

# 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 7, 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, 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. Mayor Griess thanked Utility Superintendent, Ryan Hurst, for the Utility Department receiving the Gold Safety Award by Nebraska Water Environmental Association for waste water treatment for excellence in training and participation of all employees. The Christmas lights are being put up and should be finished soon. Mayor Griess thanked the Kearney County Health Association Auxiliary for their annual fundraiser and to all who participated. Griess also wanted to thank the current board members for serving and accepting a reappointment as listed in the consent agenda.

**Agenda item #4**, The following items were listed under the agenda item "**consent agenda**" for this meeting:

- a. Consider 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 Approval of Lempka Addition Redevelopment Contract Amendment Project Two
- e. Consider Special Designated Liquor Permit for off-sale on Friday, January 13, 2017 from 6:00 p.m. to 12:00 a.m. for Minden Opera House at 322 E. 5<sup>th</sup> for their Annual Fundraising Gala with an alternate date of Saturday, January 14, 2017 at the same time and location.
- f. Consider Reports that are Enclosed in the Council Packets for This Council Meeting
- g. Consider Mayoral Appointments of:
  - a. Arlen Osterbuhr to the Community Redevelopment Authority for a term of 1/1/2017 to 12/31/2021
  - b. Rita Crooks to the Planning and Zoning Commission for a term of 1/1/2017 to 12/31/2021
  - c. Roger Jones to the Housing Agency Board of Commissioners for a term of 1/1/2017 to 12/31/2021

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 29.30, Ace Irrigation Inc 446.46, All Roads Barricades, Inc 695.00, Big John's Ford, Inc 120.83, Jan Carter 86.30, Charter Communications 1,283.91, City Of Minden 45.00, Construction Rental, Inc. 2,422.70, Dutton Lainson Co 1,580.26, Emergency Medical Products 885.00, Ems Billing 1,374.98, Fifth Street Printing 118.00, First Bank & Trust Co 15,315.54, Foremost Promotions 332.00, Fyr-Tek, Inc. 382.40, Galls, Llc 368.08, Gary's Auto Repair 372.97, Island Supply Welding Co 107.02, John Deere Financial 33.23, Ke Co Health Payment Cntr 463.54, Ke Co Treas Barb Lynn 4,000.00, K. Benson 150.00, Landmark Implement Carquest 313.82, L.

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Iniguez 75.00, The Library Store 117.11, Lieske, Lieske & Ensz P C, Llo 1,554.46, Mason's Market 50.70, M. Cederburg 104.04, Michael Todd & Company, Inc. 68.20, Midwest Workwear 676.05, Miller & Associates 26,403.50, Minden Country Club 120.00, The Minden Courier 184.80, Minden Hardware 591.95, Minden Office Supply, Inc 262.65, Minden Rural Fire Dept. 2,760.03, Minden Utility Dept. 3,668.22, Mower Medic Llc 81.25, Municipal Supply-Nebraska 2,035.88, Ne Dept Of Health/Human Svcs 298.00, Northern Safety Co. 344.56, Ne Public Health Environmental 48.00, Olsson Associates 16,869.91, One Call Concepts Inc 66.15, Pepsi Cola Of Hastings 109.65, Platte Valley Communications 182.30, Police Chiefs Asso. Of Ne 30.00, Revenue Bond Payment Account 25,018.00, R. Young 455.00, R. Pendergast 75.00, Roy Nelson Construction 151.58, Rutjens Construction 363,205.74, Source Gas 122.78, Southern Power District 3,246.09, Ne State Treasurer 44.11, Titan Machinery Inc 5,679.37, Ui Llc 1,210.00, Usa Blue Book 199.73, Verizon Wireless 1,028.36, Village Cleaners Inc 166.04, Wex Bank 3,223.99, Western Pathology Consult Inc 250.00.

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, Airport Authority Budget Presentation by Brent Stewart.**

Stewart provided an Airport update and reviewed all revenues and expenses regarding the Airport Authority Budget. No action was taken.

## **Agenda item #6, Consider Approval of a Permanent Utilities Easement with Pinnacle Agriculture Distribution Inc. in Lot 2, Block 1, MEB Addition, City of Minden, Kearney County, Nebraska.**

Thompson motioned to approve of a Permanent Utilities Easement with Pinnacle Agriculture Distribution Inc. in Lot 2, Block 1, MEB Addition, City of Minden, Kearney County, Nebraska and Evans seconded. On roll call, the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Motion carried.

## **Agenda item #7, Consider Approval of Ordinance for Annexation of Landmark Addition, 1st reading.**

Thompson introduced Ordinance No. 1214 for its 1<sup>st</sup> reading.

### **ORDINANCE NO. 1214**

AN ORDINANCE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF AND ANNEX TO THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA, CERTAIN CONTIGUOUS AND ADJACENT LANDS OUTSIDE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA, SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS THE LANDMARK ADDITION ATTACHED HERETO; AND TO PROVIDE FOR SERVICE BENEFITS THERETO.

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

SECTION 1. It is hereby found and determined by the City Council of the City of Minden, Kearney County, Nebraska:

(a) The tracts, streets, and highways located outside of Minden, Kearney County, Nebraska, as hereafter more particularly described, are urban and suburban in character and are contiguous and adjacent to the corporate limits of the City of Minden, Kearney County, Nebraska;

(b) Police, fire and snow removal benefits will be immediately available thereto, and other city services are or will be available as provided by law;

(c) Within the areas considered for annexation, the users of the city's utility services will have the benefit of rates applicable to users of such services within the city;

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(d) There is a unity of interest in the use of such tracts with the use of lots and tracts in such city and community of convenience and welfare and the interest of such city will be enhanced through incorporating such lots and tracts and streets within the limits of such city.

(e) The area to be annexed is described as follows, to wit:

A tract of land being all of Landmark Addition, an addition to the City of Minden, Kearney County, Nebraska located in the Northwest Quarter (NW1/4) of Section Eight (8), a part of the Southwest Quarter (SW1/4) of Section Five (5), a part of the Southeast Quarter (SE1/4) of Section Six (6), and a part of the Northeast Quarter (NE1/4) of Section Seven (7), all in Township Six (6) North, Range Fourteen (14) West of the 6th Principal Meridian, Kearney County, Nebraska and more particularly described as follows:

Referring to the Northwest corner of the Northwest Quarter of Section 8 and assuming the North line of said Section 8 as bearing S 89°47'44" E and all bearings contained herein are relative thereto; thence N 00°00'29" E on the West line of the Southwest Quarter of Section 5 a distance of 33.00 feet to the North line of 16th Street and the ACTUAL POINT OF BEGINNING; thence S 89°47'44" E parallel with and 33.00 feet Northerly of the North line of said Section 8 a distance of 1000.40 to the Northerly extension of the East line of Landmark Addition, an addition to the City of Minden, Kearney County, Nebraska; thence S 02°20'27" E on said Northerly extension and on the East line of said Landmark Addition a distance of 477.34 feet to the North Right-of-Way line of Highway 6 and 34; thence Southwesterly on said North Right-of-Way line and on a non-tangent curve to the Right having a Central angle of 0°03'54", a radius of 11414.16 feet, an arc length of 12.95 feet and a chord bearing S 62°39'47" W a distance of 12.95 feet; thence N 27°30'04" W continuing on said North Right-of-Way line a distance of 25.00 feet; thence Southwesterly continuing on said North Right-of-Way line and on a non-tangent curve to the Right having a Central angle of 5°30'57", a radius of 11389.16 feet, an arc length of 1096.44 feet and a chord bearing S 65°27'14" W a distance of 1096.02 feet to the West line of said Section 8; thence S 00°00'29" W continuing on said North Right-of-Way line and on said West line of Section 8 a distance of 10.77 feet; thence Southwesterly continuing on said North Right-of-Way line and on a non-tangent curve to the Right having a Central angle of 0°10'43", a radius of 11399.16 feet, an arc length of 35.51 feet and a chord bearing S 68°19'05" W a distance of 35.51 feet; thence N 00°00'29" E parallel with and 33.00 feet West of said West line of Section 8 a distance of 943.27 feet to a point which is 33.00 feet North of the North line of the Southeast Quarter of Section 7; thence N 89°38'17" E parallel with and 33.00 feet North of said Southeast Quarter of Section 7 a distance of 33.00 feet to the Point of Beginning. Containing 16.87 acres, more or less.

SECTION 2. That the boundaries of the City of Minden, Kearney County, Nebraska, be and hereby are extended to include within the corporate limits of such city the adjacent and contiguous lands located outside the City of Minden, Kearney County, Nebraska, more particularly described on the attached description and plat map attached hereto and designated as the Stewart Addition and said attached description and plat map are hereby approved by this Ordinance.

SECTION 3. That a certified copy of this ordinance, together with a plat of such land, as acquired from the city's engineers, shall be filed of record in the office of the Register of Deeds of Kearney County, Nebraska.

SECTION 4. Such lands are hereby annexed to the City of Minden, Kearney County, Nebraska.

SECTION 5. That on and after the effective date of this ordinance, the police, fire and snow removal services of such city shall be furnished to the lands hereinbefore annexed, and other city services are or will be available as provided by law.

SECTION 6. This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law, the authority for this annexation being Neb. Rev. Stat. §17-405.01 seq. (Reissue 1997).

SECTION 7. The provisions of this ordinance are separable, and the validity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness or the remainder of the ordinance.

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

**Agenda item #8**, Consider Approval of Ordinance for sale of 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.

Thompson introduced Ordinance No. 1215.

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## ORDINANCE NO. 1215

AN ORDINANCE DECLARING 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 SURPLUS PROPERTY: APPROVING THE SALE THEREOF: AND DIRECTING CONVEYANCE THEREOF FOR THE SUM OF \$100.00 TO RYAN S. BEISEL.

WHEREAS, the real estate hereinafter described has now been declared surplus real estate so far as the city is concerned, and

WHEREAS, Ryan S. Beisel has offered to purchase the same for the sum of \$100.00 payable in full upon delivery of the deed to him by the City of Minden, and

WHEREAS, upon due inquiry no other person, firm or corporation has indicated any interest in acquiring said real estate for any greater sum of money,

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUCIL OF THE CITY OF MINDEN, NEBRASKA:

Section 1. The following described real estate is hereby declared to be surplus property of the City of Minden, Nebraska, to-wit:

A tract of land being a part of Lot 8 and 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 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 .13 Acres, more or less.

Section 2. The Mayor and City Clerk of the City of Minden, Nebraska are hereby directed to accept the offer of Ryan S. Beisel to purchase said tract for the sum of \$100.00 upon delivery of the deed by the City to him.

Section 3. If no remonstrance is filed as provided for by Section 4 of this Ordinance, then the Mayor and City Clerk of the City of Minden are directed to execute a deed to said tract to Ryan S. Beisel and deliver the same to said grantee upon receipt of the sum of \$100.00 from him, said sum to be deposited with the Treasurer of said City.

Section 4. This Ordinance shall be published for three consecutive weeks in the Minden Courier, a legal newspaper published in and of general circulation in the City of Minden as a notice of the sale of said real estate.

If a remonstrance against said sale, signed by legal electors equal in number to thirty (30) percent of the electors of said City voting at the last regular municipal election is filed with the governing body of said City within thirty (30) days after passage and publication of the Ordinance, said property shall not be sold and conveyed only as provided for by Section 17-503 RRS Nebraska.

Section 5. This Ordinance shall be known as Ordinance No. 1215 and shall be in full force and effect from and after its passage and approval and publication according to law.

Passed and approved this 7th day of November 2016.

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

Sumstine motioned to suspend the three readings for Ordinance No. 1215 and Thompson seconded. On roll call, the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Motion carried.

Sumstine motioned to Adopt Ordinance No. 1215 by Title and Thompson seconded. On roll call, the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Motion carried.

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**Agenda item #9**, Consider Approval of Resolution showing adequate insurance carried with respect to City's Combined Utilities Bond.

## RESOLUTION NO. 1658

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,

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 \$647,829 per location and \$2,591,316 in the aggregate for the City's Utility/Power stations and which insurance is in the amount of \$16,177,070 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.

Thompson motioned to approve Resolution No. 1658 showing adequate insurance carried with respect to the City's Combined Utilities Bond and Sumstine seconded. On roll call, the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Motion carried.

**Agenda item #10**, Consider approval of Pay Request #4 of \$363,205.74 for Rutjens Construction for Water Distribution System Improvements.

Carlson motioned to approve of Pay Request #4 of \$363,205.74 for Rutjens Construction for Water Distribution System Improvements and Evans seconded. On roll call, the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Motion carried.

**Agenda Item #11**, Public Comments.

Cederburg wanted to wish all of the candidates running for City Council good luck.

**Agenda Item #12**, Adjournment.

Evans motioned to adjourn the meeting at 6:46 p.m. and Thompson seconded. On roll call, the following voted Aye: Evans, Sumstine, Carlson, and Thompson. Motion carried.

/s/ Ted Griess  
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan  
Abbey Jordan, City Clerk

(SEAL)