

Minutes of Council Meeting
City of Minden, Nebraska
June 16, 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, and Ted Griess. Absent: 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.”

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.

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

All Roads Barricades, Inc 800, Amazon 57.43, B. Petersen 125, Big John's Ford, Inc 1,000.09, Burgess Well Company 1,810.25, Charter Communications 1430.57, City of Holdrege Landfill 4,588.68, Clinch Enterprises 149.58, Cooperative Producers, Inc. 3198.63, C. Vahl 157.57, Country Living 31.97, Danko Emergency Equip. Co 223.61, Demco 191.13, Deterding Classic pool/spa 72.99, Diamond Vogel Paints Inc 109.25, Eakes Office Plus 567.56, Emergency Medical Products 393.15, Ems Billing 1,432.92, Fifth Street Printing 79.15, Fireguard, Inc. 884.85, Gale/Cengage Learning 117.6, Gaylord Bros Inc 542.96, Grayson Tool, Inc 78, Hawkins Water Treatment 2,176.09, Holmes Plbg.& Htg Supp Co 86.67, In the Swim 122.24, Innovative

Pharmacists Inc 865.12, Intellicom Computer Consulting 1531.5, Island Supply Welding Co 8.68, J. Horner 40, J. Huff 362.91, Johnson Service Company 7,353.05, K&K Auto Repair Inc 612.48, Kim Carver Specialized Hauling 50, Landmark Implement Carquest 103.1, Logan Contractors Supply 480, Mailfinance 825, M. Cederburg 269.17, Mh Equipment Company 111.09, Minden Hardware 1893.34, Minden Lumber & Concrete Co. 41.23, Minden Machine Shop Inc 82.5, Minden Office Supply, Inc 356.8, Municipal Supply-Nebraska 44.39, n t & t 80.50, Napa Auto Parts 168.71, Ne Environmental Products 212.24, Ne Public Health Environmental 301, Ne Public Power District 35,158.74, Nebraska Public Power District 147,203.60, One Call Concepts Inc 55.65, Pepsi Cola Bottling Company, 217.27, Source Gas 207.4, Southern Power District 18.45, Stadler Implement Inc. 31.19, State of Nebraska 592.32, T. Johnson 125, The Library Store 47.1 The Minden Courier 245.7, T. Lieske 1,305.92, United States Postal Service 140, Upstart 104.67, Verizon Wireless 411.82, Village Cleaners Inc 29.2, Wex Bank 6117.19, Xerox Capital Services Inc 150.3

Council Member Griess moved to approve the consent agenda. Council Member Evans seconded the motion. On roll call the following voted Aye: Evans, Sumstine, Griess. Not present and not voting: Thompson. Motion Carried.

Agenda item #4, May 2014 Treasury Report.

City Administrator Matthew Cederburg gave a summary of the treasurer's report explaining cash in and cash out on both enterprise and governmental sides. No action taken

Agenda item #5, May 2014 Budget Report

City Administrator Matthew Cederburg gave a summary of the budget report, explaining that we are 8 months complete on a 12 month budget. No action taken

Agenda item #6, Consider Response to Notification of Petition for Detachment at Lot 1 and 3, Block One, MEB Addition.

Attorney Gary Martin explained the property was sold and the owner wishes to have 270' of the property removed from the city limit to use the ground more efficiently.

Council member Sumstine motioned that The City of Minden consents to the East 270.00 Feet of Lot One as measured at right angles from the East line of said Lot 1, Block One, MEB Addition, an addition to the City of Minden, Kearney County, Nebraska, and; the East 270.00 Feet of Lot Three as measured at right angles from the East line of said Lot 3, Block One, MEB Addition, an addition to the City of Minden, Kearney County, Nebraska, being disconnected from the City of Minden, Kearney County, Nebraska. Seconded by Griess. On roll call the following voted aye: Evans, Sumstine, and Griess. Not present and not voting: Thompson. Motion carried.

Agenda item #7, Discussion & Approval of Resolution for Charter Franchise Extension.

City Administrator Matthew Cederburg explained the resolution extends the current Charter Franchise for one year allowing the City to make changes at any time.

RESOLUTION NO. 1617

A RESOLUTION EXTENDING THE FRANCHISE AGREEMENT WITH CHARTER

WHEREAS, Charter Communications VI, LLC d/b/a Charter Communications (“Charter”) currently holds a cable franchise with the City of Minden, Nebraska (“City”) granted by the Franchise Agreement and Ordinance 1068 (“Franchise”), on September 18, 2000; and

WHEREAS, both Charter and the City desire to extend the term of the Franchise to facilitate Franchise renewal negotiations and it is in the public interest to do so:

WHEREAS, the parties reserve all rights under Section 626 of Title VI of the Communications Act of 1934, as amended, and do not waive any rights related thereto; and

NOW, THEREFORE, BE IT RESOLVED:

1. The Franchise is hereby amended to extend the term of the Franchise to May 19th, 2015.
2. Except as specifically modified hereby, the Franchise shall remain in full force and effect. The parties shall have the right to negotiate the franchise fees during this extension period. Such negotiation also includes when franchise fees will go into effect.
3. The City may have the right to exercise rate regulation to the extent allowed authorized under federal law. If and when exercising its jurisdiction to regulate any such rates, City will adhere to regulations adopted by the FCC at 47 C.F.R.
4. The City and Charter hereby agree that neither waives any rights either may have under the Franchise or applicable law.
5. This Resolution shall become effective upon its passage by the City and its acceptance by Charter.

PASSED AND APPROVED this 16th day of June, 2014.

City of Minden, Nebraska

Signature: /s/Roger L. Jones

Name/Title: Roger L. Jones, Mayor

Council member Griess motioned the approval of Resolution No. 1617 for the Charter franchise extension. Seconded by Sumstine. On roll call the following voted aye: Evans, Sumstine, and Griess. Not present and not voting: Thompson. Motion carried.

Agenda item #8, Consider Approval of Pepsi Contract for Legion Ball Field Scoreboard & Swimming Pool.

Discussion entailed concerning the City’s financial responsibility for the scoreboard purchase, install, maintenance and utilities.

City Administrator Matthew Cederburg mentioned that Coca-Cola had been contacted with no response. Therefore, it was recommended to contract with Pepsi.

Council member Evans motioned the approval of Pepsi contract for Legion Ball Field scoreboard & swimming pool. Seconded by Sumstine. On roll call the following voted aye: Evans, Sumstine, and Griess. Not present and not voting: Thompson. Motion carried.

Agenda item #9, Consider Approval of Ordinance for Municipal Code changes to Chapter 93- Vegetation--Tree Code.

Council member Griess performed the second reading of the Ordinance regarding Municipal Code changes to Chapter 93-Vegetation.

ADOPTING ORDINANCE
ORDINANCE NO. 1196

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR TREES 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.

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

Section 1. The Code Section entitled "Trees", consisting of Chapter 90, Article II, is hereby adopted.

Section 2. All ordinances applicable to Trees enacted on or before ____ ____, 2014, 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 which may be by pamphlet form and shall be known as Ordinance No. 1196.

Source: C.O. _____, __/__/2014.

Passed and adopted by the City Council on this ____ day of _____.

ATTEST:

/s/ Roger L. Jones
Roger L. Jones, Mayor

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Seconded by Sumstine. On roll call the following voted aye: Sumstine, Griess, and Thompson. The following voted nay: Evans. Motion carried. The third reading will be at the July 7th council meeting.

Agenda item #10, Consider Approval of Sewer Jetting Plan, Johnson Service Company

City Administrator Matthew Cederburg reviewed the Sewer Jetting Plan and recommended allowing jetting not to exceed \$25,000.

Council member Evans motioned to approve the sewer jetting plan not to exceed \$25,000. Seconded by Griess. On roll call the following voted aye: Sumstine, Griess, and Thompson. The following voted nay: Evans. Motion carried.

Agenda item #11, Closed Session, Sewer Litigation-Cavenee

Griess made a motion to enter closed session concerning litigation at 7:01 p.m. and was seconded by Evans. On roll call the following voted aye: Evans, Sumstine, and Griess. Not present and not voting: Thompson. Motion carried.

Council member Evans motioned to exit the closed session at 7:13 p.m. Seconded by Sumstine. On roll call the following voted aye: Evans, Sumstine, and Griess. Not present and not voting: Thompson. Motion carried.

Agenda item #12, Sewer Litigation, Cavenee Agreement

Council member Evans motioned to approve the Cavenee Agreement for Sewer Litigation. Seconded by Griess. On roll call the following voted aye: Evans, Sumstine, and Griess. Not present and not voting: Thompson. Motion carried.

Agenda item #13, Adjournment.

It was moved by Council Member Griess and seconded by Sumstine to adjourn the meeting at 7:14 p.m. On roll call the following voted Aye: Evans, Sumstine, and Griess. Not present and not voting: Thompson. Motion Carried. Meeting adjourned.

/s/ Roger L. Jones
Roger L. Jones, Mayor

Attest:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

(SEAL)