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The Christmas City
Minden NEBRASKA

Minutes of Council Meeting
City of Minden, Nebraska
March 17, 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, Jack Yant and Alyssa Schneider. Absent: Teresa Sumstine. The following City Officials were present: Mayor Larry Evans, City Attorney Andrew Olson, and City Administrator Michael Krings. Absent: 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. Bunger thanked the fire department for their efforts on Friday. Evans stated a Salute to Ag starts March 24-29. March 28th is Blue Jeans and BBQ. The Minden Community Players are presenting "Paint Your Wagon" this upcoming weekend. Senator Lonowski will be in Minden on April 5th at the Windmill. Wardcraft's Open House is March 29th.

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

7aa Investments--Supplies $74.11, 911 Custom--Supplies $299.65, A. R. & L. A. Lux--Fees $120.00, Amazon Capital Services--Supplies $1,361.50, Anderson Bros Electric, Plumbing & Heating, Inc--Maintenance $666.44, Aurora Cooperative Elevator Company--Fuel $493.28, Aussie Hydraulics, Llp--Maintenance $184.33, B&R Stores, Inc--Supplies $34.72, Black Hills Gas Holdings, Llc--Utilities $421.59, Btac United Acquisition Holding Company--Supplies $168.42, Business World Products Of Hastings, Inc--Supplies $22.95, Cengage Learning, Inc--Supplies $131.16, City Of Holdrege--Fees $5,659.82, Collaborative Summer Library Program--Supplies $572.38, C. Lupkes--Training $70.00, Dana F Cole & Company, Llp--

Fees $50.00, Danko Emergency Equipment Co.--Supplies $329.02, Dier,Osborn & Cox, P.C., L.L.O--Legal $1,955.00, Dollar General-Regions 410526--Supplies $68.30, Dowhy Towing & Recovery Llc--Fees $299.86, Eakes Inc--Supplies $95.80, Elan Financial Services--Supplies $852.80, Electric Pump, Inc--Repairs $22,354.41, Fyr-Tek Inc.--Repairs $500.00, Grayson Tool, Inc--Incentive $476.00, Great Plains Communications--Phone/Internet $1,534.89, Greatamerica Financial Services Corporation--Fees $270.82, Intellicom Computer Consulting--Tech/Engineering $2,706.25, Isw--Supplies $8.96, J. Hill--Training $50.00, K&K Auto Repair Inc--Repairs $1,144.89, Ke Co Health Payment Cntr--Fees $310.00, Kearney Co. Clrk Myra Johnson--Fees $10.00, Kearney Co. Clrk Myra Johnson--Fees $10.00, Kearney Towing & Repair Center--Fees $432.00, Kelly Supply Company--Supplies $646.15, Landmark Implement Carquest--Supplies $59.72, M. Jordan--Training $250.00, M. Melroy--Training $150.00, Midwest Laboratories--Fees $452.49, Midwest Tapes--Supplies $26.99, Minden Chamber Of Commerce--Economic Development $60.00, Municipal Supply-Nebraska--Supplies $3,065.37, Napa Auto Parts--Supplies $460.41, Nebraska State Patrol--Tech/Engineering $2,700.00, Nppd Kwh--Utilities $153,098.86, Nppd O&M--Maintenance $40,937.14, One Call Concepts Inc--Fees $15.89, Penguin Management--Fees $786.00, Pony Express Ford--Repairs $168.84, Powertech--Maintenance $566.94, Presto X Co.--Maintenance $269.58, Rembolt Ludtke Llp--Legal $22.50, Southern Power District--Utilities $92.20, Spectrum Business--Phone/Internet $198.22, The Library Store--Supplies $124.37, T. Beck--Printing $299.44, Titan Machinery Inc--Repairs $972.78, Town And Country Farm And Home Inc--Supplies $536.48, Two Rivers Public Health Department--Fees $200.00, United Parcel Service, Inc--Fees $61.79, United States Postal Service--Fees $350.00, Verizon Wireless--Phone/Internet $832.43, Village Cleaners Inc--Uniforms $90.80, Western Pathology Consultants, Inc.--Fees $191.00, Wex Bank--Fuel $5,631.71, Winzer Franchise Company--Supplies $9.97, Witmer Public Safety Group--Supplies $435.36, E. Cline $769.20—Dependent Care, 3-07-25 Payroll $63,297.14.

Schneider motioned to approve the consent agenda and Bunger seconded. Yant asked about the Donkey Towing bill. Krings replied the towed vehicle went to the City impound vehicle. Yant asked what was in the Lux Storage Unit? Krings replied it was items from the Albers building from the previous owners. Yant wishes to look into another company to provide services similar to Intellicom. Yant asked what new services are on the NPPD O&M budget? And why are we over budget on distribution capital? Krings stated he will review these items and get back to the council.

Evans asked what pumps were replaced? Pete Marshall, Sewer Superintendent, stated they replaced pumps in Lift Stations 2 & 3. Both pumps were over 10 years old.

On roll call, the following voted aye: Bunger, Yant, and Schneider. Absent and not voting: Sumstine. Motion carried.

Agenda Item #6, Consider Approval of a Consider Approval of a Special Designated Liquor License for Windmill Studios at the Kearney County Fairgrounds for a Reception on April 26, 2025 from 12:00 p.m. to 1:00 a.m.

Yant motioned to approve the Special Designated Liquor License for Windmill Studios at the Kearney County Fairgrounds for a Reception on April 26, 2025 from 12:00 p.m. to 1:00 a.m. Schneider seconded. On roll call, the following voted aye: Yant and Schneider. Abstain: Bunger. Absent and not voting: Sumstine. Motion carried.

Agenda Item #7, Consider Approval of Treasury Report, February 2025.

Bunger motioned to approve the Treasury Report and Schneider seconded. Krings stated the tax funds have dropped $166,766. The enterprise funds have increased $49,165. The total treasury dropped $114,206. Evans added $95,000 was transferred from the checking account to an investment fund. Bunger asked if the City will be reimbursed for half of the ladder truck? Krings confirmed yes.

On roll call, the following voted aye: Bunger, Yant, and Schneider. Absent and not voting: Sumstine. Motion carried.

Agenda Item #8, Consider Approval of Budget Report, February 2025.

Krings corrected the agenda item to be February 2025. Yant motioned to approve the February 2025 Budget Report and Bunger seconded. Krings stated we are below budget on revenue and expenses. Yant asked what Reuse funds are? Krings replied it is the Revolving Loan Fund.

On roll call, the following voted aye: Bunger, Yant, and Schneider. Absent and not voting: Sumstine. Motion carried.

Agenda Item #9, Discussion Only of Limiting Use of Train Horns within City Limits per Agenda Item Request Submitted by Anthony Christ.

Anthony Christ, 123 E. 6th Street, wishes to implement an ordinance limiting the use of train horns. After moving to Minden, Christ and his wife heard train horns multiple times throughout the night. The Cities of Kearney and Gibbon have limited train horns within city limits. Christ reviewed the steps to start the process. Safety is a priority.

Krings stated he has been through this process before. The City would have to invest in ways to make it impossible for cars to go around the arms. Typically a second arm is installed or a median is placed in the crossing. Bunger asked if pedestrian fencing would have to be put up? Krings didn't know. Krings does wish to look into this further.

No action taken.

Agenda Item #10, Consider Approval of Insurance Renewal with Jones Group for April 5, 2025 – April 4, 2026 and Selection of Company.

Kevin Krull, Jones Group, reviewed the claims summary. In 2013, there was a fatality claim. In 2021, the massive hail storm damaged many roofs.

Cody Krull, Jones Group, started reviewing both quotes provided. Evans asked about the vehicle coverage. C. Krull stated each vehicle has their own premium. The City was provided with quotes from Travelers and Continental Western Group (CWG).

Krings summarized that CWG has a lower premium, but also have less favorable changes compared to the Travelers policy. CWG would place all transformers on actual cash value whereas Travelers has them on replacement value. For CWG, all roofs over 20 years old would be on actual cash value whereas Travelers has no age restriction. CWG does have a roof cosmetic exclusion and Travelers does not. For equipment, all items valued over $150,000 would have a $2500 deductible on CWG. Travelers has a $1000 deductible. For transformers, CWG has a $50,000 equipment breakdown deductible versus Travelers $5,000 property deductible. For general liability, there would be no employment practices liability with CWG. The City would have to go to the market for a separate policy for this.

There is a $42,000 savings with CWG but that doesn't include employment practices liability and with changes to property. C. Krull recommends Travelers.

Yant asked if the City had to commit for the entire 12 months? C. Krull stated the policy would have to be cancelled and if there were any outstanding claims that couldn't be done. Evans was interested in getting a quote from LARM, but their terms are October 1st through September to align with the City's fiscal year.

Yant motioned to approve the insurance policy renewal with Travelers for April 5, 2025 – April 4, 2026 with a premium of $329,745.21. Schneider seconded. On roll call, the following voted aye: Bunger, Yant, and Schneider. Absent and not voting: Sumstine. Motion carried.

Agenda Item #11, Consider Approval of Employment of Immediate Family Members Disclosure Statement submitted by Abigail Engelhardt.

Bunger motioned to approve the Employment of Immediate Family Members Disclosure Statement submitted by Abigail Engelhardt. Schneider seconded. On roll call, the following voted aye: Bunger, Yant, and Schneider. Absent and not voting: Sumstine. Motion carried.

Agenda Item #12, Consider Approval of an Ordinance Repealing Chapter 20-Cemeteries, Chapter 54-Parks and Recreation, and Chapter 90-Vegetation; and Adding Chapter 31 to the Minden Municipal Code, First Reading.

Yant introduced Ordinance No. 1302 for its first reading.

ORDINANCE NO. 1302

AN ORDINANCE TO REPEAL CHAPTERS 22-CEMETERIES, 54-PARKS AND RECREATION, AND 90-VEGETATION; AND ADDING CHAPTER 31-PARKS, TREES, & CEMETERY TO THE MUNICIPAL CODE 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 Chapter 22 - CEMETERIES, including Sections 22-1 through 22-35 be and the same is hereby repealed.

Section 2. That Chapter 54 – PARKS AND RECREATION, including Sections 54-1 through 54-67 be and the same is hereby repealed.

Section 3. That Chapter 90 – VEGETATION, including Sections 90-1 through 90-104 be and the same is hereby repealed.

Section 4. That Chapter 31 be added to the Municipal Code of the City of Minden, Kearney County, Nebraska to read as follows:

Chapter 31 – Parks, Trees & Cemetery

Section 5. That Article I., and Sections 31-1 through 31-25 – IN GENERAL be added to the Municipal Code of the City of Minden, Kearney County, Nebraska, the same to read as follows:

Article I. – IN GENERAL

Section 31-1. – Statement of Purpose
The Parks, Trees, & Cemetery section of the municipal code serves to promote and safeguard the health, beauty, and accessibility of public green spaces, as well as the cultural and environmental significance of community cemeteries. This section is designed to provide a comprehensive framework for the stewardship of parks, trees, and cemeteries, ensuring that they remain safe, sustainable, and integral to the well-being of residents and visitors.

The primary purpose of this section is to:

a. **Enhance Public Health and Quality of Life**: Ensure that parks and green spaces are available and accessible to all residents for recreational, social, and educational purposes. These spaces are critical to improving physical and mental health, fostering community engagement, and enhancing the aesthetic value of the municipality.
b. **Preserve and Promote Natural Resources**: Protect and maintain the urban forest, which includes the management and preservation of trees, shrubs, and other vegetation within public spaces. These efforts contribute to biodiversity, climate resilience, and environmental sustainability.
c. **Provide Safe and Well-Maintained Spaces**: Establish clear guidelines for the upkeep, safety, and cleanliness of parks, trees, and cemeteries. This includes the enforcement of regulations related to usage, vandalism, and the responsible disposal of waste to ensure that these public areas are secure and inviting for all.
d. **Respect and Honor Cultural Heritage**: Recognize the cultural, historical, and memorial value of cemeteries as sacred places for reflection, remembrance, and the commemoration of past generations. This section ensures that cemeteries are treated with respect and are maintained in accordance with both community values and legal requirements.
e. **Encourage Public Involvement and Education**: Promote community involvement in the development, enhancement, and stewardship of parks, trees, and cemeteries. This includes programs that educate residents on the benefits of green spaces and encourage volunteerism in maintaining and beautifying these areas.
f. **Foster Environmental Sustainability**: Support initiatives that contribute to sustainable environmental practices, such as water conservation, energy efficiency, and responsible landscaping practices, as well as the incorporation of native species that support local wildlife.

Through the provisions of this section, the municipality strives to provide accessible, safe, and well-maintained parks, trees, and cemeteries that enhance the community's environmental, cultural, and recreational resources. The intent is to create a vibrant and harmonious urban environment where public green spaces play a central role in the health and quality of life of all residents.

Section 31-2. -Penalty for Violation of Chapter.
Any person who shall violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not exceeding $500.00 and, in default of payment thereof, shall be adjudged to stand committed to the city jail until such fine and costs be paid, secured or otherwise discharged according to law.

Sections 31-3 – 31-25. – Reserved.

Section 6. That Article II., and Sections 31-26 through 31-40 – PARK, TREE & CEMETERY BOARD be added to the Municipal Code of the City of Minden, Kearney County, Nebraska, the same to read as follows:

Article II. – PARK, TREE & CEMETERY BOARD

Section 31-26. – Park, Tree & Cemetery Board Creation
There is hereby created and established a Park, Tree & Cemetery Board which shall consist of five members who are residents of the city, to be appointed by the mayor with the consent of a majority of the members of the council. The mayor shall also designate a city forester with proper qualifications.

Section. 31-27 – Park, Tree & Cemetery Board Appointments; terms; vacancies.
At the first regular meeting of the mayor and council in January 2025, the mayor, with consent of a majority of the members of the council, shall appoint five members of the park, tree & cemetery board. One member will have a term of one year, one member a term of two years, one member a term of three years, one member a term of four years and one member a term of five years. When all appointments reach their term, the term of the reappointed or newly appointed member shall be for five years for all appointments going forward. Vacancies occurring in the membership of the board by reason of the death or resignation of a member or his or her removal from the city, or in any other manner, shall be filled by appointment for the unexpired term in the same manner as provided in this section.

Section. 31-28 – Park, Tree & Cemetery Board officers
At its first regular meeting annually, the park, tree & cemetery board shall elect a chairperson and vice-chairperson for a term of one year. The chairperson shall preside at all meetings of the board and shall countersign all minutes of the proceedings of the board. In the absence of the chairperson, his/her duties shall be performed by the vice-chairperson. In the case of a vacancy in the office of chairperson or vice-chairperson, the board at its next meeting shall fill the vacancy by election.

Section. 31-29 – Park, Tree & Cemetery Board Meetings; quorum.
The Park, Tree & Cemetery Board shall hold a regular meeting at least quarterly at a time and place to be fixed by the board. Special meetings may be called by the chairperson of the board at any time. Three members of the board shall constitute quorum.

Section. 31-30 – Conflict of Interest
Whenever a board member has a financial or personal interest in any matter coming before the board, the affected person shall (a) fully disclose the nature of the interest and (b) withdraw from the discussion, lobbying, and voting on the matter. Any transaction or vote involving a potential conflict of interest shall be approved only when a majority of disinterested board members shall determine that it is in the best interest of the city to do so. The minutes of meetings at which such votes are taken shall record such disclosure, abstention, and rationale for approval.

Section. 31-31 – Park, Tree & Cemetery Board Management of Trees.
Subject to the provisions of this chapter, the park, tree & cemetery board may adopt all necessary rules for the control and management of trees within the city. It shall make proper provision for the preservation of trees and shrubbery, regulate the planting thereof and can remove any tree or shrubbery planted contrary to its rules, which in its judgement may be a detriment to the city. The board shall keep a complete and accurate account of all its acts and proceedings, and once a year, the board shall present to the mayor and council a complete written report of all its acts and doings, together with any suggestions or recommendations which the board desires to make to the mayor and council with respect to trees within the city.

Section. 31-32 – Park, Tree & Cemetery Board Management of Parks.
Subject to the provisions in this chapter, the park, tree & cemetery board may make suggestions or recommendations which the board desires to make to the mayor and council with respect to parks within the city.

Section. 31-33 – Park, Tree & Cemetery Management of Cemetery.
Subject to provisions in this chapter, the park, tree & cemetery board may make suggestions or recommendations with the board desires to make to the mayor and council with respect to the Minden city cemetery.

Section. 31-34 – City Forester.
By appointment by the mayor and approval of the City Council, the City shall name a City Forester on an annual basis.

Section. 31-35 – 31-40. – Reserved.

Section 7. That Article III., and Sections 31-41 through 31-50 – PARKS be added to the Municipal Code of the City of Minden, Kearney County, Nebraska, the same to read as follows:

Article III. – PARKS

Section. 31-41 – Closing of parks.
It shall be unlawful for any person to be in any Minden City Park, ball field or outdoor public facility starting one hour after conclusion of any scheduled activity approved by the city or after the hour of 11:00PM, whichever is later, or before the hour of 5:00AM.

Section. 31-42 – Improvements and maintenance.
Improvements and maintenance of the various parks, fields and outdoor public facilities will be monitored by the park, tree & cemetery board and presented to the mayor and council.

Section. 31-43 – Properties not owned by City but cared for by the City.
The following properties are not owned by the City but are maintained by the City:

a) Greenspace between railroad track and 9th street, East of Colorado Ave.
b) Greenspace between railroad tracks and American Legion Park.
c) Sarah's Field located between Ridge Ave. & Nance Ave., along W. St. Clair St.

Section. 31-44 – Properties owned by City but not cared for by the City.
The following properties are owned by the City but not maintained by the City:

a) Minden Country Club
b) Pioneer Village Field Airport
c) Minden Gun Club

Section. 31-45 – City Parks
The following parks are owned by and maintained by the City.

a) Chautauqua Park
b) American Legion Park

c) Augie Nelson Optimist Park
d) Jaycee Park
e) Bjorkland Field

Section. 31-46 – 31-50. – Reserved.

Section 8. That Article IV., and Sections 31-51 through 31-79 – TREES be added to the Municipal Code of the City of Minden, Kearney County, Nebraska, the same to read as follows:

Article IV. – TREES

Section. 31-51 – Definitions – the following definitions pertain to this article.

a) **Community Forest:** The "community forest' is herein defined as the collection of trees and related vegetation found within the city limits of Minden. It is a resource that provides a myriad of benefits and services to our community.
b) **Public Community Forest:** "Public community forest" is herein defined as all street and park trees owned by the City as a total resource.
c) **Private Community Forest:** "Private community forest" is herein defined as all trees within city boundaries but not owned by the City.
d) **Street Trees** - "Street trees" are herein defined as trees, and all other woody vegetation on land lying between the centerline and the adjacent property line on either side of all streets, avenues and public roads, within the city. Street Trees typically lie within 10' - 20' from the back of curb, this varies by neighborhood, to get an approximate measurement for your property go to the most recent county property assessment map provided by Kearney County.
e) **Park Trees** - "Park trees" are herein defined as trees, and all other woody vegetation in public parks having individual names and all areas owned by the City or to which the public has free access as a park
f) **Shrubs** - "Shrubs" are herein defined as bushes or other woody vegetation used in landscaping which by their nature do not normally attain heights in excess of 15 (15) feet.
g) **Small Tree** - A 'small tree' is any tree that reaches twenty - five (25) feet or below at maturity. Trunk diameters are less than 20 inches. Small trees fit nicely in 4-to-5-foot tree lawns or landscape strips.
h) **Medium Tree -** A 'medium tree' is any tree that reaches twenty-five (25) to forty (40) feet tall at maturity. Trunk diameters can be 20-30 inches. Medium trees fit nicely in 6-to-8-foot tree lawns or landscape strips.
i) **Large Tree** - A 'large tree' is any tree that reaches more than forty (40) feet at maturity. Trunk diameters are commonly over 30 inches. Large trees need at least an 8-foot tree lawn or landscape strip.

Section. 31-52 – Care and removal.

a) The municipality shall have the right to plant, prune, maintain and remove street trees or park trees within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.
b) The city may remove or cause or order to be removed any street tree or park tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest.

c) No person or property owner shall remove any live street tree or park tree for any reason without permission of the municipal park, tree & cemetery board. Utilities companies may remove trees or parts thereof which are injurious to their utility lines at their expense.

Section. 31-53 – Location
All trees hereafter planted within the city shall be planted at such a distance from the sidewalks or walks of the city so as not to interfere in any way with free use of any such walk for public travel. All trees heretofore planted within the city, and all trees that may hereafter be planted within the city, shall be kept trimmed in such a manner that no branch thereof which will extend above any sidewalk shall be less than eight feet above such walk. The trees shall also be trimmed so as not to interfere with public travel on any street or alley or with any electric light wires.

Section. 31-54 – Trimming
It is the duty of the owner of any lot within the city to keep such trees trimmed as directed, provided he is a resident of the city. In case the owner is not a resident of the city, then the duty of keeping the trees trimmed as directed shall devolve upon the person who occupies the lot. In case the owner or occupant shall refuse or neglect to trim such trees in accordance with this section within 30 days after being notified so to do by the Development Services Director, then and in that case the Development Services Director may proceed to perform the work at such time and in such manner as he may deem advisable.

Section. 31-55 – Spacing.
The spacing of street trees will be in accordance with the three species size classes listed in this division, and no trees may be planted closer together than the following: small trees, 30 feet; medium trees and large trees, 40 feet; except in special plantings approved by the city.

Section. 31-56 – Distance planted from curbs and sidewalks.
The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the tree species size classes listed in this division, and no trees may be planted closer to any curb or sidewalk than four feet; provided, however, that any tree classified in this division by common names as a small tree may be planted less than four feet, but no less than three feet, from all curbs, curblines and sidewalks. In areas with no curbs or sidewalks or less than four feet between the curb and sidewalk, no street trees shall be planted without permission from the city.

Section. 31-57 – Distance planted from street intersections, driveways and alleys.
No street tree, shrub, hedge or park tree shall be planted within 25 feet of any street intersection or alley intersection, measured from the point nearest intersection curbs or curblines.

Section. 31-58– Distance from utility lines.
No street trees or park trees, other than those species listed as small trees in this division or species specifically approved by the city, may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility line, or wire of main. No street tree shall be planted within ten feet of any fireplug.

Section. 31-59 – Tree Topping.
It shall be unlawful as a normal practice for any person or municipal department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to removal the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section at the determination of the municipal park, tree & cemetery board.

Section. 31-60 – Obstruction; pruning; removal.

a) All trees and shrubs within the municipality shall be pruned or removed when such trees or shrubs obstruct the light from any streetlamp, obstruct the visibility of any traffic control device or sign, obstruct the passage of pedestrians on sidewalks, interfere with municipal utilities, or obstruct the view of any street or alley intersection. The minimum clearance of any overhanging portion thereof shall be 16 feet over all streets and eight feet above sidewalks.
b) All shrubs and hedges defined as street trees in this division shall be kept trimmed by the abutting property owner at least two feet back from curbs.

Section. 31-61 – Dead or diseased trees; pruning, removal.

a) All trees and shrubs within the municipality shall be pruned or removed when such trees or shrubs constitute a hazard to life and property or harbor insects or disease which constitutes a threat to other trees or shrubs within the city.
b) The city forester shall have the power and authority to prune or remove, or order to prune or remove, any such trees or shrubs on private property. The Development Services Director shall notify in writing the owners of such trees or shrubs. Pruning or removal shall be done by the owners at their own expense within 60 days after the date of notification. In the event of the failure of owners to comply with the notice, the municipality shall have the authority to prune or remove such trees or shrubs and charge the cost of the pruning or removal on the owner's property tax notice.
c) The service of such notice shall be by personal service where the owner of the premises is a resident of the city. When the owner is a non-resident of the city, such notice shall be served by certified mail, addressed to the owner at his last known address as shown on the records in the office of the county assessor and by publication at least one time in a newspaper of general circulation in the city.

Section. 31-62 – Work ordered or done by the city.
Written permission shall not be required for any tree, shrub or hedge planting, pruning, spraying, or removing ordered or done by the city; however, all such work shall be done in conformance with the requirements of this chapter.

Section. 31-63 – Abuse or mutilation.
Unless specifically authorized by the municipal park, tree & cemetery board, no person shall intentionally damage, cut, carve, transplant, or remove any street tree or park tree; attach any rope, wire, nails, advertising posters, or other contrivance to such trees; allow any gaseous, liquid, or solid substance with is harmful to such trees to come in contact with them, or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of such trees. The preceding restrictions do not apply to proper planting, staking and guying practices.

Section. 31-64 – Protection.

a) All street trees or park trees near any excavation or construction of any building structure or street work shall be protected to avoid unnecessary injury to the trees.
b) No person shall excavate any ditches, tunnels, trenches, or lay any drive within five feet of the drip line of any street or park tree without first obtaining written permission from the municipal park, tree & cemetery board.
c) No person shall deposit, place, store or maintain, upon any public property of the municipality, any stone, brick, sand, soil, concrete or other material which may impede the free passage of water, air and fertilizer to the roots of any street tree or park tree, except by written permission of the municipal park, tree & cemetery board.

Section. 31-65 – Removal of stumps.

All stumps of street trees and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the service ground.

Section. 31-66 – Dutch Elm Disease

a) Trees with disease classified as a nuisance.
   i. Trees of all species and varieties of elm, zelkova and planera infected with the fungus Ceratostomella ulmi, as determined by laboratory analysis, are declared to be a public nuisance and shall be removed and burned within ten day of notification.
   ii. Trees, or parts thereof, of elm, zelkova or planera in a dead or dying condition that may serve as a breeding place for the European elm bark beetle Scolytus multistriatus are declared to be a public nuisance and shall be removed and burned within ten day of notification.
b) Notice for removal and burning on private property.
   i. If trees on private property are found to be infected or in a dying condition, the city forester shall give to the owner of the premises where the trees are situated written notice of the existence of such disease or of the dead or dying condition of such trees or parts thereof and require the removal and burning of the trees under the direction and supervision of the city forester. Such notice shall also notify the owners of the premises that if such a tree is not removed and burned after ten days' notice by publication or personal service, the City will proceed with the removal and burning of the tree and assess the cost thereof against the property in accordance with the provisions of this division.
   ii. Trees dead or dying from Emerald Ash Bore (EAB) shall be removed and burned, chipped, or debarked within 30 days of notification
c) Owners' duty to abate; consequences of failure.
   i. After due notice has been served upon the owner of the premises, it shall thereupon become his duty to cause such tree to be removed and burned, under the supervision and direction of the city forester. If the owner fails, neglects, or refuses to remove or burn such tree, the city forester may, ten days after notice is given, enter upon such private property and proceed with the removal and burning of the tree, and the cost thereof shall be assessed against the real estate in the manner provided in this section.

Section. 31-67– Arborist or tree trimming license.

It shall be unlawful for any person to engage in the business or occupation of pruning, treating or removing any trees within the municipality without first applying for and procuring a license. The license fee shall be $35.00 annually and shall expire on December 31st of each year regardless of the date during that year when it was issued. All licenses shall be renewed on or before January 1st of each year thereafter. Provided however, that no license shall be required of any public service company or municipal employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued each

applicant shall first file evidence of possession of liability insurance, indemnifying the municipality or any person injured or damage resulting from the pursuit of such endeavors as described in this section, in the minimum amounts of:

- $1,000,000.00 for general liability.
- $500,000.00 Each accident/$500,000.00 disease per policy/$500,000.00 disease per employee accident/disease/for worker's compensation limits.
- $1,000,000.00 Combined single limit (CSL) for auto.
- If the above limits do not meet or exceed the requested policy requirements, then provide umbrella policy to show adequate coverage.

Section. 31-68 – 31-79 – Reserved.

Section 9. That Article V., and Sections 31-80 through 31-100 – CEMETERY be added to the Municipal Code of the City of Minden, Kearney County, Nebraska, the same to read as follows:

Article V. – CEMETERY

Section. 31-80 – Changes, alteration; permission required.
It shall be unlawful for any person to dig any grave, make any interment, erect any monument, structure, item or marker, plant or remove any trees, plants or shrubbery or make any other change or alteration in the permanent improvement of the cemetery or any part thereof except with the permission and under the direction of the superintendent.

Section. 31-81 – Permanent Fund.
Whenever lots or spaces shall hereafter be sold as provided in this chapter, 60 percent of the amount from the sale of cemetery lots shall be placed in the permanent fund. The City Council may authorize the expenditure of the permanent fund for the purchase of land, permanent improvements such as water mains, trees, new fences or other permanent improvements in the cemetery.

Section. 31-82 – Sale of lots and spaces.
The sale of lots and spaces for interment purposes shall be agreed to by the superintendent, deeds conveying the title to such lots or spaces shall be made for interment purposes only and subject to all the provisions of this chapter and to all rules and regulations of the mayor and council or the park, tree & cemetery board now existing or hereafter made for the control and management of the cemetery. Deeds shall be signed by the mayor, attested by the city clerk, and the seal of the city affied. All sales shall be for cash payable in advance. The owner of any lot or part of lot shall not have the right to convey such lot directly to any other person. The owner of a lot or portion of a lot may request, subject to the approval of the park, tree & cemetery board, the mayor and city council to issue fresh deeds to all owner's holdings or any portion thereof to a third party, provided that the third party shall consent to the issue of such deed prior to its issuance, and provided further that the original owner shall accept a fresh deed of any portion of his original holding for which a deed was not issued to a third party. Lots and spaces shall be sold for the following prices:

a) Lot prices:

Infant Space	$100

Single Space	$350
1/4 Lot	$800
1/2 Lot	$1,600
3/4 Lot	$2,400
Full Lot	$3,200

The prices listed in subsection a) may be changed by resolution of the mayor and council without amendment of this chapter. Such a resolution shall be spread upon the minutes of the council. All sales of lots or spaces shall be for cash, payable in advance. All monies received from the sale of lots or investments of funds or from any other source, except general tax revenues, shall be payable to the City Treasurer.

Section. 31-83 – Fees and charges.

a) Cemetery Charges

Grave Opening / Closing - Infant	$150
Grave Opening / Closing - Child	$350
Grave Opening / Closing - Adult	$450
Grave Opening / Closing - Cremation	$300
Above Ground Internment	$100
Weekend / Holiday Fee	$200
Tent Rental	$200
Transfer / Change of Deed	$100
Disinterment - Adult / Child / Infant	$1,500
Disinterment - Cremation	$50

b) The charges specified in subsection a) of this section shall be paid in advance.

c) The charges specified in subsection a) of this section may be changed by resolution of the mayor and city council without amendment of this section.

Section. 31-84 – Pauper's graves.

When the relatives, friends or acquaintances of any deceased person shall desire an internment to be made in the cemetery, and such deceased person shall have left no property or estate and no relative financially able to pay for burial space, space for the burial of such person shall be furnished free of charge. In all cases the superintendent shall first make careful investigation and be satisfied that such a deceased person left no property or estate and has no relatives financially able to pay such expenses. This superintendent will present the approval of the grave and its location to the City Council for approval.

Section. 31-85 – Changes, alterations; permission required.

It shall be unlawful for any person to dig any grave, make any interment, erect any monument or marker, plant or remove any trees, plats or shrubbery or make any other change or alteration in the permanent improvement of the cemetery or any part thereof except with the permission and under the direction of the superintendent.

Section. 31-86 – Closing of cemetery.
It shall be unlawful for any person to be in the Minden Cemetery after the hour of 11PM or before the hour of 5AM.

Section. 31-87 – 31-100 – Reserved.

Section 10. 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 11. This ordinance shall be known as Ordinance No. 1302 and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 17th day of March, 2025.

/s/ Larry Evans
Larry Evans, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Bunger seconded. Krings stated this has been a six-month project. Several parts were completely irrelevant. On roll call, the following voted aye: Bunger, Yant, and Schneider. Absent and not voting: Sumstine. Motion carried.

Yant motioned to waive the three readings of Ordinance No. 1302 and Bunger seconded. On roll call, the following voted aye: Bunger, Yant, and Schneider. Absent and not voting: Sumstine. Motion carried.

Bunger motioned to adopt Ordinance No. 1302 by title and Yant seconded. On roll call, the following voted aye: Bunger, Yant, and Schneider. Absent and not voting: Sumstine. Motion carried.

Agenda Item #13, Consider Approval of the Mayoral Appointments to Park, Tree & Cemetery Board of:

a. Nickola VanHorn with a term ending Dec 31, 2026
b. Natalie Janda with a term ending Dec 31, 2027
c. Don Phillips with a term ending Dec 31, 2028
d. Nick Collins with a term ending Dec 31, 2029
e. Nick Benson with a term ending Dec 31, 2030
f. Alyssa Schneider Council Liaison

Bunger motioned to approve the Mayoral Appointments to the Park, Tree & Cemetery Board. Yant seconded. On roll call, the following voted aye: Bunger and Yant. Abstain: Schneider. Absent and not voting: Sumstine. Motion carried.

Agenda Item #14, Consider Approval of a Resolution Approving the 2025 Local Emergency Operations Plan.

City of Minden
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The Christmas City
Minden NEBRASKA

RESOLUTION NO. 1814

Council Member Yant offers the following resolution and moves its adoption, seconded by Council member Schneider.

RESOLVE: That in order to provide for a coordinated response to a disaster or emergency in Kearney County, the City of Minden and other cities and villages in Kearney County, the Minden City Council deems it advisable and in the best interests of the community and the County to approve the attached Kearney County Local Emergency Operations Plan. Acceptance of this 2025 Local Emergency Operations Plan supersedes all previous approved Kearney County Local Emergency Operations Plans.

PASSED AND APPROVED THIS 17th DAY OF MARCH, 2025.

/s/ Larry Evans
Larry Evans, Mayor
City of Minden

Attest:

/s/ Abbey Jordan
Abbey Jordan, City Clerk
City of Minden

Yant motioned to approve Resolution 1814 approving the 2025 Local Emergency Operations Plan. Schneider seconded. On roll call, the following voted aye: Bunger, Yant, and Schneider. Absent and not voting: Sumstine. Motion carried.

Agenda Item #15, Consider Approval to hold 2025 Annual City-County Wide Cleanup at the City Landfill.

Joe Anderson, County Roads, stated Woodwards Disposal is struggling to provide enough dumpsters. Bunger is concerned about residents dumping after hours.

Bunger motioned to disapprove having the 2025 Annual City-County Wide Cleanup at the City Landfill. Yant seconded. On roll call, the following voted aye: Bunger, Yant, and Schneider. Absent and not voting: Sumstine. Motion carried. The cleanup will not be held at the landfill.

Agenda Item #16, Consider Setting a Hearing for Possible Condemnation of the Property known as 530 N. Tower Avenue or more Particularly Described as Lot 9, Block 16, Railroad Addition, Minden, Kearney County, Nebraska.

Yant motioned to set a Hearing for Condemnation for April 21, 2025 @ 6:00 p.m. for 530 N. Tower Avenue. Schneider seconded. On roll call, the following voted aye: Bunger, Yant, and Schneider. Absent and not voting: Sumstine. Motion carried.

Agenda Item #17, Adjournment

Bunger motioned to adjourn at 7:01 pm and Schneider seconded. On roll call, the following voted aye: Bunger and Schneider. Voting nay: Yant. Absent and not voting: Sumstine. Meeting adjourned.

/s/ Larry Evans
Larry Evans, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

(SEAL)