

City of Minden

P.O. Box 239, 325 N. Colorado
Minden, Nebraska 68959

phone 308.832.1820
fax 308.832.1949
www.MindenNebraska.org



Minutes of Council Meeting City of Minden, Nebraska June 2, 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 Mayor Evans, City Attorney Andrew Olson, City Administrator Michael City Administrator Krings, and City Clerk Abbey Jordan. Jordan left the meeting at 6:45 p.m.

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 Mayor 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. Nick Ridgeway, attorney with Jacobsen Orr, attending on behalf of KAAPA Ethanol. KAAPA has submitted an application for a paving district and can answer any questions.

Bryce Sealock, Jacobsen Orr, stated the buildings have been removed from the properties that are under consideration to have the condemnations removed.

Agenda Item #4, Council Announcements. Sumstine stated the Minden Gun Club’s grand opening is Wednesday at 6:00 p.m. Evans added Dawg Days are Saturday. Jordan stated City-wide garage sales are also this weekend.

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. Christensen--Training \$21.15, Area Services Inc--Repairs \$420.00, At-Scene,Llc--Membership \$2,383.00, B&R Stores, Inc--Supplies \$237.06, Beacon Athletics Llc--Supplies \$255.00, Black Hills Gas Holdings, Llc--Utilities \$121.17, Bnsf

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Railway Company--Fees \$3,064.38, Capital One--Supplies \$3,466.20, City Of Hastings--Fees \$303.30, Core & Main Lp--Supplies \$2,444.47, Core Distinction Group, Llc--Fees \$9,000.00, Danko Emergency Equipment Co.--Supplies \$520.00, Dier, Osborn & Cox, P.C., L.L.O--Legal \$1,000.00, D. Phillips--Supplies \$1,068.00, Donkey Towing & Transfer Llc--Fees \$462.50, Dutton-Lainson Company--Supplies \$674.42, D. Jensen--Training \$366.95, Eakes Inc--Supplies \$269.65, Fyr-Tek Inc.--Supplies \$2,290.00, Great Plains Communications--Phone/Internet \$79.30, Great Plains Communications--Phone/Internet \$1,077.29, Hawkins Water Treatment--Chemical \$3,324.04, Hd Supply Facilities Maintenance Ltd--Chemical \$748.67, J. L. Carter--Repairs \$90.00, Jims Ok Tire Minden Llc--Repairs \$3,235.60, J. P. Van Dyke--Supplies \$489.13, Ke Co Treasurer--Fees \$5,858.33, Kearney Co. Clrk Myra Johnson--Fees \$10.00, Kearney Co. Clrk Myra Johnson--Fees \$10.00, Kearney Co. Clrk Myra Johnson--Fees \$10.00, Landmark Implement Carquest--Supplies \$595.86, Macqueen Emergency Group--Supplies \$160.94, Menards Of Kearney--Supplies \$180.34, M. Shelton--Training \$149.98, Minden Exchange Bank & Trust C--Financing \$6,050.40, Minden Lawn & Sprinkler--Repairs \$719.40, Minden Utility Dept.--Utilities \$1,786.31, Multitek North America, Llc--Supplies \$168.44, Municipal Supply-Nebraska--Supplies \$2,205.42, Ne Water Resources Assoc--Membership \$105.00, Northwest Electric Llc--Repairs \$1,867.21, Nphe--Fees \$18.00, P. Jensen--Repairs \$1,206.84, Revenue Bond Payment Account--Fees \$13,650.00, S. Anderson--Repairs \$179.00, Sos Portable Toilets Inc--Rental \$137.00, Southeast Crossings Llc--Training \$1,349.50, Syndicate Publishing, L.L.C.--Fees \$99.09, T. Fuller--Supplies \$4,045.34, T. Holsten--Training \$104.00, Trade Well Pallet Inc--Supplies \$1,110.00, United Parcel Service, Inc--Fees \$26.70, United States Postal Service--Fees \$637.72, Verizon Wireless--Phone/Internet \$872.44, Woodward Disposal--Fees \$3,595.90, 5-30-25 Payroll \$68,313.98.

Bunger motioned to approve the consent agenda and Sumstine seconded. Sumstine requested an addition to the full minutes on page 7 that Lammers stated the funds in the Kearney Community Foundation were raised and donated by the community. Jordan replied she would listen to the recording and add in Lammers statement. On roll call, the following voted aye: Bungler, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #6, Consider Approval of an Ordinance creating Street Improvement District No. 2025-1, First Reading.

Yant introduced Ordinance No. 1303 for its first reading.

ORDINANCE NO. 1303

AN ORDINANCE OF THE CITY OF MINDEN, NEBRASKA, CREATING A CERTAIN STREET IMPROVEMENT DISTRICT WITHIN THE CITY OF MINDEN TO BE KNOWN AS STREET IMPROVEMENT DISTRICT NO. 2025-1; DEFINING THE BOUNDARIES OF SAID DISTRICT AND THE PROPERTY CONTAINED THEREIN; AND, PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN CONSISTING OF GRADING, AND CONSTRUCTION OF PORTLAND CEMENT PAVING OR ASPHALTIC PAVING, SUBGRADE PREPARATION, EXCAVATION, AND DRAINAGE IMPROVEMENTS, SEEDING AND SUCH OTHER IMPROVEMENTS, ACCESSORIES AND APPURTENANCES AS MAY BE NECESSARY AND INCIDENTAL THERETO AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MINDEN, NEBRASKA AS FOLLOWS:

Section 1. The Mayor and City Council of the City of Minden, Kearney County, Nebraska, hereby find and determine that it is in the best interests of the City that all of the lots and lands which are immediately adjacent to and with front footage on the east ¼ mile of K Road between 25 Road and 26 Road, be improved as hereinafter described; and that it is in the best interests of the City of Minden to create a street improvement district for the construction of the said improvements.

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Section 2. There is hereby created within the City of Minden, Nebraska, a street improvement district to be known and designated as Street Improvement District No. 2025-1, which shall contain the following property:

The East ¼ mile of K Road between 25 Road and 26 Road or more particularly described as: A tract of land being 66 feet wide, 33' North and 33' South of a line described as follows: Beginning at the Northeast corner of Section 24, Township 6 North, Range 16 West of the 6th P.M. Kearney County, Nebraska; Thence Westerly on the North Line of the Northeast Quarter of the Northeast Quarter (NE¼ NE¼) said of Section 24, 1,333.34' to the west line of the Northeast Quarter of the Northeast Quarter (NE¼ NE¼) said section 24.

Within Street Improvement District No. 2025-1, the City Council hereby finds and determines that it is in the best interests of the City that all of the lots and lands which are immediately adjacent to and with front footage on the east ¼ mile of K Road between 25 Road and 26 Road, shall be and is hereby ordered improved by construction of improvements therein consisting of grading, and construction of Portland Cement paving or asphaltic paving, subgrade preparation, excavation, and drainage improvements, seeding, and such other improvements, accessories and appurtenances as may be necessary and incidental thereto.

Section 3. All of said improvements shall be constructed to the established grades as fixed by ordinances of the City of Minden, and shall be constructed in accordance with plans and specifications to be prepared by the City's Engineers and approved by the Mayor and City Council. Said improvements shall be made and levied by special assessment on the parcels of land abutting on or adjacent to such streets or alleys specifically benefitted by such improvement district in proportion to such benefits.

Section 4. Notice of the creation of said Street Improvement District No. 2025-1 shall be published in the *Minden Courier*, a legal newspaper of general circulation within the City of Minden, for two weeks after the publication of this Ordinance.

Section 5. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this Ordinance.

Section 6. This Ordinance shall be published and take effect as provided by law.

PASSED AND APPROVED this ____ day of _____, 2025.

Larry Mayor Evans, Mayor

ATTEST:

Abbey Jordan, City Clerk

(SEAL)

Sumstine seconded. Krings had no further information to add. On roll call, the following voted aye: Bunger, Sumstine, Yant, and Schneider. Motion carried.

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Sumstine motioned to waive the three readings. Bunger seconded. On roll call, the following voted aye: Bunger and Sumstine. Voted nay: Yant and Schneider. Motion not passed.

Agenda Item #7, Public Hearing, Condemnation Hearing for the Property known as 1348 N Colorado or more Particularly Described as the North One Hundred (100) feet of the South half of the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Seven (7), Township Six (6) North, Range Fourteen (14), West of the 6th P.M., Kearney County, Nebraska, except the East Sixty-eight (68) feet thereof and except the West thirty-three (33) feet thereof, Minden, Kearney County, Nebraska.

Olson opened the public hearing at 6:10 p.m. Property Owner, Peggy Hickman, stated her house is scheduled to be torn down next week and a new house will be coming in. She has spoken with Krings and Development Services Director, Justin Cline.

Ann Madsen, 1410 N Colorado, is happy to hear the house is being condemned but is also concerned about the rest of the property. There are trailers, trash, and horses on the property to be cleaned up.

The public hearing was closed at 6:13 p.m. No action taken.

Agenda Item #8, Consider Issuance of Order of Condemnation for the Property known as 1348 N. Colorado or more Particularly Described as the North One Hundred (100) feet of the South half of the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Seven (7), Township Six (6) North, Range Fourteen (14), West of the 6th P.M., Kearney County, Nebraska, except the East Sixty-eight (68) feet thereof and except the West thirty-three (33) feet thereof, Minden, Kearney County, Nebraska.

Yant motioned to condemn the Property known as 1348 N. Colorado or more Particularly Described as the North One Hundred (100) feet of the South half of the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Seven (7), Township Six (6) North, Range Fourteen (14), West of the 6th P.M., Kearney County, Nebraska, except the East Sixty-eight (68) feet thereof and except the West thirty-three (33) feet thereof, Minden, Kearney County, Nebraska requiring the buildings to be demolished by August 28, 2025 or the City will proceed to demolish the buildings at the expiration of the August 28, 2025 date.

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

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Minden
NEBRASKA

The Christmas City

ORDER OF CONDEMNATION

Now on this **2nd day of June 2025**, during the regular City Council Meeting, the review of the order of condemnation took place of the property located on:

North One Hundred (100) feet of the South half of the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (S½SE¼NW ¼NW¼) of Section Seven (7), Township Six (6) North, Range Fourteen (14), West of the 6th P.M., Kearney County, Nebraska, except the East Sixty-eight (68) feet thereof and except the West thirty-three (33) feet thereof, Minden, Kearney County, Nebraska.

Discussion was had concerning the condition of the property at the above-captioned location. Evidence was submitted to the council concerning the condition of the property including the buildings at the above-captioned location. Pictures were presented to the Council and received as evidence by the Council. The Council then discussed the appropriate action to be taken with respect to the following described property:

North One Hundred (100) feet of the South half of the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (S½SE¼NW ¼NW¼) of Section Seven (7), Township Six (6) North, Range Fourteen (14), West of the 6th P.M., Kearney County, Nebraska, except the East Sixty-eight (68) feet thereof and except the West thirty-three (33) feet thereof, Minden, Kearney County, Nebraska.

It was moved by Yant and seconded by Schneider to condemn the buildings on said property.

The buildings are to be demolished and debris cleared and removed by August 28, 2025, or the City will proceed to demolish the same at the expiration of the August 28, 2025 deadline.

The Council voted in the affirmative to condemn the property by a vote of 4 ayes to condemn the property.

Dated this **2nd day of June, 2025**.

Larry Evans
Larry Evans, Mayor

ATTEST:
Abbey Jordan
Abbey Jordan, City Clerk

Agenda Item #9, Hearing on Appeal of Vacant Determination of the Property located at 525 N. Minden Avenue & Vacant Status Determination.

Bryce Sealock, Kathi Carver's attorney, states there are workers there. Carver has entered into an agreement with Sorensen Group to remove items from the inside. The intention is for her nephew to run a small engine repair shop in the location. It should not be classified as vacant at the current time. Sealock stated, for the record, there are concerns on whether this is a regulatory taking and violation of my client's constitutional rights in the property in a manner that she wants to. She's taking steps to use the property despite it not being fully operational yet.

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Kathi Carver, 136 N Hillcrest Drive, had to scrap the presses inside the building. There are a couple of things to be done but she doesn't consider it to be vacant as she is working on it.

Yant asked about the opening plans? Carver stated some work needs to be done inside. Sealock stated if the building sits idle in the future, then it would be considered vacant.

Sumstine stated she believes Sealock and Carver have stated the property isn't vacant and should be taken off the vacant property registry. Sumstine believes the property is not vacant. Carver replied she has never missed a utility payment or taxes.

Sumstine motioned to declare 525 N. Minden Avenue with a not vacant status. Schneider seconded. On roll call, the following voted aye: Bunger, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #10, Hearing on Appeal of Vacant Determination of the Property located at 136 Hillcrest Drive & Vacant Status Determination.

Bryce Sealock, Jacobsen Orr, his client is residing at the property when she is back and is attempting to get into a position where she can work remotely. Pictures of the front of the house were passed out. The property has been well maintained. Carver's nephew regularly takes care of the property. Carver has stayed there at least a couple of weeks. Her intention is to reside here permanently when her job is situated. Sorensen Group is also doing some repairs with this property. She has utilities at the house.

Sealock stated, for the record, there are concerns on whether this is a regulatory taking and infringes my client's constitutional rights in for her use of property in the way that she wants to. At the current point it is a place for her to stop when she is in town. Clearly it is in good condition.

Carver added she has stayed in the house several times and family also uses it. There have been utilities that have paid. She said she had to ask stringently to have electrical lines repaired that have been hanging on the neighbor's roof for 5 years. A new electric pole will be installed.

Evans pointed out the picture provided is not Carver's house. Sumstine confirmed this house has always been in Carver's family. Bunger thanked Carver for her efforts to get things cleaned up.

Sumstine motioned to declare 136 N. Hillcrest Drive as not vacant. Schneider seconded. On roll call, the following voted aye: Bunger, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #11, Consider Rescinding the Order of Condemnation for the Property in the 300 Block of S. Minden Avenue or more Particularly Described as Lots 1 & 2, Block 5, Ragan's Addition, Minden, Kearney County, Nebraska and authorize payment of \$10 to the Kearney County Clerk for filing fees.

Schneider motioned to Rescind the Order of Condemnation for the Property in the 300 Block of S. Minden Avenue or more Particularly Described as Lots 1 & 2, Block 5, Ragan's Addition, Minden, Kearney County, Nebraska and authorize payment of \$10 to the Kearney County Clerk for filing fees. Bunger seconded. On roll call, the following voted aye: Bunger, Sumstine, Yant, and Schneider. Motion carried.

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Agenda Item #12, Consider Rescinding the Order of Condemnation for the Property known as 335 S. Minden Avenue or more Particularly Described as Lots 3 & 4 and the North 10' of Lot 5, Block 5, Ragan's Addition, Minden, Kearney County, Nebraska and authorize payment of \$10 to the Kearney County Clerk for filing fees.

Bunger motioned to Rescind the Order of Condemnation for the Property known as 335 S. Minden Avenue or more Particularly Described as Lots 3 & 4 and the North 10' of Lot 5, Block 5, Ragan's Addition, Minden, Kearney County, Nebraska and authorize payment of \$10 to the Kearney County Clerk for filing fees. Sumstine seconded. On roll call, the following voted aye: Bungler, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #13, Consider Setting a Hearing for Possible Condemnation of the Property at the SW corner of Colorado Avenue and Highway 6/34, Minden, Nebraska.

Schneider motioned to Set a Hearing for Possible Condemnation of the Property at the SW corner of Colorado Avenue and Highway 6/34, Minden, Nebraska for July 7, 2025 at 6:00 p.m. Bungler seconded. On roll call, the following voted aye: Bungler, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #14, Consider Approval of the Subordination Agreement for Lot 1, Block 14, Original Town of Minden, Kearney County, Nebraska with York State Bank and authorize the Mayor to sign and execute said Agreement on the City's behalf.

Bunger motioned to approve the Subordination Agreement for Lot 1, Block 14, Original Town of Minden, Kearney County, Nebraska with York State Bank and authorize the Mayor to sign and execute said Agreement on the City's behalf. Yant seconded. Krings stated the prime piece of financing has been secured for the project. The City has been working with the bank. On the event of the default, it would be best if the City paid off the loan and acquired the property to ensure the project continues as outlined by the grant guidelines. If the grant guidelines weren't followed, then the City would have to pay back the grant funds.

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

Agenda Item #15, Consider Approval of the Hotel Market Feasibility Study Update Service Agreement with Core Distinction Group LLC and authorize payment for the study in the amount of \$9,000.

Bunger motioned to approve the Hotel Market Feasibility Study Update Service Agreement with Core Distinction Group LLC and authorize payment for the study in the amount of \$9,000. Sumstine seconded.

Krings stated there has been conversation with hotel groups and potential investors on feasibility of a hotel. The hotel brands and investors will not consider a hotel unless there is a current hotel study. This is the same company who did the City's hotel feasibility study in 2020 and will be updating it. On roll call, the following voted aye: Bungler, Sumstine, Yant, and Schneider. Motion carried.

Agenda Item #16, Adjournment

Bunger motioned to adjourn at 6:40 p.m. and Sumstine seconded. On roll call, the following voted aye: Bungler, Sumstine, Yant, and Schneider. Meeting adjourned.

/s/ Larry Evans
Larry Mayor Evans, Mayor

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ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

(SEAL)