

# 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  
November 16, 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 Officials were present: Mayor Ted Griess, City Administrator Matthew Cederburg, City Clerk Abbey Jordan. The following City Official was absent: 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 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 Mayoral Appointments of:

- Laurie Haight to the Library Board for a term of 1/1/2016 to 12/31/2019
- Elizabeth Bloomfield to the Library Board for a term of 1/1/2016 to 12/31/2019
- Gary Martin to the Planning and Zoning Commission for a term of 1/1/2016 to 12/31/2018
- Monica Miller to the Tree Board for a term of 1/1/2016 to 12/31/2018
- Don Phillips to the Tree Board for a term of 1/1/2016 to 12/31/2018
- Nick Benson to the Tree Board replacing Bill Huenemann for a term ending 12/31/2015
- Nick Benson to the Tree Board for a term of 1/1/2016 to 12/31/2018

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

Acoustics \$2,270.00, Amazon \$77.49, Anderson Bros Ele Inc \$510.63, Baker & Taylor \$786.31, Big John's Ford, Inc \$97.90, City Of Holdrege Landfill \$4,332.01, Cooperative Producers, Inc. \$90.00, Cornhusker Marriott \$238.00, C. Lupkes \$36.99, State Of Nebraska \$61.60, Ems Billing \$491.66, Fifth Street Printing \$452.59, Gilmore & Bell Pc \$6,500.00, Hach Company \$201.17, Total Funds By Hasler \$400.00, The Hastings Tribune \$132.00, Holdrege Daily Citizen \$53.90, Intellicom Computer Consulting \$645.50, Island Supply Welding Co \$8.68, Janene Hill \$205.13, Joy's Floral & Gifts \$55.00, Ke Co Health Payment Cntr \$44.50, Kearney Hub Publishing Co. \$333.98, K. McNeff \$9.99, Kim

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Olson \$217.96, Landmark Implement Carquest \$11.19, Lee's Refrigeration \$94.10, The Library Store \$192.18, Mason's Market \$77.33, M. Cederburg \$257.95, Storey Kenworthy \$514.39, Miller Signs \$120.00, The Minden Courier \$223.65, Minden Exchange Bank & Trust C \$4,846.64, Minden Hardware \$486.67, Minden Lumber & Concrete Co. \$3.99, Minden Office Supply, Inc \$206.28, Minden Opera House \$25.00, W. D. Simmerman \$397.56, Municipal Supply-Nebraska \$1,003.89, Napa Auto Parts \$148.89, Nebraska Library Commission \$500.00, North Central Laboratories \$370.29, Nebraska Public Power District \$121,570.25, Ne Public Power District \$6,637.01, NT&T \$81.19, Olsson Associates \$15,927.54, One Call Concepts Inc \$56.70, Penworthy/Media Source \$248.54, Pepsi Cola Of Hastings \$274.13, Presto X Co. \$46.64, Proquest Llc \$1,205.00, Raynor Doors Of Ce Ne Inc \$695.00, Source Gas \$127.87, South Central Economic Dev Dis \$20.00, Southern Power District \$21.87, Stadler Implement Inc. \$76.36, Sunbelt Rentals, Inc \$21.34, Michael Raffaelli \$119.17, Verizon Wireless \$1,540.75, Wex Bank \$3,636.61, Reis Environmental \$154.36, Western Pathology Consult Inc \$237.80, Xerox Capital Services Inc \$151.17

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

**Agenda item #5**, Recognition of Dennis Osterbuhr's 34 years of service on the Minden Housing Agency Board of Commissioners. Griess presented Mr. Osterbuhr with a certificate of recognition for his years of service followed by a standing ovation.

**Agenda item #6**, Treasury Report October 2015. Cederburg presented the financial state of the City after the conclusion of the first month of the new fiscal year. No action taken.

**Agenda item #7**, Public Hearing, Consider Issuance, Refusal, or No Recommendation to the Nebraska Liquor Control Commission for a Class C (Beer, Wine & Distilled Spirit On & Off Sale) License for AKG Investment Company, LLC dba Breakaway.

Griess opened the hearing at 6:15 p.m. asking for anyone to speak in favor or against. Aaron Gilg, the owner of AKG notified the council of his business plan to run a cleaning business as well as the bar. The hearing was closed at 6:17 p.m.

Thompson motioned to recommend Issuance of the Class C Liquor License to the Nebraska Liquor Control Commission and Evans seconded. On roll call the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Motion carried.

**Agenda item #8**, Presentation of Minden Housing Agency's Annual Audit & Report by Carrie Hardage. Carrie Hardage, director of the Minden and Kearney Housing Agency provided the 2015 Fiscal Year details for the Minden location. No action taken.

**Agenda item #9**, Consider Minden Housing Agency's request to waive the "Payment in Lieu of Taxes." Hardage requested to receive a waiver of taxes to increase the agency's funding. Sumstine motioned to waive the "Payment in Lieu of Taxes and Thompson seconded. On roll call the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Motion carried.

**Agenda item #10**, Public Hearing to Consider a Recommendation to the City Council to change the zoning of: Lots 7-12, and the South 10 feet of St. Clair Street adjacent to the North line of said Lot 12, now vacated, and less the West 14.9 feet of said lots deeded to the State of Nebraska, in Block 35, McCool's Addition to Minden, Kearney County, Nebraska. The above parcel is presently zoned "Residential 1 (R1)" and the request as filed, proposes that said parcel be changed to a zoning designation of "Outlying Commercial (C2)."

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Griess opened the hearing at 6:26 p.m. asked for those in favor to speak. Teresa Sumstine, council member and property owner shared a prepared statement concerning the rezoning. She was for the rezoning of the above-mentioned property as she is trying to sell it. The property is more marketable as commercial property. This property is next to other C-2 property and therefore could be changed to C-2. She also referenced the Future Land Use Map in the current Comprehensive Plan which shows that the property should be commercial. She would like to see the property developed into a nice retail area. She expressed disapproval of the reasons the Planning and Zoning Commission gave for their recommendation to not rezone the property. She asked the council to consider the application for rezoning.

Vincent Sumstine, son of property owner, stated that they are trying to downsize their business. Also stated that there could be more jobs added if retail area was added.

Glenda Blauch, Minden resident, stated that she spoke with several business owners downtown and they were for having more commercial property on the south edge of Minden since there is growth north of Minden. They would like to have more businesses south of Minden to bring more people into Minden.

Griess then asked for those wishing to speak against the change in zoning. Donnie Miller, property owner to east, would like to see the property stay residential as he doesn't see anything positive coming from it being commercial and doesn't want his property value lowered.

Shannon Lovin, nearby property owner, shared concerns about property value and traffic down the alley. Also shared that the lot may sell more easily as residential if the price was lowered.

Lisa Miller, nearby property owner, was concerned about alcohol sales in a residential area with kids around and doesn't believe there will be Highway access therefore, it will bring more traffic into the residential neighborhood. She also didn't understand why this rezoning issue was brought before council when the planning and zoning commission didn't approve it. Griess stated that the P&Z commission is a recommendation board only and their decision will be taken into advisement by the city council, who has the authority to make the decision.

Linda Caldwell, spoke next in favor of the rezoning. She shared that she lives very close to the Highway and near the gas stations and have semi traffic on her street. Caldwell stated that the traffic shouldn't be a concern as kids need to be watched. The new business in a nice neighborhood will bring more traffic through Minden which could possibly bring more people to live in Minden.

Brent Lockhorn, rental property owner, disclosed his concerns as he just bought this rental property and is afraid an increase in traffic makes this investment an unwise decision.

Dan Allen, nearby property owner, wanted to ask if this property has always been residential. Griess stated that it has always been residential to his knowledge. Allen also asked if this was the only C-2 property available in town. Sumstine stated that they have several commercial properties for sale. Allen concluded that he would rather have a house built on the property than a commercial business.

Jennifer Miller, wife to Donnie Miller and nearby property owner, wants to see the property stay residential as a house would help the neighborhood and believes the lot is more expensive than a residential buyer is expecting. She expressed that there is plenty of area further south for new businesses near Minden Machine Shop and Fifth Street Printing rather than near houses.

Joe Anderson, nearby property owner, wanted to know what type of businesses are allowed in a C-2 area. Evans read the City code stating the allowable residential and business uses of a C-2 property.

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Blauch wanted to clarify that the allowable uses do include several property uses that could be good neighbors such as an apartments or a daycare, which do not have semi or truck traffic.

Deb Crawford, nearby property owner, wanted to know the zoning of the storage buildings to the south of the proposed rezoning. City Clerk, Jordan, stated the property was C-2. Crawford then asked how it could be C-2 and the property to the north of it (the property in question) couldn't be C-2? Roy John Nelson, stated that in 1974, the area was outside the city limits and was brought into the city limits, and was rezoned at that time.

Roy John Nelson, member of the Planning and Zoning Commission, was asked by another P&Z member to represent the P&Z commission at this meeting. Nelson declared that the P&Z wanted to see a business plan for the property and the P&Z would consider a change in zoning. He stated that the others speaking against are fearful that it will be a tire storage location or junk car lot again as other Sumstine properties like this are C-2. The past history has created this fear. The legal system has allowed this type of business in a C-2 area despite the City codes stating these as not being allowable in a C-2 area which equals a feeling of mistrust.

Connie Lovin, wife of Shannon Lovin and nearby property owner, shares the fear of other neighbors as to not knowing what business could go on this property. She but doesn't understand why they bought it knowing it was residential and want to change it now. They then parked cars on this lot for a long time despite it being an allowable use. Eventually, the cars were moved, however, during that time it really devalued all of the nearby properties to have that junk nearby. She expressed a feeling of mistrust as they once disobeyed the regulations and wants to see a business plan prior to any changes.

The hearing was closed at 7:08 p.m.

**Agenda item #11**, Consider Approval of an Ordinance changing the zoning from Residential 1 to Outlying Commercial for Lots 7-12, and the South 10 feet of St. Clair Street adjacent to the North line of said Lot 17, now vacated, and less the West 14.9 feet of said lots deeded to the State of Nebraska, in Block 35, McCool's Addition to Minden, Kearney County, Nebraska in Kearney County, Nebraska.

Thompson argued that house and property value is not determined by its surroundings based on his most recent appraisal of his property. His house faces a junk lot, has a sewer lift station directly north of it, and a home for mentally challenged adults down the street.

Sumstine stated that the property is shown to be C-2 in the Comp Plan. Evans read a statement directly from the most recent Comprehensive Plan showing the extreme need for housing in Minden. He would consider revisiting this issue if someone were to buy this property as residential and had a business plan for it.

Evans motioned to disapprove the changing of zoning from R-1 to C-2 for said Area. Carlson seconded. The following voted aye: Evans and Carlson. Thompson voted Nay. Sumstine abstained. Motion carried.

**Agenda item #12**, Closed Session: City wholesale electric contract discussions. Evans motioned to go into closed session at 7:18 p.m. and Carlson seconded. On roll call the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Motion carried. Thompson motioned to go into open session at 8:30 p.m. and Carlson seconded. On roll call the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Motion carried.

**Agenda item #13**, Consider approval of bid documents for the Country Club drive sewer extension project. Jake Deaver of Olsson Associates was present to discuss the project's details. Sumstine motioned to approve the bid

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

**Agenda item #14**, Consider approval of Agreement for Construction Easement with James T. Runions in Lot 5 of Country Club Estates and

**Agenda item #15**, Consider approval of Agreement for Permanent Easement with James T. Runions in Lot 5 of Country Club Estates.

Due to the similarity of items #14 and #15, the council discussed and considered both items at one time. Thompson motioned to approve both easements and was seconded by Sumstine. On roll call the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Motion carried.

**Agenda item #16**, Consider Approval to Close City Streets and 33 Road to Highway 74 and City-County traffic control on Highway 6&34 out to 37 Road for Triathlon, Saturday, June 4, 2016, as requested by Ryan Wakefield and to accept the duties and responsibilities of LB 589.

Evans motioned to approve the Triathlon road closings and traffic control and to accept the duties and responsibilities of LB 589. Sumstine seconded. On roll call the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Motion carried.

**Agenda item #17**, Closed Session-Economic Development Incentives. Carlson motioned to go into closed session at 8:45 p.m. and Thompson seconded. On roll call the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Motion carried. Thompson motioned to go into open session at 8:55 p.m. and Carlson seconded. On roll call the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Motion carried.

**Agenda item #18**, Consider approval of NPPD project for approximately \$34,733 for new commercial load. Carlson motioned to approve the NPPD project for approximately \$34,733 for new commercial load and was seconded by Evans. On roll call the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Motion carried.

**Agenda item #19**, Public Comments. No comments were made.

**Agenda item #20** Adjournment. Thompson motioned to adjourn the meeting at 9:01 p.m. and Evans 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