

Kimball Board of Public Works  
Regular Meeting  
September 27, 2016

A regular meeting of the Board of Public Works was convened in open and public session at 4:15 p.m. on September 27, 2016 at the City Council Chambers. Board members Cederburg, Porter, Fossand, Rowley, and Robinson were present. Also present were City Administrator Ortiz, Mayor Prunty, Water Superintendent Sisk, Electric Superintendent Hinton, Power Plant Superintendent Terrill, Landfill Superintendent Schulte, City Treasurer Sisk and City Clerk Russell. The public was represented.

Notice of the meeting was given in advance by publication in the Western Nebraska Observer. Notice of the meeting was given to the members and a copy of their acknowledgement of receipt of notice and the agenda is on record at the office of the City Clerk. Availability of the agenda was communicated in advance notice and in the notice to the members. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Chairperson Cederburg called the meeting to order at 4:15 p.m. and acknowledged the posted Open Meetings Act.

The Board of Public Works reviewed the following items under the consent agenda:

1. Minutes from the regular meeting of August 23, 2016;
2. Claims;
3. Treasurer's Report from August, 2016; and
4. Financial Reports from August 2016.

After discussion, Robinson moved and Rowley seconded to approve the consent agenda. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Cederburg, Porter, Fossand, Rowley, and Robinson. Nay: None. Absent: None. Motion passed.

Cederburg opened discussion on a request to waive the Landfill fees. Carol Novotny, 524 Adams Street, distributed photos of the recent tornado damage to her property in the county. Her granddaughter Heather Norberg, spoke on Novotny's behalf. Norberg indicated that essentially Novotny is asking the Board to consider reducing the amounts of her Landfill fees. Her insurance company has allotted \$3,000 for the cleanup. By the time she pays the City Landfill fees and Z & S Construction for the cleanup, it is well above what her insurance company has allowed. Norberg commented on being charged a mixed load fee and that Z & S Construction was asked to sort the loads. Some of the Landfill tickets have been paid. Novotny said Z & S Construction hauled 15 loads and commented that there should be a scale at the Landfill. Norberg commented that the damage was due to a catastrophe and hauling items out to the Landfill was not something that Novotny chose nor wanted to do – it was a necessity.

Discussion was held on the amount that has already been paid and the \$785 that is outstanding. Fossand inquired if Novotny has inquired back to her insurance company with regard to the \$3,000 limit and Novotny indicated she has. He said that based on what he saw in the photos she distributed, she has a big argument with her insurance company. Discussion was held on the limit imposed by her insurance company. Novotny indicated her insurance company has said it will be at least two years before the claim is closed.

Schulte commented on the mixed loads and referenced the Construction & Demolition Landfill Permit Application requirements. As soon as the mixed loads were discovered, three loads had already been brought in. Schulte called Z & S Construction and banned them from coming back into the Landfill until they sorted the loads. Z & S Construction did not show up that day and the Landfill personnel cleaned up two loads. Z & S Construction returned the next day and cleaned up the third load.

After some discussion, Cederburg told Novotny that it is ultimately her contractor's responsibility to inform her of how to load the dumpsters. Robinson said this is an issue of where she needs to fight her insurance company a little bit more; \$3,000 is not a lot of money. Robinson commented on the Board not acting on this and see if the insurance process goes any farther and commented on an appeal process. Novotny said that she cannot appeal to the insurance company until she has paid receipts. Cederburg said that requiring paid receipts might indicate that the insurance company is willing to look at the actual cost rather than the \$3,000.

Robinson said that he is not really sure that it is a City problem at this point. Novotny said it is the City's problem because they don't have a scale. She should have been notified as an owner that there was a problem. Novotny feels like she is being penalized because the procedure was not properly followed at the Landfill and commented on taking the loads to Sidney or Gering where they have scales. Novotny said she doesn't want to wait for two years to pay the bill.

After further discussion, Cederburg indicated that working with her insurance company would be Novotny's best course of action. Ortiz commented that if the Board chooses to consider waiving a portion of the bill, they could be setting a precedent. Robinson commented that the battle is between her and her insurance company and is not the City's.

After discussion on whether to table this item, Robinson moved to deny the request to waive the Landfill fees for Carol Novotny because it would not be fiscally responsible to set a precedent. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Cederburg, Porter, Fossand, Rowley, and Robinson. Nay: None. Absent: None. Motion passed.

Cederburg opened discussion on the rate for tree waste at the Landfill. He, Ortiz and Schulte met with Ben Newell, Affordable Tree, to discuss this. Scottsbluff and Sidney simply have a tub grinder grind the tree waste and they sell the chips as mulch. Vermeer Company out of Denver current rental rates are \$3,000 a day, \$10,500 a week. Cederburg indicated if the City can sell the chips for \$10 a yard, this would work

well for the City and the Landfill crew and would be a source of revenue. Robinson inquired if it would be difficult to get the grinder and Ortiz indicated that it would be available in November or December if it is needed. Schulte said there are not a lot of the larger logs at the Landfill currently.

Ortiz commented that at the last City Council meeting, there were two other requests with regard to a private individual removing the wood from the Landfill. He added that if the tub grinder is rented, it will be helpful for the small branches and leaves as well. Schulte indicated he would need an extra person to help run the tub grinder.

Further discussion was held and it was indicated that Newell would rather pay a small fee to have the City sort the logs out for him and Ortiz said that the three man crew at the Landfill will not be able to do this.

There being no further discussion, Robinson moved and Rowley seconded to delay the implementation of the fee on the tree logs, branches, stumps, non-treated wood/pallets until January 1, 2017 to enable further research. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Cederburg, Porter, Fossand, Rowley, and Robinson. Nay: None. Absent: None. Motion passed.

Cederburg opened discussion on the private commercial waste hauler rates at the Landfill. Cederburg indicated the rural residents in Kimball County pay the same Landfill rates as the City residents. City residents also pay a garbage fee. There are certain rural residents who are willing to pay a fee and contract for garbage services. Cederburg said that has nothing to do with the Landfill charge. It is a totally separate fee. Cederburg said the City of Gering charges a garbage fee and he doesn't see any reason why the City of Kimball should not charge for disposal of garbage for non-city residents as well. Robinson concurred with Cederburg and thinks the proposed private commercial waste hauler rate is fine. The private commercial haulers are gaining an advantage for having a place to go with other people's waste.

Discussion on the Landfill rates paid by the County residents was held with Conrad and Jerry Morris, Pack Rat Disposal, and Robinson indicated the Landfill fee and the garbage collection fees are two separate/distinct items. He said the County residents do have the option to bring in their garbage for free without hiring a private hauler.

Discussion was held on the charge per bale and weighing. Schulte indicated the best way would be to weigh at the elevator prior to dumping at the Landfill. Ortiz said their option is to either pay by the bale or get it weighed.

After extensive discussion on what is charged to the County residents, Cederburg moved and Porter seconded to deny the request to not charge private commercial waste haulers to dump at the Landfill. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Cederburg, Porter, Fossand, Rowley, and Robinson. Nay: None. Absent: None. Motion passed.

Cederburg opened discussion on donating utilities for the Goodhand Theater. Prunty presented a letter to the Board from the Friends of the Goodhand Theater. He thanked

Hinton and Sisk for their assistance and extended sincere appreciation to the Board of Public Works for donating utilities. Prunty indicated they now have the capability to pay for their utilities and said they no longer need to have them donated. However, if the Board wants to further donate, they would be happy to take it. Robinson suggested to not donate utilities at this time and if they run into difficulties down the road, it can be reconsidered.

Prunty thanked the City and the community for all the help and Cederburg extended his thanks for a job well done.

Cederburg opened discussion on A-Base meters. Ortiz indicated that late last year the City started working very closely with Dale Snyder, the State Electrical Inspector. Some cities have A-Base meter policies that prohibit them. A-Base meters are an older meter and this boils down to whether the City wants to require people to make an upgrade on the front end. Porter inquired about the percentage of A-Base meters in the City and Hinton said the meters are a housed meter unit and they will only accommodate #6 wire and said perhaps 20% of the meters in the City are A-Base.

Ortiz said the ordinance can be amended regarding the electrical system and commented on High West's customer connection policy. Discussion was held on working on a more refined customer policy to mirror what other utilities have done in order to eliminate the steps to change the ordinance. Ortiz inquired if Board members wanted to consider adopting a policy against A-Base meters and allow them if they are currently in use. However, if there is a vacant/abandoned home, or inactive for 90 days, the owners would be required to have the meter upgrades. Robinson said he would prefer to allow them to stay in service if the house is occupied and if unoccupied with a certain number of days, to require the upgrade. Board members directed staff to draft up the policy.

Cederburg opened discussion on Resolution 2016-07 to appoint City representatives to the MEAN Management Committee and MEAN Board of Directors. Ortiz indicated this is to ensure that the City has someone in the interim until a new City Administrator is appointed. There will be much discussions and issues coming up.

There being no further discussion, Robinson moved and Rowley seconded to approve Resolution 2016-07.

## **Resolution 2016-07**

### **Member Resolution for Appointments**

#### **Representative and Alternate to MEAN Management Committee**

WHEREAS, the City of Kimball, State of Nebraska, is a part to the Electrical Resource Pool Agreement and, pursuant to the terms of such Agreement, it is the responsibility of the City of Kimball to designate a representative and alternate

representative to the Municipal Energy Agency of Nebraska (MEAN) Management Committee provided for under the terms of said Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Public Works of the City of Kimball, State of Nebraska, that:

1. The City Clerk is hereby directed to give written notice to the Municipal Energy Agency of Nebraska (MEAN) of the appointment of Bill Hinton as representative and Jim Cederburg as Alternate to said MEAN Management Committee.

### **Director and Alternate to MEAN Board of Directors**

This is to certify that the Board of Public Works of the City of Kimball, State of Nebraska, duly appointed Bill Hinton to serve as director and Jim Cederburg to serve as the alternate director to represent the City of Kimball on the Board of Directors of the Municipal Energy Agency of Nebraska (MEAN). The appointment will run for a term of 3 years with the powers and duties incident to such office. This certificate is issued in compliance with the Municipal Cooperative Financing Act contained in the Nebraska Revised Statutes §18-2401 et. seq. (1987).

On roll call vote, the following votes were recorded on the electronic voting board. Aye: Cederburg, Porter, Fossand, Rowley, and Robinson. Nay: None. Absent: None. Motion passed.

Robinson moved and Porter seconded to remove the discussion on requiring deposits or suspending customers who default on Wastewater Treatment Plant and/or Landfill charges from table. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Cederburg, Porter, Fossand, Rowley, and Robinson. Nay: None. Absent: None. Motion passed.

Robinson inquired of the definition of default and Ortiz said if the customer was sent to collections that is considered a default. Robinson wondered if the City had enough problem with it that there would need to be a policy and Ortiz said yes. There are some customers from which it is hard to collect and there is no other recourse other than to deny them.

After further discussion, Cederburg suggested staff bring a policy back to the Board for consideration. Robinson moved and Rowley seconded to table the discussion and action on requiring deposits or suspending customers who default on Wastewater Treatment Plant and/or Landfill charges. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Cederburg, Porter, Fossand, Rowley, and Robinson. Nay: None. Absent: None. Motion passed.

Ortiz indicated the Power Plant passed the third urge test. The weather was cooler which helped immensely. He presented photos indicating the cooling system and the louvers among others. He commented on MEAN and the ERPA compliance. Ortiz said

that towards the end of the test, one of the panels was starting to overheat and Terrill has been in contact with Robinson Electric to look at it.

There were a number of people assisting with the urge test this year. The MEAN staff pointed out the need to test and the lack of revenue to test the engines makes a difference. Discussion was held on after-market (or used) parts and that Terrill will have to upgrade some of the gauges on the control panel.

Ortiz said the week before the urge test, the ceiling tile from the #5 engine fell down. M.C. Schaff will collect samples for asbestos testing.

Ortiz indicated with regard to the cooling issues, that they have rigged up sprinklers to shoot water into the fan and they need to make sure that cooling system will be adequate. Cederburg said he had a chance to tour the Power Plant. He commented on how much better it looks and appreciates everything Terrill has done. Cederburg said there are a lot of issues and thanked the City Council for allowing another person to be hired at the Power Plant.

Ortiz said that one of the long-term questions is perhaps taking one of the units off line so there will be some flexibility of disassembling and reassembling. The downside is the lesser capacity payment; however, it frees the City of the burden of ensuring all the engines are ready. There will be a future decision that the Board of Public Works and the City Council will have to make.

Ortiz reported the new diode probe at the Wastewater Treatment Plant was installed last week. The WWTF was out of compliance and a letter has been sent to DHHS.

Ortiz reported Sisk and Casey Hottell continue to work on the fire hydrants on First Street. They have replaced three and have four more to go.

Ortiz reported the City has received a settlement for the sewer backup at 601 Jefferson. The settlement amount was \$52,000 and the City has a \$2,500 deductible. The Water Department is working to make sure all the systems are treated with Root-X and other degreasing agents.

Ortiz reported he has spoken with the Brown's with regard to their request for electric service. The buildings will be approximately one-third of a mile from the existing point where the City can connect to them. It is estimated that it will cost from \$50,000 to \$75,000 and Ortiz commented that it needs to be determined how to account for the line loss. He commented on going through the engineering process and the Power Review Board. Ortiz said he will request some type of up-front deposit from them. He added that the Browns are planning on building two homes and a shop and the current zoning of AG only allows for a single residential dwelling.

The next meeting will be held on October 25, 2016 at 4:15 p.m.

There being no further business to come before the Board of Public Works, Porter moved and Rowley seconded to adjourn the meeting at 5:47 p.m. On roll call vote, the

following votes were recorded on the electronic voting board. Aye: Cederburg, Porter, Fossand, Rowley, and Robinson. Nay: None. Absent: None. Motion passed.

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Chairperson

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City Clerk

Board of Public Works-Utility Claims-September 27, 2016-Action Communications-Radios-106.00; SourceGas-Gas Service-117.24; EMC National Life Company-Premium-332.39; Western Nebraska Observer-Meeting Notices-91.95; Payroll Fund-Payroll Transfer-41,737.36; Heather Entingh-Sign Repair-1,350.00; Centurylink Communications, Inc.-Long Distance-78.27; Charter Communications-Internet Service-215.25; Connecting Point-Copy Usage-756.16; GreatAmerica Financial Services-Lease-365.00; High West Energy-Utilities-11,921.00; MailFinance-Lease-615.00; Nebraska Department of Revenue-Recycling Fee-25.00; Nebraska Dept. of Environmental Quality-Operating Fee-7,750.00; Nebraska Municipal Power Pool-Install Software-247.65; NeoFunds-By Neopost-Postage-2,000.00; Viaero-Cell Phone-123.09; Payroll Fund-Payroll Transfer-40,532.62; Amazon-Supplies-13.47; John Deere Financial-Parts-129.31; Visa-Firstier Bank-Charges-11.45; Payroll Fund-Payroll Transfer-41,549.84; 3 Schoe's, Inc.-Hauling/Trucking-150.00; ADS LLC-Valve- 5,624.81; Amaril Uniform Co.-Uniforms-2,776.62; CenturyLink-Telephone-660.65; City of Kimball-Transfer-127.45; City of Kimball-Transfer-130.00; City of Kimball-Transfer-13,191.04; City of Kimball-Occupation Tax-14,586.38; City of Kimball- Transfer-1,412.96; Clif and Dean Trucking LLC-Contract Trucking-2,500.00; Combined Utilities-Utilities-153.57; Crescent Electric Supply Co.-Inventory-4,449.71; Culligan-Rental-32.20; EMC Insurance Company-Deductible-2,500.00; EMC National Life Company-Long Term Disability-318.16; Enterprise Rac of Mt/Wy-Car Rental-270.90; Frenchman Valley Coop -Fuel-1,935.92; Grainger-Fans-118.25; Hach Company-Chemicals-79.54; Delores Harms-Refund-25.95; Hometown Hardware-Supplies-856.63; Ideal Linen Supply, Inc.-Mats-51.00; Rob & Lori Jackson-Refund-100.00; Keep Kimball Beautiful-Landfill Fee-4,920.00; Kimball Auto Parts-Parts-622.19; Kimball Bakery-Training-42.10; Kimball Health Services-Screening-44.10; Kimball Public Schools-Cement Barricades-850.00; Kimball Service Center-Tire-825.05; Kriz-Davis Company-Lights-1,024.36; Layne Christensen Company-Testing-743.30; MEAN-Mean Bill-128,464.14; MEAN-Rita Payoff -31,466.13; Marrian Hennings Estate-Refund-22.90; Napa Auto Parts-Supplies-468.20; Nebraska Public Health Enviro Lab- Routine Water Samples-455.00; One Call Concepts-Locates-34.83; Panhandle Coop-Supplies-5.00; Panhandle Coop Association-Supplies-46.91; Prestige MFG.-Cut Steel-27.10; Respond First Aid Systems-Supplies-40.18; Robinson Electric -Exhaust Fans-772.35; Scottsbluff Screenprinting-Shirts-185.00; Sewer Equipment Co. of America-Parts-282.36; Shopko Stores Operating Co.-Supplies-247.35; SourceGas-Gas Service-317.82; Southwestern Equipment Co.-Part-40.42; Staples -Supplies-29.88; State Industrial Products-Supplies-225.00; USA Blue Book-Inventory-874.28; WPCI-Screening-30.00; Waste Systems-Parts-2,943.24; Water Environment Federation-Membership-124.00; Wesco Distribution ReceivablesCorp.-Supplies-2,632.20; Willco Inc.-Sensor-3,018.00.