Nebraska, to read as follows:

Section 94-67. – R2 residential district use regulations.

(a) *Permitted uses.* In the R2 residential district the following buildings and uses are permitted:

(1) Residences, including single-family residences, two-family residences and multiple dwellings, but not including hotels or tourist accommodations. Multiple dwellings shall include apartment houses, row houses, and other residential structures providing permanent living accommodations for three or more families.
(2) Boardinghouses and lodginghouses not primarily for transient guests and not intended as tourist accommodations.
(3) Churches, Sunday schools and other places of worship.
(4) Public and parochial schools.
(5) Public buildings, libraries, publicly owned parks, playgrounds, community centers and child day care centers licensed by the state department of social services.
(6) Private clubs, private lodges, private social and recreational buildings and grounds for games, sports and camping, including publicly or privately operated playgrounds open to the public without charge.
(7) Hospitals or sanitariums and charitable institutions.
(8) Telephone exchanges, static transformer stations and public utility, water or gas installations, but such uses shall be permitted only if there is no yard for service or storage and no garage.
(9) Customarily agricultural uses, timbering, truck gardening and nurseries not including commercial buildings, except such buildings, structures and facilities as are incident to such uses, but excluding the raising or keeping of hogs, livestock, cattle, goats, poultry or other livestock generally raised or kept on a farm for profit.

(10) Accessory or secondary buildings, structures or uses, subordinate and customarily incidental to and located in the same lot with any of the foregoing principal uses, provided that no person who is not a resident of the premises shall be employed in such accessory or secondary use thereof.
(11) Video rental stores by special use permit only, which special use permit shall expire at the end of the two years from its issuance, at which time the owner may apply for another two-year special use permit.

(b) *Height and area requirements.* The required height and area regulations in the R2 residential district are as follows:

Maximum Building Height

Stories			3
Feet			45

Minimum Lot Requirements

	Single-family	Two-family	Multifamily	Undersized Lots
Area (square feet)	7,920	9,600	12,000	4500
Lot frontage (feet)	66	80	100	45
Front yard depth	25	25	25	25
Rear yard depth	30	30	30	20
Total side yard width	12	12	12	10
One side yard width	6	6	6	5

(Code 1982, §§ 15-205.03, 15-205.04; Ord. No. 987, § 1, 4-18-94; Ord. No. 990, § 1, 5-2-94; Ord. No. 1000, § 3, 2-20-95)

Section 5. That Section 94-68 be amended in the Municipal Code of the City of Minden, Kearney County, Nebraska, to read as follows:

Section 94-68. – R3 residential district use regulations.

(a) *Permitted uses.* In the R3 residential district the following buildings and uses are permitted:
(1) Single-family residences.
(2) Churches, Sunday schools, and other places of worship.
(3) Public and parochial schools.
(4) Public buildings, libraries and publicly owned parks, playgrounds and community centers.
(5) Private clubs, private lodges, private social and recreational buildings and grounds for games, sports and camping, including publicly or privately operated playgrounds open to the public without charge.
(6) Hospitals or sanitariums and charitable institutions.

(7) Telephone exchanges, static transformer stations and public utility, water or gas installations, but such uses shall be permitted only if there is no yard for service or storage and no garage.
(8) Customarily agricultural uses, timbering, truck gardening and nurseries not including commercial buildings, except such buildings, structures and facilities as are incident to such uses, but excluding the raising or keeping of hogs, livestock, cattle, goats, poultry or other livestock generally raised or kept on a farm for profit.
(9) Accessory buildings, structures or uses, subordinate and customarily incidental to and located in the same lot with any of the foregoing principal uses, provided that no person who is not a resident of the premises shall be employed in such accessory or secondary use thereof.

(b) *Height and area regulations.* The required height and area regulations in the R3 residential district are as follows:

Maximum Building Height

Stories		2
Feet		30

Minimum Lot Requirements

	Single-family	Mobile home	Undersized Lot
Area (square feet)	7,920	5,280	4500
Lot frontage (feet)	66	44	45
Front yard depth	25	25	25
Rear yard depth	30	25	20
Total side yard width	12	8	10
One side yard width	6	4	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. That Section 94-69 be amended in the Municipal Code of the City of Minden, Kearney County, Nebraska, to read as follows:

Section 94-69. – C1 central commercial district use regulations.

(a) *Permitted uses.* In the C1 central commercial district, the following buildings and uses are permitted:
(1) Any use permitted in the R1 residential district.
(2) Automotive sales and service, such as filling or service stations, commercial garages, enclosed salesrooms, and enclosed buildings for vehicle repair.
(3) Business service, such as banks, office buildings, and postal stations.

(4) Clothing services, such as laundry agencies, self-service laundries, dressmaking, millinery, shoe repair and dry cleaning and pressing establishments and using only cleaning materials safe from fire hazards.
(5) Equipment service, such as radio shops, electric appliance shops, record shops.
(6) Personal service, such as barber shops, beauty salons, reducing salons, and photographic studios.
(7) Retail sales, such as food markets, drugstores, haberdashers, stationers, newsdealers, apparel shops, showrooms, and flower shops.
(8) Food service, such as eating and drinking establishments.
(9) Service establishments and wholesale trade conducted completely within an enclosed building.
(10) Transportation terminals.
(11) Warehouse buildings and commercial storage.
(12) Hotels and motels.
(13) Accessory or secondary buildings, structures or uses, subordinate and customarily incidental to and located in the same lot with any of the foregoing principal uses, provided that no person who is not a resident of the premises shall be employed in such accessory or secondary use thereof.

(b) *Height and area requirements.* The required height and area regulations in the C1 central commercial district are as follows:

Maximum Building Height

Stories		3
Feet		45

Minimum Lot Requirements for new family dwelling structures

	Single-family	Two-family	Undersized Lot
Area (square feet)	7,920	9,240	4,500
Lot frontage (feet)	66	66	45
Front yard depth	25	25	25
Rear yard depth	30	30	20
Total side yard width	12	12	10
One side yard width	6	6	5

Section 7. That Section 94-70 be amended in the Municipal Code of the City of Minden, Kearney County, Nebraska, to read as follows:

Sec. 94-70. – C2 outlying commercial district use regulations.

(a) *Permitted uses.* In the C2 outlying commercial district the following buildings and uses are permitted:

(1) Any use permitted in the R2 residential district.
(2) Automotive sales and service, such as filling or service stations, commercial garages, enclosed salesrooms, and enclosed buildings for vehicular repair.
(3) Business service, such as banks, office buildings, and postal stations.
(4) Clothing service, such as laundry agencies, self-service laundries, dressmaking, millinery, shoe repair, and dry cleaning and pressing establishments using only cleaning materials safe from fire hazards.
(5) Equipment service, such as radio shops, electric appliance shops, record shops.
(6) Personal service, such as barber shops, beauty salons, reducing salons and photographic studios.
(7) Retail sales, such as food markets, drugstores, haberdashers, stationers, newsdealers, apparel shops, showrooms, and flower shops.
(8) Food service, such as eating and drinking establishments.
(9) Service establishments and wholesale trade conducted completely within an enclosed building.
(10) Transportation terminals.
(11) Warehouse buildings and commercial storage.
(12) Hotels and motels.
(13) The upper levels above street level of a building may be used for multiple dwellings. No more than 35% of the street level may be used for residential space if there are dwellings on the upper levels.
(14) Accessory buildings, structures or uses, subordinate and customarily incident to, and located on the same lot with any of the foregoing principal uses.

(b) *Height and area requirements.* The required height and area regulations in the C2 outlying commercial district are as follows:

Maximum Building Height

Stories			3
Feet			45

Minimum Lot Requirements

	Single-family	Two-family	Multifamily	Undersized Lots
Area (square feet)	7,920	9,240	12,000	4,500
Lot frontage (feet)	66	66	100	45
Front yard depth	25	25	25	25
Rear yard depth	30	30	30	20
Total side yard depth	12	12	12	10
One side yard depth	6	6	6	5

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

Section 8. That Section 94-97 be amended in the Municipal Code of the City of Minden, Kearney County, Nebraska, to read as follows:

Section 94-97. – Height and area exceptions and modifications.

The following height and area exceptions and modifications are supplementary regulations pertaining to all use districts as follows:

(1) *Lot area and width.*

a. Any lot of record in any agricultural district at the time of passage of the ordinance from which this article is derived having less area or width than in this chapter required may use the undersized lot minimum lot requirements to build a single-family dwelling.

b. Any lot of record in any residential or commercial district at the time of passage of the ordinance from which this article is derived having less area or width than in this chapter may use the undersized lot minimum lot requirements to build a single-family dwelling.

(2) *Front yard.* Where 30 percent or more of a block is improved with buildings, then no part of any new building shall project beyond a line joining the two adjacent corners of the building on only one side, beyond a line projected from the corresponding adjacent corners of the two nearest buildings, except that no building shall be required to provide a front yard greater than 25 feet in any event.

(3) *Corner lots.* The owner of a corner lot shall, at the time of his application for building permit, designate a front street and a side street. The front yard depth shall then comply with the appropriate district regulation. The side yard adjacent to the side street shall be determined as follows: Where 30 percent or more of a block fronting on the side street is improved with buildings, then no part of any new building on the corner lot shall project beyond a line projected along the side of the existing dwelling which is closest to the street right-of-way, which line shall be parallel to the right-of-way, except that no building shall be required to provide a side yard adjacent to a side street greater than 25 feet, in any event, as measured from the right-of-way line. If less than 30 percent of a block fronting on the side street is improved with buildings, then the side yard width adjacent to a side street shall be not less than 15 feet, in any event, as measured from the right-of-way line.

(4) *Side yard.* For the purpose of side yard regulations a two-family group house or multiple dwelling shall be considered as one building occupying one lot.

(5) *Rear yard.* The required rear yard may be reduced to 15 ~~20~~ percent of the depth of the lot on any lot not exceeding 125 feet. An accessory building may be built within a required rear yard when located at least five ~~six~~ feet from the rear lot line and when occupying not more than 30 percent of the area of such required rear yard.

(6) *All yards.* The ordinary projection of sills, beltcourses, cornices and ornamental features may be permitted not to exceed 18 inches in any required yard.

(7) *Height.*

a. Chimneys, cooling or water towers, elevators, bulkheads, fire towers, monuments, stacks, stage towers, tanks, spires, church steeples, radio towers or necessary mechanical apparatus may be erected to any safe height not in conflict with any other ordinance of the city.

b. Public, semipublic or public service buildings, hospitals, institutions, churches and schools, when permitted in a district, may be erected to a height not exceeding 70 feet, provided all required yards are increased by one foot for each foot of the building height above the height limit otherwise provided.

Section 9. This ordinance shall be known as Ordinance No. 1291 and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 17th day of June, 2024.

/s/ Larry Evans

Larry Evans, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk
(SEAL)

Sumstine seconded. M. Krings stated the city code currently does not allow development on undersized lots. The proposed changes allow for development on these lots and provide requirements. The key is that no lot can be subdivided to be an undersized lot. The proposal is for existing lots. The Planning and Zoning Commission recommended approval. Sumstine agrees that this has been needed for a long time. Schneider asked if there are any drawbacks? M. Krings replied no. The only other option is that the lot stays vacant with no tax base. On roll call, the following voted aye: J. Kring, Sumstine, Yant, and Schneider. Motion carried.

Yant motioned to waive the three readings of Ordinance No. 1291. Schneider seconded. On roll call, the following voted aye: J. Kring, Sumstine, Yant, and Schneider. Motion carried.

Yant motioned to adopt Ordinance No. 1291 by title. Sumstine seconded. On roll call, the following voted aye: J. Kring, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #16, Consider Approval of Ordinance Amending Section 14-51; as the Same Relates to Uniform Codes in the Minden Municipal Code, First Reading.

Yant introduced Ordinance No. 1292 for its first reading,

ORDINANCE NO. 1292

AN ORDINANCE TO AMEND CHAPTER 14 OF THE MUNICIPAL CODE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA, BY AMENDING SECTION 14-51 AS THE SAME RELATES TO UNIFORM CODES 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 14-51 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be amended to read as follows:

> **Section 14-51. Adoption of International Building Code.**
> There is hereby adopted by the mayor and city council, for the purpose of prescribing regulations governing the erection, construction, enlargement, altercation, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings or structures in the city, that certain codes known as the International Building Code (striking sec. 903) and the International Residential Code for One and Two Family Dwellings, published by the International Code Council, being the 2018 edition (striking sec. R313) or the most current edition on file in the office of the city clerk, and the same is hereby adopted and incorporated as fully as if set out at length in this article.

Section 2. This ordinance shall be known as Ordinance No. 1292 and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 17th day of June, 2024.

/s/ Larry Evans
Larry Evans, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

(SEAL)

Sumstine seconded. M. Krings stated the current city code has more restrictive codes for fire suppression than the State Fire Marshall. The goal is to be less restrictive to encourage development. The responsibility for approval falls on the State Fire Marshall currently. The proposal removes the restrictions deferring to the State Fire Marshall. The Planning and Zoning Commission recommended approval. On roll call, the following voted aye: J. Kring, Sumstine, Yant, and Schneider. Motion carried.

Schneider motioned to waive the three readings of Ordinance No. 1292. Yant seconded. On roll call, the following voted aye: J. Kring, Sumstine, Yant, and Schneider. Motion carried.

Yant motioned to adopt Ordinance No. 1292 by title. 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 Section 34-61; as the Same Relates to Fire Prevention Codes in the Minden Municipal Code, First Reading.

Schneider introduced Ordinance No. 1293 for its first reading,

ORDINANCE NO. 1293

AN ORDINANCE TO AMEND CHAPTER 34 OF THE MUNICIPAL CODE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA, BY AMENDING SECTION 34-61 AS THE SAME RELATES TO FIRE PREVENTION CODES 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 34-61 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be amended to read as follows:

> **Section 34-61. Adoption of Fire Prevention Codes.**
> There is hereby adopted by the mayor and city council, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the National Fire Protection Association (NFPA) 101 Life Safety Code, 2000 Edition (striking sections 26.3.5, 28.3.5, 29.3.5, 30.3.5, 31.3.5.6, 32.3.3.5, 36.3.5, 36.4.5.5, 37.3.5) or the most current edition on file in the office of the city clerk, and the same is hereby adopted and incorporated as fully as if set out at length in this article. Said amendment repeals and replaces the 1976 edition of the Fire Prevention Code recommended

by the American Insurance Association and the 1987 edition of the Fire Prevention Code published by the National Fire Protection Association, both of which were adopted earlier by the city council.

Section 2. This ordinance shall be known as Ordinance No. 1293 and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 17th day of June, 2024.

/s/ Larry Evans
Larry Evans, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk
(SEAL)

Sumstine seconded. The Planning and Zoning Commission recommended approval. On roll call, the following voted aye: J. Kring, Sumstine, Yant, and Schneider. Motion carried.

Schneider motioned to waive the three readings of Ordinance No. 1293. Yant seconded. On roll call, the following voted aye: J. Kring, Sumstine, Yant, and Schneider. Motion carried.

Yant motioned to adopt Ordinance No. 1293 by title. Schneider seconded. On roll call, the following voted aye: J. Kring, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #18, Discussion of Potential Addition of Disorderly Conduct Ordinance. Police Chief Brad Butler requested to enact an ordinance for disorderly conduct including a disorderly homes provision. It is used before a disturbing the peace is issued and before an assault. This would be a city fine to be laid out in the ordinance and not a misdemeanor.

Olson clarified that state statutes only provide for disturbing the peace. J. Kring stated disorderly conduct is a preventative step before it escalates to disturbing the peace or assault. M. Krings encouraged the council to reach out to Butler or Olson with any questions.

No action taken.

Agenda Item #19, Adjournment.

Schneider motioned to adjourn at 6:44 pm and Sumstine seconded. On roll call, the following voted aye: J. Kring, Sumstine, Yant, and Schneider. Meeting adjourned.

/s/ Larry Evans
Larry Evans, Mayor

Attest:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

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

phone 308.832.1820
fax 308.832.1949
www.MindenNebraska.org

(SEAL)