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The Christmas City
Minden NEBRASKA

Minutes of Council Meeting
City of Minden, Nebraska
January 21, 2025

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: Mayor Larry Evans, City Attorney Andrew Olson, 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. Brennan DeBord with Bergan Architects spoke about the Courthouse dome restoration project. Bergan Architects will be putting together a detailed cost estimate. After that, public support will be needed as the county will not be able to fund the entire project. There needs to be a person, group or organization spearheading a fundraising campaign and researching grants. There is a state tax credit program that can assist with up to 30% of the project.

Agenda item #4, Council Announcements. Evans shared the Legion will be hosting the Legion Baseball Class B State Championship.

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 Approval of Cafeteria Plan Reimbursements for this Council Meeting
d. Consider Acceptance of Excused Absence of Mayor or Council Member(s)
e. Consider Reports that are Enclosed in the Council Packets for This Council Meeting
f. Consider Mayoral Appointment of Ted Griess as the City Forester for 2025.

Amazon Capital Services--Supplies $305.30, Aussie Hydraulics, Llp--Supplies $1.22, B&R Stores, Inc--Supplies $1,237.68, B. Norgaard--Repairs $870.90, Biblionix Llc--Membership $1,430.00, Black Hills Gas Holdings, Llc--Utilities $353.18, Btac

United Acquisition Holding Company--Supplies $266.16, Cengage Learning, Inc--Supplies $163.95, Central Programs Inc--Supplies $510.61, City Of Big Lake--Vehicle $30,000.00, City Of Holdrege--Fees $7,102.70, Core & Main Lp--Supplies $3,828.92, Dana F Cole & Company, Llp--Fees $30.00, D. Bunger--Training $475.00, Dier,Osborn & Cox, P.C., L.L.O--Legal $3,400.25, Ebsco Industries, Inc--Supplies $795.48, Elan Financial Services--Supplies $1,722.66, Ewers Technology, Llc--Tech/Engineering $2,178.00, Gokie's Daylight Donut--Supplies $100.00, Great Plains Communications--Phone/Internet $154.17, Greatamerica Financial Services Corporation--Fees $311.41, Green Quest Recycling Inc--Fees $19.68, Hawkins Water Treatment--Chemical $914.45, Integrated Security Solutions, Llc--Tech/Engineering $225.00, Intellicom Computer Consulting--Tech/Engineering $13,703.50, Isw--Supplies $9.92, J. Crowell--Economic Development $1,250.00, J. L. Carter--Repairs $697.25, K&K Auto Repair Inc--Repairs $2,077.16, Kearney Co. Clrk Myra Johnson--Fees $506.42, Longshot Property Development, Llc--Economic Development $90,817.87, Menards Of Kearney--Supplies $68.95, Michael Todd & Company, Inc.--Supplies $423.80, Midlands Contracting, Inc.--Repairs $32,385.00, Mid-States Organized Crime Information Center--Membership $100.00, Midwest Laboratories--Fees $493.74, Midwest Tapes--Supplies $1,011.25, Minden Chamber Of Commerce--Economic Development $15,000.00, Minden Development Corporation--Economic Development $25,750.00, Motorola Solutions, Inc.--Supplies $34.82, Napa Auto Parts--Supplies $147.53, Nppd Kwh--Utilities $144,287.03, Nppd O&M--Maintenance $29,927.10, One Billing Solutions, Llc--Fees $3,269.63, Police Chief's Association Of Nebraska--Membership $120.00, Pony Express Ford--Repairs $1,695.72, Presto X Co.--Maintenance $99.34, Quadient Finance Usa, Inc.--Fees $39.00, Quadient Leasing--Fees $801.78, Rek Enterprises Llc--Repairs $34.98, Spectrum Business--Phone/Internet $398.52, Syndicate Publishing, L.L.C.--Fees $257.83, The Hastings Tribune--Supplies $200.00, Titan Machinery Inc--Supplies $96.21, Town And Country Farm And Home Inc--Supplies $1,610.25, United Parcel Service, Inc--Fees $6.85, Village Cleaners Inc--Uniforms $90.80, Wex Bank--Gas $5,096.56, J. Hill—Health Care $700.72, E. Cline—Dependent Care $346.72, E. Cline—Health Care $50.81, 1-10-25 Payroll $69,110.89.

Yant motioned to approve the consent agenda and Schneider seconded. Sumstine motioned to amend the motion to add a claim to Bloomin Wild Imagery for $1,250 and Schneider seconded. On roll call, the following voted aye: Bunger, Sumstine, Yant, and Schneider. Motion amended. On roll call to approve the consent agenda including the added claim, the following voted aye: Sumstine, Yant, and Schneider. Abstain: Bunger. Motion carried.

Agenda Item #6, Consider Approval of Treasury Report, December 2024.

Bunger motioned to approve the December 2024 Treasury Report and Sumstine seconded. Jordan started with stating the report has large differences from last month. The auditors have provided some adjusting entries which go back to September 30, 2024. Most of that was moving money from one fund to another. For example, this was done for the Bond Anticipation Notes and the ARPA funds. The total city treasury is $10.2 million. Jordan reviewed the reasons for the changes including audit adjusting entries and bond principal and interest payments that were made.

Evans added that he met with the City's auditor for further clarification on the Treasury Report due to the negative balances. The balances are not really negative. It will look better in a month.

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

Agenda Item #7, Consider Approval of Budget Report, December 2024.

Yant motioned to approve the December 2024 Budget Report. Schneider seconded. Jordan reviewed items that are below the budgeted figures. On roll call, the following voted aye: Bunger, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #8, Consider Approval of Purchase of a Used Ladder Truck for $150,000 from the City of Big Lake, MN and the Down Payment of $30,000 to be issued.

Yant motioned to approve the Purchase of a Used Ladder Truck for $150,000 from the City of Big Lake, MN and the Down Payment of $30,000 to be issued. Bunger seconded.

Tom Brown, fire chief, stated the City's previous ladder truck could no longer be certified and therefore was totaled. A new ladder truck is $2.7 million and wouldn't be available for 4 years. Brown and another fireman went and looked at the truck this past weekend. The truck will fill the City's needs and is probably better than the prior ladder truck. Brown confirmed it has a backup camera. The truck won't become available until the end of February when Big Lake's new ladder truck gets delivered. The City has received $65,000 from insurance already and the truck has been towed away. Sumstine reminded everyone that the ladder truck keeps the City's fire insurance rating at a better number. On roll call, the following voted aye: Bunger, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #9, Consider Approval of a Resolution approving the Minden Property Brothers Redevelopment Plan.

Sumstine motioned to approve Resolution 1809 for the Minden Property Brothers Redevelopment Plan and Bunger seconded. Krings reminded the council this is the renovation project on the square for the new Lieske, Lieske, and Ensz location. Krings stated Tax Increment Financing comes down to the "but-for" test. TIF makes projects happen that otherwise wouldn't be financially feasible for the developer to do. It is difficult to make this argument as this project is already completed. The Planning and Zoning Commission met earlier today and voted unanimously to decline approving this project.

Krings stated there is no legal issue approving this project. It's a matter of setting a precedent for approving a project after it's completed.

On roll call, the following voted aye: none. Voted nay: Bunger, Sumstine, Yant, and Schneider. Resolution denied.

Agenda Item #10, Consider Approval of an Ordinance Amending Section 94-65, Agricultural District Use Regulations, of the Minden Municipal Code.

Yant introduced Ordinance No. 1300 Amending Section 94-65, Agricultural District Use Regulations, of the Minden Municipal Code for its first reading.

ORDINANCE NO. 1300

AN ORDINANCE TO AMEND CHAPTER 94, ARTICLE III OF THE MUNICIPAL CODE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA, BY AMENDING SECTION 94-65 AS THE SAME RELATES TO AGRICULTURAL DISTRICT USE REGULATIONS 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 94-65 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be amended to read as follows:

Sec. 94-65. - A agricultural district use regulations.

In the A agricultural district, building, structures and land shall be used only for the following purposes:

(1) Agricultural uses, farming, dairying, stock raising or similar purposes, including poultry raising, orchards, nurseries, greenhouses, truck gardens; raising birds, bees, rabbits, and other animals, fish and other creatures; and other agricultural activities including dwellings, barns and incidental buildings commonly required for the operation of a farm.
(2) Warehouse buildings and commercial storage for agricultural related materials such as grains, feeds, and fertilizers.
(3) Transportation facilities for agricultural related materials such as grains, feeds, and fertilizers.
(4) Single-family residences.
(5) Churches, Sunday schools and other places of worship.
(6) Public buildings and publicly owned parks, playgrounds and community centers.
(7) Private clubs, private, social and recreational buildings and grounds for games, sports, and camping, but only if not opened to the general public.
(8) Hospitals or sanitariums, and charitable institutions.
(9) Dog kennel and veterinary establishments, but not nearer than 750 feet to any zoned residential district, incorporated area or dwelling other than the dwelling of the lessee or owner of the site.
(10) Removal of dirt or topsoil.
(11) Public and private forest and wildlife reservation.
(12) Airport and airplane landing field.
(13) Riding stable.
(14) 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.

(Code 1982, § 15-204)

Section 2. This ordinance shall be known as Ordinance No. 1300 and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 21st day of January, 2025.

/s/ Larry Evans
Larry Evans, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

(SEAL)

Sumstine seconded. Krings added this is for the Simplot project east of the city. Their plan is to construct a facility that will unload fertilizer and deliver it to local farmers. The current Ag zoning doesn't allow for this agricultural use. There are other facilities in the Ag zoning district that are currently doing this. The Planning and Zoning Commission met earlier today and recommended this change.

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

Yant motioned to waive the three readings of Ordinance No. 1300 and Schneider seconded. On roll call, the following voted aye: Bunger, Sumstine, Yant, and Schneider. Motion carried.

Schneider motioned to adopt Ordinance No. 1300 by title and Bunger seconded. On roll call, the following voted aye: Bunger, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #11, Consider Approval of a Resolution for the Final Plat of the Simplot Subdivision: a tract of land located in part of the West half (W1/2) of the Southwest Quarter (SW1/4) of Section four (4), Township six (6) North, Range fourteen (14) West of the 6th P.M., Kearney County, Nebraska, and more particularly described as follows: commencing at the West corner of the Southwest Quarter of said Section 4; thence on an assumed bearing of S01°33'29"E a distance of 887.13 feet to the point of beginning; thence N60°42'53"E a distance of 1496.91 feet; thence S01°28'10"E a distance of 1201.78 feet; thence N88°57'10"W a distance of 1324.53 feet; thence N01°33'29"W a distance of 445.12 feet to the point of beginning. Said tract contains a calculated area of 1090026.59 square feet or 25.024 acres more or less.

Bunger motioned to approve Resolution 1810 for the Final Plat of Simplot Subdivision and Yant seconded. Krings stated this is the same project as the prior agenda item. This will allow for a split in the parcel for Simplot to purchase the land from Peter & Melissa Trausch. Mark Vanslyke described the project including the buildings and additional rail for train car storage.

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

Agenda Item #12, Consider Approval of a Payment to the Kearney County Clerk of $64.00 for Filing of the Simplot Subdivision Plat.

Schneider motioned to approve the Payment to the Kearney County Clerk of $64.00 for Filing of the Simplot Subdivision Plat and Sumstine seconded. On roll call, the following voted aye: Bunger, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #13, Public Hearing to Amend the Future Land Use Map of the Comprehensive Plan for Lots 1-6, Block 11, Evan's Addition to the City of Minden, Kearney County, Nebraska, from Green Space to Agricultural.

Olson opened the hearing at 6:37 p.m. Don Hosick, 225 S. Logan, spoke in favor of the amendment on behalf of Alison Earlley who has requested a rezoning. Hosick stated Earlley has provided a letter outlining the request. Hosick noted the request was put into the City in September and is just being addressed. Hosick will answer any questions. No one else spoke in favor of or against.

The hearing was closed at 6:39 p.m.

Agenda Item #14, Consider Approval of a Resolution amending the Future Land Use Map of the Comprehensive Plan for Lots 1-6, Block 11, Evan's Addition to the City of Minden, Kearney County, Nebraska, from Green Space to Agricultural.

Schneider motioned to approve Resolution 1811 amending the Future Land Use Map of the Comprehensive Plan for Lots 1-6, Block 11, Evan's Addition to the City of Minden, Kearney County, Nebraska, from Green Space to Agricultural. Bunger seconded.

Krings added in order for the property to be rezoned the Future Land Use map must match the request in order to be considered and adjoining property must have the same Ag zoning. The first step is to amend the Future Land Use Map. If the amendments are

approved, then the property rezoning can be voted on by the council. The Planning and Zoning recommended not amending the Future Land Use Map.

Larry Wilcox, adjacent landowner, is in favor of the amendment as the road has been underwater in the past and the area to be amended is in a flood zone and will not be used for residential due to this. Sam Hansen also added the area is a flood zone as he grew up in the area. Evans requested Wilcox and Hansen speak during the public hearing next time.

On roll call, the following voted aye: Schneider. Voted nay: Bunger, Sumstine, Yant. Resolution denied.

Agenda Item #15, Public Hearing to Amend the Future Land Use Map of the Comprehensive Plan for Lots 3-5, Block 12, Evan's Addition to the City of Minden, Kearney County, Nebraska, from Commercial to Agricultural.

Olson opened the hearing at 6:45 p.m. Don Hosick, 225 S. Logan, spoke in favor of the amendment on behalf of Alison Earlley who has requested a rezoning. Hosick noted he has had discussions with the adjacent property owner, Larry Wilcox. Earlley wishes to leave the two lots adjacent to the highway as commercial.

Larry Wilcox, 888 S. Western, clarified only about 10 yards of Lot 5 are accessible as the rest is part of the canyon. Believes the property isn't developable. Sam Hansen, 887 S. Nebraska, knows the drainage in the area from growing up there thinks the future of this area should have other uses such as a pond as it will take a lot to develop it.

No one else spoke in favor of or against. The hearing was closed at 6:50 p.m.

Agenda Item #16, Consider Approval of a Resolution to Amend the Future Land Use Map of the Comprehensive Plan for Lots 3-5, Block 12, Evan's Addition to the City of Minden, Kearney County, Nebraska, from Commercial to Agricultural.

Bunger motioned to approve Resolution 1812 to Amend the Future Land Use Map of the Comprehensive Plan for Lots 3-5, Block 12, Evan's Addition to the City of Minden, Kearney County, Nebraska, from Commercial to Agricultural. Schneider seconded.

Krings added this is the property south of Wilcox's property. This is to amend the Future Land Use map only. The Planning and Zoning recommended not amending the Future Land Use Map.

On roll call, the following voted aye: Schneider. Voted nay: Bunger, Sumstine, Yant. Resolution denied.

Agenda Item #17, Public Hearing to Change the Zoning of the following described real estate to wit: Lots 1-6, Block 11 Evan's Addition to the City of Minden, Kearney County, Nebraska and Lots 3-5, Block 12, Evan's Addition to the City of Minden, Kearney County, Nebraska. The parcels are presently zoned "Residential 1 (R1)" and the request as filed, proposes that said parcels be changed to a zoning designation of "Agricultural (A)."

As the Future Land Use Map change requests were not approved, the public hearing was not held as the property is not eligible for a rezone at this time.

Agenda Item #18, Consider Approval of an Ordinance Amending the Zoning from Residential 1 (R-1) to Agricultural (A) for the following described real estate to wit: Lots 1-6, Block 11 Evan's Addition to the City of Minden, Kearney County, Nebraska and Lots 3-5, Block 12, Evan's Addition to the City of Minden, Kearney County, Nebraska.

As the Future Land Use Map change requests were not approved, the property is not eligible for a rezone at this time.

Agenda Item #19, Consider Approval of Payment to Longshot Property Development, LLC., for $90,817.87 for construction activities accomplished 12/13/2024 to 1/14/2025 of: conduit electrical work installed, MEP engineering civil sets, down payment to plumbing for mainline installation, framing, main 2nd floor window install complete, GC oversight of sub-contractor work.

Schneider motioned to approve a Payment to Longshot Property Development, LLC., for $90,817.87 for construction activities accomplished 12/13/2024 to 1/14/2025 and Sumstine seconded. On roll call, the following voted aye: Bunger, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #20, Consider Approval of Reimbursement Draw #9 for $90,817.87; this Amount will be Drawn on NAHTF 23-TFRH-34009 from NE Dept. of Economic Development.

Schneider motioned to approve Reimbursement Draw #9 for $90,817.87. Bunger seconded. On roll call, the following voted aye: Bunger, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #21, Adjournment

Bunger motioned to adjourn at 6:55 pm and Sumstine seconded. On roll call, the following voted aye: Bunger, Sumstine, and Schneider. Voted nay: Yant. Meeting adjourned.

/s/ Larry Evans
Larry Evans, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

(SEAL)