City of Minden
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The Christmas City
Minden NEBRASKA

Minutes of Council Meeting
City of Minden, Nebraska
November 4, 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.

Council President Yant called the meeting to order at 6:00 p.m. The following City Council members were present: David Bunger, Teresa Sumstine, Jack Yant, and Alyssa Schneider. The following City Officials were present: City Attorney Andrew Olson, City Clerk Administrator Michael Krings, and City Clerk Abbey Jordan. Absent: Mayor Larry Evans.

All proceedings hereinafter were taken while the convened meeting was open to the attendance of the public.

After roll was called, President 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. Schneider stated the Scare on the Square event went really well. Bunger thanked the fire dept for the big fires they've battled lately. Sumstine wished the girls good luck at State Volleyball this week! Schneider reminded everyone to vote tomorrow.

Agenda item #5, CONSENT AGENDA

a. Consider Approval of Minutes of Previous City Council Meetings
b. Consider Approval of Bills & Claims for this Council Meeting
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

Baylor Evnen Wolfe, &Tannehill, Llp--Legal $5,162.50, Black Hills Gas Holdings, Llc--Utilities $92.84, Business World Products Of Hastings, Inc--Supplies $216.53, Capital One--Training $996.64, Dier,Osborn & Cox, P.C., L.L.O--Legal $3,885.33, Dier,Osborn & Cox, P.C., L.L.O--Legal $1,000.00, Eakes Office Plus--Supplies $229.22, Fyr-Tek, Inc.--Maintenance $2,070.20, Great Plains Communications--Phone/Internet $1,028.56, Hawkins Water Treatment--Chemical $1,555.78, Isw--Supplies $37.85, J. L. Carter--Repairs $828.80, J. Schulz--Training $250.00, Jims Ok Tire Minden Llc--

Repairs $23.00, John Deere Financial--Supplies $70.26, Ke Co Treasurer--Fees $5,858.34, Kearney Co. Clrk Myra Johnson--Fees $216.00, Landmark Implement Carquest--Supplies $373.75, League Of Nebr. Municipalities--Training $2,501.00, Marcus Hotels, Inc.--Training $336.00, Mason's Market--Supplies $22.98, M. Melroy--Training $250.00, Minden Exchange Bank & Trust C--Financing $6,050.40, Minden Lawn & Sprinkler--Repairs $928.01, Minden Utility Dept.--Utilities $2,948.10, Nphe--Fees $259.00, Olsson Associates--Tech/Engineering $1,257.95, Pony Express Ford--Repairs $3,621.95, Presto X Co.--Maintenance $157.70, Revenue Bond Payment Account--Fees $13,850.00, Syndicate Publishing, L.L.C.--Fees $53.33, Titan Machinery Inc--Repairs $800.00, United Parcel Service--Fees $691.16, Verizon Wireless--Phone/Internet $752.43, V. Alarcon--Fees $4,680.00, Village Cleaners Inc--Uniforms $68.54, Wilke Contracting Corporation--Repairs $6,699.00, 11-01-24 Payroll $68,873.99.

Schneider motioned to approve the consent agenda and Bunger seconded. On roll call, the following voted aye: Bunger, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #6, Consider Approval of an Ordinance Amending the Zoning from Agricultural (A) to Outlying Commercial (C-2) for: A tract of land located in part of the south half (s1/2) of section twelve (12), township six (6) north, A tract of land being part of the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4), of Section Thirty-two (32), Township Seven (7) North, Range Fourteen (14) West of the 6th Principal Meridian, Kearney County, Nebraska, and more particularly described as follows: Commencing at a 1" iron pin at the Southwest Corner of the Southwest Quarter of Section 32; thence S 89°50'17" E on the South line of said Southwest Quarter, and all bearings contained herein are relative thereto, a distance of 300.00 feet to the Southeast corner of a tract of land deeded to Nebraska Public Power District in Warranty Deed recorded in Book 84, Page 890, and filed in the Kearney County Register of Deeds and the POINT OF BEGINNING; thence continuing S 89°50'17" E on said South line a distance of 715.00 feet; thence N 00°21'34" W parallel with the West line of said Southwest Quarter a distance of 450.00 feet to a 5/8" rebar w/cap; thence N 89°50'17" W parallel with said South line a distance of 715.00 feet to a 5/8" rebar w/cap at the Northeast corner of said Nebraska Public Power District tract; thence S 00°21'34" E on the East line of said Nebraska Public Power District tract and parallel with said West line a distance of 450.00 feet to the Point of Beginning. Containing 7.38 acres more or less, of which 0.54 acres more or less are presently being used for road purposes on the south side.

Yant stated the legal description on the agenda is incorrect, but the correct legal description can be found in the council packet. The correct legal description is: A tract of land being part of the Northwest Quarter of the Southwest Quarter (NW¼SW¼) of Section Eighteen (18), Township Six (6) North, Range Fourteen (14) West of the Sixth Principal Meridian, Kearney County, Nebraska more particularly described as the South 200.4 feet of the East 186.5 feet of Tax Lot A and that part of Tax Lot B described as follows: Referring to a point 801.6 feet South of the Northwest Corner of the Southwest Quarter of said Section 18 and on the West line of said Southwest Quarter with said point also being the Northwest Corner of said Tax Lot B; thence Easterly on the North line of said Tax Lot B a distance of 60.7 feet to a point that intersects the East right-of-way line of Nebraska State Highway No. 10 as recorded in Deed Book 56 at Page 445 of the Kearney County Register of Deeds office and the ACTUAL PLACE OF BEGINNING; thence continuing easterly, leaving the East right-of-way line of Nebraska State Highway No. 10 and on the North line of Tax Lot B a distance of 504.45 feet to the Northeast Corner of said Tax Lot B; thence Southerly on the East line of said Tax Lot B and parallel with the West line of said Southwest Quarter a distance of 200.4 feet to the Southeast Corner of said Tax Lot B; thence Westerly on the South line of said Tax Lot B to a point 364 feet East of the East right-of-way line of Nebraska State Highway No. 10; thence northerly leaving the South line of said Tax Lot B and parallel with the East right-of-way line of Nebraska State Highway No. 10 a distance of 15.0 feet; thence Westerly parallel with the South line of said Tax Lot B a distance of 364 feet to a point on the East right-of-way line of Nebraska State Highway No. 10; thence northerly on the East right-of-way line of Nebraska State Highway No. 10 a distance of 185.4 feet to the place of beginning. Containing 3.04 acres total, more or less. The parcel is presently zoned “Agricultural (A)” and the request as filed, proposes that said parcels be changed to a zoning designation of “Outlying Commercial (C2).”

Olson clarified that the prior meeting held the public hearing on this rezoning. Tonight's meeting is for the first reading of the rezoning change.

Sumstine introduced Ordinance No. 1298 for its first reading:

ORDINANCE NO. 1298

AN ORDINANCE TO AMEND THE CITY ZONING MAP OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA, WHICH MAP IS PROVIDED FOR IN SECTION 94-5 OF THE MUNICIPAL CODE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA.

Section 1. That the following described real estate which lies within the Zoning Jurisdiction of the City of Minden, Kearney County, Nebraska, to-wit;

A tract of land being part of the Northwest Quarter of the Southwest Quarter (NW¼SW¼) of Section Eighteen (18), Township Six (6) North, Range Fourteen (14) West of the Sixth Principal Meridian, Kearney County, Nebraska more particularly described as the South 200.4 feet of the East 186.5 feet of Tax Lot A and that part of Tax Lot B described as follows: Referring to a point 801.6 feet South of the Northwest Corner of the Southwest Quarter of said Section 18 and on the West line of said Southwest Quarter with said point also being the Northwest Corner of said Tax Lot B; thence Easterly on the North line of said Tax Lot B a distance of 60.7 feet to a point that intersects the East right-of-way line of Nebraska State Highway No. 10 as recorded in Deed Book 56 at Page 445 of the Kearney County Register of Deeds office and the ACTUAL PLACE OF BEGINNING; thence continuing easterly, leaving the East right-of-way line of Nebraska State Highway No. 10 and on the North line of Tax Lot B a distance of 504.45 feet to the Northeast Corner of said Tax Lot B; thence Southerly on the East line of said Tax Lot B and parallel with the West line of said Southwest Quarter a distance of 200.4 feet to the Southeast Corner of said Tax Lot B; thence Westerly on the South line of said Tax Lot B to a point 364 feet East of the East right-of-way line of Nebraska State Highway No. 10; thence northerly leaving the South line of said Tax Lot B and parallel with the East right-of-way line of Nebraska State Highway No. 10 a distance of 15.0 feet; thence Westerly parallel with the South line of said Tax Lot B a distance of 364 feet to a point on the East right-of-way line of Nebraska State Highway No. 10; thence northerly on the East right-of-way line of Nebraska State Highway No. 10 a distance of 185.4 feet to the place of beginning. Containing 3.04 acres total, more or less.

The above parcel is presently zoned "Agricultural (A)" and the request as filed, proposes that said parcel be changed to a zoning designation of "Outlying Commercial (C-2)."
Source: ORD NO., 1298, 11/04/2024.

Section 3. That any other ordinance or section passed and approved prior to the passage, approval and publication or posting of this ordinance and in conflict with its provisions is hereby repealed.

Section 4. This ordinance shall be known as Ordinance No. 1298 and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 4th day of November, 2024.

_____
Larry Evans, Mayor

ATTEST:

_____
Abbey Jordan, City Clerk

(SEAL)

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

Bunger motioned to waive the three readings of Ordinance No. 1298 and Schneider seconded. On roll call, the following voted aye: Bunger, Sumstine, Yant, and Schneider. Motion carried.

Schneider motioned to adopt Ordinance No. 1298 by title and Sumstine seconded. On roll call, the following voted aye: Bunger, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #7, Consider Approval of a Payment to the Kearney County Clerk for $10 for the Filing of the Ordinance Amending the Rezoning of Agenda Item #6.

Schneider motioned to approve a Payment to the Kearney County Clerk for $10 for the Filing of the Ordinance Amending the Rezoning of Agenda Item #6. Bunger seconded. On roll call, the following voted aye: Bunger, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #8, Consider Approval of Employee Appreciation Turkey/Ham Gift Certificates and Chamber Bucks in the Amount of $100 for full-time and $50 for part-time.

Sumstine motioned to approve the Employee Appreciation Turkey/Ham Gift Certificates and Chamber Bucks in the Amount of $100 for full-time and $50 for part-time. Schneider seconded.

Krings stated this is done annually for employees. On roll call, the following voted aye: Bunger, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #9, Consider Approval of a Resolution Authorizing the Mayor to Sign the Year-End Certification of the City Street Superintendent.

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RESOLUTION

SIGNING OF THE
YEAR-END CERTIFICATION OF CITY STREET SUPERINTENDENT
2024

Resolution No. 1807

Whereas: State of Nebraska Statutes, sections 39-2302, and 39-2511 through 39-2515 details the requirements that must be met in order for a municipality to qualify for an annual Incentive Payment; and

Whereas: The State of Nebraska Department of Transportation (NDOT) requires that each incorporated municipality must annually certify (by December 31st of each year) the appointment(s) of the City Street Superintendent(s) to the NDOT using the Year-End Certification of City Street Superintendent form; and

Whereas: The NDOT requires that each certification shall also include a copy of the documentation of the city street superintendent's appointment, i.e., meeting minutes; showing the appointment of the City Street Superintendent by their name as it appears on their License (if applicable), their License Number (if applicable), and Class of License (if applicable), and type of appointment, i.e., employed, contract (consultant, or interlocal agreement with another incorporated municipality and/or county), and the beginning date of the appointment; and

Whereas: The NDOT also requires that such Year-End Certification of City Street Superintendent form shall be signed by the Mayor or Village Board Chairperson and shall include a copy a resolution of the governing body authorizing the signing of the Year-End Certification of City Street Superintendent form by the Mayor or Village Board Chairperson.

Be it resolved that the Mayor ☒ Village Board Chairperson ☐ of City of Minden
is hereby authorized to sign the attached Year-End Certification of City Street Superintendent completed form(s).

Adopted this 4th day of Nov, 2024 at Minden, Nebraska.

City Council/Village Board Members

David Bunger — Jack Yant
Teresa Sumstine — Alyssa Schneider

City Council/Village Board Member Schneider
Moved the adoption of said resolution
Member Bunger Seconded the Motion
Roll Call 4 Yes Ø No Ø Abstained Ø Absent
Resolution adopted, signed, and billed as adopted.

Attest: Abbey Jordan
(Signature of Clerk)

Schneider motioned to approve Resolution 1807 Authorizing the Mayor to Sign the Year-End Certification of the City Street Superintendent. Bunger seconded. On roll call, the following voted aye: Bunger, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #10, Consider Approval of Olsson Associates Agreement for Street Superintendent & Consulting Services for 2025.

Bunger motioned to approve the Olsson Associates Agreement for Street Superintendent & Consulting Services for 2025. Sumstine seconded. On roll call, the following voted aye: Bunger, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #11, Motion to Appoint Brian J. Friedrichsen, Class A License number S-1704, as the City Street Superintendent for Calendar Year 2025, January 1 thru December 31, 2025, for the Purpose of the 2025 Calendar Year Highway Incentive Payment, to be issued to the City, by the Nebraska Department of Transportation, in February 2026.

Bunger motioned to Appoint Brian J. Friedrichsen, Class A License number S-1704, as the City Street Superintendent for Calendar Year 2025, January 1 thru December 31, 2025, for the Purpose of the 2025 Calendar Year Highway Incentive Payment, to be issued to the City, by the Nebraska Department of Transportation, in February 2026. Schneider seconded. On roll call, the following voted aye: Bunger, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #12, Consider Approval of Selling/Vending per Minden Municipal Code Sec. 58-1 on Friday, November 15, 2024 from 3:00 p.m. – 9:00 p.m. on the 300 block of E 5th Street eastbound and westbound.

Schneider motioned to approve the Selling/Vending per Minden Municipal Code Sec. 58-1 on Friday, November 15, 2024 from 3:00 p.m. – 9:00 p.m. on the 300 block of E 5th Street eastbound and westbound. Bunger seconded.

Krings stated this is the annual Ladies Night Out event sponsored by the Chamber of Commerce. Yant asked about sales tax collected by vendors. Krings replied they are supposed to collect it and turn it into the state. The City is not able to monitor that. On roll call, the following voted aye: Bunger, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #13, Adjournment

Sumstine motioned to adjourn at 6:16 pm and Bunger seconded. On roll call, the following voted aye: Bunger, Sumstine, Yant, and Schneider. Meeting adjourned.

/s/ Larry Evans
Larry Evans, Mayor

Attest:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

(SEAL)