

City of Minden

P.O. Box 239, 325 N. Colorado
Minden, Nebraska 68959

phone 308.832.1820
fax 308.832.1949
www.MindenNebraska.org



Minutes of Council Meeting
City of Minden, Nebraska
September 21, 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, Teresa Sumstine, Bob Carlson, and Lathan Thompson. 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, c. Consider Acceptance of Excused Absence of Mayor or Council Members.
d. 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 6.18, Ace Irrigation Inc. 1572.00, Amazon 390.86, Baker & Taylor 294.72, Bill's Plumbing & Htg. Inc 68.54, Blue Cross Blue Shield Ne 854.76, Brown Transfer Company 98.60, Carey's Pest Control, Inc. 90.53, Charter Communications 1214.79, City Of Holdrege Landfill 4837.13, Clinch Enterprises 67.17, Cooperative Producers, Inc. 2432.29, D. Anderson 30.00, Demco 219.97, Deterding Classic Pool/Spa 739.59, Diamond Vogel Paints Inc 327.75, Ems Billing 1137.72, E. Worley 650.00, Fastenal Company 58.10, Fifth Street Printing 460.48, Fyr-Tek, Inc. 179.22, Hach Company 297.18, Hawkeye Vision Inc 6508.49, Hawkins Water Treatment 1074.44, Heiman Fire Equipment 1840.00, Intellicom Computer Consulting 1083.48, Island Supply Welding Co 8.68, J. Carter 3332.60, J. Hill 144.48, John Deere Financial 9109.55, Joy's Floral & Gifts 160.00, Kully Pipe & Steel Supply 18.81, Leadership Resources 1000.00, Lockhorn Construction 960.00, Mailfinance 825.00, M. Cederburg 75.00, M. Pittner 40.00, Midwest Tapes 25.49,

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Miller & Associates 7450.00, Minden Hardware 44.83, Minden Lumber & Concrete Co. 165.40, Minden Machine Shop Inc 55.00, Minden Office Supply, Inc 15.33, Mower Medic Llc 655.52, Municipal Supply-Nebraska 372.55, N T & T 81.19, Napa Auto Parts 954.88, Ne Environmental Products 419.64, Ne Public Power District 40697.12, Nebraska Forest Service 40.00, Nebraska Public Power District 191906.16, Oclc, Inc. 226.91, Olsson Associates 1133.96, Pepsi Cola Of Hastings 109.66, Physio-Control, Inc. 10854.20, S. Johnson 50.00, Source Gas 33.29, Southern Power District 20.74, State Of Nebraska 220.00, Structural Bolt Company 249.00, Tanya Schneider 13.98, Temple Display Ltd 16.27, The Library Store 176.70, The Lockmobile 114.00, Total Funds By Hasler 800.00, United Suppliers, Inc. 364.60, Western Pathology Consult Inc 79.30, W. Simmerman 461.07, Xerox Capital Services Inc 157.90.

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

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

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

Agenda item #7, Airport Authority Budget Presentation by Brent Stewart. Stewart reviewed the composition of the Airport Authority's budgets and future projects to be completed. No action taken.

Agenda item #8, Consider approval for City loan to CRA \$400,000 for land acquisition and development at a rate of 1% from the enterprise fund reserve.

CRA member, Roger Jones, brought up CRAs involvement with West Minden Estates and how is started with fifty empty lots and is now down to twenty. He also mentioned the need for housing in Minden. In Royal's housing survey, many had said that they would move to Minden if they had adequate housing. Additionally, the similar project of West Minden Estates, including the City's infrastructure, has been paid for and is successful despite the high level of skepticism in the beginning.

CRA member, Tom Lieske, agreed with Jones in that West Minden Estates was a successful project, and in the future, the City will be needing land for further development.

Thompson had a concern regarding the need for more rental housing as opposed to further development of new homes. He also mentioned the development of new rental properties on a vacant block, known as the "Old Recycle Plant", in town. In response, Jones stated that the vacant property in town has not been forgotten, but there is and will continue to be a desire for new homes.

Sumstine asked if the City would be putting itself in a risky financial position by making the loan with all other projects being taken on.

Cederburg responded by stating the City couldn't afford to miss out on this opportunity, especially for the addition of much needed commercial lots. He stated the money generated by the Minden West Estates lot sales would go towards the loan payoff and reminded the Council that the previous loan for the infrastructure at West Estates has been paid off. Carlson reiterated the importance of buying the land while there is the opportunity because it might not be a possibility in the future.

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This item has been tabled until October 5, 2015.

Agenda item #9, Consider Approval of Ordinance to authorize issuance of 2015 General Obligation Bonds for the Water Project Phase 1.

Evans introduced Ordinance No. 1207 for its first reading.

ORDINANCE NO. 1207

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$2,945,000 GENERAL OBLIGATION WATER BONDS OF THE CITY OF MINDEN, NEBRASKA TO PAY THE COSTS OF EXTENSIONS, IMPROVEMENTS AND ENLARGEMENTS TO THE CITY'S WATER SYSTEM; PRESCRIBING THE FORM AND DETAILS OF THE BONDS; PROVIDING FOR THE LEVY OF TAXES TO PAY THE SAME; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM AND RELATED MATTERS.

Passed and approved this 21st day of September, 2015.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

The motion was seconded by Thompson. On roll call, the following voted Aye: Evans, Sumstine, Carlson, and Thompson.

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

Evans motioned to adopt Ordinance No. 1207 by title. Thompson seconded. On roll call the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Motion carried.

Agenda item #10, Consider the approval of a claim for \$172,526.03 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 #11, Consider approval of draw # 5 for 172,526.03; this amount will 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.

Due to the similarity of agenda items 10 & 11, Mayor Ted Griess suggested that the council consider both items in one motion.

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

Agenda item #12, Consider approval of Olsson Associates agreement for Analysis of NPPD Interconnect (Sub-Transmission) Options, not to exceed \$15,000.

The City will soon have to be addressing the Sub T Line, and because it is such an expensive and impactful project, they wanted to a hire a third party for professional guidance in making the right decision as both NPPD and SPD have provided multiple options.

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

Agenda item #13, Consider Approval of Purchase of Flew Wing Rotary Cutter for \$13,365.00 for the Street Department.

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

Agenda item #14, Consider Approval of Ordinance updating liquor license occupational taxes.

Sumstine introduced Ordinance No. 1208 for its first reading.

ORDINANCE NO. 1208

AN ORDINANCE TO AMEND CHAPTER 6 BY AMENDING ARTICLE 1, SECTION 6-7 OF THE MUNICIPAL CODE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA BY ADDING SECTIONS AS THE SAME RELATE TO ALCOHOLIC LIQUORS.

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

Section 1. That Section 6-7 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be and the same is hereby amended to read as follows:

(a) There is hereby levied an occupation tax on persons, businesses and business organizations holding liquor licenses within the City of Minden, Kearney County, Nebraska and its zoning jurisdiction in the following amounts, to wit:

Occupational Tax per License Class:

"A"	\$100.00	"ADK"	\$300.00
"AB"	\$200.00	"AK"	\$100.00
"ABK"	\$200.00	"B"	\$100.00
"AD"	\$300.00	"BK"	\$100.00

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"C"	\$300.00	"ID"	\$450.00
"CCB"	\$300.00	"IDK"	\$450.00
"CK"	\$300.00	"IK"	\$250.00
"CKCB"	\$300.00	"L"	\$250.00
"D"	\$200.00	"W"	\$500.00
"DK"	\$200.00	"X"	\$750.00
"E"	\$300.00	"Y"	\$250.00
"I"	\$250.00	"K" catering	\$100.00
"IB"	\$350.00	"LK"	\$350.00
"IBK"	\$350.00	"YK"	\$350.00

(b) Said occupation tax as designated and enumerated herein shall be for the purpose of raising revenue for the general fund of the City and for the purpose of maintaining the peace, good governmental welfare of the corporation and the trade, commercial and manufacturers.

(c) All taxes levied in this article shall be due and payable in advance. Taxes levied and paid at a yearly rate shall be for a period beginning May 1 and ending the last day of the following April, with the exception of Class C licenses, which should be paid for a period beginning November 1 and ending the last day of the following October. When any business taxed in this article at a yearly rate shall commence during any year, the proportional part of the yearly taxes shall be paid for the portion of the year remaining until the following May 1, or in the case of Class C, November 1.

(d) No taxes in this article shall apply to any business or occupation which is wholly interstate or which is operated by any department of the government of the United States, or this state, county or other political subdivision.

(e) All taxes payable as provided in this article shall be paid to the city treasurer at the times specified in this article, and the treasurer shall give a duplicate receipt therefore, one copy of which shall be filed with the city clerk and the other copy retained by the taxpayer.

(f) All occupation taxes shall be due, and payable on the first (1st) day of May for all non-Class C licenses or first (1st) day of November for Class C licenses of each year, except in the event that the said tax is levied daily, and upon the payment thereof by any person or persons to the Municipal Clerk, the said Clerk shall give a receipt, properly dated, and specifying the person paying the said tax, and the amount paid. The revenue collected shall then be immediately deposited into the General Fund by the Municipal Treasurer. The Municipal Treasurer shall keep an account of all revenue turned over to him.

(g) In the event this ordinance is passed and approved after May 1st or November 1st it shall be levied, assessed and prorated on a daily basis until May 1 for all non-Class C licenses or November 1 for Class C licenses the following year.

All forms, and receipts herein mentioned shall be issued in duplicate. One (1) copy shall then be kept by each party in the transaction.

(h) The receipt issued after the payment of any occupation tax shall be the Occupation Tax Certificate. The said certificate shall specify the amount of the tax and the name of the person, and business that paid the said tax. The Occupation Tax Certificate shall then be displayed in a prominent place, or carried in such a way as to be easily accessible, while business is being conducted.

(i) If any person, company, or corporation fails, to neglect to pay the occupation taxes as provided herein on the day it becomes due, and payable, the Municipality shall then proceed by civil suit to collect the amount due. All delinquent taxes shall bear interest at the rate of one (1%) per cent per month until paid.

Source: (§53-132(4)(d); Ord. No. 1159, 2-21-2012; Ord. No. 1208,9-21-2015)

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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. 12XX and shall be in full force and effect and after its passage, approval and publication according to law.

Passed and approved this 21st day of September, 2015.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

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

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

Sumstine motioned to adopt Ordinance No. 1208 by title. Thompson seconded. On roll call the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Motion carried.

Agenda item #15, Consider approval of NPPD's Fiscal Year 2015-2016 O&M Budget of \$220,000 and Capital Improvement Budget of \$205,000.

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

Agenda item #16, Consider approval of City of Minden employee cost of living increase.

Cederburg stated the average increase of 13 different cities in Nebraska was 2.23%. Thompson motioned to approve the cost of living increase by 2.5%. Carlson seconded the motion. On roll call, the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Motion carried.

Agenda item #17, Public Comments

Cederburg updated council about the Country Club Drive sewer project and stated that the City Code does not provide a time frame for connection to a new sewer line for existing houses.

Agenda item #18, Adjournment

Adjournment. Evans moved to adjourn the meeting at 8:09 pm and was seconded by Thompson. On roll call the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Meeting adjourned.

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/s/ Ted Griess

Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan

Abbey Jordan, City Clerk