

Minutes of Council Meeting
City of Minden, Nebraska
February 3, 2014
6:00 p.m.



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 Jones called the meeting to order at 6:00 p.m. The following City Council members were present: Larry Evans, Teresa Sumstine, Ted Griess, and Lathan Thompson. The following City Officials were present: Mayor Roger Jones, City Administrator Matthew Cederburg, City Attorney Tom Lieske and City Clerk Abbey Jordan.

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

After roll was called, Mayor Jones led those in attendance in the Pledge of Allegiance.

Mayor Jones next 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 door located in the back 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 City Council will take public comments on an agenda item, if it is deemed necessary, before the Council begins discussion of the agenda item.”

- a. The following items were listed under the agenda item “consent agenda” for this meeting: a. Consider Approval of Minutes of Previous City Council Meeting (s) b. Consider Approval of Bills & Claims for this Council Meeting. c. Consider Reports that are Enclosed in the Council Packets for This Council Meeting. d. Consider a Special Designated Liquor Permit for Saturday, May 31, 2014 from 4:00 PM to 1:00 AM for East Avenue Pub of Holdrege at the Kearney County Fairgrounds, Minden, NE for the Leslie Terry Wedding reception.

The following bills and claims were submitted for approval under the “consent agenda” and are on file in the office of the City Clerk.

LANDMARK IMPLEMENT CARQUE 140.98, BIG JOHNS AUTO INC 22.10, CARTER ELECTRIC 104.90, CITY OF KEARNEY 12750.00, CITY OF MINDEN 205.00, FIRST BANK TRUST CO 8106.06, ISW 63.33, JIMS AUTO CLINIC 161.85, KE CO TREAS. BARB LYNN 4357.84, LIESKE LAW FIRM 1814.75, MARTEL ELECTRONICS 5990.00, MASONS MARKET 243.55, MELLEN ASSOCIATES INC., 2996.64, MICHAEL TODD COMPANY I

119.13, MINDEN COURIER 529.92, MINDEN RURAL FIRE DEPT 3142.91, MINDEN UTILITY DEPT 7432.07, OLSSON ASSOCIATES 543.39, PLATTE VALLEY COMMUNICATIONS 332.40, REVENUE BOND PAYMENT ACCOUNT 32314.05, SPD 4145.17, NPHE 48.00, SLEUTH SOFTWARE 1265.97, R. YOUNG 455.00, J. QUADHAMER 340.00, KE CO HEALTH PAYMENT CENTER 690.00, TRI CHEM CORPORATION 344.91, TRAVELERS 5663.00, NE PLANNING AND ZONING AS 160.00, A. CHRISTENSEN 35.00, S. ANDERSON 600.00, APPLIED CONCEPTS INC 119.00, RHYNALDS AUCTION & REALTY 192.00, ST PAUL LUTHERAN CHURCH 656.00, UNL PESTICIDE OFFICE 70.00

Council Member Thompson moved to approve the consent agenda. Council Member Griess seconded the motion. On roll call the following voted Aye: Evans, Sumstine, Griess, and Thompson. Motion Carried.

The next item was agenda item #4, December 2013, Quarter 1, Budget Report,

City Administrator Matthew Cederburg led the discussion pertaining to the budget for the first quarter of fiscal year 2013-14. No major concerns were expressed. No action taken.

Agenda item #5, Consider discussion from Burbach Aquatics, Inc. concerning swimming pool options.

Dave Burbach introduced his company, Burbach Aquatics, which is an engineering company specializing in swimming pools for Cities and Governments. Mr. Burbach discussed the process that the City would need to go through to assess the current swimming pool and look into the best course of action -- be it to repair the current pool, or to build a new facility. Included in this presentation were ways that any improvements or changes can be funded.

No action taken.

Agenda item #6, Discuss participating in the Kearney County Great American Clean Up.

Dates for this event have not been established, but the price of this has been going down each year the City participates due to the decline in garbage.

Council Member Evans moved to participate in the Kearney County Great American Clean Up. Council Member Griess seconded the motion. On roll call the following voted Aye: Evans, Sumstine, Griess, and Thompson. Motion Carried.

Agenda item #7, Consider discussion and selection of Bid for 25 Yard Rear Load Refuse Compactor Truck.

Public Works Superintendent Chris Klahn and City Administrator Matthew Cederburg recommended going with one of two bids received from Nebraska Truck Center, either a Heil make truck for \$154,941 or a Leach make truck for \$115,835, both costs net with trade in of the City's 2004 Leach.

The lower priced Leach truck was recommended if the City was still considering switching sanitation operations to a fully-automated system. In the past, the City has made an effort to go towards a fully automated system which would require a fully-automated truck vs. a real-loading truck at an additional cost of approximately \$50,000 to \$70,000. A fully-automated system,

however, is generally safer for the sanitation crew and requires only one person instead of two to operate the truck.

Council Member Griess stated that either one of these vehicles will serve the purpose that the City is after and since the City already has two Leach trucks, the added amenities that the Heil offers does not fiscally justify the additional \$39,106 in cost.

Council Member Griess motioned to purchase bid #6 NE Truck Center 2015 Freightliner Leech as it is the most responsible bid that fits the City's needs. Council Member Thompson seconded the motion. On roll call the following voted Aye: Evans, Sumstine, Griess, and Thompson. Motion Carried.

Agenda item #8, Consider discussion and approval of water valves at Water Treatment Plant for approximately \$11,000.

Water valves at the Water Treatment Plant are still operational, but are showing significant wear and tear, which could pose a problem because these valves are part of the backwash process. Concerns were expressed that the valves might break and get stuck. Discussion ensued about having the valves professionally installed or having them installed by City employees.

Council Member Sumstine moved to approve water valves at Water Treatment Plant to be purchased for approximately \$11,000. Council Member Griess seconded the motion. On roll call the following voted Aye: Evans, Sumstine, Griess, and Thompson. Motion Carried.

Agenda item #9, Consider approval of a Resolution directing the sale of surplus property of the City with a fair market value of less than \$5,000.

Council member Evans introduced Resolution No. 1609.

RESOLUTION NO. 1609

A RESOLUTION DIRECTING THE SALE OF SURPLUS PERSONAL PROPERTY OF THE CITY OF MINDEN, NEBRASKA.

WHEREAS, the City of Minden does have in its possession certain property deemed to be surplus property to the City, with a fair market value of less than \$5,000, and wishes to dispose of this property; and

WHEREAS, State Statute 17-503.02 allows for the sale of surplus personal property by posting the sale in three prominent places within the City for a period of not less than seven days prior to the sale; and

WHEREAS, the City of Minden may sell surplus items by sealed bids, public auction, or by the standards set forth in the Interlocal Cooperation Act allowing the City of Minden to sell surplus equipment to other governmental subdivisions of the State of Nebraska by negotiated price.

WHEREAS, the sale may also be conducted as an EBay auction with the following instructions:

- 1) Bids must be submitted at www.ebay.com

2) The high bidder, regardless of city staff's ability to contact such bidder, will have until March 28, 2014 to make full payment. The failure to make such payment will result in either a) the City accepting the next highest bid, or b) the City rejecting all bids and canceling the sale.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Minden that the following City property is declared surplus and will be sold according to the terms listed above, with minimum bid in parentheses.

| | |
|---|---------------|
| 1985 Chevy ¾ ton 4x4, Serial #1GCEK24LGFJ145594 | (\$350.00) |
| Unit to be sold without any warranty or any expressed warranty | |
| 2005 Ford Crown Vic, Serial #2FAFP71W45X147549 | (\$2500.00) |
| Unit to be sold without any warranty or any expressed warranty | |
| 2002 Ford Crown Vic, Serial #2FAFP71W9X2131150 | (\$1500.00) |
| Unit to be sold without any warranty or any expressed warranty | |
| Police Partition Cage – Fits Crown Vic | (\$100.00) |
| Unit to be sold without any warranty or any expressed warranty | |
| Police Light Bar – Fits Crown Vic | (\$100.00) |
| Unit to be sold without any warranty or any expressed warranty | |
| GE VHS Video Camera | (\$45.00) |
| Unit to be sold without any warranty or any expressed warranty | |
| Canon AE1 film cameras (2) | (\$35.00 ea.) |
| Units to be sold without any warranty or any expressed warranty | |
| Vivitar 75-300 Zoom Lens – fit the Canon camera listed above | (\$20.00) |
| Unit to be sold without any warranty or any expressed warranty | |
| Vivitar Macro Lens 2x – fit Canon camera listed above | (\$20.00) |
| Unit to be sold without any warranty or any expressed warranty | |
| Swanson Salt Spreader, Serial #62056 | (\$150.00) |
| Unit to be sold without any warranty or any expressed warranty | |
| Hobart Welder, 300 amp, 40 volts, 50-400 working volts | (\$100.00) |
| Unit to be sold without any warranty or any expressed warranty | |
| Clarke 12Volt Propane Floor Waxing Machine, Serial#BE0920 | (\$500.00) |
| Unit to be sold without any warranty or any expressed warranty | |
| Shelving Units (3) | (\$5.00 ea.) |
| Units to be sold without any warranty or any expressed warranty | |
| Office Desks (2) | (\$10.00 ea.) |
| Units to be sold without any warranty or any expressed warranty | |
| Tables (2) | (\$5.00 ea.) |
| Units to be sold without any warranty or any expressed warranty | |
| 7 Wooden Chairs (sold as one unit) | (\$20.00) |
| Units to be sold without any warranty or any expressed warranty | |

Council Member Evans moved for the adoption of the foregoing Resolution. Council Member Thompson seconded the motion. On roll call the following voted Aye: Evans, Sumstine, Griess and Thompson. The following voted Nay: none. The following were absent and not voting: none. Motion carried.

The passage of said Resolution having been consented to by a majority of the members of the City Council, the Mayor declared the Resolution passed and adopted, this 3rd day of February 2014.

PASSED AND APPROVED this 3rd day of February, 2014.

/s/ Roger Jones
Roger L. Jones, Mayor

Attest:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

(SEAL)

Agenda item #10, Consider approval of a Resolution directing the sale of surplus property of the City with a fair market value of greater than \$5,000.

Council Member Sumstine introduced Resolution No. 1610.

RESOLUTION NO. 1610

A RESOLUTION DIRECTING THE SALE OF SURPLUS PERSONAL PROPERTY OF THE CITY OF MINDEN, NEBRASKA.

WHEREAS, the City of Minden does have in its possession certain property deemed to be surplus property to the City, with a fair market value greater than \$5,000, and wishes to dispose of this property; and

WHEREAS, State Statute 17-503.01 allows for the sale of surplus real property greater than five thousand dollars by posting the sale in three prominent places within the City for a period of not less than seven days prior to the sale of the property and also by publishing a notice of the sale once in legal newspaper published in or of general circulation in such city or village at least seven days prior to the sale of the property; and

WHEREAS, the City of Minden may sell surplus items by sealed bids, public auction, or by the standards set forth in the Interlocal Cooperation Act allowing the City of Minden to sell surplus equipment to other governmental subdivisions of the State of Nebraska by negotiated price.

WHEREAS, the sale may also be conducted as an EBay auction with the following instructions:

- 1) Bids must be submitted at www.ebay.com
- 2) The high bidder, regardless of city staff's ability to contact such bidder, will have until March 28, 2014 to make full payment. The failure to make such payment will result in either a) the City accepting the next highest bid, or b) the City rejecting all bids and canceling the sale.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Minden that the following City property is declared surplus and will be sold according to the

terms listed above, with minimum bid in parentheses.

| | |
|--|--------------|
| 2001 Johnston Sweeper, Serial# 49HAABBV71HF18746 | (\$7,500.00) |
| Unit to be sold without any warranty or any expressed warranty | |
| Elliot Bucket Truck, Serial#1FDPF82H6CVA47146 | (\$5,500.00) |
| Unit to be sold without any warranty or any expressed warranty | |

Council Member Sumstine moved for the adoption of the foregoing Resolution. Council Member Griess seconded the motion.

On roll call the following voted Aye: Evans, Sumstine, Griess and Thompson. The following voted Nay: none. The following were absent and not voting: none. Motion Carried.

The passage of said Resolution having been consented to by a majority of the members of the City Council, the Mayor declared the Resolution passed and adopted, this 3rd day of February 2014.

PASSED AND APPROVED this 3rd day of February, 2014.

/s/ Roger Jones
Roger L. Jones, Mayor

Attest:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Agenda item #11, Consider discussion and approval of an Ordinance detailing licensing and insurance requirements for plumbers within the municipality – 2nd reading.

Council member Griess performed the second reading of Ordinance No. 1191.

ORDINANCE NO. 1191

AN ORDINANCE TO AMEND CHAPTER 14 OF THE MUNICIPAL CODE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA, BY AMENDING SECTION 14-153(a) REPEALING SECTION 14-153(b) and REPEALING SECTIONS 14-147, 14-148, 14-149, 14-150, 14-151, 14-152, AND 14-154, AS THE SAME RELATE TO PLUMBER’S LICENSES, BONDS AND DRAIN LAYERS.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA.

Section 1. That Sections 14-153(a), of the Municipal Code of the City of Minden, Kearney County, Nebraska, be amended to read as follows:

Section 1. Plumber’s license. It shall be unlawful for any person to engage in the business or occupation of plumbing within the municipality without first applying for and procuring a plumbers license. The license fee shall be \$35.00 annually and shall expire on

December 31st of each year regardless of the date during that year when it was issued. All licenses' shall be renewed on or before January 1st of each year thereafter. Provided however, that no license shall be required of any public service company or municipal employee doing such work in the pursuit of their public service or municipal endeavors. Before any license shall be issued each applicant shall first file evidence of their competence as a plumber as certified by any State regulatory agency or Trade Association. Further any applicant must show proof of liability insurance in the minimum amounts of:

- \$1,000,000.00 for General Liability
- \$500,000.00 Each Accident / \$500,000.00 Disease per Policy / \$500,000.00 Disease per Employee Accident/Disease/for Worker's Compensation Limits
- \$1,000,000.00 Combined Single Limit (CSL) for Auto
- If above limits do not meet or exceed the requested policy requirements, then provide umbrella policy to show adequate coverage.

Section 2. That Section 14-147, is hereby repealed.

Section 3. That Section 14-148, is hereby repealed.

Section 4. That Section 14-149 is hereby repealed.

Section 5. That Section 14-150 is hereby repealed.

Section 6. That Section 14-151 is hereby repealed.

Section 7. That Section 14-152 is hereby repealed.

Section 8. That Section 14-153 is hereby repealed.

Section 9. That Section 14-154 is hereby repealed.

Source: (Ord. No. 1191, 02/03/2014).

Section 10. That any other ordinance or section passed and approved prior to the passage, approval and publication or posting of this ordinance and in conflict with its provisions is hereby repealed.

Section 11. This ordinance shall be known as Ordinance No. 1191 and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 3rd day of February, 2014.

/s/ Roger Jones

Roger Jones, Mayor

ATTEST:

/s/ Abbey Jordan

Abbey Jordan, City Clerk

Seconded by Thompson. On roll call the following voted Aye: Sumstine, Evans, Griess, and Thompson. Motion Carried.

Council member Evans motioned to suspend the 3rd reading of Ordinance #1191. Seconded by Sumstine. On roll call the following voted Aye: Sumstine, Evans, Griess and Thompson. Motion carried.

Council member Evans motioned to adopt Ordinance #1191 by title. Seconded by Griess. On roll call the following voted Aye: Sumstine, Evans, Griess, and Thompson. Motion carried.

Agenda item #12, Consider discussion and approval of an Ordinance detailing licensing and insurance requirements for arborists within the municipality – 2nd reading.

Council member Thompson performed the second reading of Ordinance No. 1192.

ORDINANCE NO. 1192

AN ORDINANCE TO AMEND CHAPTER 90 OF THE MUNICIPAL CODE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA, BY AMENDING SECTION 90-28, AS THE SAME RELATES TO ARBORIST'S LICENSES AND BONDS.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA.

Section 1. That Section 90-28 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be amended to read as follows:

Section 90-28. Arborist or tree trimming license. It shall be unlawful for any person to engage in the business or occupation of pruning, treating or removing any trees within the municipality without first applying for and procuring a license. The license fee shall be \$35.00 annually and shall expire on December 31st of each year regardless of the date during that year when it was issued. All licenses' shall be renewed on or before January 1st of each year thereafter. Provided however, that no license shall be required of any public service company or municipal employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued each applicant shall first file evidence of possession of liability insurance in the minimum amounts of:

- \$1,000,000.00 for General Liability
- \$500,000.00 Each Accident / \$500,000.00 Disease per Policy / \$500,000.00 Disease per Employee Accident/Disease/for Worker's Compensation Limits
- \$1,000,000.00 Combined Single Limit (CSL) for Auto
- If above limits do not meet or exceed the requested policy requirements, then provide umbrella policy to show adequate coverage.

Source: (Ord. No. 1192, 02/03/2014).

Section 2. That any other ordinance or section passed and approved prior to the passage, approval and publication or posting of this ordinance and in conflict with its provisions is hereby repealed.

Section 3. This ordinance shall be known as Ordinance No. 1192 and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 3rd day of February, 2014.

/s/ Roger Jones
Roger Jones, Mayor

ATTEST:

/s/ Abbey Jordan

Abbey Jordan, City Clerk

Seconded by Griess. On roll call the following voted Aye: Sumstine, Evans, Griess, and Thompson. Motion Carried.

Council Member Evans motioned to suspend the 3rd reading of Ordinance No. 1192. Seconded by Sumstine. On roll call the following voted Aye: Sumstine, Evans, Griess, and Thompson. Motion Carried.

Council Member Evans motioned to adopt Ordinance No. 1192 by title. Seconded by Thompson. On roll call the following voted Aye: Sumstine, Evans, Griess, and Thompson. Motion Carried.

It was moved by Council Member Griess and seconded by Thompson to adjourn the meeting at 7:39 p.m. On roll call the following voted Aye: Sumstine, Evans, Griess, and Thompson. Motion Carried. Meeting adjourned.

/s/ Roger Jones

Roger L. Jones, Mayor

Attest:

/s/ Abbey Jordan

Abbey Jordan, City Clerk

(SEAL)