

Minutes of Council Meeting
City of Minden, Nebraska
June 1, 2015
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 Fire Hall, 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 Griess called the meeting to order at 6:00 p.m. The following City Council members were present: Larry Evans, Bob Carlson, and Lathan Thompson. The following City Council Member was absent: Teresa Sumstine. The following City Officials were present: Mayor Ted Griess, City Administrator Matthew Cederburg, and City Attorney Tom Lieske. City Officials absent: 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 Griess led those in attendance in the Pledge of Allegiance. Then Mayor Griess 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.”

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:

Boarders Inn & Suites 1,188.00, City Of Minden 205.00, City Office Account 4,060.36, C. Vahl 153.25, C. Lupkes 110.00, Dutton Lainson Co 449.35, Emergency Medical Products 942.90, Figgins Construction Inc 43,175.15, Fireguard, Inc. 275.90, First Bank & Trust Co 12,646.47, Fyr-Tek, Inc. 2,684.19, Hawkins Water Treatment 1,737.65, Hd Supply Waterworks, Ltd 1,888.02, J. Wright 181.81, J. Horner 71.61, John Deere Financial 294.55, Johnson Service Company 337.50, J. Quadhamer 340.00, K. Salpas 777.23, Ke Co Treas Barb Lynn 3,333.33, L. T. Pedley Drug 445.13, Lieske, Lieske & Ensz Pc, Llo 2,254.98, Lonestar Axe Llc 207.51, Mason's Market 81.91, M. Cederburg 42.42, Minden Rural Fire Dept. 3,500.65, Minden Utility Dept. 4,005.57, Municipal Chemical Supply 250.00, Municipal Supply-Nebraska 474.94, Ne Public Health Environmental 63.00, N. Jurgens 45.00, Olsson Associates 3,459.15, Platte Valley Communications 3,382.33, Revenue Bond Payment Account 25,353.00, R. Young 455.00, S. Nielsen 115.00, Tm Sporting Goods 1,000.00, T. Jacobsen 40.00, Village Cleaners Inc 29.20, Western Pathology Consult Inc 158.50

Thompson motioned to approve the consent agenda and Evans seconded. On roll call the following voted Aye: Evans, Carlson, and Thompson. Not present and not voting: Sumstine. Motion carried.

Agenda item #5, Consider approval of Ordinance increasing the Franchise fees and pole rental fee.

Council member Thompson introduced Ordinance No. 1202 for the first reading.

ORDINANCE NO. 1202

AN ORDINANCE TO AMEND APPENDIX A-FRANCHISES, ARTICLE I, SECTION 39, AND TO REPEAL APPENDIX A-FRANCHISES, ARTICLE I, SECTION 41 OF THE MUNICIPAL CODE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA AS THE SAME RELATES TO CABLE FRANCHISE OPERATIONS IN THE CITY OF MINDEN.

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

Section 1. That Appendix A, Article I, Section 39 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be and the same is hereby amended to read as follows:

Each franchised operator shall pay to the City franchise fees equal to five percent (5%) of all the revenue items charged by franchised cable company. Said items include but are not limited to the following: hookup fees; basic subscriber service revenue; premium channel subscriber fees; pay-per-view fees and any and all other revenue generating items. The franchise fees are for the privilege of using the streets, rights-of-way, easements, and public ways and other facilities of the City in the operation of the cable system, and for the City's supervision during the term of the franchise. If the FCC, Congress or other governmental entity with authority over cable service allows a franchising authority to increase the franchise fee beyond the above percentage, then the City shall have the authority to increase the franchise fee to the maximum rate allowable. It is intended that the franchise fees will promote the health, safety and welfare of the citizens of the City.

Accordingly, the franchise fee shall be deposited into the general revenues of the City, unless otherwise specified.

- (1) Franchise fee payments will be payable in monthly installments on the basis of one twelfth of the prior year's Gross Revenues, to be adjusted and corrected annually. Monthly payments shall be paid within 30 days of the end of each month. In the event that any payment due to the city is not paid within 30 days from the date said payment is due said delinquent payment shall draw interest at one percent (1%) over the prime-lending rate from the date payment becomes delinquent.
- (2) In the event payment is not timely made as set out herein, then and in addition to the provisions of [Sec.] 39 (1), the cable operator may be declared in default of the franchise and the City may take action against the cable operator as authorized in this ordinance.
- (3) The acceptance of any payment shall not be construed as a release of, or an accord or satisfaction of, any claim that the City might have for further or additional sums payable under the terms of this Ordinance, or for any other performance or obligation of a franchised operator.
- (4) Payments of compensation made by a franchised operator to the City pursuant to this Ordinance shall be considered in addition to, and exclusive of, any and all authorized taxes, business license fees, or other levies or assessments presently in effect or later adopted.

(5) A franchise fee does not include any items excluded by Federal law.

The Franchised Cable Operator shall also pay \$5.00 pole rent per pole for each year that such poles are used in the operation of the cable system. Said pole rent is payable annually at the end of each year.

Source: Ord. No. 908, 5-16-1988: Ord. No. 1068, 9-18-2000: Ord. No. 1202, 6-1-2015.

Section 2. That Appendix A-Franchises, Article I, Section 41 is hereby repealed.

Section 3. 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 4. This ordinance shall be known as Ordinance No.1202 and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 1st day of June, 2015.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Carlson seconded with suggestion for removal of TV thus being Cable Franchise Operations in title. On roll call the following voted Aye: Evans, Carlson, and Thompson. Not present and not voting: Sumstine. Motion carried.

Council Member Evans motioned to waive the 3 readings and Thompson seconded. On roll call the following voted Aye: Evans, Carlson, and Thompson. Not present and not voting: Sumstine. Motion carried.

Council Member Evans motioned to adopt Ordinance No. 1202 by title, an ordinance to increase franchise and pole rent fees and to repeal Section 41 and Carlson seconded. On roll call the following voted Aye: Evans, Carlson, and Thompson. Not present and not voting: Sumstine. Motion carried.

Agenda item #6, Consider approval of a claim for \$109,373.69 to be drawn on CDBG 14-ED-002 from NE Dept of Economic Development and transferred to (paid to) SCEDD's NDO to be loaned to Royal Engineered Composites, Inc.

Council Member Carlson motioned approve the claim for \$109,373.69 to be drawn on CDBG 14-ED-002 from NE Dept of Economic Development and transferred to (paid to) SCEDD's NDO to be loaned to Royal Engineered Composites, Inc. and Thompson seconded. On roll call the following voted Aye: Evans, Carlson, and Thompson. Not present and not voting: Sumstine. Motion carried.

Agenda item #7, Consider approval of draw #2 for \$109,373.69; this amount will be drawn on CDBG 14-ED-002 from NE Dept of Economic Development and transferred to SCEDD's NDO to be loaned to Royal Engineered Composites, Inc.

Council Member Thompson motioned to approve the drawing #2 for \$109,373.69 on CDBG 14-ED-002 from NE Dept of Economic Development and Evans seconded. On roll call the following voted Aye: Evans, Carlson, and Thompson. Not present and not voting: Sumstine. Motion carried.

Agenda item #8, Public Comments

Glenda Blauch congratulated the council on the wonderful job they are doing. Cederburg gave a brief summary over the response from the insurance company in regards to the Fire Dept.'s Life Insurance.

Agenda item #9, Adjournment. Thompson moved to adjourn the meeting at 6:23 pm and was seconded by Evans. On roll call the following voted Aye: Evans, Carlson, and Thompson. Not present and not voting: Sumstine. Meeting adjourned.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

(SEAL)