

Minutes of Council Meeting
City of Minden, Nebraska
July 20, 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 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 Griess called the meeting to order at 6:00 p.m. The following City Council members were present: Larry Evans, Bob Carlson, Lathan Thompson, and Teresa Sumstine. The following City Council Member was absent: None. The following City Officials were present: Mayor Ted Griess, City Administrator Matthew Cederburg, City Clerk Abbey Jordan, and City Attorney Tom Lieske. City Official absent: None.

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

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

5th Street Iga 20.89, Amazon 73.74, Aurora Cooperative 96.00, Awwa Customer Service 74.00, Baker & Taylor 37.15, Big Johns Arctic Cat & Hustler 659.70, Big John's Ford, Inc 48.95, Bill's Plumbing & Htg. Inc 115.58, Bnsf Railway Company 4,650.00, Carey's Pest Control, Inc. 90.53, C. Blum 375.00, Charter Communications 1,215.25, City Of Holdrege Landfill 4,831.23, Civicplus Inc 3,120.00, Cooperative Producers, Inc. 1,406.14, Curly's Radiator Service 231.79, D. Pittner 60.00, Deterding Classic Pool/Spa 316.37, Diamond Vogel Paints Inc 106.10, Ebsco 410.14, Emergency Medical Products 751.35, Ems Billing 954.77, Fifth Street Printing 249.54, F. Lambert 1,200.00, Galls 230.45, G. Sod Farm 238.00, Hawkins Water Treatment 1,430.78, Hd Supply Waterworks, Ltd 1,233.72, Intellicom Computer Consulting 3,010.00, Island Supply Welding Co 27.63, J. Salpas 309.61, J. Hill 203.16, Joy's Floral & Gifts 192.00, Ke Co Health Payment Cntr 90.00, Kearney Hub Publishing Co. 327.45, L. T. Pedley Drug 1,146.13, Landmark Implement Carquest 304.67, Lou's Gloves 152.00, M. Cederburg 1,504.42, M. Darnell 16.38, Midwest Tapes 52.49, Minden Hardware 646.61, Minden Lumber & Concrete Co. 368.33, Mower Medic Llc 129.63, N T & T 81.19, Napa Auto Parts 88.04, Ncea 1,500.00, Ne Public Power District 33,802.13, Nebraska Power Review Board 455.00, Nebraska Public Power District, 185,054.51, One Call Concepts Inc 38.15,

Oriental Trading 82.62, Penguin Management 774.00, Pepsi Cola Of Hastings 54.83, Proquest Llc 1,205.00, Servi-Tech, Inc.74.72, S. Mc Dowell600.00, Source Gas 35.94, Southern Power District 20.09, Stadler Implement Inc. 27.30, Sunbelt Rentals, Inc 45.70, Sunset Spa & Supply 906.40, T. Delgado 200.00, Total Funds By Hasler 400.00, United States Postal Service 88.00, Usa Blue Book 979.03, Western Pathology Consult Inc 79.30, Wex Bank 3,996.72, W. Stubbs 135.00, Xerox Capital Services Inc 89.73

Thompson motioned to approve the consent agenda and Evans seconded. On roll call the following voted Aye: Evans, Carlson, Thompson, and Sumstine. Motion carried.

Agenda item #5, Treasury Report May 2015. No action taken.

Agenda item #6, Budget Report May 2015. No action taken.

Agenda item #7, Consider approval of Resolution updating Section 15.06 Residence Requirements of the City of Minden Employees Manual.

Chief of Police Jim Huff commented on response time for emergency situations for police versus city personnel.

RESOLUTION NO. 1641

Whereas, Section 15.06 of the City of Minden Personnel Manual requires certain employees of the City of Minden to live within the zoning jurisdiction of the City of Minden; and,

Whereas, the City Council of the City of Minden is desirous of making certain changes to said requirement;

Now Therefore Be It Resolved, by the City Council of the City of Minden, Kearney County, Nebraska, that Section 15.06 of the City of Minden Personnel Manual be amended to read as follow, to wit:

All non-probationary regular full-time personnel shall not be required to live within the City of Minden’s extraterritorial zoning jurisdiction. The only exceptions to this shall be all Police Department personnel shall reside within the City’s extraterritorial zoning jurisdiction and those personnel who are placed on a 24-hour call basis as determined by the City Administrator must reside within 6 miles from the City of Minden’s extraterritorial zoning jurisdiction.

Dated this 20th day of July, 2015.

/s/ Ted Greiss
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Evans motioned to approved Resolution No. 1641 updating Section 15.06 Residence Requirements of the City of Minden Employees Manual and Sumstine seconded. On roll call the following voted Aye: Evans, Carlson, Thompson, and Sumstine. Motion carried.

Agenda item #8, Consider approval of Survey for Parks & Recreation Master Plan.

Council Members discussed a few changes to the survey before being mailed out with utility bills. For question #2, members added “please specify” in accordance to the other checkbox. In question #3, horseback riding, canoeing/kayaking/paddle boarding, archery range, rock climbing, and ultimate Frisbee was removed from the list of 5 most important facilities. “Additional” was also removed from Hike/Bike Trails on question #3. The word “current” was added in front of facilities in question #4. Boating and fishing, golf course, equestrian trails, archery, and cross country skiing were removed from question #5.

Sumstine motioned to approve survey for Parks & Recreation Master Plan as amended and Thompson seconded. On roll call the following voted Aye: Evans, Carlson, Thompson, and Sumstine. Motion carried.

Agenda item #9, Consider Discussion and Selection of Bid for Water Distribution System Improvements.

Matt Rief from Olsson and Associates gave a brief summary over the four companies who put in a bid for the project. Rief recommended low bidder, Rutjen’s Construction, to handle the project. Council Members inquired about the ability to handle drilling and duration of project according to each company.

Thompson motioned to approve Rutjen’s Construction for \$1,910,526.58 and Carlson seconded. On roll call the following voted Aye: Evans, Carlson, Thompson, and Sumstine. Motion carried.

Agenda item #10, Discussion only OA Water Distribution System construction and Observation contract amendment (previous Dec 2014). No action was taken.

Agenda item #11, Discussion only of Country Club Sewer Extension project cost estimates and engineering agreement.

Cederburg gave a brief summary of priority to include the Country Club extension project for the 2015-16 budget year. Rief gave a brief description of the project outline. No action was taken.

Agenda item #12, Consider approval of Ordinance adopting 2012 International Building Code, 2012 International Residential Code, 2012 Uniform Plumbing Code and 2014 National Electrical Code.

Council member Thompson introduced Ordinance No. 1203 for the first reading.

ORDINANCE NO. 1203

AN ORDINANCE TO AMEND CHAPTER 14 OF THE MUNICIPAL CODE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA, BY AMENDING SECTIONS 14-51, 14-81, AND 14-106 AS THE SAME RELATES TO UNIFORM CODES.

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

Section 1. That Section 14-51 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be amended to read as follows:

Section 14-51 Adoption of International Building Code. There is hereby adopted by the mayor and city council, for the purpose of prescribing regulations governing the erection, construction,

enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings or structures in the city, that certain code known as the International Building Code and the International Residential Code for One and Two Family Dwellings, published by the International Code Council, being the 2012 edition (striking sec. 313) or the most current edition on file in the office of the city clerk, and the same is hereby adopted and incorporated as fully as if set out at length in this article.

(Code 1982, §16-101, Ord. No. 1156, 5-17-2010, Ord No., 1203, 07-20-2015)

Section 2. That Section 14-81 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be amended to read as follows:

Section 14-81 Adoption of National Electrical Code. There is hereby adopted by the mayor and city council for the purpose of safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power and for other purposes in the city that certain code known as the National Electrical Code, being the 2014 edition or the most current edition on file in the office of the city clerk, and the same is hereby adopted and incorporated as fully as if set out at length in this article. The provisions thereof shall be the minimum standards for electrical installations of any kind within the city.

(Code 1982, §16-101, Ord. No. 1156, 5-17-2010, Ord No., 1203, 07-20-2015)

Section 3. That Section 14-106 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be amended to read as follows:

Sec. 14-106. - Adoption of Uniform Plumbing Code. There is hereby adopted by the mayor and city council for the purpose of prescribing regulations governing the minimum standards for the installation of plumbing in the city that certain code known as the Uniform Plumbing Code, being the 2012 edition or the most current edition on file in the office of the city clerk, and the same is hereby adopted and incorporated as fully as if set out at length in this article, and shall take effect from the effective date of the ordinance from which this article is derived. The provisions thereof shall be controlling within the limits of the city.

(Code 1982, §16-101, Ord. No. 1156, 5-17-2010, Ord No., 1203, 07-20-2015)

Section 4. 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 5. This ordinance shall be known as Ordinance No. 1203 and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 20th day of August 2015.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:
/s/ Abbey Jordan
Abbey Jordan, City Clerk

Evans seconded. On roll call the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Motion carried.

Council Member Thompson motioned to waive the 3 readings and Sumstine seconded. On roll call the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Motion carried.

Council Member Thompson motioned to adopt Ordinance No. 1203 by title, an ordinance To Amend Chapter 14 Of The Municipal Code Of The City Of Minden, Kearney County, Nebraska, By Amending Sections 14-51, 14-81, And 14-106 As The Same Relates To Uniform Codes. Sumstine seconded. On roll call the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Motion carried.

Agenda item #13, Consider approval of Resolution acknowledging Charter Communications merger in reference to the Franchise Agreement.

RESOLUTION NO. 1642

Whereas, Charter Communications VIII Operating, LLC (“Franchisee”) is the duly authorized holder of a franchise, as amended to date (the “Franchise”), authorizing Franchisee to operate and maintain a cable system to serve City of Minden, NE (the “Franchise Authority”); an

Whereas, on May 23, 2015, Charter Communications, Inc. (“Charter Communications”), the ultimate parent company of Franchisee, with its subsidiary CCH I, LLC (“New Charter”), entered into agreements with Advance/Newhouse Partnership (“A/N”), the ultimate parent company of Bright House Networks, LLC (“BHN”), Time Warner Cable Inc. (“TWC”), and Liberty Broadband Corporation (“Liberty”) (collectively “the Agreements”), the purpose of which are to effectuate the acquisition of BHN and merger with TWC (“Transaction”); and

Whereas, Charter Communications will merge with a subsidiary of New Charter, and all shares of Charter Communications will be converted into shares of New Charter, and New Charter will assume the name Charter Communications, Inc. (“Charter”); and

Whereas, pursuant to the Agreements, A/N, TWC shareholders, and Liberty will acquire minority ownership interests in Charter; and

Whereas, the majority of Charter’s Board of Directors will remain the same and its senior management will not change as a result of the Transaction; and

Whereas, the actual working control of Franchisee will not change as a result of the Transaction, and will remain with Charter; and

Whereas, Charter has filed an FCC Form 394 with the Franchise Authority (the “Application”); and
Whereas, the Franchise Authority has considered the Application and consents to the Transaction.

NOW, THEREFORE, BE IT RESOLVED BY THE FRANCHISE AUTHORITY AS FOLLOWS:

The forgoing recitals are approved and incorporated herein by reference.

1. The Franchise Authority consents to the Transaction
2. The Franchise Authority confirms that the Franchise is valid and outstanding and in full force and effect and there are no defaults under the Franchise. Subject to compliance with the terms of this Resolution, an action necessary with respect to the Transaction and the Franchise has been duly and validly taken.
3. Charter or the Franchisee may (a) assign, transfer, or transfer control of its assets, including the Franchise, provided that such assignment, transfer, or transfer of control is to an entity directly or indirectly controlling, controlled by or under common control with Charter; (b) restructure debt or

change the ownership interests among existing equity participants in Charter; (c) pledge or grant a security interest to any lender(s) of Charter's assets, including, but not limited to, the Franchise, or of interest in Charter, for purposes of securing any indebtedness; and (d) sell equity interests in Charter or any of Charter's affiliates.

4. Upon closing of the Transaction, the Franchisee shall remain bound by the lawful terms and conditions of the Franchise.
5. This Resolution shall be deemed effective upon adoption.
6. This Resolution shall have the force of a continuing agreement with Franchisee, and the Franchise Authority shall not amend or otherwise alter this Resolution without the consent of Franchisee and Charter.

PASSED, ADOPTED AND APPROVED this 20th day of July, 2015.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Thompson motioned to approve Resolution No. 1642 and Evans seconded. On roll call the following voted Aye: Evans, Carlson, Thompson, and Sumstine. Motion carried.

Agenda item #14, Consider approval of a claim for \$112,146.35 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.

Agenda item #15, Consider approval of draw #4 for \$112,146.35; 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.

Due to the similarity of agenda items 14 & 15, Mayor Ted Griess suggested that the council consider both items in one motion.

Evans motioned to approve claim for \$112,146.35 and draw #3 for \$112,146.35 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, Thompson, and Sumstine. Motion carried.

Agenda item #16, Public Comments.

Dana Papez, a resident of Minden, gave a brief summary of the timeline on June 30th, over a power surge that occurred outside of her home affecting her air conditioner and dishwasher.

Agenda item #17, Closed Session-Strategy

Evans motioned to go into closed session for Strategy at 7:21 p.m. and Sumstine seconded. On roll call the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Motion carried.

At 7:52 p.m., Evans motioned to go into open session and was seconded by Thompson. On roll call the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Motion carried.

Agenda item #18, Adjournment. Thompson moved to adjourn the meeting at 7:53 pm and was seconded by Sumstine. On roll call the following voted Aye: Evans, Carlson, Thompson, and Sumstine. Meeting adjourned.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

(SEAL)