

Minutes of Council Meeting
City of Minden, Nebraska
August 04, 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.”

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.

Big John's Ford, Inc 911.02, B. Grams 70.00, B. Smith 2.01, Builders Warehouse 119.99, C. Klahn 28.53, City Of Kearney 12,750.00, City Of Minden 205.00, City Office Account 3,785.86, First Bank & Trust Co 23941.06, Fyr-Tek, Inc. 145.00, Hawkins Water Treatment 1,125.69, Intellicom Computer Consulting 39.00, John Deere Financial 765.96, June Quadhamer 340.00, Ke Co Health Payment Cntr 290.00, Ke Co Treas Barb Lynn 3,333.33, Lieske, Lieske & Ensz 1,893.00, Mason's Market 47.73, Menards Of Kearney 34.99, Michael Todd & Company, Inc. 3,700.34, Minden Rural Fire Dept. 2,547.82, Minden Utility Dept. 6,228.30, Ne Environmental Products 421.38, Ne Public Health Environmental 205.00, Nmc, Inc. 195.00, Olsson Associates

4,635.67, Penguin Management 973.00, Revenue Bond Payment Account 25000.00, R. G. Young 455.00, Source Gas 67.85, Southern Power District 3,755.45, Van Diest Supply Co 81.25, Verizon Wireless 611.71

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.

Agenda item #4, Consider Approval of Resolution for the Airport Authority Budget Tax Request of \$57,000, same as prior year.

Council Member Sumstine introduced Resolution No. 1620:

RESOLUTION NO. 1620

A RESOLUTION AUTHORIZING THE AIRPORT AUTHORITY'S LEVY REQUEST

WHEREAS, the Mayor and Council of the City of Minden is in receipt of the City of Minden Airport Authority Resolution No. 14-1, and

WHEREAS, The Mayor and Council of the City of Minden has been considering the budget for Fiscal Year 2014-2015, and

WHEREAS, Nebraska Statute 77-3443 (3) requires all political subdivisions subject to city/village levy authority to submit a preliminary request for levy allocation to the City Council, and

WHEREAS, the Mayor and Council shall consider the preliminary request for levy request in full or in part, and as a part of the budget for Fiscal Year 2014-2015, and

WHEREAS, the Mayor and Council realize the City of Minden Airport Authority is requesting \$57,000, a proposed levy that is the same as the levy requested for Fiscal Year 2013-2014, and

WHEREAS, the Mayor and Council authorized a levy in the amount of \$57,000 for the final levy amount for Fiscal Year 2014-2015.

NOW THEREFORE IT BE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF MINDEN:

1. As required by Nebraska Statute 77-3443 (4), the final allocation of levy authority for the Minden Airport Authority for Fiscal Year 2014-2015 shall be \$57,000.
2. As required by Nebraska Statute 77-3443 (4), a copy of this Resolution shall be forwarded to the Chairperson of the City of Minden Airport Authority after its passage according to law.

Council member Sumstine 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. 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 4th day of August, 2014.

PASSED and APPROVED this 4th day of August, 2014.

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

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Council Member Sumstine 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. Motion Carried.

Agenda item #5, Consider discussion and approval of Resolution amending interlocal agreement with the Minden Consolidated Rural Fire District.

City Administrator Matthew Cederburg gave a brief summary of the agreement with the Minden Consolidated Rural Fire District as well as the proposed Sales tax increase encompassing agenda items #6 & 7. Council member Sumstine supports the sales tax increase since it's not directly affecting property owners.

Council Member Griess introduced Resolution No. 1621:

RESOLUTION NO. 1621

RESOLUTION APPROVING THE AMENDED INTERLOCAL AGREEMENT WITH THE MINDEN CONSOLIDATED RURAL FIRE DISTRICT.

WHEREAS, the City of Minden and the Minden Consolidated Rural Fire District have entered into an Interlocal agreement, pursuant to Nebraska State Statute Section 13-801 et. seq., the Nebraska Interlocal Cooperation Act; and,

WHEREAS, the purpose of said agreement is for the parties to cooperate in the sharing of each entity's equipment, volunteers and buildings; and,

WHEREAS, each of the parties will appoint from their governing bodies no more than two members to serve as members of the "The Minden Area Fire Protection Committee;" and,

WHEREAS, pursuant, to the Interlocal Agreement, one of the purposes of the Committee is to review and provide input with respect to water system improvements and upgrades to ensure that such infrastructure improvements provide adequate fire flow protection to the community.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF MINDEN, NEBRASKA; That the Interlocal Cooperation Agreement between the City of Minden and the Minden Consolidated Rural Fire District is approved, and

BE IT FURTHER RESOLVED, that City Council of the City of Minden further approves the purpose for which said Interlocal Agreement was created as set out therein.

Council Member Griess 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. 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 4th day of August 2014.

PASSED AND APPROVED this 4th day of August 2014.

/s/ Roger Jones
Roger Jones, Mayor

Attest:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Council Member Griess 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. Motion Carried.

Agenda item #6, Consider discussion and approval of Resolution proposing and submitting to voters at the 2014 General Election an Increase of the Local Sales and Use Tax of an Additional One Percent (1%) to Two Percent (2%).

Council member Evans introduced Resolution No. 1622:

RESOLUTION NO. 1622

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MINDEN, NEBRASKA PURSUANT TO THE LOCAL OPTION REVENUE ACT PROPOSING AND SUBMITTING TO VOTERS AT THE 2014 GENERAL ELECTION AN INCREASE OF THE LOCAL SALES AND USE TAX RATE OF AN ADDITIONAL ONE PERCENT FROM ONE PERCENT (1%) TO TWO PERCENT (2%).

WHEREAS, the City of Minden local sales and use tax rate currently is one percent (1%) pursuant to Nebraska Statutes Section 77-27, 142, and Ordinance No. 956; and

WHEREAS, State Statute Section 77-27, 142, upon an affirmative vote of at least 70% of all of the members of the governing body of the City of Minden, permits the City to submit to voters a proposal to increase the City sales and use tax to a rate greater than one and one-half percent (1 ½%) at a primary or general election held within the City; and

WHEREAS, the City desires to propose to qualified electors of the City at the 2014 general election to increase the City's sales and use tax rate by an additional one percent (1%) from one percent (1%) to two percent (2%); and

WHEREAS, a proposed ballot question for such purpose is submitted with this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Minden, Nebraska that all of the following actions are hereby adopted and approved:

1. The Mayor and City Council hereby propose to increase the City of Minden sales and use tax rate by an additional one percent (1%) from one percent (1%) to two percent (2%).

2. Said proposal to increase the City of Minden sales and use tax rate by an additional one percent (1%) from one percent (1%) to two percent (2%) shall be submitted to a vote of qualified electors of the City of Minden at the November 2014 general election.
3. The question, in the form and content presented with this Resolution as “OFFICIAL BALLOT – CITY OF MINDEN – PROPOSAL TO INCREASE LOCAL SALES AND USE TAX RATE” and incorporated herein by this reference, is hereby approved and shall appear on the ballot for qualified electors of the City of Minden at the November 2014 general election, subject to any modifications the City Administrator or his designee determines necessary or advisable.
4. The City Clerk or her designee is authorized, directed and ordered to submit said question by attesting to and submitting a certified copy of this Resolution to the Election Commissioner or County Clerk in accordance with applicable law.
5. The City Administrator or designee is hereby authorized and directed to take any other actions as necessary or appropriate to carry out the actions approved in this Resolution, including without limitation providing any notice required of the governing body or otherwise by applicable law.

PASSED AND APPROVED THIS 4th DAY OF AUGUST, 2014

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

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

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. Motion Carried.

Agenda item #7, Consider approval of proposal for new water tower washing at a cost of \$5,199.

City Administrator Matthew Cederburg gave a brief history of the company and their process. Council Member Griess moved for the Mayor to sign the contract including updated language of not to exceed \$5,199 and pending an updated insurance certificate. Council Member Evans seconded the motion. On roll call the following voted Aye: Evans, Sumstine, Griess, and Thompson. Motion Carried.

Agenda item #8, Closed Session, Sewer Litigation

Sumstine made a motion to enter closed session concerning Sewer Litigation and was seconded by Thompson at 6:35 p.m. On roll call the following voted aye: Evans, Sumstine, Griess, and Thompson. : Motion carried.

Council member Thompson motioned to exit the closed session at 7:01 p.m. Seconded by Evans. On roll call the following voted aye: Evans, Sumstine, Griess, and Thompson. : Motion carried.

Agenda item #9, Adjournment

It was moved by Council Member Griess and seconded by Sumstine to adjourn the meeting at 7:01 p.m. On roll call the following voted Aye: Evans, Sumstine, Griess, and Thompson. Motion Carried. Meeting adjourned.

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

Attest:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

(SEAL)