

Kimball City Council  
Regular Meeting  
April 15, 2014

A regular meeting of the Mayor and City Council was convened in open and public session at 7:00 p.m. on April 15, 2014 in the City Council Chambers. Mayor Schnell and Council members Warner, Shields, Christensen and Morrison were present. Also present were City Administrator Ortiz, Police Chief Huff, City Clerk Russell and City Treasurer Strauch. 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 except as otherwise indicated.

Schnell called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

Schnell acknowledged the posted Open Meetings Act poster.

Schnell presented members of the "EF Europe Trip" Group a check for \$325.00 for their efforts in placing door hangers throughout Kimball neighborhoods reminding people to choose community-owned ACE as their choice for a natural gas supplier during Nebraska Choice Gas selection period, April 11 to April 24, 2014.

Schnell read the 2014 Great American Clean up Proclamation for Keep Kimball Beautiful. Ortiz commented on the two week clean up in the City from April 21<sup>st</sup> to May 2<sup>nd</sup> and said citizens can have unwanted items picked up from their curb or in their alley during this period. Residents need to call the City office and provide information. Larissa Binod, Keep Kimball Beautiful Executive Director, informed every one of the clean-up day of May 3<sup>rd</sup>. They will be working with the South Platte NRD and Main Street Market. The clean-up day in Dix is April 24<sup>th</sup>.

At 7:07 p.m. Schnell opened a public hearing on rezoning of Frederick Addition, Block 1, S ½ of Lot 4 and all of Lots 5 to 12, Block 2, Lots 1 to 30 and Block 3, Lot 2 from Light Commercial District (C-2) to Single Family Residential District (R-1); and Frederick Addition, Block 3, West 425' of Lot 1 from Light Commercial District (C-2) to Traveler Services District (C-4).

Ortiz indicated this is the area directly east of Z & S that encompasses the old trailer park. The zoning in that area was not changed from commercial to single family residential. Also, the single parcel of the Finer Motel has two separate zoning districts. The Planning Commission recommended approval of the zoning change to rectify the

issues with those parcels. Ortiz said the areas that are not correctly zoned or not zoned at all will be identified and rezoned. There is a lot of clean up to do and it is time-consuming.

There being no further comments, Schnell declared the public hearing closed at 7:17 p.m.

Christensen moved and Morrison seconded to introduce Ordinance 707 and waive the requirement of reading on three different days. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Christensen and Morrison. Nay: None. Absent: None. Motion carried.

Mayor Schnell read Ordinance 707 by title only.

#### ORDINANCE NO. 707

AN ORDINANCE AMENDING THE ZONING OF FREDERICK ADDITION, BLOCK 1, S ½ OF LOT 4 AND ALL OF LOTS 5 TO 12, BLOCK 2, LOTS 1 TO 30 AND BLOCK 3, LOT 2 FROM LIGHT COMMERCIAL DISTRICT (C-2) TO SINGLE FAMILY RESIDENTIAL DISTRICT (R-1); AND FREDERICK ADDITION, BLOCK 3, WEST 425' OF LOT 1 FROM LIGHT COMMERCIAL DISTRICT (C-2) TO TRAVELER SERVICES DISTRICT (C-4); PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE AND PUBLICATION IN PAMPHLET FORM.

Shields moved and Christensen seconded to pass and approve Ordinance 707. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Christensen and Morrison. Nay: None. Absent: None. Motion carried.

At 7:19 p.m. Schnell opened a public hearing on rezoning of Tract 1, part of Government Lot 1 of Section 5, Township 14 North, Range 55 West of the 6<sup>th</sup> P.M. Kimball County, Nebraska, containing 19.79 acres more or less, and Tract 2, part of Government Lots 1, 2 & 3, of Section 5, Township 14 North, Range 55 West of the 6<sup>th</sup> P.M, containing 42.84 acres more or less from no zoning to Employment Center District (C-6); and Tract 3, part of Government Lots 3 & 4 and part of the Southeast Quarter of the Northwest Quarter of Section 5, Township 14 North, Range 55 West, containing 38.03 acres more or less, and Tract 4, Part of Government Lots 3 & 4 and part of the North Half of the South Half of the Northwest Quarter of Section 5, Township 14 North, Range 55 West containing 16.98 acres more or less, from Employment Center District (C-6) to Traveler Services District (C-4).

Councilmember Warner declared a conflict of interest from discussing and voting on this item. She has filed the appropriate accountability and disclosure paperwork with Russell. Christensen moved and Shields seconded to allow Warner a conflict of interest from discussing and voting on this item. On roll call vote, the following votes were

recorded on the electronic voting board. Aye: Shields, Christensen and Morrison. Nay: None. Absent: None. Abstaining: Warner. Motion carried.

Ortiz indicated the previous property owners had requested the rezoning and the owner redistributed the acreage size for the four parcels. Tracts 1 and 2 were sold at auction and Tracts 3 and 4 did not sell, but there are currently negotiations on those tracts. Tracts 3 and 4 were proposed to be zoned Traveler Services District (C-4) and Tracts 1 and 2 were proposed to be zoned Employment Center District (C-6). The new owners do not wish Tracts 1 and 2 to be zoned commercially. Discussion was held on tabling the request. Ortiz said the new owners would like to keep the use as agricultural and indicated there is no infrastructure that far south. There is a potential for industrial development in that area and part of Tracts 3 and 4 are zoned as C-6 and part are not zoned at all.

Christensen inquired what gives the City the greatest latitude for potential development but also is in the best interest of the sellers. Ortiz questioned if the owners are willing to see the development in the future. Being off the interstate offers some advantage for large companies.

Christy Warner, 610 S. Maple, spoke as the landowner of Tracts 1 and 2. They are currently negotiating for the remainder of the properties and they are asking the City Council to consider tabling until such time as they can approach the Planning Commission to have the area zoned more appropriately. Warner said they do not want to negotiate for the additional land if they don't have the potential to use it for their own purposes.

Ortiz indicated the Planning Commission and the City Council cannot consider a zoning category other than what has been requested by the owner. Further discussion was held and Morrison commented that no action should be taken on this.

There being no further comments, Schnell declared the public hearing closed at 7:34 p.m.

No action was taken on Ordinance 708.

At 7:35 p.m. Schnell opened a public hearing on an amendment to the City of Kimball Zoning Ordinance to incorporate Golf Course Estate District (GCE).

Ortiz said this was brought up for the Park and Recreation area. Discussion has been held regarding housing at the golf course and one of the first steps is to define what type of zoning district would be placed in that area. Once the district is established, the type of development that would be conducive to that area will be researched. It was indicated that the City needs to plan for what the housing interest is and what should be allowed in that area.

Warner inquired about the boundaries and Ortiz said the boundaries will not be

established until the zoning classification is established. Ideally, the area west of the ball parks would be the easiest to develop and the area by the trap shoot could be developed as well.

Ortiz reminded councilmembers that whatever land or acreage that is taken from the recreation area, similar land needs to be replaced for recreational use. He commented on turning Janicek Dam into a recreation area to replace what is taken away for housing development. Schnell said that the Nebraska Game and Parks has indicated that the land replaced can be anything recreational.

Christy Warner commented that if the City would be able to find people willing to develop and live there, it is great potential for the City.

Christensen said that everyone knows people who choose to live in a outlying area and this may give the City potential. She inquired if it has ever been discussed that the ballparks would be moved closer to town and it was indicated that this had not been discussed.

There being no further comments, Schnell declared the public hearing closed at 7:45 p.m.

Warner moved and Shields seconded to introduce Ordinance 709 and waive the requirement of reading on three different days. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Christensen and Morrison. Nay: None. Absent: None. Motion carried.

Mayor Schnell read Ordinance 709 by title only.

#### ORDINANCE NO. 709

AN ORDINANCE AMENDING THE ZONING ORDINANCES OF THE CITY OF KIMBALL, KIMBALL COUNTY, NEBRASKA, ESTABLISHING DISTRICT GCE – GOLF COURSE ESTATES; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

Warner moved and Christensen seconded to pass and approve Ordinance 709. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Christensen and Morrison. Nay: None. Absent: None. Motion carried.

Schnell opened discussion on the keno grant application from Keep Kimball Beautiful. Larissa Binod, Keep Kimball Beautiful Executive Director, said they are purchasing two balers for the Kimball Recycle Center. The balers were a part of their contract while they were working with ARK Regional Recycling. A new company is buying out the ARK facility and ARK is giving Keep Kimball Beautiful the first opportunity to purchase

the equipment. Keep Kimball Beautiful has had the balers since they were new and they purchased two more of the exact same style. The purchase of these balers will allow them to continue processing the 425,000 pounds of materials they are currently collecting and will be crucial to fulfilling their anticipated development plans.

Shields inquired about a maintenance agreement and Binod said KKB is responsible for the maintenance of the equipment.

Discussion was held on losing the ARK facility and Binod said there will be adjustments to be made. Morrison said there are a lot of trucks that leave Castronics empty and suggested Binod talk to Adams Trucking for contacts. Shields also commented on the drivers leaving Clean Harbors empty and heading south. Binod said she will try to contact individuals but one of the complications is storage.

There being no further discussion, Christensen moved and Shields seconded to approve the keno grant application from Keep Kimball Beautiful in the amount of \$2,500. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Christensen, and Morrison. Nay: None. Absent: None. Motion carried.

Schnell opened discussion on the agreement with the Department of Roads for improving Highway US-30, Kimball to Dix, STP-30-1(127), CN 51395. The Department of Roads is hoping to bid this project by the end of the year. Ortiz also brought up with NDOR the turning lane at Castronics. Shields said this project needs to be started earlier than the end of the year and Morrison said NDOR should consider making the road a better grade due to the heavy truck traffic.

Discussion was held on the turning lane and NDOR's perception that there haven't been any accidents and that it will take several accidents out there before NDOR will do anything about it. Ortiz said the Police Department is researching the accident reports and Ortiz is hoping to explore some technology to use at Castronics. He wants to mount some web cameras on the utility pole there.

There being no further discussion, Morrison moved and Christensen seconded to approve Resolution 2014-03 to execute a program agreement with NDOR for improving Highway 30 in Kimball.

#### RESOLUTION 2014-03

WHEREAS, the State of Nebraska desires to make improvements on a portion of State Highway 30 under a highway improvement project denoted as Project No. STP-30-1(127); and

WHEREAS, the improvement is located within the designated urban area of Kimball, Nebraska and funds administered by the State have been made available for the construction of improvements; and

WHEREAS, the municipality's responsibilities under this agreement are adequately described in the agreement and are understood by the municipality; and

WHEREAS, the City of Kimball concurs to enter into this agreement with the State of Nebraska, Department of Roads, for said improvement.

NOW, THEREFORE, be it resolved by the City Council of the City of Kimball that the Mayor is authorized by this City Council to execute this agreement with the State of Nebraska, Department of Roads for Project Number STP-30-1(127).

INTRODUCED AND PASSED THIS 15<sup>TH</sup> DAY OF APRIL, 2014.

/s/James W. Schnell, Mayor

ATTEST:

/s/Rosemarie D. Russell, City Clerk

On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Christensen, and Morrison. Nay: None. Absent: None. Motion carried.

Schnell opened discussion on the amended contract with Exponential Engineering Company (EEC) for scope of services. Ortiz indicated the contract with EEC was originally approved at the March 4, 2014 City Council meeting and the signed contract was forwarded to EEC for appropriate signatures. He has been informed by EEC that their insurance precludes them from being able to defend the City so that has been stricken from the amended contract. Hadenfeldt said essentially the original contract indicated EEC would agree to defend and indemnify the City and EEC has requested to remove the portion indicating "defend".

There being no further discussion, Shields moved and Morrison seconded to approve the amended contract with Exponential Engineering, CO. (EEC) for scope of services. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Christensen, and Morrison. Nay: None. Absent: None. Motion carried.

Schnell opened discussion on the keno grant application from the City of Kimball. Ortiz indicated that during the budget hearing, there was an item with regard to the swimming pool. There is a mandatory requirement to have an ADA pool lift and it was suggested that if the funds were not able to be set aside, Keno funds would be requested. Water Superintendent Ford has gotten information on a portable aquatic lift (PAL) for \$6,693 plus \$400 freight for a total of \$7,093.

There being no further discussion, Morrison moved and Christensen seconded to approve the keno grant application from the City of Kimball for the Portable Air Lift (PAL) for the swimming pool in the amount of \$7,093. On roll call vote, the following

votes were recorded on the electronic voting board. Aye: Warner, Shields, Christensen, and Morrison. Nay: None. Absent: None. Motion carried.

The City Council reviewed the following items under the consent agenda:

1. Minutes from the April 1, 2014 regular meeting;
2. Claims; and
3. Financial Statements.

Warner moved and Shields seconded to accept the consent agenda items as presented. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Christensen, and Morrison. Nay: None. Absent: None. Motion carried.

Ortiz reported on the email received from Dave Schaff, M.C. Schaff and Associates, regarding the underpass project. They are still finishing up the engineering agreement modifications.

Ortiz reported the Landfill personnel have been diligently refurbishing dumpsters. The refurbishing will help in the long run so the City will not incur the expense to continually purchase new dumpsters. Ortiz presented information on the cost for new dumpsters (\$524 for 3 yard and \$430 for 2 yard) versus the cost for refurbished dumpsters (\$113 for replacement bottoms plus paint and labor). Warner commented on drilling small holes in the bottoms of the dumpsters so the water will run out and Ortiz indicated that some of the newer dumpsters do have holes in the bottom for drainage. Shields inquired about the age of the dumpsters and Ortiz said a lot of them are from about 15 years ago. Warner offered to donate a few cans of epoxy coating to paint on the bottoms of the dumpsters so they will last longer.

Ortiz distributed Heartland Expressway information and commented on the bill in the Legislature. Heartland Expressway members will meet in Kimball on Thursday, April 17<sup>th</sup> in City Hall.

Ortiz commented on fraudulent calls that several businesses and residents are receiving with the caller telling them that their electricity bill is past due. It is from an out-of-area phone number and the caller is telling individuals that payment must be made via Western Union. Huff said this particular scam is the sixth one the Police Department has posted on their Facebook page.

Schnell wished all a safe and Happy Easter.

The next regular City Council meeting is May 6, 2014 at 7:00 p.m.

There being no further business to come before the Council, Warner moved and Christensen seconded to adjourn at 8:17 p.m. On roll call vote, the following votes were

recorded on the electronic voting board. Aye: Warner, Shields, Christensen, and Morrison. Nay: None. Absent: None. Motion carried.

---

James Schnell, Mayor

---

Rosemarie D. Russell, City Clerk

City of Kimball-City Council General Claims-April 15, 2014 - Arrowhead Distributing Inc.-Liquor Purchase-29.40; Hometown Hardware-Supplies-1,343.78; Ideal Linen Supply, Inc.-Supplies-303.96; Baker & Taylor Books-Book Purchase-1,168.26; Best Books, Inc.-Book Purchase-37.98; Sheryl Biesecker-Contract Cleaning-412.50; Bluffs Sanitary Supply, Inc.-Supplies -127.28; Center Point Large Print-Book Purchase-233.59; Centurion Technologies-Support Renewal-50.00; CenturyLink- Telephone-263.89; CenturyLink-Telephone-187.61; CenturyLink-Telephone-435.80; City of Kimball-Liquor License-261.20; Combined Utilities-Utilities-328.83; Connecting Point-Copy Usage-77.62; Consolidated Management Company-Meal Plan-60.25; Contractors Materials, Inc.-Supplies-44.45; Crescent Electric Supply Co.-Supplies-21.30; Demco-Supplies-324.87; Gale/Cengage Learning-Book Purchase-648.36; Dorothy Griffith-Reimbursement-101.20; High West Energy-Utilities-1670.68; Hometown Hardware-Supplies-89.15; IIMC-Membership Fee-145.00; Ideal Linen Supply, Inc.-Mats-147.36; Intralinks, Inc.-Computer Support-75.00; Jirdon Agri Chemicals, Inc.-Chemicals-181.54; Kimball Auto Parts-Parts -66.49; Kimball County Treasurer-Liquor License-362.80; Kimball Handyman Project-Handyman Services-557.55; Kimball Health Services Hospital-Screening-44.10; Kimball Service Center-Repair-53.00; Total Lawn Care-Lawn Care-103.68; Merryfield Heating & Air Conditioning-Maintenance-150.00; MicroMarketing, LLC-Supplies-567.40; Miller Office Supply-Supplies-73.98; Mitinet, Inc.-Supplies-329.00; Napa Auto Parts-Supplies-124.11; Nebraska Panhandle Golf Association-Dues-100.00; Panhandle Clerk's Association-Dues-10.00; Panhandle Coop-Meter-689.81; Panhandle Coop Association-Supplies-74.66; Rosie Russell-Reimbursement-22.98; Janet Sears-Reimbursement-63.08; Shopko Stores Operating Co.-Supplies-56.84; Simmons Olsen Law Firm, P.C.-Professional Services-1,522.00; Sirchie- Kraft-Supplies-31.45; Southern Uniform & Equipment-Polos-580.35; The United States Life Insurance Company-Long Term Disability-426.29; Viaero-Cell Phone Usage-32.45; Vince's Corner-Car Washing-5.00; Voyager Fleet Systems-Fuel- 498.25; WatchGuard Video-Cameras-9,840.00; Chad Wise-Credit Cards-594.23; Xerox Corporation-Maintenance-146.41.

Economic Development Claims-April 15, 2014-CenturyLink-Telephone-51.27; Simmons Olsen Law Firm, P.C.-Professional Services-The United States Life Insurance Company-Long Term Disability-35.40; Viaero-Cell Phone Usage-32.45; Wilson Bowling-Reimbursement-1,549.10.