

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
August 15, 2016
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: City Attorney Tom Lieske, Mayor Ted Griess, City Administrator Matthew Cederburg and City Clerk Abbey Jordan.

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 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."

Agenda item #3, Mayoral Announcements. Griess thanked Cederburg for work and dedication on organizing and conducting the Budget Workshop on August 11th. He also extended his gratitude for the community members that were selected to be part of the Downtown Revitalization Committee.

Agenda item #4, The following items were listed under the agenda item "**consent agenda**" for this meeting: a. Consider the Approval of Minutes of Previous City Council Meetings, b. Consider Approval of Bills & Claims for this Council Meeting, c. Consider Acceptance of Excused Absence of Mayor or Council Member(s), d. Consider Reports that are Enclosed in the Council Packets for This Council Meeting, e. Consider Mayoral Appointment of Seth Webster to the Parks and Rec Board with a term ending 12/31/2017

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. Kuehn 95.00, Aurora Cooperative 207.50, Baker & Taylor 971.04, Big John's Ford, Inc 160.38, Bill's Plumbing & Htg. Inc 179.79, B. Young 58.93, Broadfoot Sand & Gravel 327.68, Brown Transfer Company 130.52, Bsn Sports 360.00, Central Hydr. Sys. & Eq. Co. 3387.67, Charter Communications 1284.03, City Of Holdrege Landfill 3891.03, Icon Enterprises, Inc. 3120.00, Clinch Enterprises 103.75, Comcate 2205.00, Cooperative Producers, Inc. 2203.77, D. Moon 35.67, Deterding Classic Pool/Spa 96.06, Eakes Office Plus 66.24, Ems Billing 1144.35, Fifth Street Printing 190.05, Fyr-Tek, Inc. 1050.00, Gary Smith Construction Co 1709.24, Hach Company 458.27, Total Funds By Hasler 444.08, Hawkins Water Treatment 3165.54, Intellicom Computer Consulting 1337.50, Island Supply Welding Co 46.19, J. K. Benson 660.00, Landmark Implement Carquest 754.76, League Of Nebr. Municipalities 7384.00, L. Bloomfield 49.79, Marilyn Soderquist 85.64, M. J. Froid 14.60, Matheson Tri-Gas Inc 28.52, Matt Cederburg 39.97, Midwest Connect 89.94, Midwest Tapes 24.14, The Minden Courier 458.60, Minden Office Supply, Inc 532.57, Mower Medic Llc 8.14, W. D. Simmerman 253.56, Napa Auto Parts 35.82, Nebraska Library Association 277.00, Nmc, Inc. 1397.66, Nebraska Public Power District 207956.24, Ne Public Power District 17088.23, N T & T 81.19, Oclc, Inc. 233.57, One Call Concepts Inc 106.17, Pepsi Cola Of Hastings 54.83, Personnel Evaluation Inc 140.00, Presto X Co. 48.97, R. Marshall 20.00, Servi-Tech, Inc. 445.25, Source Gas 157.91, Southeast Library System 155.00, Southern Power District 20.31, United States Postal Service 84.00, Utility Service Co, Inc 84610.00, Verizon Wireless 654.83.

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

Agenda item #5, Treasury Report, July 2016. Cederburg presented the Treasury Report to the Council. No action taken.

Agenda item #6, Budget Report July 2016. Cederburg stated the report would be presented at the following meeting. No action taken.

Agenda item #7, Public Hearing Concerning an application to the Nebraska Department of Economic Development for a Community Development Block Grant.

The public hearing was opened at 6:09 p.m. Brenda Jenson and Joene Crocker of Miller and Associates presented the proposal for the Downtown Revitalization Project. The hearing was closed at 6:22 p.m.

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

Agenda item #8, Consider approval of Ordinance concerning private swimming pools, an addition to Chapter 14 of the Municipal Code of Minden, third and final reading.

Thompson introduced Ordinance No. 1211 for its third and final reading:

ORDINANCE NO. 1211

AN ORDINANCE TO AMEND CHAPTER 14 OF THE MUNICIPAL CODE OF MINDEN, KEARNEY COUNTY, NEBRASKA, BY ADDING ARTICLE XII, SECTIONS 14-322 THROUGH 14-329 AS THE SAME RELATES TO PRIVATE SWIMMING POOLS;

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

Section 1. That Article XII., and Sections 14-322 through 14-329 – PRIVATE SWIMMING POOLS be added to the Municipal Code of the City of Minden, Kearney County, Nebraska, the same to read as follows:

Article XII. – PRIVATE SWIMMING POOLS

Section 14-322. – Enforcement and Penalty for violation of article.

Any person who violates any of the provisions of sections 14-323-14-329 shall be subject to a fine of not less than \$10.00 nor more than \$100.00 for each and every offense. The city council hereby appoints, in addition to police officers, the city administrator and city clerk to enforce Chapter 14, Article XII and issue fines.

Section 14-323. - 8-40. Swimming Pool; Definition.

Private Swimming Pool means any constructed or assembled structure that is not publicly owned intended for swimming, recreational bathing or wading. This includes in-ground, above-ground and on-ground pools; hot tubs; spas and fixed-in-place wading pools.

Storable pool means any inflatable or soft-sided pool that has the ability to be taken down and stored; or a plastic pool.

Section 14-324. - Swimming Pool; Pool Permit Required.

It shall be required that a pool permit be issued for; the construction or placement of a private swimming pool from the chief building official prior to such construction or placement. An application for a permit shall be submitted by the owner or his agent of the property upon which the pool is to be located. Such application shall be accompanied by a duplicate set of

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plans, specifications, and plot plans.

The plot plan shall show the accurate location of the proposed pool on the property and properly establish distances to existing lot lines, buildings and fences, and to additional proposed structures or fences. No permit shall be issued until such plans, specifications and plot plans have been approved by the chief building official as being in conformance with all local regulations pertaining to private swimming pools.

Storable pools, hot tubs, and spas shall not require a pool permit as defined by Section 14-323. Any decking or fences around these items require a building permit.

Section 14-330. – Swimming Pool; Location.

All private swimming pools shall be located in the back yard or side yard. Private swimming pools are not permitted in front yards. All pools shall not be located over a utility easement.

Section 14-325. - Swimming Pool; General.

The pool shall be constructed or assembled so as to be water tight, easily cleaned and maintained, made of non-absorbent and durable material, and be free of open cracks and joints.

Section 14-326. - Swimming Pool; Conformance with Codes

All building, plumbing, electrical, and other codes as adopted by the City Council shall be adhered to in the construction or assembly of the all private swimming pools.

Section 14-327. - Swimming Pool; Enclosure Required

Every private swimming pool with a water depth of 24" or greater shall be completely surrounded by a fence or wall not less than four (4) feet in height which shall be of a type which precludes passage through or under and is not readily climbable by small children. This shall not mean an additional fence within a completely fenced yard, provided, the fence meets the stated minimum requirement. All gates shall be equipped with a latch which is not readily operated by small children and is on the side of the fence facing the pool.

The main building, or any accessory structure, on the site may form part of the enclosure. The sides of above-ground pools are acceptable as integral barriers, provided, that the sides extend not less than four (4) feet above the outside ground at all points, and provided further, that access steps or ladders are capable of being rendered inaccessible by being removed or raised more than four (4) feet above the outside grade.

Hot tubs and spas with a hard cover are exempt from Section 14-327 as long as the cover is only open when the hot tub or spa is in use.

Section 14-328. - Swimming Pool; Retroactivity

The lack of a minimum enclosure as herein described, on any existing pool, is hereby deemed to be a serious public safety hazard. The owner of the property, upon which such a pool is located, shall comply with the enclosure requirements of Section 14-327 within thirty (30) days after date of notification to comply.

Section 14-329. - Swimming Pool; Discharge System

All private swimming pools constructed after the effective date of this ordinance shall be provided with an approved drainage outlet to the city sanitary sewage system, or may be used for surface irrigation of the owner's property, provided, that no water shall overflow onto adjacent private or public property in a manner as to cause a nuisance.

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.

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Section 3. This ordinance shall be known as Ordinance No. 1211 and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 15th day of August, 2016.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

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

Agenda item #9, Consider Approval for water phase I change order for Garber and 8th Street.

Utilities Superintendent, Ryan Hurst, presented a proposal to add a water main extension for Garber from 7th Street to 8th Street to eliminate a dead end main and add another fire hydrant to the area with adequate flow. The second item is to replace the 4" water main on 8th Street between Garber and Hull to increase flow and pressure in the area. The cost for the both proposals including engineering is \$42,100.

Sumstine motioned to approve both proposals for \$42,100 and Carlson seconded. On roll call, the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Motion carried.

Agenda item #10, Public Comments. Ron Terrell of 121 N. Kearney voiced his concern of pitbulls running loose in the neighborhood and wandered what could be done. Council said it would look into the matter. Carolyn Bunger of 521 N. Colorado directed a question to Ryan Hurst about the timeline of the water project to which he stated that the project is on schedule and, barring any unforeseen issues, will be completed in September.

Agenda Item #11, Adjournment. Thompson motioned to adjourn the meeting at 6:41 pm 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