

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 October 20, 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.

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

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

After roll was called, Council President Yant led those in attendance in the Pledge of Allegiance.

Then Council President Yant 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, Council Announcements. Schneider stated that Bandfest seemed like a success.

Agenda Item #4, Public Forum. John Malcom, 1348 N Colorado, stated that he is working with Peggy Hickman on her house. He wanted to know what needs to be done to get the footings poured for the new house.

Peg Hickman, 1348 N Colorado, stated that she is doing what she can on her own for the order of condemnation. Hickman wants to get the new house in. She has contractors that can help with the cleanup, but it's better if they can work for a couple of days. She stated that all the buildings are down except one and the camper is ready to be removed from the property.

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 approval of a special designated liquor license for Hi-Way Liquor at Anderson Jewelry Store for Ladies Night on 11-14-25 from 12:00 p.m. to 12:00 a.m.

Amazon Capital Services--Supplies \$153.37, A. Nantkes--Uniforms \$356.10, B&R Stores, Inc--Supplies \$78.03, Black Hills Gas Holdings, Llc--Utilities \$62.20, Bound Tree Medical Llc--Supplies \$49.50, Btac United Acquisition Holding Company--Supplies \$86.15, Central District Health Department--Fees \$262.00, Chargepoint Inc.--Tech/Engineering \$5,080.00, City Of Holdrege--Fees \$7,617.84, C. Remmenga--Infrastructure Repair \$4,600.00, Cooperative Producers, Inc.--Fuel \$1,503.41, Core & Main Lp-

City of Minden

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

phone 308.832.1820
fax 308.832.1949
www.MindenNebraska.org



-Supplies \$4,350.10, Dana F Cole & Company, Lp--Fees \$50.00, Danko Emergency Equipment Co.--Supplies \$608.82, Dollar General-Regions 410526--Supplies \$23.75, Dowhy Towing & Recovery Llc--Fees \$307.80, Eakes Inc--Supplies \$781.47, Elan Financial Services--Supplies \$119.56, Five Points Bank--Fees \$249.68, Great Plains Communications--Phone/Internet \$1,074.28, Great Plains Communications--Phone/Internet \$100.78, Great Plains Communications--Phone/Internet \$119.85, Greatamerica Financial Services Corporation--Fees \$135.23, Hastings Automotive Company--Repairs \$308.30, Hawkins Water Treatment--Chemical \$4,675.83, Innovative Pharmacists, Inc.--Supplies \$37.07, Intellicom Computer Consulting--Tech/Engineering \$2,657.50, Isw--Supplies \$9.60, J. Benson--Vegetation \$5,100.00, J. Carter--Repairs \$106.75, J. Hill--Training \$296.00, J. Barnes--Fees \$1,600.00, J. Schulz--Training \$255.00, Jims Ok Tire Minden Llc--Repairs \$8,663.40, John Deere Financial--Supplies \$20.14, Johnstone Supply--Supplies \$175.80, Junior Library Guild--Membership \$4,016.08, Ke Co Health Payment Cntr--Fees \$504.00, Kearney County Clerk--Fees \$16.00, Kearney Powersports--Repairs \$185.70, Kt Diesel & Equipment--Repairs \$264.79, M. Froid--Training \$170.00, M. Melroy--Training \$250.00, Midlands Contracting, Inc.--Infrastructure Repair \$4,350.00, Midwest Laboratories--Fees \$41.25, Midwest Tapes--Supplies \$45.77, Minden Rural Fire Dept.--Fees \$11,625.57, Napa Auto Parts--Supplies \$1,109.65, Ne State Treasurer--Fees \$31.72, Northwest Electric Llc--Infrastructure Repair \$5,886.58, Nppd Kwh--Utilities \$180,337.08, Nppd O&M--Maintenance \$17,525.01, Olsson Associates--Tech/Engineering \$12,286.96, Presto X Co.--Maintenance \$108.28, Quadiant Finance Usa, Inc.--Fees \$400.00, Ryan Hurst--Fees \$750.00, Southern Power District--Utilities \$28.51, Southern Power District--Utilities \$38.02, Spectrum Business--Phone/Internet \$340.09, S. Tacy--Refunds \$111.95, Syndicate Publishing, L.L.C.--Fees \$163.19, Town And Country Farm And Home Inc--Supplies \$129.60, Town And Country Farm And Home Inc--Supplies \$35.47, Town And Country Farm And Home Inc--Supplies \$490.36, Town And Country Farm And Home Inc--Supplies \$34.97, United Parcel Service, Inc--Fees \$1.45, Vessco Inc--Supplies \$978.41, Western Pathology Consultants, Inc.--Fees \$325.00, Wex Bank--Fuel \$5,337.86, Fyr-Tek Inc.--Vehicle \$240,987.34, 10-17-25 Payroll \$64,810.17.

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

Agenda Item #6, Consider Approval of Treasury Report, September 2025.

Bunger motioned to approve the September 2025 Treasury Report and Sumstine seconded. Jordan presented the September treasury report. The total city treasury is approximately \$11.3 million which is up almost \$644,000 from August. On roll call, the following voted aye: Sumstine, Bunger, Yant, and Schneider. Motioned carried.

Agenda Item #7, Consider Approval of Budget Report, September 2025.

Schneider motioned to approve the September 2025 Budget Report and Sumstine seconded. Jordan stated the revenues are a little short from the budgeted amounts due to grants that were not received and lot sales at Minden West Estates II. She stated that the expenses came in under the budgeted amounts for the year. Also, the final payment for the ambulance is not in this budget year. On roll call, the following voted aye: Bunger, Sumstine, Yant, and Schneider. Motioned carried.

Agenda Item #8, Information about the East Elementary Project presented by MPS Superintendent, James Widdifield.

Sandy Pohl, Principal of East Elementary, stated they just celebrated 100 years in the current building. The cornerstone was laid on October 8, 1925. The building needs from 100 years ago have changed from the current needs. One of those needs is space. Currently they have about 20 kids on the preschool waitlist, even though they collaborate with Head Start and First Christian Church preschool. She said that this waitlist has been 15-25 kids for the last 10 years. Special education and unique services for kids are drastically different than it was 100 years ago. There is no private space for regulation and behavioral intervention services. Safety and security is another issue. Once visitors enter the building they have access to the whole building. As of September 22nd. of this year they are not allowed to take shelter in the basement due to electrical concerns and will have to take shelter in the interior areas of the first floor.



James Widdfield, Minden Public Schools Superintendent, stated that in 2022-2023 there were not the resources that they have now. The state currently has a 30% tax credit due to LB 1107. The school has an opportunity to reduce their interest rate if approved by the community. The school can finance the project with the current levy. The current bond for the high school will be paid off by 2035 for the High School, but have it predicted to come off sooner. The proposed elementary bond would end in 2049.

Since the previous attempt at a new elementary school bond, the school has accomplished the extra parking for the high school and remodeling to the front of the Middle School. Therefore, those pieces are removed from the proposed project. For the last 10 years, approximately \$500,000 has been spent on the elementary. If the current elementary building is renovated, then everything will need to be brought up to code, and it would cost millions to do this.

The school system is educating fewer preschool students than districts smaller than Minden. The lack of full day preschool spots has a ripple effect on daycare availability and parents in the workforce. The culture at the elementary is second to none, but they need spaces that are conducive to the current times.

Sumstine stated that she has gotten questions about the bonds. She stated that she has been telling people that they need to decide where they want the money to go. Voting yes will allow for a lower interest rate and that will make their funds go further.

Olson asked where the wrestling deck was going to be located? Widdfield replied the proposed wrestling deck would be added so both boys and girls have a safe space to practice. Widdfield is always available to talk about the project.

Sumstine asked what is going to happen with the current elementary school? Widdfield stated that right now it is undecided, but they would go out for RFPs for ideas. Pohl added the school board doesn't want it to become a nuisance.

No action taken.

Agenda Item #9, Consider approval of an Ordinance for participation in the National Flood Insurance program, first reading.

Schneider introduced Ordinance No. 1309 for participation in the National Flood Insurance Program for its first reading.

ORDINANCE NO. 1309
National Flood Insurance Program
Nebraska
Ordinance/Resolution for Emergency Program
and
Regular Program Direct Conversions
60.3(b)

AN ORDINANCE/RESOLUTION DESIGNED TO MEET STATE AND FEDERAL REQUIREMENTS FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM FOR COMMUNITIES IDENTIFIED AS FLOOD PRONE BUT HAVE NOT RECEIVED DETAILED FLOOD INSURANCE STUDY INFORMATION; AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

ARTICLE I

SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSES

1.1 STATUTORY AUTHORIZATION



The Legislature of the State of Nebraska has in Sections 31-1001 to 31-1023, R.R.S. 1943 (as amended) assigned the responsibility to local government units to adopt floodplain management regulations designed to protect the public health, safety and general welfare. Therefore, the city council of the City of Minden, Nebraska ordains as follows:

1.2 FINDINGS OF FACT

1.21 Flood Losses Resulting from Periodic Inundation

The flood hazard areas of the City of Minden, Nebraska, are subject to inundation which results in loss of life and property, health and safety hazards, disruptions of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare.

1.22 General Causes of the Flood Losses

These flood losses are caused by: (1) The cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, (2) The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others, which are inadequately elevated or otherwise unprotected from flood damages.

1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance/resolution to promote the public health, safety, and general welfare and to minimize those losses described in Section 1.21 by applying the provisions of this ordinance/resolution to:

- 1.31** Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
- 1.32** Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.
- 1.33** Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.
- 1.34** Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program.

SECTION 2.0 LOCAL ADMINISTRATOR RESPONSIBILITIES

The Development Services Director hereby has these added responsibilities and is authorized and directed to enforce all of the provisions of this Ordinance/Resolution and all other Ordinance/Resolutions of the City of Minden now in force or hereafter adopted, related to zoning, subdivision or building codes.

SECTION 3.0 LOCAL ADMINISTRATOR ADDITIONAL RESPONSIBILITIES



The Development Services Director shall be appointed to these additional responsibilities by resolution of the Governing Body and his appointment shall continue during good behavior and satisfactory service. During temporary absence or disability of the Development Services Director, the Governing Body of the City of Minden shall designate an acting administrator.

SECTION 4.0 **DESIGNATION OF CURRENT FHBM/FIRM**

The Governing Body of the City of Minden hereby designates the current Flood Insurance Rate Map Panels 31099C0190B, 31099C0200C, 31099C0300B, 31099C0305B, 31099C0325B dated January 23, 2026 , and any revisions thereto, as the official map to be used in determining those areas of special flood hazard.

4.1 Establishment of Flood Hazard Area Boundaries

The mapped floodplain areas are hereby established [as identified in the Flood Insurance Study (FIS) 31099CV000A dated January 23, 2026, and on accompanying FIRM panels as established in Section 4.0. The floodplain shall correspond to flood zone A that are identified on the FIRM panels. Within the floodplain, all uses not meeting the standards of this ordinance and those standards of the floodplain shall be prohibited.

SECTION 5.0 **PERMITS REQUIRED**

Permits Required: No person, firm or corporation shall initiate any floodplain development or substantial improvement or cause the same to be done without first obtaining a separate permit for development as defined in this ordinance/resolution.

A. Within special flood hazard areas on the official map, separate floodplain development permits are required for all new construction, substantial improvements and other developments, including the placement of manufactured homes.

B. Application: To obtain a floodplain development permit, the applicant shall first file an application therefore in writing on a form furnished for that purpose. Every such application shall:

- (1) Identify and describe the development to be covered by the floodplain development permit for which application is made.
- (2) Describe the land on which the proposed development is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or development.
- (3) Indicate the use or occupancy for which the proposed development is intended.
- (4) Be accompanied by plans and specifications for proposed construction.
- (5) Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

- (6) Within designated floodplain areas, be accompanied by elevations of the lowest floor. Including basement, or in the case of floodproofed non-residential structures, the elevation to which it shall be floodproofed. Documentation or certification of such elevations will be maintained by the Development Services Director.
- (7) Give such other information as reasonably may be required by the city administrator (i.e., require a statement from the applicant that they are aware that elevating or floodproofing structures above the minimum levels will result in premium reduction, especially in the case of non-residential floodproofing when a minus one foot (-1') penalty is assessed at the time of rating the structure for the policy premium.)

SECTION 6.0 **DEVELOPMENT PERMIT APPLICATIONS REVIEW**

The Development Services Director shall review all development permit applications to determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by Federal or State Law.

SECTION 7.0 **ALL APPLICATIONS REVIEW (See Section 21)**

The Development Services Director, in reviewing all applications for new construction, substantial improvements, prefabricated buildings, placement of manufactured homes and other developments(s) (as defined in Section 21 of this Ordinance/Resolution) will:

- A. Obtain, review and reasonably utilize, if available, any regulatory flood elevation data and floodway data available from Federal, State or other sources, until such other data is provided by the Federal Insurance Administration in a Flood Insurance Study; and require within special flood hazard areas on the official map that the following performance standards be met:
 - (1) That until a floodway has been designated - No development or substantial improvement may be permitted within the identified floodplain unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the base flood more than one (1) foot at any location.
 - (2) Residential Construction - New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least one foot above the base flood elevation.
 - (3) Non-residential Construction - New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated at least one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below such a level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the local administrator.

- (4) Require for all new construction and substantial improvements - That fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than on foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- B. Require the use of construction materials that are resistant to flood damage.
- C. Require the use of construction methods and practices that will minimize flood damage.
- D. Required that new structures be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- E. New structures be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- F. Assure that all manufactured homes shall be anchored to resist floatation, collapse, or lateral movement. Manufactured homes much be anchored in accordance with State laws, local building codes and FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
 - (1) Over-the-top ties be provided a each of the four corners of the manufactured home with two additional ties per side a the intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side.
 - (2) Frame ties be provided at each corner of the home with five additional tires per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side.
 - (3) All components of the anchoring system be capable of carrying a force of 4,800 pounds.
 - (4) Any additions to manufactured homes be similarly anchored.
- G. Assure that all manufactured homes that are placed or substantially improved within special flood hazard areas on the community's official map on sites:
 - (1) Outside of a manufactured home park or subdivision;

- (2) In a new manufactured home park or subdivision;
 - (3) In an expansion to an existing manufactured home park or subdivision; or
 - (4) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated at least one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 7.F.
- H. Assure that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazard areas on the community's official map that are not subject to the provisions of Section 7.G. be elevated so that either:
- (1) The lowest floor of the manufactured home is at least one foot above the base flood elevation, or
 - (2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 7.F.
- I. Require that recreational vehicles placed on sites within the identified special flood hazard areas on the community's official map either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements and the elevation and anchoring requirements for "manufactured homes" of this ordinance. A recreational vehicle is ready for highway use if it is on its wheels or jacking system is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

SECTION 8.0 **SUBDIVISION APPLICATIONS**

The Governing Body of the City of Minden shall review all subdivision applications and other proposed new developments (including manufactured home parks or subdivisions) and shall make findings of fact and assure that:

- A. All such proposed developments are consistent with the need to minimize flood damage.
- B. Subdivision proposals and other proposed new developments (including proposals for manufactured home parks and subdivisions), greater than five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals regulatory flood elevation data in special flood hazard areas.
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.
- D. All public utilities and facilities are located so as to minimize or eliminate flood damage.

SECTION 9.0 WATER AND SEWAGE SYSTEMS

New and replacement water and sewage systems shall be constructed to eliminate or minimize infiltration by, or discharge into floodwaters. Moreover, on-site waste disposal systems will be designed to avoid impairment or contamination during flooding.

SECTION 10.0 STORAGE OF MATERIAL AND EQUIPMENT

The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

SECTION 11.0 FLOOD-CARRYING CAPACITY WITHIN ANY WATERCOURSE

The Governing Body of the City of Minden will ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. The City of Minden will notify, in riverine situations, adjacent communities and the State Coordinating Office (Nebraska Department of Water, Energy, and Environment) prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Emergency Management Agency. Moreover, the City of Minden will work with appropriate State and Federal agencies in every way possible in complying with the National Flood Insurance Program in accordance with the National Disaster Protection Act of 1973.

SECTION 12.0 VARIANCE PROCEDURES

12.1 The City of Minden Board of Adjustments as established by Minden City Council shall hear and decide appeals and requests for variances from the requirements of this ordinance/resolutions.

12.2 The Board of Adjustments shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Development Services Director in the enforcement or administration of this ordinance/resolution.

12.3 Any person aggrieved by the decision of the Board of Adjustments or any taxpayer may appeal such decision to the District Court as provided in Section 23-168, R.R.S. 1943 (for counties); 19-912, R.R.S. 1943 (for municipalities).

12.4 In passing upon such applications, the Board of Adjustments shall consider all technical evaluation, all relevant factors, standards specified in other sections of this ordinance/resolution, and;

12.41 the danger that materials may be swept onto other lands to the injury of others;

12.42 the danger to life and property due to flooding or erosion damage;

12.43 the susceptibility of proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

12.44 the importance of the services provided by the proposed facility to the community;

12.45 the necessity to the facility of a waterfront location, where applicable;

12.46 the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

- 12.47 the compatibility of the proposed use with existing and anticipated development;
- 12.48 the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- 12.49 the safety of access to the property in times of flood for ordinary and emergency vehicles.
- 12.491 the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- 12.492 the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

12.5 Conditions for Variances

- 12.51 Generally variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (12.52-12.55 below) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- 12.52 Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitations will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- 12.53 Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 12.54 Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances/resolutions.
- 12.55 The applicant shall be given a written notice over the signature of a community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance/resolution.

SECTION 13.0 NON-CONFORMING USE

- 13.1 A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance/resolution, but which is not in conformity with the provisions of this ordinance/resolution may be continued subject to the following conditions:

- 13.11** If such use is discontinued for 6 consecutive months, any future use of the building premises shall conform to this ordinance/resolution. The Utility Department shall notify the Building Official in writing of instances of nonconforming uses where utility services have been discontinued for a period of 6 months.
- 13.12** Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.
- 13.2** If any nonconforming use or structure is destroyed by any means, including flood, is shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this ordinance/resolution. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SECTION 14.0 PENALTIES FOR VIOLATION

Violation of the provisions of this ordinance/resolution or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance/resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100.00, and in addition, shall pay all costs and expenses involved in the case. Each day such violations continues shall be considered a separate offense.

Nothing herein contained shall prevent the Minden City Council or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 15.0 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this ordinance/resolution to repeal, abrogate or impair any existent easements, covenants, or deed restrictions. However, where this ordinance/resolution imposes greater restrictions, the provision of this ordinance/resolution shall prevail. All other ordinances/resolutions inconsistent with this ordinance/resolution are hereby repealed to the extent of the inconsistency only.

SECTION 16.0 INTERPRETATION

In their interpretation and application, the provisions of this ordinance/resolution shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal, of any other powers granted by state statutes.

SECTION 17.0 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance/resolution is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance/resolution does not imply that areas outside floodplain district boundaries or land uses permitted within such districts will be free from flooding or flood damage. This ordinance/resolution shall not create liability on the part of Minden City Council or

any officer or employee thereof for any flood damages that may result from reliance on this ordinance/resolution or any administrative decision lawfully made thereunder.

SECTION 18.0 SEVERABILITY

If any section, clause, provision or portion of this ordinance/resolution is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance/resolution shall not be affected thereby.

SECTION 19.0 APPEAL

Where a request for a permit to develop or a variance is denied by the Development Services Director the applicant may apply for such permit or variance directly to the Board of Appeals.

SECTION 20.0 CONFLICTING ORDINANCES/RESOLUTIONS

The Ordinance/Resolution shall take precedence over conflicting Ordinances/Resolutions or parts of Ordinances/Resolutions. The Governing Body of the City of Minden may, from time to time, amend this Ordinance/Resolution to reflect any and all changes in the National Flood Disaster Protection Act of 1973. The regulations of this Ordinance/Resolution are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations and the 1983 Nebraska Floodplain Management Act.

SECTION 21.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance/resolution shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance/resolution its most reasonable application.

“Base Flood” mean the flood having on percent chance of being equaled or exceeded in any given year.

“Base Flood Elevation” means the elevation to which flood waters are expected to rise during the base flood.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

“Existing Manufactured Home Park or Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by a community.

“Expansion of Existing Manufactured Home Park or Subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes

are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Flood” means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters. (2) The unusual and rapid accumulation of runoff of surface waters from any source.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium applicable to the community.

“Flood Insurance Study (FIS)” means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

“Floodplain” means any land area susceptible to being inundated by water from any source (see definition of “flooding”).

“Floodproofing” means any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

“Floodway” means the channel of the river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

“Historic Structure” means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable no-elevation design requirements of this ordinance.

“Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

“Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“New Construction” For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

“New Manufactured Home Park or Subdivision” mean a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

“100-Year Flood” means the condition of flooding having a one percent chance of annual occurrence.

Post-FIRM Structure. A building that was constructed or substantially improved after December 31, 1974, or on or after the community’s initial FIRM dated January 16, 2004, whichever is later.

Pre-FIRM Structure. A building that was constructed or substantially improved on or before December 31, 1974, or before the community’s initial FIRM dated January 16, 2004, whichever is later.

“Principally Above Ground” means that at least 51 percent of the actual cash value of the structure is above ground.

“Recreational Vehicle” means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projection; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Regulatory Flood Elevation” means the Base Flood Elevation (BFE) plus a freeboard factor as specified in this ordinance.

“Special Flood Hazard Area” is the land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.

“Start of Construction” [for other than new construction or substantial improvements under the coastal Barrier Resources Act (Pub. L. 97-348)] includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab of footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.

“Substantial Damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

“Substantial Improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before “start of construction” of the improvement. This includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

“Variance” means a grant of relief to a person from the terms of a floodplain management ordinance.

“Violation” means the failure of a structure of other development to be fully compliant with the community’s floodplain management regulations.

ADOPTED AND APPROVED by the Governing Body of the City of Minden.

This 20th day of October, 2025.

This ordinance becomes effective January 23, 2026

/s/ Larry Evans
Larry Evans, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Bunger seconded. Krings stated that the City had received a letter from FEMA that they had re-drawn the map and to stay in compliance with the floodplain, then this ordinance and the following one will need approved. Jordan stated that the changed to the ordinances from 2004 were very minor. On roll call, the following voted aye: Bungler, Sumstine, Yant, and Schneider. Motioned carried.

Bunger motioned to waive the three readings of Ordinance No. 1309. Sumstine seconded. On roll call, the following voted aye: Bungler, Sumstine, Yant, and Schneider. Motioned carried.

Bunger motioned to adopt Ordinance No. 1309 by title. Sumstine seconded. On roll call, the following voted aye: Bungler, Sumstine, Yant, and Schneider. Motioned carried.

Agenda Item #10, Consider approval of an Ordinance adopting and enacting a new code for participating in the National Flood Insurance Program.

Bunger introduced Ordinance No. 1310 for participation in the National Flood Insurance Program for its first reading.

**ADOPTING ORDINANCE
ORDINANCE NO. 1310**

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR PARTICIPATING IN THE NATIONAL FLOOD INSURANCE PROGRAM FOR THE CITY OF MINDEN, NEBRASKA, PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE; AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINDEN,

Section 1. The Code Section entitled "National Flood Insurance Program" consisting of Chapter 14, Article I, Sections 1.0 through 21.0, each inclusive, is adopted.

Section 2. All ordinances applicable to the National Flood Insurance Program enacted on or before October 20, 2025, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. This ordinance shall become effective after publication in pamphlet form as required by law, and shall be known as Ordinance No. 1310.

Source: C.O. 1310, (October 20, 2025)

Passed and adopted by the City Council on this 20th day of October, 2025.

/s/ Larry Evans
Larry Evans, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

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

Bunger motioned to waive the three readings of Ordinance No. 1310. Sumstine seconded. On roll call, the following voted aye: Bunger, Sumstine, Yant, and Schneider. Motioned carried.

Schneider motioned to adopt Ordinance No. 1310 by title. Sumstine seconded. On roll call, the following voted aye: Bunger, Sumstine, Yant, and Schneider. Motioned carried.

Agenda Item #11, Consider Approval of an Ordinance authorizing the issuance and sale of Bond Anticipation Notes, not to exceed \$700,000, third reading.

Schneider introduced Ordinance No. 1306 authorizing the issuance and sale of Bond Anticipation Notes, not to exceed \$700,000 for its third reading.

ORDINANCE NO. 1306

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES, SERIES 2025, OF THE CITY OF MINDEN, NEBRASKA, OF THE PRINCIPAL AMOUNT OF NOT TO EXCEED SEVEN HUNDRED THOUSAND DOLLARS (\$700,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR A PORTION OF THE COSTS OF CONSTRUCTING IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NO. 2025-1, PENDING THE ISSUANCE OF PERMANENT GENERAL OBLIGATION BONDS; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE GENERAL OBLIGATION BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; FIXING CERTAIN TERMS OF THE NOTES AND AUTHORIZING THE FIXING OF OTHER TERMS OF THE NOTES; AND, ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

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

Section 1. The Mayor and City Council of the City of Minden, Nebraska (the "City") hereby find and determine that by an Ordinance of the City heretofore adopted, Street Improvement District No. 2025-1 (the "Street District"), were heretofore created pursuant to Section 17-509, R.R.S. Neb., as amended; that Olsson Associates, the engineers for the City, have prepared estimates for the cost of construction of the improvements in the aforesaid Districts; that bids have been opened and tabulated; that the City has entered into contracts for construction of the improvements; and, that there has been placed on file the City's engineer's estimate showing that the City's costs, including costs of engineering and costs of issuance and underwriting and a portion of interest to accrue on said notes during construction, is estimated to equal or exceed \$700,000; that it is necessary for the City to have funds available to meet its payment obligations under the terms of contracts for the cost of the improvements to be constructed relative to the aforesaid Districts and to provide for payment of a portion of the interest accruing on the Notes authorized herein prior to their maturity, pending the completion of improvements and issuance of permanent financing pursuant to Sections 17-516, 17-520, R.R.S. Neb., as amended, and other applicable Sections; that the City has authority under Section 10-137, R.R.S. Neb., as amended, to issue notes for the purpose of providing interim financing for the construction of said improvements, including a portion of the interest to accrue on such notes and the costs of issuance thereof, all as set out above; that all conditions, acts and things required by law to exist or to be done precedent to the issuance of Bond Anticipation Notes, Series 2025, in the amount of not to exceed \$700,000, to pay a portion of the costs of the aforesaid improvements, the costs of issuance of said notes and a portion of the interest to accrue on said notes, do exist and have been done as required by law.

Section 2. For the purpose of providing interim financing for the costs set out in Section 1 pending the issuance of permanent general obligation bonds by the City, there shall be and there are hereby ordered issued bond anticipation notes of the City of Minden, Nebraska, to be known as "Bond Anticipation Notes, Series 2025" of the aggregate principal amount of not to exceed Seven Hundred Thousand Dollars (\$700,000) (herein referred to as the "Notes" or the "notes"), consisting of fully registered notes numbered from 1 upwards in the order of

issuance, in the denomination of \$5,000 each, or integral multiples thereof. The Notes shall bear interest at the rates per annum and become due and bear such other terms as set forth in a designation of final terms, which may be in the form of a note purchase agreement, (the "Designation") subject to and in accordance with the following:

The Mayor, City Administrator or City Clerk/Treasurer (each, an "Authorized Officer") may negotiate for the sale of the Notes in one or more series with an underwriting discount of not more than 2.00% of the principal amount thereof (which sale price may be adjusted to take into account any original issue discount or original issue premium), with Northland Securities, Inc. (the "Underwriter"). In connection with and as a part of such sale or sales, an Authorized Officer shall fix (which may be done in connection with a Purchase Agreement between the City and the Underwriter) (a) the series designation of such series of Notes; (b) the final maturity of such series of the Notes, which shall not be later than December 15, 2028; (c) the principal amount of such series of the Notes; provided, however that the aggregate stated principal amount of all series of Notes shall not exceed the aggregate stated amount of \$700,000 but may be less than that amount; (d) the rate or rates of interest to be borne by each maturity of such series of the Notes, provided that the Notes shall not bear interest at a true interest cost in excess of 7.00% per annum; (e) the date or dates upon which semiannual interest shall be payable, and the record date for the purpose of determining the owners of each series of the Notes for the payments of interest; (f) the date or dates upon which such series of the Notes will be subject to redemption at the option of the City; (g) the identity of the Paying Agent and Registrar for each series of the Notes and the form and contents of any agreement or agreements under which the Paying Agent and Registrar would serve in such respective capacities with respect to each series of the Notes; and (h) all such other terms and provisions of the Notes not otherwise fixed or established by this Ordinance. Upon the delivery of and payment for each series of the Notes, the Underwriter also shall pay to the City the interest accrued on such series of the Notes from the date thereof to the date of delivery of and payment therefor, all as an Authorized Officer may establish acting on behalf of the City and as may be agreed to by the Underwriter.

Interest on the Notes shall be payable on such dates as shall be determined in the Designation. The principal of said notes and any interest due on said notes upon maturity or earlier call for redemption shall be payable at the office of the City Treasurer of the City of Minden, Nebraska, as Paying Agent and Registrar, upon presentation and surrender of the note or notes when due or when called for payment prior to maturity. The payment of interest on said notes, falling due prior to maturity or call for redemption, shall be made by the Paying Agent and Registrar to the registered owners by mailing payment to the address of such registered owner or owners thereof as such address shall appear on the note register maintained by said Paying Agent and Registrar. The record date for each interest payment date (the "Record Date") shall be the fifteenth day immediately preceding the interest payment date. Payments of interest shall be mailed to the registered owner of each note as of the Record Date for each interest payment date.

Section 3. The City Treasurer of the City of Minden, Nebraska, (or such other entity as may be determined in the Designation) is hereby designated as Paying Agent and Registrar for the Bond Anticipation Notes herein ordered issued and is hereby authorized to make payments of interest and principal from funds available for such purposes as provided herein as the same fall due. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Notes. The names and registered addresses of the registered owner or owners of the Notes shall at all times be recorded in such books. Any Note may be transferred pursuant to its provisions by said Paying Agent and Registrar by surrender of such Note for cancellation, accompanied by a written instrument of transfer, in form satisfactory to said Paying Agent and Registrar, duly executed by the registered owner in person or by his duly authorized agent, and thereupon the Paying Agent and Registrar on behalf of the City will deliver (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new note or notes of the same series, interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the notes by this ordinance, one note may be transferred for



several such notes of the same series, interest rate and maturity, and for a like aggregate principal amount, and several such notes may be transferred for one or several such notes, respectively of the same series, interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a note, the surrendered note shall be canceled and destroyed. All notes issued upon transfer of the notes so surrendered shall be valid obligations of the City evidencing the same obligations as the notes surrendered and shall be entitled to all the benefits and protection of this ordinance to the same extent as the notes upon transfer of which they were delivered. The City and said Paying Agent and Registrar shall not be required to transfer any note during any period from any Record Date until its immediately following interest payment date or to transfer any note called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 4. Said Notes shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and Clerk and shall have the City's seal imprinted or impressed on each Note. Said Notes shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The City and the Paying Agent and Registrar shall not be required to transfer any Note during the period from any Record Date to the next following interest payment date transfer any Note called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 5. Said notes shall be substantially in the following form:

**UNITED STATES OF AMERICA
STATE OF NEBRASKA
COUNTY OF KEARNEY

CITY OF MINDEN, NEBRASKA
BOND ANTICIPATION NOTE, SERIES 2025**

No. R-___ \$

Interest Rate Maturity Date Date of Original Issue CUSIP
% _____, 20____ _____, 2025

Registered Owner: Cede & Co.

Principal Amount: _____ DOLLARS

KNOW ALL PERSONS BY THESE PRESENTS: That the City of Minden, in the County of Kearney, in the State of Nebraska, hereby acknowledges itself to owe and for value received promises to pay to the registered owner shown above and as shown on the registration books of the City on the maturity date shown above, the principal amount shown above in lawful money of the United States of America with interest thereon from the date of original issue shown above to maturity or earlier redemption, at the rate per annum shown above, payable semiannually on _____ and _____ of each year, commencing _____, 20____. The principal of this note and any interest due upon maturity or earlier call for redemption is payable at the office of _____, as Paying Agent and Registrar, in _____, Nebraska, upon presentation and surrender of the note when due or when called for payment prior to maturity. The payment of interest hereon, falling due prior to maturity or call for redemption, shall be made by the Paying Agent and Registrar to the registered owner by mailing payment to the address of such registered owner hereof as such address shall appear on the note register maintained by said Paying Agent and Registrar.

City of Minden

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

phone 308.832.1820
fax 308.832.1949
www.MindenNebraska.org



This note is redeemable at the option of the City prior to maturity anytime on or after _____, 20____ at par and accrued interest to date fixed for redemption. Notice of call of any note for redemption prior to maturity shall be sufficient if given in writing and mailed by first class mail, postage prepaid, to the registered owner at the address shown on the note register not less than thirty days prior to the date fixed for redemption.

This note is one of an issue of notes numbered from 1 upwards in order of issuance, of the total principal amount of _____ Dollars (\$ _____) in the denomination of \$5,000 or integral multiples thereof, of even date and like tenor herewith, issued by the City of Minden for the purpose of providing interim financing to pay a portion of the cost of constructing improvements in Street Improvement District No. 2025-1, to pay the cost of issuance of said notes and to pay a portion of the interest to accrue on said notes, pending the issuance of permanent general obligation bonds. The issuance of this note and the other notes of this issue has been lawfully authorized by ordinance duly passed, signed and published by the Mayor and City Council of said City in strict compliance with Section 10-137, Reissue Revised Statutes of Nebraska, as amended, and all other applicable laws.

The City agrees that the principal and interest of this note shall be payable from the proceeds of the issuance and sale of its general obligation bonds, the issuance and sale of its bond anticipation notes, or from other monies of the City lawfully available for such purposes.

The City reserves the right to issue additional Bond Anticipation Notes for the purpose of paying the balance of the costs of the projects financed in part by this issue of notes or of other improvement projects of the City, for the purpose of refunding the notes of this issue at or prior to maturity and for the purpose of paying for additional improvements for the City. The ordinance under which these notes are issued constitutes an irrevocable contract between the City and the holders of all of said notes and said contract cannot be changed or altered without the written consent of the holders of seventy-five percent (75%) in principal amount of the notes of this series then outstanding.

AS PROVIDED IN THE ORDINANCE REFERRED TO HEREIN, UNTIL THE TERMINATION OF THE SYSTEM OF BOOK-ENTRY-ONLY TRANSFERS THROUGH THE DEPOSITORY TRUST COMPANY, NEW YORK, NEW YORK (TOGETHER WITH ANY SUCCESSOR SECURITIES DEPOSITORY APPOINTED PURSUANT TO THE ORDINANCE, "DTC"), AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE ORDINANCE TO THE CONTRARY, A PORTION OF THE PRINCIPAL AMOUNT OF THIS NOTE MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE REGISTRAR. DTC OR A NOMINEE, TRANSFEREE OR ASSIGNEE OF DTC OF THIS NOTE MAY NOT RELY UPON THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE ORDINANCE.

UNLESS THIS NOTE IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B) TO THE REGISTRAR FOR PAYMENT OF PRINCIPAL, AND ANY NOTE ISSUED IN REPLACEMENT HEREOF OR SUBSTITUTION HEREFOR IS REGISTERED IN THE NAME OF DTC AND ANY PAYMENT IS MADE TO DTC OR ITS NOMINEE, ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL BECAUSE ONLY THE REGISTERED OWNER HEREOF, DTC OR ITS NOMINEE, HAS AN INTEREST HEREIN.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this note did exist, did happen and were done and performed in regular and due form and time as provided by law.

City of Minden

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

phone 308.832.1820
fax 308.832.1949
www.MindenNebraska.org



IN WITNESS WHEREOF the Mayor and Council of the City of Minden, Nebraska, have caused this note to be executed on behalf of the City with the manual or facsimile signatures of the Mayor and the City Clerk and by causing the official seal of the City to be impressed or imprinted hereon, all as of the date of original issue specified above.

CITY OF MINDEN, NEBRASKA

Mayor

ATTEST:

City Clerk

(SEAL)

CERTIFICATE OF AUTHENTICATION

This note is one of the notes of the issue designated therein and issued under the provisions of the ordinance authorizing said issue.

_____, NEBRASKA
acting as Paying Agent and Registrar

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

Print or Type Name, Address and Social Security Number
or other Taxpayer Identification Number of Transferee

the within Note and all rights thereunder, and hereby irrevocably constitutes and appoints _____ agent to transfer the within Note on the Note Register kept by the Paying Agent for the registration thereof, with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name of the Registered Owner as it appears upon the face of the within Note in every particular.

Medallion Signature Guarantee:

Section 6. Each of the Notes shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and the City Clerk and shall have imprinted thereon the City's seal. The Notes shall be issued initially as "book-entry-only" notes using the services of The Depository Trust Company (DTC), with one typewritten note certificate per maturity being issued to DTC. In such connection, said officers are authorized to execute and deliver a Letter of Representations in the form required by DTC, for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Notes. Upon the issuance of the Notes as "book-entry-only" notes, the following provisions shall apply:

(a) The City and the Paying Agent and Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds Notes as securities depository (each, a "Bond Participant") or to any person who is an actual purchaser of a Note from a Bond Participant while the Notes are in book-entry form (each, a "Beneficial Owner") with respect to the following:

(i) the accuracy of the records of the Depository, any nominees of the Depository or any Bond Participant with respect to any ownership interest in the Notes,

(ii) the delivery to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the Notes, including any notice of redemption, or

(iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the Notes. The Paying Agent and Registrar shall make payments with respect to the Notes only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such Notes to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Note.

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange Notes requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the City, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the Notes or (ii) to make available Notes registered in whatever name or names the Beneficial Owners transferring or exchanging such Notes shall designate.

(c) If the City determines that it is desirable that certificates representing the Notes be delivered to the Bond Participants and/or Beneficial Owners of the Notes and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify the Depository, whereupon the Depository will notify the Bond Participants of the availability through the Depository of note certificates representing the Notes. In such event, the Paying Agent and Registrar shall issue, transfer and exchange note certificates representing the Notes as requested by the Depository in appropriate amounts and in authorized denominations.

(d) Notwithstanding any other provision of this Ordinance to the contrary, so long as any Note is registered in the name of the Depository or any nominee thereof, all payments with respect to such Note and all notices with respect to such Note shall be made and given, respectively, to the Depository as provided in the Letter of Representation.

(e) Registered ownership of the Notes may be transferred on the books of registration maintained by the Paying Agent and Registrar, and the Notes may be delivered in physical form to the following:

(i) any successor securities depository or its nominee;

(ii) any person, upon (A) the resignation of the Depository from its functions as depository or (B) termination of the use of the Depository pursuant to this Section.

(f) In the event of any partial redemption of a Note unless and until such partially redeemed Note has been replaced in accordance with the provisions of Section 2 of this ordinance, the books and records of the Paying Agent and Registrar shall govern and establish the principal amount of such Note as is then outstanding and all of the Notes issued to the Depository or its nominee shall contain a legend to such effect.

If for any reason the Depository resigns and is not replaced, the City shall immediately provide a supply of printed note certificates for issuance upon the transfers from the Depository and subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement Notes upon transfer or partial redemption, the City agrees to order printed an additional supply of certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting Mayor and City Clerk of such City. In case any officer whose signature or facsimile thereof shall appear on any Note shall cease to be such officer before the delivery of such Note (including any note certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption), such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such Note. The Notes shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The City Treasurer shall cause the Notes to be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration and authentication of the Notes, they shall be delivered to the City Treasurer, who is authorized to deliver them to the Underwriter, as the initial purchaser thereof, upon receipt of the purchase price as determined in the Designation, plus accrued interest thereon to date of payment for the Notes. Said initial purchaser shall have the right to direct the registration of the Notes and the denominations thereof within each maturity, subject to the restrictions of this Ordinance. The Mayor or Clerk of the City are each individually hereby authorized to execute a Note Purchase Agreement for the sale of the Notes to the Underwriter, as initial purchaser of the Notes. Northland Securities, Inc., and its agents, representatives and counsel (including the City's bond counsel for the Notes) are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Notes, including, without limitation, authorizing the release of the Notes by the Depository at closing. The officers of the City, or any one or more of them are hereby further authorized to take any and all actions and enter into any and all agreements deemed necessary or appropriate in connection with the issuance and sale of the Notes, and any such actions previously taken are hereby ratified and confirmed.

Section 7. The proceeds of the Notes will be used to pay costs of the improvements described in Section 1 hereof, and may be used to pay costs of issuance of the Notes and a portion of interest accrued on the Notes. The City covenants and agrees that it will take all steps required to complete the improvements described in Section 1 hereof in a manner to allow it to issue and sell its Various Purpose Bonds or other bonds. The City further covenants and agrees to issue and sell its Various Purpose Bonds or other bonds in a sufficient amount

and at such times as will enable it to take up and pay off the Notes herein authorized, both principal and interest, at or prior to maturity, to the extent not paid from other sources.

Section 8. The City hereby reserves the right to issue additional bond anticipation notes for the purpose of paying the balance of the cost of the projects of the City set out in Section 1 hereof, for the purpose of refunding the Notes herein ordered issued at or prior to maturity and for the purpose of paying for additional improvements for the City.

Section 9. The City Clerk shall make and certify a complete transcript of the proceedings had and done by said City precedent to the issuance of said Notes, a copy of which shall be delivered to the initial purchaser of the Notes. After being executed by the Mayor and Clerk said Notes shall be delivered to the City Treasurer who shall be responsible therefor under his official bond. The City Treasurer is authorized and directed to deliver said Notes to the purchaser upon receipt of payment of the purchase price in accordance with the contract of the City with said purchaser.

Section 10. The City hereby covenants to the purchasers and holders of Bond Anticipation Notes, Series 2025, that it will make no use of the proceeds of said Notes issue, including money held in any sinking fund attributable to said Notes which would cause said Notes to be arbitrage bonds within the meaning of the Internal Revenue Code of 1986, as amended, and further covenants and agrees to take all actions necessary under current federal law to maintain the tax-exempt status (as to taxpayers generally) of interest payable on the Notes. The City hereby designates the Notes as its qualified tax-exempt obligations under Section 265(b)(3)(B)(i)(III) of the Internal Revenue Code of 1986, as amended, and covenants and warrants that it does not reasonably anticipate issuance of tax-exempt bonds or other obligations, not including private activity bonds (other than qualified 501(c)(3) bonds), in the aggregate principal amount of more than \$10,000,000 in calendar year 2025. The City agrees to take all further actions, if any, necessary to qualify the Notes herein authorized for such treatment if available.

Section 11. 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 12. All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of said conflict hereby repealed.

Section 13. The Authorized Officers (or any one or more of them) are hereby authorized to approve and deem final a Preliminary Official Statement or Preliminary Offering Circular with respect to the Notes and are further authorized to approve and deliver a final Official Statement or final Offering Circular for and on behalf of the City, all in accordance with the requirements of Reg. Sec. 240.15c2-12 of the Securities and Exchange Commission.

Section 14. All documents, agreements, certificates, and instruments related to the Notes shall be valid, binding, and enforceable against the City when executed and delivered by means of (i) an original manual signature; (ii) a faxed, scanned, or photocopied manual signature, or (iii) any other electronic signature permitted by electronic signatures laws, including any relevant provisions of the Uniform Commercial Code, in each case to the extent applicable. Each faxed, scanned, or photocopied manual signature, or other electronic signature, shall for all purposes have the same validity, legal effect, and admissibility in evidence as an original manual signature. Each document, agreement, certificate, and instrument related to the Notes may be executed in any number of counterparts, each of which shall be deemed to be an original, but such counterparts shall, together, constitute one and the same document, agreement, certificate, or instrument, as applicable.

Section 15. This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet or electronic form as provided by law.

PASSED AND APPROVED this 15th day of September, 2025.

/s/ Abbey Jordan
Abbey Jordan, City Clerk

/s/ Larry Evans
Larry Evans, Mayor

[SEAL]

Bunger seconded. Krings stated that since the start of this ordinance, the bids received were lower than expected, just over \$500,000. On roll call, the following voted aye: Bungler, Sumstine, and Schneider. Voting nay: Yant. Motioned carried.

Agenda Item #12, Consider approval of Letter Agreement Amendment #1 with Olsson Associates for the engineering services for the K Road and 26 Road paving project for not to exceed \$32,950.

Bunger motioned to approve the Amendment to the Professional Service Agreement with Olsson Associates for K Road Paving Project, otherwise known as Street Improvement District 2025-1 not to exceed \$32,950. Sumstine seconded.

Krings stated that the original agreement that was approved on August 4th was for engineering work, construction documents, and similar things. He stated that this portion is for the general contractor on site. On roll call, the following voted aye: Bungler, Sumstine, and Schneider. Voting nay: Yant. Motioned carried.

Agenda Item #13, Review status of the Order of Condemnation for the property known as 1348 N. Colorado Avenue and take action.

Krings stated that the second order of Condemnation was issued on September 2nd and expired on October 6th. The council has a couple of options to proceed: rescinding the order, rescinding the order and issuing a new order, or proceed with enforcement of the current order.

Bunger motioned to rescind the order of Condemnation for 1348 N. Colorado dated 9-2-25. Sumstine seconded. Bungler wanted to be clear that a nuisance can be issued on this and stated that he is happy with the progress made. Sumstine stated that she was also happy with the progress that Hickman has made. Sumstine would like to help Hickman by allowing the new house to be put in. Then the City can proceed with nuisances as necessary. Malcom stated that if the order of condemnation could be lifted and a building permit be issued, he could get the footings poured before the weather gets too cold.

Sumstine questioned the current order as it does not specifically say what debris needs to be removed. Malcom stated that this is something that they will continue to work on removing and will remain in touch with Justin Cline, Development Services Director, on the progress of the nuisance. Olson clarified that Cline or the Mayor can determine nuisances.

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

Agenda Item #14, Adjournment

Schneider motioned to adjourn at 6:43 p.m. and Bungler seconded. On roll call, the following voted aye: Bungler, Sumstine, Yant, and Schneider. Meeting adjourned.

City of Minden

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

phone 308.832.1820
fax 308.832.1949
www.MindenNebraska.org



/s/ Larry Evans
Larry Evans, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk
(SEAL)