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
December 18, 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: David Bunger, 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. Krings reminded all the Give BIG Minden day is on December 13th! Evans congratulated Grace Hansen on being crowned Miss Christmas City! Evans informed the city council of the upcoming League meeting.

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

A. Jordan--Fees $4.00, Accent Wire-Tie--Supplies $1,318.46, Baylor Evnen Wolfe, &Tannehill, Llp--Legal $162.50, Black Hills Gas Holdings, Llc--Utilities $510.12, Business World Products Of Hastings, Inc--Supplies $25.99, Capital One--Economic Development $79.00, C. Klahn--Supplies $584.62, City Of Hastings--Fees $339.30, Core & Main Lp--Supplies $1,083.60, Dana F Cole & Company, Llp--Fees $8,450.00, Dier,Osborn & Cox, P.C., L.L.O--Legal $1,000.00, D. Schroeder--Training $30.91, Dutton Lainson Co--Supplies $287.46, Eakes Office Plus--Supplies $205.04, Fyr-Tek, Inc.--Repairs $4,706.45, Hawkins Water Treatment--Chemical $222.95, Hd Supply Facilities Maintenance Ltd--Supplies

$377.37, Hydro Tech Inc.--Repairs $575.00, J. L. Carter--Repairs $174.45, Ke Co Treasurer--Fees $5,858.33, Kelly Supply Company--Supplies $309.12, K. League--Supplies $21.39, Landmark Implement Carquest--Supplies $352.63, League Of Nebraska Municipalities--Training $480.00, M. Krings--Training $48.00, M. Raffaeli--Cleaning $196.88, Midlands Contracting Inc--Infrastructure Repair $7,827.50, Minden Exchange Bank & Trust C--Financing $6,050.40, Minden Utility Dept.--Utilities $3,353.66, Nebraska Statewide Arboretum, Inc--Membership $150.00, Nphe--Fees $18.00, Olsson Associates--Tech/Engineering $934.40, One Billing Solutions, Llc--Fees $236.37, Revenue Bond Payment Account--Fees $13,850.00, Travelers--Insurance $91.00, Tyler Technologies--Tech/Engineering $17,991.04, United Parcel Service--Fees $36.87, Village Cleaners Inc--Uniforms $88.88, Witmer Public Safety Group--Supplies $53.96, 11-29-24 Payroll $65,445.49.

Krings stated the information requested by Evans is included in the consent agenda including the lead line water survey, purple street lights, nuisance report, and vacant properties list. Yant had questions about several claims. Jordan and Krings answered.

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, Discussion on Highway 10 Speed Limit throughout Minden.

Jordan had spoken with Kurt Vosburg, the district representative for NDOT. NDOT sets the speed limits on all highways within the city limits. The City can request the speed limits be reviewed and NDOT will look at 3 factors to determine if an engineering study will be done: has there been any changes to the properties surrounding the highway, crash history in the area and what speeds are currently being driven there now. If a study needs to be done, then Minden is added to the list of engineering studies to be completed. The results are then shared with the city and the city has to adopt the speed limits.

Jordan has already put in a request to have the area reviewed. Krings stated it is important the public knows the process and that it is out of the hands of the city council.

No action taken.

Agenda Item #7, Council Adjourn Sine Die

Sumstine motioned to adjourn sine die. Schneider seconded. On roll call, the following voted aye: Bunger, Sumstine, Yant, and Schneider. Meeting adjourned at 6:13 p.m.

Agenda Item #8, Reorganization of Council

Evans swore in Sumstine for her 4-year council term by reading the oath of office and Sumstine recited it. No action taken.
Evans swore in Yant for his 4-year council term by reading the oath of office and Sumstine recited it. No action taken.
Agenda Item #9, Open Meeting Statement

Mayor Evans called the meeting to order at 6:13 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, 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.

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.
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Agenda Item #10, Election of Council President through December 6, 2026.

Sumstine nominated herself for Council President. Yant acknowledged that he would continue as Council President if chosen. Yant was nominated as Council President via secret ballot.

Agenda Item #11, Reading of the Proclamation for Light of the World Day.

Evans read the Proclamation for Light of the World Day.

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STATE OF NEBRASKA

Proclamation

WHEREAS, The City of Minden has illuminated the Courthouse Square with over 10,000 colored lights during the holiday season since 1915; and

WHEREAS, J.H. "Jack" Hawes, the City Light Commissioner, was responsible for stringing the first set of lights and thus beginning this wonderful Christmas tradition, now celebrating its 109th year of illumination; and

WHEREAS, In 1946, Clayton Morey and Reverend Arthur Johnson could foresee the desire of the citizens of Minden to celebrate the holiday season with an outdoor pageant, so they undertook the arduous task of writing "The Light of the World" pageant; and

WHEREAS, On December 8, 1946, the first "The Light of the World" Christmas pageant was performed by 50 volunteers on the Courthouse Square; and

WHEREAS, The Christmas pageant is now celebrating its 78th year of being presented on the Courthouse Square three times during the Christmas season, including the last Saturday of November and the first two Sundays of December; and

WHEREAS, Since 1946, over 4,000 volunteers have braved the elements to bring to life "The Light of the World" for over 1 million people who have witnessed its splendor; and

WHEREAS, Since 1915, Minden, Nebraska has been host to visitors from every county in Nebraska and nearly every state in the Union during the holiday season to witness the lights and pageant.

NOW, THEREFORE, I, Jim Pillen, Governor of the State of Nebraska, DO HEREBY PROCLAIM Minden, Nebraska, to be NEBRASKA'S CHRISTMAS CITY and the 15th day of December, 2024, as

THE LIGHT OF THE WORLD DAY

in this seventy-ninth year of the "Light of the World" Christmas Pageant in Minden, Nebraska, and I do hereby urge all citizens to take due note of the observance.

IN WITNESS WHEREOF, I have hereunto set my hand, and cause the Great Seal of the State of Nebraska to be affixed this first day of December, in the year of our Lord Two Thousand Twenty-four.

Attest:

Secretary of State

Governor

Agenda Item #12, Hearing on Appeal of Vacant Determination of the Property located at 705 N. Yates.

Krings stated the council passed the Vacant Property Registration ordinance in March of 2024. 705 N Yates was identified as vacant on November 4, 2024. Notice was given to the property owner that the City had determined the property to be vacant. The property owner has the opportunity to appeal the decision. On November 12, Mrs. Brewer provided notice that she was appealing the vacant property status. This is the first appeal and all will be a learning process.
Olson opened the public hearing at 6:27 p.m. Sherri Brewer, property owner, was present to appeal the vacant status. Her and her husband purchased the property in 2021. Disagrees with the property being termed vacant. According to the definition of lack of utility accounts, they have active accounts with the City of Minden and Black Hills Energy. The property is also insured. They generally try to keep their yard under control. There is no abandoned personal property on the premises. There is no visible lack of maintenance. The garage is older. The house has new gutters and a new roof. Most of the windows have been replaced. Someone is constantly checking on the property. She believes a better description of the property is unoccupied. They pay their property taxes which have doubled since buying the property. Paying additional fees is a burden. Paying fees because they're not using the property the way the city would like them to use it, is a burdensome overreach to Brewer and her husband. It was bought as an investment with no intentions for it. It is zoned industrial. Feel like they're being told what to do with the property they purchased and are paying taxes on.

Krings asked what her plans are going forward? Brewer would like to have income coming in from it. They're doing it at their own pace. They'd bought the property as is. The previous owner had other properties that weren't in the greatest condition. They are trying to improve the property and be good neighbors. It feels like an overreach to her.

Sumstine asked Brewer what the property looked like when they purchased? Brewer responded the siding was the same, interior damage. Sumstine clarified that it was in worse shape when they purchased it than it is now? Brewer confirmed.

Evans stated they've had the property for 4 years and asked of the potential for a renter living in there? Brewer asked if it mattered? Yant answered yes because it's vacant. Brewer replied it's not a nuisance and it's not an eyesore. Yant agreed it's not a nuisance, but it is vacant property. Sumstine believes Brewer is exempt in a lot of ways as they are paying taxes and for utilities. The intent of the law is not to take someone who is working on their property, but to take a vacant property and to get it enhanced. Sumstine thinks a judge would take their property rights very seriously. Wants to remove them from this vacant property list.

Krings stated the League of Municipalities has stated the Vacant Property Registration Act was passed by the Nebraska Legislature. If there is the question of if this is a governmental overreach, then it would be taken up at the state level. The unconstitutionality of the vacant property act is not a city issue. The City would only be able to fight the process the city went through in identifying the vacant property and notification process.

Brewer understands the point of the ordinance, but feels like her property isn't one of the trashy ones. Brewer asked how it was identified as vacant? Yant states it is vacant so it doesn't matter. Brewer argues that the property isn't vacant, but unoccupied. Sumstine asked if the property is posing a public health problem? Yant states he will only change his mine on the vacant status if there is a plan with a deadline to get it occupied. Brewer asked "what if her funds don't allow that"? Yant stated that's a problem. Brewer stated that's an overreach.

Sumstine read a state statute and believes this is a "money grab" for this property as Brewer has shown how she is exempt. Evans recapped that they've done a few repairs over the past 4 years of ownership and wanted to know at what point it will be occupied? Brewer believes the improvements should be done on her timeline and not the city's. Sumstine reiterated a purpose of this act is to allow cities to identify and register vacant properties, collect fees to compensate for public costs, plan for the rehabilitation of vacant properties, and encourage occupancy of vacant properties. There is no timeline included.

No other comments were made. Olson closed the public hearing at 6:43 p.m.

Yant motioned to designate 705 N. Yates as a vacant status due to being an empty residence with no one living there. Sumstine seconded. On roll call, the following voted aye: Yant. Voted nay: Bunger, Sumstine, and Schneider. Motion dies and property is declared as not vacant.

Agenda Item #13, Consider Approval of the 2025 Maintenance Agreement with the State of Nebraska for Highway Surface Maintenance and Snow Removal during Jan 1-Dec 31, 2025.

Yant motioned to approve the 2025 Maintenance Agreement with the State of Nebraska for Highway Surface Maintenance and Snow Removal during Jan 1-Dec 31, 2025. Schneider seconded.

Krings stated this is an annual agreement with the State of Nebraska. The State is responsible for maintaining the highway, but the city does it. The City is responsible for the snow removal on the highway, but the State does it. In the end, the City pays the State $1,348. On roll call, the following voted aye: Bunger, Sumstine, Yant, and Schneider.

Agenda Item #14, Discussion on Pending and/or Imminent Litigation.

Schneider motioned to enter closed session to discuss pending and/or imminent litigation at 6:48 p.m. Bunger seconded. On roll call, the following voted aye: Bunger, Sumstine, Yant, and Schneider.

Schneider motioned to exit closed session at 7:11 p.m. Yant seconded. On roll call, the following voted aye: Bunger, Sumstine, Yant, and Schneider.

Agenda Item #15, Adjournment

Schneider motioned to adjourn at 7:12 pm and Yant seconded. On roll call, the following voted aye: Bunger, Sumstine, Yant, and Schneider. Meeting adjourned.

_____
Larry Evans, Mayor

ATTEST:

_____
Abbey Jordan, City Clerk

(SEAL)