

City of Minden

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

phone 308.832.1820
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www.MindenNebraska.org



Minutes of Council Meeting
City of Minden, Nebraska
October 19, 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: City Attorney Tom Lieske, Mayor Ted Griess, City Administrator Matthew Cederburg, City Clerk Abbey Jordan. The following City Official was 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 east wall 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. Please state your name and address prior to commenting.”

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, e. Consider Special Designated Liquor License for the Chamber of Commerce at 340 E. 5th Street for Art with a Flair on the Square from 5:00 pm on the following days: Nov 27, 28, Dec 4, 5, 10, 11, 12 and from 1:00 pm to 5:00 pm on the following days: Nov 29 and Dec 6.

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

A-1 Heating Av Inc 1,319.25, Amazon 151.14, Aurora Cooperative 29.98, Baker & Taylor 82.3, Big John's Ford, Inc 1,309.22, Cenage/Gale 174.13, Central Community College 2,232.00, Charter Communications 1214.73, City Of Holdrege Landfill 4,385.47, Computer Hardware 34.5, Cooperative Producers, Inc. 1,030.57, Deterding Classic Pool/Spa 15.90, Electronic Systems 45, Ems Billing 254.33, Fifth Street Printing 128, Grayson Tool, Inc 340, Hawkins Water Treatment 1,196.28, Heiman Fire Equipment 1,860.00, Intellicom Computer Consulting 904.3, Island Supply Welding Co 8.4, ITI 1148.72, Johnson Service Company 1,912.50, K. Olson 91.25, Lawson Products, Inc. 164.15, M. Cederburg 368.75, Midwest Tapes 59.99, Minden Lumber & Concrete Co. 116.99, Minden Office Supply, Inc 173.84, Mower Medic LLC 14.13, N T & T 81.19, NE Dept Of Agriculture 150.00, Ne Public Health Environmental 1,003.00, Nebraska Dept Of Roads 45.00, Nebraska Public Power District 184,973.73, Nmc, Inc. 8,780.00, North Central Laboratories 30.28, Olsson Associates 8995.97, Source Gas 120.74, Southern Power District 21.29, Stadler Implement Inc. 4.75, The Lockmobile

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187.5, The Minden Courier 84, Total Funds By Hasler 443.01, Trimble Navigation Limited 751.67, Verizon Wireless 547.75, Village Cleaners Inc 29.20, Warren T Plumbing Services 130.00, Wex Bank 4693.91, Xerox Capital Services Inc 143.69.

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

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

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

Agenda item #7, Public Hearing at 6:00 pm, to Consider a Change in Zoning: Tax Lots A, B, and C, City of Minden, Kearney County, Nebraska, specifically described as:

A tract of land being a part of Tax Lots A, B and C in the East Half of the Northwest Quarter (E ½ NW ¼) of Section Seven (7), in Township Six (6) North, of Range Fourteen (14), West of the 6th P.M., in Kearney County, Nebraska, more particularly described as follows: Referring to the Southeast Corner of Lot One (1), in Block Two (2), Railroad Addition to Minden, Kearney County, Nebraska, and assuming the Northerly right-of-way line of U.S. Highway No. 6 as bearing N 71°39'49" E and all bearings contained herein are relative thereto; thence N 71°39'49" E and on the northerly right-of-way line of said U.S. Highway No. 6 a distance of 328.43 Feet to the intersection of the East line (if extended) of AMJO Development, a subdivision to the City of Minden, Kearney County, Nebraska, and the northerly right-of-way line of U.S. Highway No. 6; thence leaving said northerly right-of-way N 00°51'46" W a distance of 263.0 Feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 00°51'46" W and on the East line of Lots Seven (7) through One (1) of AMJO Development a distance of 617.3 Feet to the Northeast corner of Lot One (1) of said subdivision; thence S 89°37'16" E a distance of 241.1 Feet; thence S 00°31'46" E a distance of 800.7 Feet to a point on the northerly right-of-way line of U.S. Highway No. 6; thence S 71°39'49" W on said northerly right-of-way a distance of 57.77 Feet; thence leaving said right-of-way N 06°22'40" W a distance of 205.84 Feet; thence S 89°31'16" W a distance of 161.97 Feet to the place of beginning. The above parcel is presently zoned "Agricultural (A)" and the request as filed, proposes that said parcel be changed to a zoning designation of "Industrial (D)."

Lieske opened the public hearing at 6:16 pm. Sumstine spoke in favor of the plan. No one spoke in opposition. The hearing was closed at 6:18 pm.

Agenda item #8, Consider Approval of an Ordinance changing the zoning from Agricultural (A) to Industrial (D) for: A tract of land being a part of Tax Lots A, B and C in the East Half of the Northwest Quarter (E ½ NW ¼) of Section Seven (7), in Township Six (6) North, of Range Fourteen (14), West of the 6th P.M., in Kearney County, Nebraska.

Thompson introduced Ordinance No. 1209 for its first reading.

ORDINANCE NO. 1209

AN ORDINANCE TO AMEND THE CITY ZONING MAP OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA, WHICH MAP IS PROVIDED FOR IN SECTION 94-5 OF THE MUNICIPAL CODE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA.

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

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Section 1. That the following described real estate which lies within the Zoning Jurisdiction of the City of Minden, Kearney County, Nebraska, to-wit;

A tract of land being a part of Tax Lots A, B and C in the East Half of the Northwest Quarter (E ½ NW ¼) of Section Seven (7), in Township Six (6) North, of Range Fourteen (14), West of the 6th P.M., in Kearney County, Nebraska, more particularly described as follows: Referring to the Southeast Corner of Lot One (1), in Block Two (2), Railroad Addition to Minden, Kearney County, Nebraska, and assuming the Northerly right-of-way line of U.S. Highway No. 6 as bearing N 71°39'49" E and all bearings contained herein are relative thereto; thence N 71°39'49" E and on the northerly right-of-way line of said U.S. Highway No. 6 a distance of 328.43 Feet to the intersection of the East line (if extended) of AMJO Development, a subdivision to the City of Minden, Kearney County, Nebraska, and the northerly right-of-way line of U.S. Highway No. 6; thence leaving said northerly right-of-way N 00°51'46" W a distance of 263.0 Feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 00°51'46" W and on the East line of Lots Seven (7) through One (1) of AMJO Development a distance of 617.3 Feet to the Northeast corner of Lot One (1) of said subdivision; thence S 89°37'16" E a distance of 241.1 Feet; thence S 00°31'46" E a distance of 800.7 Feet to a point on the northerly right-of-way line of U.S. Highway No. 6; thence S 71°39'49" W on said northerly right-of-way a distance of 57.77 Feet; thence leaving said right-of-way N 06°22'40" W a distance of 205.84 Feet; thence S 89°31'16" W a distance of 161.97 Feet to the place of beginning.

The above parcel is presently zoned "Agricultural (A)" and the request as filed, proposes that said parcel be changed to a zoning designation of "Industrial (D)."

Source: ORD NO., 1209, 10/19/2015.

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. 1209 and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 19th day of October, 2015.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk
(SEAL)

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

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

Thompson motioned to adopt Ordinance No. 1209 by title. Evans seconded. On roll call the following voted Aye: Evan, Carlson, and Thompson. The following abstained: Sumstine. Motion carried.

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Agenda item #9, Public Hearing to Consider a Final Plat for Ted Miller Addition in the City of Minden, Kearney County, Nebraska. Specifically described as:

A tract of land being part of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4), Section Twelve (12), Township Six (6) North, Range Fifteen (15) West of the 6th Principal Meridian, Kearney County, Nebraska, and more particularly described as follows: Beginning at a Nail at the Southwest Corner of the Southwest Quarter of Section 12 and assuming the West line of said Southwest Quarter as bearing N 00°04'00" W and all bearings contained herein are relative thereto; thence N 00°04'00" W on said West line a distance of 382.94 feet to a PK Nail at the Southwest corner of Minden West Estates, a Subdivision being part of the Southwest Quarter of the Southwest Quarter of Section 12, Township 6 North, Range 15 West, Kearney County, Nebraska; thence N 89°50'53" E on the South line of said Minden West Estates a distance of 773.67 feet to a 5/8" rebar w/cap at an angle point of said South line of Minden West Estates; thence S 00°13'08" E continuing on said South line of Minden West Estates a distance of 383.58 feet to a Mag Nail w/ID washer on the South line of said Southwest Quarter; thence S 89°53'44" W a distance of 774.69 feet to the Point of Beginning. Containing 6.81 acres more or less, of which 1.08 acres more or less are presently being used for road purposes along the South and West sides;

Which is a re-plat of Property 1 (1442 W. 1st Street): A tract of land located in the Southwest Quarter of the Southwest Quarter (SW1/4SW1/4) of said Section Twelve (12), being more particularly described as follows: Considering the South line of the Southwest Quarter (SW1/4) of said Section 12 as bearing N 90°00'00" E and with all bearings contained herein relative thereto: Commencing at the SW corner of said Section 12, said point being the Point of Beginning, thence N 0°02'33" E on the West line of the SW 1/4 382.87 feet; thence N 90°00'00" E 432.87 feet; thence S 0°02'33" W 382.87 feet to a point on said South line; thence S 90°00'00" W 432.87 feet to the point of beginning;

and Property 2 (1310 W. 1st Street): A tract of land located in the Southwest ¼ of the Southwest ¼ of said Section 12, being more particularly described as follows: Commencing at the SW corner of said Section, Thence N 90° 00' 00" E on an assumed bearing along the South line of said Section, 432.87 feet to the True Point of Beginning, Thence N 00° 02' 33" E, 382.87 feet, Thence S 90° 00' 00" E, 341.80 feet, Thence S 00° 02' 33" W, 382.87 feet to a point of the South line of the SW ¼ of said Section, Thence S 90° 00' 00" W along the South line of the SW ¼, 341.80 feet to the True Point of Beginning, all in Section 12, Township 6 North, Range 15, West of the 6th P.M. Kearney County, Nebraska.

Lieske opened the public hearing at 6:22 pm. Sam Stadler, speaking for the church, was in favor of the plan. No one spoke in opposition of the plan. The hearing was closed at 6:23 pm.

Agenda item #10, Consider the approval of a Resolution approving the final plat of the Ted Miller Addition.

RESOLUTION NO. 1646

WHEREAS, the Mayor and Council of the City of Minden did approve of the final plat for the TED MILLER ADDITION at the regular Council meeting held on October 19, 2015; and

WHEREAS, the Mayor and Council of the City of Minden does hereby concur with said recommendation of the Planning and Zoning Commission of the City of Minden.

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Minden, Nebraska, that the plat of "TED MILLER ADDITION" an addition to the City of Minden, Kearney County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved, accepted and ordered filed and recorded in the office of the Register of Deeds of Kearney County, Nebraska.

Councilmember Thompson moved for the adoption of the foregoing Resolution. Councilmember Carlson seconded the motion.

On roll call the following voted Aye: Evans, Sumstine, Carlson and Thompson. The following voted Nay: none. The following were absent and not voting: none.

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 19th day of October, 2015.

/s/ Ted Griess
Ted Griess, Mayor

Attest:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

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

Agenda item #11, Consider Approval of Mason's Market Inc, Liquor License #70559 Class "D", Area Addition.

Riley Space, co-owner of Mason's Market, stated the need for additional storage space as the business is buying their liquor in pallets and the presently licensed area cannot adequately provide the needed storage space. The garage will be secure as it is locked and monitored by surveillance cameras.

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

Agenda item #12, Consider approval of Change Order #1 to Phase 1 Water Distribution System Improvements for new water main on Nebraska Avenue between Palmer Street and Campbell Street.

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

Agenda item #13, Consider Approval of Resolution showing adequate insurance carried with respect to City's Combined Utilities Bond.

RESOLUTION NO. 1647

WHEREAS, the City of Minden has property that is known as Combined Utilities property which is financed through Utility bonds issued by the City of Minden; and, and is required to maintain insurance on such property; and,

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WHEREAS, the City of Minden is required to maintain insurance on such property in an amount that is adequate to restore or replace said property to the extent necessary to make the Combined Utilities property operable in an efficient and proper manner in order to carry out the City's obligations under the Ordinance creating the Utility bonds; and,

WHEREAS, the Mayor and the City Council of the City of Minden shall annually, after the end of each fiscal year adopted by the City of Minden for the Combined Utilities bonds, examine the amount of the insurance carried by the City of Minden with respect to the Combined Utilities property and approve the amount of said insurance as being adequate in amount to restore and replace said property.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MINDEN;

That the City Council of the City of Minden has examined the insurance coverage on the Combined Utilities property which is financed through Utility bonds, which insurance is in the amount of \$622,913 per location and \$2,491,652 in the aggregate for the City's Utility/Power stations and which insurance is in the amount of \$18,063,988 in the aggregate for all other locations including the City's Water Treatment Plant and the City's Wastewater Plant, and finds that such insurance is of an adequate amount and approves the same.

Passed and approved this 19th day of October, 2015.

/s/ Ted Griess
Ted Griess, Mayor

Attest:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

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

Agenda item #14, Consider approval of Contract with Miller & Associates for Grant Administration Services of the Community Development Block Grant #15-DTR-005.

Jordan commented that back in April we requested bids for the grant administrator and the planning consultant. The planning consultant contract cannot be signed until the funds are received.

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

Agenda items #15 and #16, Consider approval of Partial Release of Assessment on Block 6, Pearson's & Campbell's Addition, Minden, Kearney County Nebraska and Lots 11 & 12, Block 7, Pearson's & Campbell's Addition, Minden, Kearney County, Nebraska.

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

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Agenda item #17, Closed Session -Economic Development Incentives. Thompson motioned to enter closed session at 6:39 pm. Evans seconded the motion. On roll call the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Motion carried.

Thompson motioned to exit closed session at 7:26 pm and Carlson seconded the motion. On roll call the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Motion carried.

Agenda item #19, Consider approval of NPPD project for approximately \$15,921 for new commercial load.

Thompson motioned to approve the entire cost of the \$31,842.15 project and Carlson seconded. On roll call the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Motion carried.

Agenda item #18, Consider approval for Hike-Bike Trail from Aspen to Outdoor Classroom.

Cederburg commented that when the Hike-Bike Trail was considered a few years back, the City did not proceed with it because the residents were not satisfied by the route, not because it wasn't needed. This route, however, would serve a better purpose and help meet the city's need for hike and bike trails, especially improving safety along 1st street.

Council Member Thompson voiced concern with a prior trail proposal where curbsless streets would not be allowed for the grant. Cederburg didn't think it would be an issue but would research. Another concern that Thompson mentioned was a potential septic field on the route going through school grounds.

The projected cost is projected to be \$540,000, 80% of which would be covered by grant money with the City's projected cost at \$107,800. With the construction timeline for the trail not projected until 2019, Cederburg stated that this allowed the city plenty of time to plan.

Evans motioned to table the item until next year and Thompson seconded. On roll call the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Motion carried.

Agenda item #20, Public Comments.

Glenda Blauch, Minden, shared confusion and concerns about the Ted Miller Subdivision and its location not in city limits. Mayor Griess stated that the property is in City limits. Blauch also mentioned concerns about the upcoming deficit of police department staff and would like to see increased salaries.

Evans commented that maybe we need to rethink the tree on 1st and Garber and other street trees because the city could be held liable for branches that fall from diseased and/or dead trees.

Agenda item #21, Adjournment. Thompson motioned to adjourn the meeting at 7:44 p.m. and Carlson seconded. On roll call the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Meeting adjourned.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk