

Minutes of Council Meeting  
City of Minden, Nebraska  
August 17, 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 City 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 Officials were present: Mayor Ted Griess, City Administrator Matthew Cederburg, City Clerk Abbey Jordan and City Attorney Tom Lieske.

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:

5th Street IGA \$23.31, Amazon \$190.66, Aqua Aerobic Systems Inc \$104.65, Aurora Cooperative \$318.00, Baker & Taylor \$604.42, B. Detlefsen \$55.00, Benjamin's Landscaping \$331.25, Big Johns Arctic Cat & Hustler \$115.38, Big John's Ford, Inc \$983.17, Cenage/Gale \$170.23, Charter \$1,237.15, City Of Holdrege Landfill \$4,841.17, City Of Kearney \$9,500.00, Cooperative Producers, Inc. \$1,563.50, Dana F Cole & Company Llp \$205.00, Deterding Classic Pool/Spa \$52.19, Dutton Lainson Co \$134.09, Ems Billing \$871.49, Fastenal Company \$7.25, Fifth Street Printing \$428.99, Fireguard, Inc. \$80.31, Fyr-Tek, Inc. \$684.80, Hach Company \$268.54, Hawkins Water Treatment \$3,054.86, In The Swim \$1,520.94, Intellicom Computer Consulting \$2,633.75, Island Supply Welding Co \$8.68, Iti \$3,392.74, J. K. Benson \$7,150.00, J. Gillespie \$60.00, J. Hill \$116.75, J. Edgecombe \$30.00, Joy's Floral & Gifts \$110.00, Junior Library Guild \$1,077.00, Ke Co Health Payment Cntr \$200.00, Ke. Co. Weed Control \$64.61, Kearney Media \$925.00, K. Olson \$188.54, L. T. Pedley Drug \$41.72, Landmark Implement Carquest \$46.81, Marion Cisneros \$30.00, Midlands Contracting \$97,650.00, Midwest Tapes \$102.46, Minden Hardware \$505.99, Minden Lumber & Concrete Co. \$967.78, Minden Machine Shop Inc \$519.51, Minden Office Supply, Inc \$1,336.89, Mower Medic Llc \$286.83, Municipal Automation And Control \$1,315.56,

Municipal Code Corporation \$700.00, N T & T \$81.19, Napa Auto Parts \$595.76, Ne Public Power District \$14,744.40, Ne Rural Water Assoc \$560.00, Nebraska Library Association \$215.00, Nebraska Public Power District \$200,766.88, Olsson Associates \$13,301.02, Penworthy/Media Source \$952.11, Pioneer Village \$2,036.91, Presto X Co.\$46.64, R. Blecha \$40.00, R. Steen \$30.00, Servi-Tech, Inc. \$34.50, Source Gas \$33.29, South Central Econ Development \$112,146.35, South Platte United Chambers \$150.00, Southern Power District \$3,365.78, S. Griffith \$13.00, Sunset Spa & Supply \$418.30, The Library Store \$61.59, The Minden Courier \$154.50, T. Jensen \$30.00, Verizon Wireless \$397.45, Western Pathology Consult Inc \$158.50, Wex Bank \$4,291.94, Xerox Capital Services Inc \$51.06

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

**Agenda item #10**, Consider approval to put the LED street lights project out for bid. This was moved up in the order due to a previous commitment by Bryan Smith, NPPD.

Cederburg and Smith addressed previous concerns about whether the LED street lights would be able to provide adequate lighting for both commercial and residential areas. Cederburg showed photos of the two residential lights. Additionally, Cederburg and Smith decided to provide a second option for commercial lighting so the council can make the best decision for the City. The item was tabled until further information is provided.

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

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

**Agenda item #7**, Consider Chamber of Commerce cost-share request for \$10,000 for the ice skating rink on the square for the Century of Lights celebration.

Chamber Vice President Marcy Brandt spoke about the efforts being made to make the Century of Lights celebration something to remember. A big part of the plans for the celebration is to bring in an ice skating rink. The rink would hopefully be on the east side of the Minden City square under the Christmas Lights for fifteen days and 100 pairs of ice skates would be provided for citizen rentals.

Concerns were expressed about the location and security of the ice rink. Brandt said they were open to alternative locations if the east side of the square is not an option.

Thompson motioned to approve Chamber of Commerce's cost-share request for \$10,000 for the ice skating rink, and Evans seconded. On roll call the following voted Aye: Evans, Carlson, Thompson and Sumstine. Motion carried.

**Agenda item #8**, Consider contribution of \$2000 for Century of Lights exchange promotion.

Cederburg presented the idea of doing a "Two-for-One Light Exchange." People would bring in a string of incandescent lights, buy a string of LED lights, and get a second string of LED lights for free. The idea is to encourage citizens to participate in the 100 year celebration by decorating their homes for Christmas and save energy with the LED lights.

Evans motioned to approve the contribution of \$2000 pending a match of \$2000 from the Chamber of Commerce. Thompson seconded. On roll call the following voted Aye: Evans, Sumstine, Carlson and Thompson. Motion carried.

**Agenda item #9**, Consider approval of Resolution to Close Streets and Highway for Bandfest October 17, 2015 as requested by the Minden Chamber of Commerce and to accept the duties of LB 589.

**RESOLUTION 1644**

A RESOLUTION OF THE CITY OF MINDEN, NEBRASKA, PREPARING FOR ITS ANNUAL BANDFEST AND APPLYING TO OBTAIN A SPECIAL EVENT PERMIT THROUGH THE NEBRASKA DEPARTMENT OF ROADS.

**WHEREAS**, the City of Minden, Nebraska, and its residents have annually celebrated Minden Bandfest in the fall of each year, to be held this year on October 17, 2015; and

**WHEREAS**, as part of the Minden Bandfest, the City of Minden, Nebraska, plans to use four blocks of Highway 10, which is part of the state highway system, other than a freeway, including full and partial lane closures as part of the special event; and

**WHEREAS**, the Nebraska Department of Roads has changed its special event permit process as a result of the passage of Neb. Rev. Stat. §39-1359, which became effective on May 24, 2011; and

**WHEREAS**, the City of Minden, Nebraska, as part of Minden Bandfest, acknowledges and understands that use of the state highway system for a special event requires a legal duty to protect the highway property from any damage that may occur arising out of the special event, and the state shall have no duty during the time the City of Minden is in control of the highway, as specified in the notice that will be provided to the Nebraska Department of Roads.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Minden, Nebraska (the "City"):

1. The Minden City Council now advises the Nebraska Department of Roads that the City of Minden will be making use of four blocks of Highway 10, between First Street and Fifth Street, which is part of the state highway system and is not a freeway, for a special event known as Minden Bandfest to be held on October 17, 2015. The use of Highway 10 will be from 12:15 p.m. until 2:45 p.m. on October 17, 2015 ("city's use"). As part of the special event, the Minden City Council acknowledges the City of Minden shall have the legal duty to protect highway property from any damage that may occur from the city's use of four blocks of Highway 10 and the State of Nebraska shall not have any such duty during the city's use of Highway 10 for the Minden Bandfest. Notice will be provided to the Nebraska Department of Roads at least thirty days prior to Minden Bandfest.
2. The City Council, on behalf of the City of Minden, acknowledges that any existing statutory or common law duty of the State of Nebraska to protect the public from damage, injury or death shall become the duty of the City of Minden during the city's use of four blocks of State Highway 10 for the Minden Bandfest, and the state shall not have such statutory or common law duty during the city's use of four blocks of Highway 10 within the City of Minden.
3. The City Council, on behalf of the City of Minden, by this resolution, formally acknowledges that the City of Minden accepts the duties set forth in subsection (2) of Neb. Rev. Stat. §39-1359, as well as the duty to protect the public from damage, injury or death during the city's use of four blocks of Highway 10 for the annual Minden Bandfest

and if a claim is made against the State of Nebraska, the City of Minden shall indemnify, defend and hold harmless the State of Nebraska from all claims, demands, actions, damages and liability, including reasonable attorney fees, that may arise as a result of the city's use of four blocks of Highway 10 during its annual Minden Bandfest.

4. The Minden City Council now authorizes the Mayor to sign this resolution accepting and acknowledging its duties for control during the city's use of four blocks of Highway 10 during its annual Minden Bandfest, and to present this resolution to the Nebraska Department of Roads.

This Resolution shall become effective upon its passage and approval.

Passed and approved on August 17, 2015.

/s/ Ted Griess  
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan  
Abbey Jordan, City Clerk

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

**Agenda item #11**, Consider approval of changes to the City of Minden's employee healthcare plan.

Cederburg gave an overview of the proposed changes. Jordan asked about the deductible and how it would be handled from October to December and changes to the out of pocket expenses for non-preferred providers.

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

**Agenda item #12**, Consider approval of Change Order #1 for the Lift Station #4 Improvements.

Thompson motioned to approve Change Order #1 for the Lift Station #4 Improvements and Sumstine seconded. On roll call the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Motion carried.

**Agenda item #13**, Consider approval of Olsson and Associates' letter of completion reference the Lift Station #4 Improvements.

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

**Agenda item #14**, Consider approval of Pay Request #1 for Midlands Contracting, Inc. for Lift Station #4 Improvements.

Sumstine motioned to approve the Pay Request #1 for Midlands Contracting and Evans seconded. On roll call the following voted Aye: Evans, Sumstine, Carlson, and Thompson.

**Agenda item #15**, Consider approval of Olsson Associates Contract Amendment for Water Distribution System Construction and Observation.

Sumstine motioned to approve Olsson and Associates Contract Amendment for Water Distribution System Construction and Observation. Thompson seconded. On roll call the following voted Aye: Evans, Sumstine, Carlson, and Thompson.

**Agenda item #16**, Consider approval of Ordinance making the direction of travel on Gilman Avenue between Third Street and First Street one way going north to south only and making the direction of travel on Third Street between Park Avenue and Gilman Avenue one way going east to west only.

Thompson introduced Ordinance No. 1204 for the first reading.

**ORDINANCE NO. 1204**

AN ORDINANCE TO AMEND CHAPTER 82 ARTICLE IV OF THE MUNICIPAL CODE OF MINDEN, KEARNEY COUNTY, NEBRASKA, BY AMENDING SECTION 82-10, AS THE SAME RELATES TO ONE WAY STREETS:

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

Section 1. That Section 82-10 (b) of the Municipal Code of the City of Minden, Kearney County, Nebraska, be added to the Municipal Code of the City of Minden, the same to read as follows:

**Section 82-10(b). Direction of travel on Third Street.** The direction of travel on Third Street between Park Avenue and Gilman Avenue shall be one way going east to west only.

(C.O. Ord No. 1204, 08/17/2015)

Section 2. That Section 82-10 (c) of the Municipal Code of the City of Minden, Kearney County, Nebraska, be added to the Municipal Code of the City of Minden, the same to read as follows:

**Section 82-10(c). Direction of travel on Gilman Avenue.** The direction of travel on Gilman Avenue between Third Street and First Street shall be one way going north to south only.

(C.O. Ord No. 1204, 08/17/2015)

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. 1204 and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 17th day of August, 2015.

/s/ Ted Griess  
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan  
Abbey Jordan, City Clerk

(SEAL)

Pat Miller asked if this would be permanent or temporary based on completion of the construction. Mayor Griess responds by stating it is permanent until the construction is complete.

Sumstine seconded the first reading of Ordinance No. 1204. On roll call the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Motion carried.

Council Member Thompson motioned to waive the 3 readings of Ordinance No. 1204 and Evans seconded. On roll call the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Motion carried.

Council Member Thompson motioned to adopt Ordinance No. 1204 by title, an ordinance to amend chapter 82 article IV of the municipal code of Minden, Kearney county, Nebraska, by amending section 82-10, as the same relates to one way streets. Evans seconded. On roll call the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Motion carried.

**Agenda item #17**, Consider approval of Ordinance for No Parking on west side of Gilman Avenue from Third Street to First Street.

Minden citizen Randall Horine opposed no parking on the west side of Gilman. Council discussion took place about the need for parking especially during school functions and sporting events. Police Chief Huff stated that buses will have difficulty in turning south onto Gilman with vehicles parked on the west side. The discussion concluded with the council wanting to make a specific distance on the west side no parking from Third Street south and then allowing parking the remainder of the way to First Street. The item was tabled until the necessary distance can be determined for bus clearance.

**Agenda item #18**, Consider approval of Ordinance of Parallel Parking on South side of Fifth Street from Nebraska Ave to Colorado Avenue.

Council member Carlson introduced Ordinance No. 1205 for the first reading.

#### **ORDINANCE NO. 1205**

AN ORDINANCE TO AMEND CHAPTER 82, ARTICLE IV, OF THE MUNICIPAL CODE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA, BY AMENDING SECTION 82-99 AS THE SAME RELATES TO PARKING.

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

Section 1. That Section 82-99 (n), of the Municipal Code of the City of Minden, Kearney County, Nebraska, be added to the Municipal Code of the City of Minden, the same to read as follows:

Section 82-99 (n). Parallel Parking Area Designated on Fifth Street in the City of Minden, Kearney County, Nebraska. Only parallel parking shall be allowed on Fifth Street from the east right-of-way line

of Nebraska Avenue to the west right-of-way of Colorado Avenue. All of said streets are in the City of Minden.

(C.O. Ord No. 1205, 08/17/2015)

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. 1205 and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 17th day of August, 2015.

/s/ Ted Griess  
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan  
Abbey Jordan, City Clerk

(SEAL)

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

Council Member Evans motioned to waive the 3 readings of Ordinance No. 1205 and Thompson seconded. On roll call the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Motion carried.

Council Member Evans motioned to adopt Ordinance No. 1205 by title, an ordinance to amend chapter 82, article IV, of the municipal code of the city of Minden, Kearney County, Nebraska, by amending section 82-99 as the same relates to parking. Thompson seconded. On roll call the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Motion carried.

**Agenda item #19**, Consider approval of an Interlocal Agreement with the City of Kearney for Building Inspection Services, totaling \$6500 to include inspection services for up to 5 new structures.

Thompson motioned to approve the Interlocal Agreement for Building Inspection Services and Sumstine seconded. On roll call the following voted Aye: Evans, Sumstine, Carlson, and Thompson.

**Agenda item #20**, Public Comments. No comments were made.

**Agenda item #21**, Adjournment. Thompson moved to adjourn the meeting at 7:47 pm and was seconded by Evans. On roll call the following voted Aye: Evans, Carlson, Sumstine, and Thompson. Meeting adjourned.

/s/ Ted Griess  
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan

Abbey Jordan, City Clerk  
(SEAL)