

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 6, 2016
6:00 p.m.

The City Council of the City of Minden, Nebraska, met on this day at 6:00 p.m. for the 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, and Bob Carlson. The following City Officials were present: City Attorney Tom Lieske, Mayor Ted Griess, City Administrator Matthew Cederburg and City Clerk Abbey Jordan. The following City Council member was absent: Lathan Thompson.

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. Mayor Griess was pleased to see Mr. Martin's Government Class in attendance at the City Council meeting. Griess congratulated Ryan Sorensen for becoming a firefighter for the Minden Fire Department. Griess wanted to thank Todd Jensen for the hard work that he has done in order to make Bandfest successful. Griess also mentioned a reminder to all that there will be a tire clean up on September 9 & 10 for those that would like to dispose of any unwanted tires.

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 Approval of Volunteer Firefighter, Ryan Sorensen.

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. Jordan 642.51, American First Aid & Safety 25.31, B2 Environmental 450.00, B. Petersen 35.00, Barco Municipal Products, Inc. 1188.40, Black Hills Ammunition 1197.00, Bnsf Railway Company 9,500.00, Buffalo Surveying Corp 2269.55, Builders Warehouse 110.53, J. Carter 398.75, City Of Kearney 8,100.00, City Of Minden 45.00, Eakes Office Plus 249.00, First Bank & Trust Co 12646.47, Fyr-Tek, Inc. 239.75, Gary Braun Electric 2234.96, Gary Thompson Agency, Inc. 3360.00, Gpm 5,819.75, Hach Company 298.93, Hawkins Water Treatment 2180.41, Hd Supply Waterworks, Ltd 3551.68, Island Supply Welding Co 50.56, John Deere Financial 433.83, K&K Auto Repair Inc 4105.84, Ke Co Treas Barb Lynn 3333.33, K. Benson 1275.00, Landmark Implement Carquest 180.96, League Of Nebr. Municipalities 745.00, Lieske, Lieske & Ensz P C, Llo 3160.66, Mason's Market 173.58, M. Cederburg 42.68, Storey Kenworthy 562.58, Menards Of Kearney 103.32, Municipal Emergency Serv 157.61, Michael Todd & Company, Inc. 4398.43, Mid Nebraska Seamless Gutter 1605.00, Miller & Associates 2480.00, Miller Abstract & Title Co 100.00, The Minden Courier 595.00, Minden Hardware 674.45, Minden Lumber & Concrete Co. 294.58, Minden Office Supply, Inc 1,019.26, Minden Opera House 25.00, Minden Rural Fire Dept. 3,729.29, Minden Utility Dept. 4491.13, Minden Volunteer Fire Dept 6000.00, W.D. Simmerman 707.82, Municipal Code Corporation 950.00, Municipal Supply-Nebraska 1195.11, Ne Dept Of Agriculture 175.00, Ne Statewide Arboretum 130.00, Ne Public Health Environmental 214.00, Olsson Associates 22578.33, Pepsi Cola Of Hastings 109.65, R. Scheinost 103.50, Revenue Bond Payment Account 25,165.00, R. Young 455.00, R. Hurst 69.88, Servi-Tech, Inc. 431.36, Source Gas 117.79, Southern

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Power District 3246.09, Spectrum Aquatics 30.00, State Fire Marshal Training Di 100.00, Sunbelt Rentals, Inc 164.60, Tims Sprinkler Service 48.00, Structural Bolt Company 588.48, Travelers 3685.00, United Suppliers, Inc. 1378.75, Verizon Wireless 654.81, Village Cleaners Inc 1140.81, Western Pathology Consult Inc 212.80.

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

Agenda item #5, Consider Application for Minor Subdivision for Lot 9, together with the West Half of the vacated alley abutting said Lot 9 on the east, and the West 96.0 feet of Lot 8, all in Block Forty-One, Original Town of Minden, Kearney County, Nebraska.

Cederburg stated the minor subdivision is attempting to parcel off a piece of land that the city was unaware it owned. Cederburg recommended the condition that the building be torn down and property cleaned up within a set amount of time if the parcel is declared surplus. All new buildings on the land will have to be met City Code.

Motion to approve Application for Minor Subdivision for Lot 9, together with the West Half of the vacated alley abutting said Lot 9 on the east, and the West 96.0 feet of Lot 8, all in Block Forty-One, Original Town of Minden, Kearney County, Nebraska was made by Evans, seconded by Sumstine. On roll call, the following voted Aye: Evans, Sumstine, and Carlson. On roll call, the following member was absent: Thompson. Motion carried.

Agenda item #7, Consider approval of a Resolution directing the sale of surplus property with a fair market value of less than \$5,000.

Due to the similarity of Items 5 & 7, Item 7 was discussed prior to item 6.

RESOLUTION NO. 1654

A RESOLUTION DIRECTING THE SALE OF SURPLUS PERSONAL PROPERTY OF THE CITY OF MINDEN, NEBRASKA.

WHEREAS, the City of Minden does have in its possession certain property deemed to be surplus property to the City, with a fair market value of less than \$5,000, and wishes to dispose of this property; and

WHEREAS, State Statute 17-503.02 allows for the sale of surplus personal property by posting the sale in three prominent places within the City for a period of not less than seven days prior to the sale; and

WHEREAS, the City of Minden may sell surplus items by sealed bids, public auction, or by the standards set forth in the Interlocal Cooperation Act allowing the City of Minden to sell surplus equipment to other governmental subdivisions of the State of Nebraska by negotiated price.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Minden that the following City property is declared surplus and will be sold according to the terms listed above, with minimum bid in parentheses. All units to be sold AS IS without any warranty or any expressed warranty.

- A tract of land being a part of Lot 8 and a part of Lot 9, Block 41, Original Town of Minden, Kearney County, Nebraska and more particularly described as follows: BEGINNING at a 5/8 inch rebar at the Southwest corner of Lot 8, Block 41, Original Town of Minden and assuming the West line of said Block 41 as bearing N 00°17'51" W and all bearings contained herein are relative thereto; thence N 00°17'51" W on said West line of Block 41 a distance of 60.20 feet to a 5/8 inch rebar with cap; thence S 87°34'57" E a distance of 97.61 feet to a 5/8 inch rebar with cap; thence S 00°15'08" E a distance of 55.55 feet to a 5/8 inch rebar on the South line of said Lot 8; thence S 89°41'10" W on said South line a distance of 97.46 feet to the Point of Beginning. Containing 0.13 Acres, more or less.
 - Minimum Bid: (\$1.00) and property must be in compliance with City nuisance codes within 90 days of purchase.

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Council Member Carlson moved for the adoption of the foregoing Resolution. Council Member Evans seconded the motion.

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

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 6th day of September, 2016.

PASSED AND APPROVED this 6th day of September, 2016.

/s/ Ted Griess
Ted Griess, Mayor

Attest:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

Carlson motioned to adopt Resolution No. 1654 and Evans seconded. On roll call, the following voted Aye: Evans, Sumstine, and Carlson. The following was absent and not voting: Thompson. Motion carried.

Agenda item #6, Budget Report, August 2016.

Cederberg presented the budget, but wanted to make clear that the current copy of the budget was a draft as he was restructuring the report. He wanted to focus on the 11-month actual of the budget. No action was taken.

Agenda item #8, Consider Approval of payment to Miller & Associates in the amount of \$16,500 for DTR Phase I planning services for CDBG 15-ED-005.

Motion to approve of payment to Miller & Associates in the amount of \$16,500 for DTR Phase I planning services for CDBG 15-ED-005 was made by Sumstine, seconded by Evans. On roll call, the following voted Aye: Evans, Sumstine, and Carlson. On roll call, the following member was absent: Thompson. Motion carried.

Agenda item #9, Consider Approval of draw #2 for \$10,725; this amount will be drawn on CDBG 15-ED-005 from NE Dept. of Economic Development.

Motion to approve of draw #2 for \$10,725; this amount will be drawn on CDBG 15-ED-005 from NE Dept. of Economic Development was made by Sumstine, seconded by Carlson. On roll call, the following voted Aye: Evans, Sumstine, and Carlson. On roll call, the following member was absent: Thompson. Motion carried.

Agenda item #10, Discussion and selection of cleaning services for City Hall.

A current City employee had expressed interest in providing cleaning services for City Hall. Cederburg and Lieske are researching the legalities of this. No action taken.

Agenda Item #11, Consider approval of Resolution to Close Streets and Highway for Bandfest October 15, 2016 as requested by the Minden Chamber of Commerce and to accept the duties of LB 589.

RESOLUTION 1655

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.

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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 15, 2016; 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 15, 2016. The use of Highway 10 will be from 12:15 p.m. until 2:45 p.m. on October 17, 2016 ("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 September 6, 2016.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

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Evans motioned to adopt Resolution No. 1655 and Sumstine seconded. On roll call the following voted Aye: Evans, Sumstine, and Carlson. The following was absent and not voting: Thompson. Motion carried.

Agenda Item #12, Consider approval of Resolution for the Final Plat of the Landmark Addition in Kearney County, Nebraska; a tract of land located in the Northwest Quarter of Section Eight, in Township Six North, of Range Fourteen, West of the 6th P.M., in Kearney County, Nebraska.

RESOLUTION NO. 1656

WHEREAS, the Mayor and Council of the City of Minden did approve of the final plat for the LANDMARK ADDITION at the regular Council meeting held on September 6, 2016; 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.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Minden, Nebraska, that the plat of "LANDMARK 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 Evans moved for the adoption of the foregoing Resolution. Councilmember Sumstine seconded the motion.

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

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 6th day of September, 2016.

/s/ Ted Griess

Ted Griess, Mayor

Attest:

/s/ Abbey Jordan

Abbey Jordan, City Clerk

Evans motioned to adopt Resolution No. 1655 and Sumstine seconded. On roll call, the following voted Aye: Evans, Sumstine, and Carlson. The following was absent and not voting: Thompson. Motion carried.

Agenda Item #13, Public Comments. No comments were made by the public.

Agenda Item #14, Adjournment. Evans motioned to adjourn the meeting at 6:35 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

(SEAL)