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
August 5, 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 Clerk 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. Todd Jensen with the Minden Chamber of Commerce wished to comment on agenda item #9. Jensen has been the coordinator since inception 34 years ago and is the key contact for bands. The submitted route has been a proven highlight for bands and is a season finale for many. The route is simple with only one turn and sound carries forward. This gives bands plenty of room to perform and draws larger and smaller bands. This event is second only to Harvest of Harmony. This is a Band only competitive event. This is a unique and simple event that has proven itself year after year and the Chamber's #1 fundraiser.

Agenda item #4, Council Announcements. Schneider reminded all that school starts on August 13th and to be vigilant watching for kids crossing streets.

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

American Red Cross--Training $46.00, Anderson Bros Electric, Plumbing & Heating, Inc--Tech/Engineering $643.64, Aurora Cooperative Elevator Company--Chemical $2,412.71, B. Butler--Training $1,078.61, B. Norgaard--Repairs $113.54, Black Hills Gas

Holdings, Llc--Utilities $47.54, Business World Products Of Hastings, Inc--Supplies $29.99, Capital One--Supplies $909.36, Central District Health Dept--Fees $234.00, Commercial Recreation Specialists--Infrastructure Capital $2,196.43, Consolidated Chemical Corporation--Supplies $594.00, D. Scharff--Repairs $425.00, Dana F Cole & Company, Llp--Fees $30.00, Dhhs Div Of Public Health--Infrastructure Repair $120.11, Dier,Osborn & Cox, P.C., L.L.O--Legal $1,000.00, Downey Drilling, Inc--Infrastructure Repair $425.00, Eakes Office Plus--Supplies $228.65, Electric Pump--Infrastructure Repair $3,723.77, Great Plains Communications--Phone/Internet $182.54, Hawkins Water Treatment--Chemical $4,551.68, Hd Supply Facilities Maintenance Ltd--Supplies $70.49, Hessheimer's Beverage Truck & Trailer Body Service Corp--Repairs $24,525.72, International Economic Development Council--Membership $1,185.00, Isw--Supplies $100.55, J. Barnes--Fees $260.00, J. Carter--Repairs $1,528.60, Jc Cross Company--Repairs $13,138.00, Jims Ok Tire Minden Llc--Repairs $77.00, John Deere Financial--Supplies $13.44, Ke Co Treasurer--Fees $5,683.33, Kearney County Ag Society--Incentive $712.00, Kearney County Sheriffs Office--Legal $21.75, Kearney Powersports--Supplies $85.95, Landmark Implement Carquest--Supplies $35.15, M. Raffaeli--Cleaning $196.88, Mason's Market--Supplies $219.99, Mh Logistics Corp--Repairs $672.54, Michael Todd & Company, Inc.--Supplies $149.73, Mid Nebraska Aggregate, Inc--Repairs $810.63, Midwest Hydraulic Service & Equipment Co.--Repairs $1,491.92, Minden Exchange Bank & Trust C--Financing $6,050.40, Minden Utility Dept.--Utilities $4,603.47, Napa Auto Parts--Supplies $10.20, Nphe--Fees $36.00, Olsson Associates--Tech/Engineering $4,591.52, Pony Express Ford--Repairs $200.85, Presto X Co.--Maintenance $157.70, Raynor Doors Of Ce Ne Inc--Repairs $835.00, Rek Enterprises Llc--Repairs $10.98, Revenue Bond Payment Account--Fees $13,850.00, S. Saunders--Training $40.00, Syndicate Publishing, L.L.C.--Fees $272.66, T. Beck--Printing $315.73, Travelers--Insurance $3,250.00, United Parcel Service--Fees $2.75, Verizon Wireless--Phone/Internet $791.98, Village Cleaners Inc--Uniforms $177.76, Wilke Contracting Corporation--Infrastructure Repair $26,202.75, 7-26-24 Payroll $78,041.35.

Schneider 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, Update on the Gun Club Project by Dave Arnold.

Arnold thanked the council for the ARPA funds for the gun club. These funds have been a catalyst to a fundraiser for a new 900 square foot building. They host league shoot twice a month and can now host ATA shoots.

Agenda Item #8, Introduction of Minden's NPPD Representative, Grant Flamig.

Flamig is Minden's Account Manager and has been with NPPD for 17 years. Flamig is replacing Stan Clouse at NPPD.

Agenda Item #9, Consider Approval of Resolution to Close Streets and Highway for Bandfest on October 19, 2024 as Requested by the Minden Chamber of Commerce and to Accept the Duties of LB 589.

RESOLUTION 1801

A Resolution of the City of Minden, Nebraska, preparing for its annual Bandfest and applying to obtain a Special Event Permit through the Nebraska Department of Transportation.

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WHEREAS, the City of Minden, Nebraska, and its residents have annually celebrated Minden Bandfest in the fall of each year, to be held this year on October 19, 2024; and

WHEREAS, as part of the Minden Bandfest, the City of Minden, Nebraska, plans to use four blocks of Highway 10, which is part of the state highway system, other than a freeway, including full and partial lane closures as part of the special event; and

WHEREAS, the Nebraska Department of Transportation has changed its special event permit process as a result of the passage of Neb. Rev. Stat. §39-1359, which became effective on May 24, 2011; and

WHEREAS, the City of Minden, Nebraska, as part of Minden Bandfest, acknowledges and understands that use of the state highway system for a special event requires a legal duty to protect the highway property from any damage that may occur arising out of the special event, and the state shall have no duty during the time the City of Minden is in control of the highway, as specified in the notice that will be provided to the Nebraska Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Minden, Nebraska (the "City"):

1. The Minden City Council now advises the Nebraska Department of Transportation that the City of Minden will be making use of four blocks of Highway 10, between First Street and Fifth Street, which is part of the state highway system and is not a freeway, for a special event known as Minden Bandfest to be held on October 19, 2024. The use of Highway 10 will be from 12:00 p.m. until 2:45 p.m. on October 19, 2024 ("city's use"). As part of the special event, the Minden City Council acknowledges the City of Minden shall have the legal duty to protect highway property from any damage that may occur from the city's use of four blocks of Highway 10 and the State of Nebraska shall not have any such duty during the city's use of Highway 10 for the Minden Bandfest. Notice will be provided to the Nebraska Department of Transportation at least thirty days prior to Minden Bandfest.

2. The City Council, on behalf of the City of Minden, acknowledges that any existing statutory or common law duty of the State of Nebraska to protect the public from damage, injury or death shall become the duty of the City of Minden during the city's use of four blocks of State Highway 10 for the Minden Bandfest, and the state shall not have such statutory or common law duty during the city's use of four blocks of Highway 10 within the City of Minden.

3. The City Council, on behalf of the City of Minden, by this resolution, formally acknowledges that the City of Minden accepts the duties set forth in subsection (2) of Neb. Rev. Stat. §39-1359, as well as the duty to protect the public from damage, injury or death during the city's use of four blocks of Highway 10 for the annual Minden Bandfest and if a claim is made against the State of Nebraska, the City of Minden shall indemnify, defend and hold harmless the State of Nebraska from all claims, demands, actions, damages and liability, including reasonable attorney fees, that may arise as a result of the city's use of four blocks of Highway 10 during its annual Minden Bandfest.

4. The Minden City Council now authorizes the Mayor to sign this resolution accepting and acknowledging its duties for control during the city's use of four blocks of Highway 10 during its annual Minden Bandfest, and to present this resolution to the Nebraska Department of Transportation.

This Resolution shall become effective upon its passage and approval.

Passed and approved on August 5, 2024.

/s/ Larry Evans
Larry Evans
Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan
City Clerk

Yant motioned to approve Resolution 1801 to Close Streets and Highway for Bandfest on October 19, 2024 as Requested by the Minden Chamber of Commerce and to Accept the Duties of LB 589. Schneider seconded. M. Krings added this is a long time event and the council is tasked with approving the responsibility of closing the highway for the event. Police Chief Butler added himself and the Emergency Management Coordinator met with the Chamber and proposed an alternate route to reduce liability.

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

Agenda Item #10, Consider Approval to Renew the City's Health Plan with Meritain Health keeping the stop loss at $45,000 per individual for 1 year and Renewing the Administrative Fees for 2 years.

Schneider motioned to Renew the City's Health Plan with Meritain Health keeping the stop loss at $45,000 per individual for 1 year and Renewing the Administrative Fees for 2 years. Yant seconded. Dennis Amstuz, health plan coordinator, stated renewals were in line as expected. There will be an amendment based on the State of Nebraska's requirements for lung cancer. M. Krings stated administrative fees have gone up a bit and can be locked in for two years which is the recommendation. Jordan added this has not been done in the past.

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

Agenda Item #11, Consider Approval of Purchase of a 2024 Titan Trailer for the Mini Excavator from Mid-Plains Equipment for $12,000 and Issuance of Payment.

Schneider motioned to approve the Purchase of a 2024 Titan Trailer for the Mini Excavator from Mid-Plains Equipment for $12,000 and Issuance of Payment. Sumstine seconded. M. Krings stated earlier this year the water and sewer departments traded in an older backhoe and tractor for this mini excavator. The mini excavator cannot be driven around and will be used by multiple departments. On roll call, the following voted aye: J. Kring, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #12, Consider Approval of the Repairs to the Sign at Colorado Ave and Hwy 6/34 by Sign Center for $13,842.30 due to the Windstorm on July 6, 2024 and Issuance of Payment.

J. Kring asked if the quote is after insurance? Jordan replied no. M. Krings further explained the City has paid the "per event" amount of $10,000 for the garage doors that were replaced and will receive reimbursement from insurance for this. Sumstine asked if the sign color will be more red? Jordan replied no as this repair is only for the legs holding the sign up. The sign that is facing up is in good shape and we're hoping the side that's face down is too but that won't be known until the sign is lifted up. Yant requested to have lights on this sign. M. Krings answered that this is in process.

Schneider motioned to approve the Repairs to the Sign at Colorado Ave and Hwy 6/34 by Sign Center for $13,842.30 due to the Windstorm on July 6, 2024 and Issuance of Payment. Sumstine seconded. On roll call, the following voted aye: J. Kring, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #13, Consider Approval of Wire Payment to Longshot Property Development, LLC., for $49,950.00 for new construction activities accomplished 6/13/2024 to 7/24/2024 of: completed substantial masonry tuck pointing and plaster/stucco repair to outside walls, construction plan updated sets including structural engineering inspection and new specs for roofing; and general contracting services overseeing bids and dirt for backfill.

Yant motioned to approve the Wire Payment to Longshot Property Development, LLC., for $49,950.00 for new construction activities accomplished 6/13/2024 to 7/24/2024. J. Kring seconded. Sumstine clarified to the public the payment for the prior agenda item is funded by a state grant. On roll call, the following voted aye: J. Kring, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #14, Consider Approval of Reimbursement Draw #5 for $49,950.00; this Amount will be Drawn on NAHTF 23-TFRH-34009 from NE Dept. of Economic Development.

Yant motioned to approve the Reimbursement Draw #5 for $49,950.00; this Amount will be Drawn on NAHTF 23-TFRH-34009 from NE Dept. of Economic Development. Schneider seconded. M. Krings stated the previous agenda item was to pay the developer, and this agenda item is to request reimbursement funds from the state. On roll call, the following voted aye: J. Kring, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #15, Consider Approval of Ordinance Amending Chapter 50, Article III and Sections 50-41 through 50-49; as the Same Relates to Offenses Against the Public Peace in the Minden Municipal Code, Third Reading.

Yant introduced Ordinance No. 1294 for its third reading:

ORDINANCE NO. 1294

AN ORDINANCE TO AMEND CHAPTER 50 OF THE MUNICIPAL CODE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA, BY AMENDING ARTICLE III, SECTIONS 50-41, 50-42, 50-43, 50-44, 50-45, 50-46, 50-47, 50-48, AND 50-49; AS THE SAME RELATES TO OFFENSES AGAINST THE PUBLIC PEACE 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 Chapter 50, Article III of the Municipal Code of the City of Minden, Kearney County, Nebraska, be amended to read as follows:

Article III. Offenses Against the Public Peace.

Section 2. That Section 50-41 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be amended to read as follows:

Section 50-41. Disorderly Conduct.

A. *Definitions*. For the purposes of this section, the following words and phrases shall have the following meanings:

PUBLIC PLACE shall mean any place to which the general public has access and a right to resort for business, entertainment or other lawful purposes, but does not necessarily mean a place devoted solely to the uses of the

public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks.

RIOT shall mean a public disturbance involving: an act or acts of violence by one (1) or more persons part of an assemblage of three (3) or more persons, which act or acts shall constitute a clear and present danger of or shall result in damage or injury to the property of any other person or to the person of any other individual; or a threat or threats of the commission of an act or acts of violence by one (1) or more persons part of an assemblage of three (3) or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of or would result in damage or injury to the property of any other person or to the person of any other individual.

INCITE A RIOT shall mean, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written advocacy of ideas or the expression of beliefs, not involving advocacy of any act or acts of violence or assertion of the rightness of or the right to commit any such act or acts.

B. *Disorderly Conduct Prohibited*. A person shall be guilty of disorderly conduct if, with the purpose of causing public danger, alarm, disorder or nuisance, or if his/her conduct is likely to cause public danger, alarm, disorder or nuisance, he/she willfully does any of the following acts in a public place:

1. Commits an act in a violent and tumultuous manner toward another whereby that other is placed in danger of his/her life, limb or health;
2. Commits an act in a violent and tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged;
3. Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another;
4. Interferes with another's pursuit of a lawful occupation by acts of violence;
5. Obstructs, either singly or together with other persons, the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by the City Police or other lawful authority known to be such;
6. Resists or obstructs the performance of duties by Police officer(s) or any other authorized official of the City, when known to be such an official;
7. Incites, attempts to incite or is involved in attempting to incite a riot;
8. Addresses abusive language or threats to any member of the Police Department, any other authorized official of the City who is engaged in the lawful performance of his/her duties, or any other person when such words have a direct tendency to cause acts of violence. Words merely causing displeasure, annoyance or resentment are not prohibited;
9. Damages, befouls or disturbs public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition;
10. Makes or causes to be made any loud, boisterous and unreasonable noise or disturbance to the annoyance of any other persons nearby, or near to any public highway, road, street, lane, alley, park, square or common, whereby the public peace is broken or disturbed or the traveling public is annoyed;
11. Fails to obey a lawful order to disperse by a police officer, when known to be such an official, where one (1) or more persons are committing acts of disorderly conduct in the immediate vicinity and the public health and safety is imminently threatened;
12. Uses abusive or obscene language or makes an obscene gesture.
13. Urinates and/or defecates in public and/or in the view of the public.

C. *Exemptions*. This section shall not be construed to suppress the right to lawful assembly, picketing, public speaking or other lawful means of expressing public opinion not in contravention of other laws.

Section 3. That Section 50-41 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be amended to read as follows:

Section 50-42. Disturbing Assemblies.
It shall be unlawful for any person within the City to disturb the peace and quiet of any public assembly of persons for religious worship or for any other purpose by any loud or unusual noise, boisterous laughing or talking or by any other manner whatsoever.

Section 4. That Section 50-43 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be amended to read as follows:

Section 50-43. Disturbing the Peace.
Any person who shall intentionally disturb the peace and quiet of any person, family or neighborhood commits the offense of disturbing the peace.
Any person, partnership, firm or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum of not more than three hundred ($300.00) dollars for each offense. Each separate act of violation of the terms of this section shall constitute a separate offense.

Section 5. That Section 50-44 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be amended to read as follows:

Section 50-44. Loud Noise.
It shall be unlawful for any person to operate any radio, tape player, compact disc player, stereophonic sound system, or similar device which reproduces or amplifies radio broadcasts, or musical recordings, in or upon any street, alley, or other public place in such a manner as to be audible to other persons in such public place or places more than fifty (50) feet from the source. Persons operating such devices while participating in licensed or permitted activities such as parades shall not be deemed to be in violation of this section.

Section 6. That Section 50-45 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be added to read as follows:

Section 50-45. Unlawful Assembly.
It shall be unlawful for two (2) or more persons to assemble together within the City upon any sidewalk or street thereof, in front of or adjacent to any store, shop or other place of business so as to obstruct the public right-of-way along the street or sidewalk, or entrance of the place of business, or so as to obstruct or injure the carrying on of any lawful business in any of the places aforesaid.

Section 7. That Section 50-46 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be added to read as follows:

Section 50-46. Disorderly House; Maintaining.
The term "disorderly house" as used in this section shall be deemed to be any room, house, building, structure or premises where unlawful or illegal acts are being committed. It shall be unlawful for the owner, lessee or proprietor of any room, house, building, structure or premises to knowingly collect or permit to be collected therein persons who are engaging in any unlawful act, or to knowingly make, cause, permit or suffer to be made therein any loud or improper noise to the annoyance or disturbance of any person or neighborhood.

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Section 8. That Section 50-47 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be added to read as follows:

Section 50-47. Inmate of Disorderly House.
It shall be unlawful for any person to be an inmate of or visit or frequent any disorderly house as declared in the above section with knowledge of, and participating in the illegal activities occurring therein.

Section 9. That Section 50-48 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be added to read as follows:

Section 50-48. Failure to Disperse.
A. Whenever a police officer has probable cause to believe that a person or persons are creating a disturbance of the peace and quiet of any person or neighborhood, such police officer may order said person or persons not residing on the premises to disperse for the purpose of abating said disturbance.
B. It shall be unlawful for any person to refuse to comply with a lawful order to disperse given by a police officer in the performance of the officer's duties under this section.

Section 10. That Section 50-49 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be added to read as follows:

Section 50-49. Penalty.
A. Any person, partnership, firm or corporation violating any of the provisions of section 50-41, 50-43, 50-46, 50-47 or 50-48 shall be deemed guilty of a misdemeanor.
   a. The violation shall be punished by a fine not exceeding three hundred dollars ($300.00) or by imprisonment not to exceed thirty (30) days, or both such fine and imprisonment in the discretion of the court; and such violator may be committed to the City or County jail until such fine and costs of prosecution are paid.
   b. Each day any such violation occurs shall constitute a separate offense.
B. Any person, partnership, firm or corporation violating any of the provisions of Sections 50-42, 50-44, or 50-45 shall be deemed guilty of an infraction, and, upon conviction, shall:
   a. For the first (1st) offense, be fined not more than one hundred dollars ($100.00);
   b. On a second (2nd) conviction for the same infraction within a two-year period, be fined not less than one hundred dollars ($100.00) and not more than three hundred dollars ($300.00);
   c. On a third (3rd) or subsequent conviction for the same infraction within a two-year period be fined not less than two hundred dollars ($200.00) and not more than five hundred dollars ($500.00). Any person charged with commission of an infraction which was committed more than two (2) years after such person's last conviction for the same infraction shall be charged as though the most recent infraction was a first offense.
   d. Each distinct act or violation of the terms of sections shall constitute a separate and distinct offense.

Section 11. This ordinance shall be known as Ordinance No. 129X and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 5th day of August, 2024.

/s/ Larry Evans
Larry Evans, Mayor

Attest:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

(SEAL)

Schneider seconded. Sumstine stated she is opposed to this ordinance and one part is oppressing free speech and it's not a solution to the problem. Wishes to have the state laws in the city code instead of this ordinance. Believes it will create problems.

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

Agenda Item #16, Public Hearing for the purpose of receiving public comment on the Minden Zu Haus Flats Redevelopment Plan, pursuant to the Nebraska Community Development Law. The property affected by this notice is described as follows: Lot One (1), Block Fourteen (14), Original City of Minden, Nebraska, as surveyed, platted and recorded in Kearney County, Nebraska (the Redevelopment Site) (commonly known as 345 & 347 N. Colorado Avenue); and, the public streets and alleys abutting Blocks 12, 13, 14, 19, 20, 21, 29 and 30, Original City of Minden (all within the area commonly called the Downtown Square).

Olson opened the public hearing at 6:33 p.m. Olson asked for anyone speaking against the redevelopment plan and no one spoke. Olson asked for anyone speaking for the redevelopment plan and no one spoke. The hearing was closed at 6:34 p.m.

Agenda Item #17, Consider Approval of a Resolution approving the Zu Haus Flats Redevelopment Plan.

RESOLUTION NO. 1802

RESOLUTION APPROVING THE ZU HAUS FLATS REDEVELOPMENT PLAN OF THE CITY OF MINDEN, NEBRASKA; AND APPROVAL OF RELATED ACTIONS

BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF MINDEN, NEBRASKA:

Recitals:

a. Pursuant to and in furtherance of the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the "**Act**"), the Zu Haus Flats Redevelopment Plan (the "**Redevelopment Plan**"), has been submitted to the City Council (the "**Council**") by the Planning and Zoning Commission of the City of Minden for the purpose of redeveloping the Redevelopment Area described in the Redevelopment Plan, attached hereto as **Exhibit A**; and

b. The City has previously adopted and has in place the Comprehensive Plan and Connectivity Master Plan 2023-2033 (the "Comprehensive Plan"), which includes a general plan for development of the City within the meaning of Section 18-2110 of the Act; and

c. This Council has reviewed the Redevelopment Plan as to its conformity with the Comprehensive Plan for the development of the City.

d. On the date of this resolution, the Council held a public hearing and received public comment on the Redevelopment Plan. Public notice of the hearing was provided in strict accordance with the provisions of the Act.

Resolved that:

1. The Council hereby recommends approval of the Redevelopment Plan as being in conformance with the Comprehensive Plan.

2. All prior resolutions of the Council in conflict with the terms and provisions of this resolution are hereby expressly repealed to the extent of such conflicts.

3. This resolution shall be in full force and effect from and after its passage as provided by law.

Council member Yant moved for the adoption of the foregoing Resolution. Council member Schneider seconded the motion.

On roll call the following voted Aye: J. Kring, Sumstine, Yant, and Schneider.

The passage of said Resolution having been consented to by a majority of the members of the City Council, the Mayor declared the Resolution passed and adopted, this 5th day of August, 2024.

/s/ Larry Evans
Larry Evans, Mayor

Attest:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Yant motioned to approve Resolution 1802 approving the Zu Haus Flats Redevelopment Plan. J. Kring seconded. M. Krings stated this is the start of the process and will allow the developer to capture tax increment financing for 15 years. It was approved by the CRA and was recommended for approval by the Planning and Zoning Commission. The MPS superintendent provided a letter showing the schools support of this project. The next step would be for the CRA to work out the contract with the developer.

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

Agenda Item #18, Public Hearing to Amend the Future Land Use Map of the Comprehensive Plan for Lots 1-5, Block 5, Evan's Addition to Minden, Kearney County, Nebraska, from Single-Family Residential to Commercial.

Olson opened the public hearing at 6:38 p.m. Olson asked for anyone speaking against the Future Land Use Map amendment.

Darin Haight, 1109 N Tower, chose to speak against agenda items #18-23 and believes these go against the comprehensive plan. Haight discussed 3 of the plan's goals to improve the existing housing market, promoting commercial development, and develop gateway entrances. Haight read many portions of the plan. Shared concerns that could be placed on the property if rezoned to commercial. Haight wishes to have a better plan for businesses to go on this property.

Curt Lupkes, 142 W 12th, seconded what Haight said. Lupkes wishes to see more houses in the neighborhood. Shane Wibbels 1035 N Tower, lives near storage units and hasn't had much positive come out of them. There are drainage issues and no concrete streets. S. Wibbels sees questionable things out his front window. Erica Wibbels 1035 N Tower, lived in the area for a year. E. Wibbels isn't

sure what type of businesses would want to be in the area. Believes there will be no control over the type of businesses if it changes to commercial. Wants a plan to build a neighborhood with a park. Possibly work with a developer to develop the area.

Sam Hansen, 887 S Nebraska, doesn't live in this area, but is against it and wishes for it to stay residential. Hansen's concern is what happened in his area where the Planning and Zoning made a recommendation, and the City Council didn't follow it. Residential development needs to happen. Joe Anderson, 836 S Nebraska, lives by Hansen. Anderson asks the City Council to follow the Planning and Zoning's recommendation and the thoughts of the area residents.

Joe Stangl, 1127 N Tower, had nothing additional to add, but is against the proposed changes. Dwayne Wilson, 240 W 12th,and 1207 N Tower, is also against this. Chad Wiedel, 321 W 5th, doesn't live in the area but had friends in the area growing up. Wiedel stated the area hasn't changed much and wants to see the area develop more into residential.

Olson asked for anyone speaking for the Future Land Use Map amendment and no one spoke. The hearing was closed at 6:49 p.m.

Agenda Item #19, Consider Approval of a Resolution amending the Future Land Use Map for Lots 1-5, Block 5, Evan's Addition to Minden, Kearney County, Nebraska, from Single-Family Residential to Commercial.

Schneider motioned to approve Resolution 1803 Amending the Future Land Use Map for Lots 1-5, Block 5, Evan's Addition to Minden, Kearney County, Nebraska, from Single-Family Residential to Commercial. Sumstine seconded. M. Krings stated there are 2 requirements to rezone property. First, the Future Land Use Map must agree with the proposed change. Second, the proposal must meet any city rezoning requirements. This resolution is only to change the Future Land Use Map.

Sumstine wishes to analyze the residents' concerns before any changes are made. The City will grow and there are places that will change to commercial. Sumstine wishes to table this as the Future Land Use Map desperately needs updated. Also, the city's zoning ordinances need updated. Sumstine wishes to have buffers between commercial and residential. There should be various types of zoning that regulates business types in areas.

Sumstine motioned to table the amendment of the Future Land Use Map for Lots 1-5, Block 5, Evan's Addition to Minden, Kearney County, Nebraska, from Single-Family Residential to Commercial. Motion died due to lack of a second.

Evans added the zoning section of the city code was added in 1982 and agrees that a better plan needs to be made for commercial areas abutting residential. Yant attended the P&Z meeting and agrees with the residents and P&Z's recommendation. Yant has a vision for this area and it's residential.

On roll call for Resolution 1803, the following voted aye: none. Voting nay: J. Kring, Sumstine, Yant, and Schneider. Resolution did not pass.

Agenda Item #20, Public Hearing to Change the Zoning of the following described real estate to wit: Lots 1-4 and 10-14, Block 5, Evan's Addition to Minden, Kearney County, Nebraska. The parcel is presently zoned "Residential 1 (R1)" and the request as filed, proposes that said parcels be changed to a zoning designation of "Outlying Commercial (C2)."

As Item #19, The Future Land Use Map amendment, was not changed, then this item public hearing does not need to be held.

Agenda Item #21, Consider Approval of an Ordinance to change the Zoning of Lots 1-4 and 10-14, Block 5, Evan's Addition to Minden, Kearney County, Nebraska from Residential 1 (R1) to Outlying Commercial (C2).

As Item #19, The Future Land Use Map amendment, was not changed, then this item cannot be changed.

Agenda Item #22, Public Hearing to Change the Zoning of the following described real estate to wit: Lot 5, Block 5, Evan's Addition to Minden, Kearney County, Nebraska. The parcel is presently zoned "Residential 1 (R1)" and the request as filed, proposes that said parcels be changed to a zoning designation of "Outlying Commercial (C2)."

As Item #19, The Future Land Use Map amendment, was not changed, then this public hearing does not need to be held.

Agenda Item #23, Consider Approval of an Ordinance to change the Zoning of Lot 5, Block 5, Evan's Addition to Minden, Kearney County, Nebraska from Residential 1 (R1) to Outlying Commercial (C2).

As Item #19, The Future Land Use Map amendment, was not changed, then this item cannot be changed.

Agenda Item #24, Public Hearing to amend the Future Land Use Map of the Comprehensive Plan from Single-Family Residential to Commercial for the following described real estate, to wit: Lots 1-3, Block 6, and Lots 1-6, Block 7, Evan's Addition to Minden, Kearney County, Nebraska; AND to amend the Future Land Use Map of the Comprehensive Plan from Green Space to Commercial for the following described real estate, to wit: Lots 4-12, Block 6, and Lots 7-12, Block 7, Evan's Addition to Minden, Kearney County, Nebraska.

Olson opened the public hearing at 7:01 p.m. Olson asked for anyone speaking against the Future Land Use Map amendment.

Darin Haight, 1109 N Tower, chose to speak against agenda items #24-28 stating he was against the amendment. The commercial use is not needed at this time and does not agree with the comprehensive plan. Dwayne Wilson, 240 W 12th,and 1207 N Tower also believes this property is far enough off the high to not need to be residential. Cassidy Lupkes, 142 W 12th, agrees with the others. Has seen homelessness and theft in the area with the current storage units.

Shane Wibbels, 1035 N Tower, wishes to keep the area residential. Doesn't want to stare out his back door at commercial. Joe Stangl, 1127 N Tower, same reasons as before. Against. Sam Hansen, 887 S Nebraska, is also against.

Olson asked for anyone speaking for the Future Land Use Map amendment and no one spoke. The hearing was closed at 7:04 p.m.

Agenda Item #25, Consider Approval of a Resolution amending the Future Land Use Map for Lots 1-3, Block 6, and Lots 1-6, Block 7, Evan's Addition to Minden, Kearney County, Nebraska, from Single-Family Residential to Commercial.

Sumstine motioned to approve Resolution 1803 Amending the Future Land Use Map for Lots 1-3, Block 6, and Lots 1-6, Block 7, Evan's Addition to Minden, Kearney County, Nebraska, from Single-Family Residential to Commercial. Schneider seconded. On roll call, the following voted aye: none. Voting nay: J. Kring, Sumstine, Yant, and Schneider. Resolution not approved.

Agenda Item #26, Consider Approval of a Resolution amending the Future Land Use Map for Lots 4-12, Block 6, and Lots 7-12, Block 7, Evan's Addition to Minden, Kearney County, Nebraska, from Green Space to Commercial.

Yant motioned to approve Resolution 1803 Amending the Future Land Use Map for Lots 4-12, Block 6, and Lots 7-12, Block 7, Evan's Addition to Minden, Kearney County, Nebraska, from Green Space to Commercial. Schneider seconded. On roll call, the following voted aye: none. Voting nay: J. Kring, Sumstine, Yant, and Schneider. Resolution not approved.

Agenda Item #27, Public Hearing to Change the Zoning of the following described real estate to wit: Lots 1-2 and 7-12, Block 7, Evan's Addition to Minden, Kearney County, Nebraska. The parcel is presently zoned "Residential 1 (R1)" and the request as filed, proposes that said parcels be changed to a zoning designation of "Outlying Commercial (C2)."

As Items #25 & #26, The Future Land Use Map amendments, were not changed, then this public hearing does not need to be held.

Agenda Item #28, Consider Approval of an Ordinance to change the Zoning of Lots 1-2 and 7-12, Block 7, Evan's Addition to Minden, Kearney County, Nebraska from Residential 1 (R1) to Outlying Commercial (C2).

As Items #25 & #26, The Future Land Use Map amendments, were not changed, then this item cannot be changed.

Agenda Item #29, Personnel Discussion per Agenda Item Request by Jack Yant.

Yant motioned to enter closed session at 7:07 pm to discuss the police department. Schneider seconded. On roll call, the following voted aye: Sumstine, Yant, and Schneider. Abstain: J. Kring. Motion carried.

Schneider motioned to exit closed session at 7:39 pm. Sumstine seconded. On roll call, the following voted aye: Sumstine, Yant, and Schneider. Absent and not voting: J. Kring. Motion carried.

Agenda Item #30, Adjournment

Schneider motioned to adjourn at 7:40 pm and Sumstine seconded. On roll call, the following voted aye: Sumstine, Schneider, and Yant. Absent and not voting: J. Kring. Meeting adjourned.

/s/ Larry Evans
Larry Evans, Mayor

Attest:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

(SEAL)