

Kimball City Council  
Regular Meeting  
July 1, 2014

A regular meeting of the Mayor and City Council was convened in open and public session at 7:00 p.m. on July 1, 2014 in the City Council Chambers. Mayor Schnell and Council members Warner, Christensen and Morrison were present. Council member Shields was absent. Also present were City Attorney Hadenfeldt, City Administrator Ortiz, Landfill Superintendent Schulte, 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 except as otherwise indicated.

Schnell called the meeting to order at 7:00 p.m. and acknowledged the posted Open Meetings Act poster.

Warner moved and Morrison seconded to excuse the July 1, 2014 absence of Council member Shields. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Christensen, and Morrison. Nay: None. Absent: Shields. Motion carried.

Schnell opened the public hearing for the Class CK liquor license application for SinEasy LLC DBA Beer & Loathing, 206 S. Chestnut Street, at 7:03 p.m.

Nathan Entingh, 506 N. Myrtle, is in the process of buying the Wooden Keg. He has known the current owners for some time and this is a good opportunity to own a business on his own. Entingh said he likes Kimball and the small community and plans to keep people in this community. They will have good service and Keno and would like to keep their business local, i.e. purchase hamburger buns from the Kimball Bakery and purchase their beef locally.

Discussion was held on the bar's business hours and the feasibility of changing the ordinance to a 2:00 a.m. closing time.

Entingh commented on improvements to the bar. Kimball citizens are "really big" on pool and they are going to improve their pool tables and get them league-sized and operational. They are also looking at setting up some specials to bring people into the bar.

Landfill Superintendent Schulte said it is great to have a young entrepreneur come into Kimball.

Christensen encouraged Entingh to take advantage of the State Patrol training and he indicated that Tami Otto has given him the information about the training. He would like to get everyone trained as soon as possible.

There being no further discussion, Schnell closed the public hearing at 7:08 p.m. Christensen moved and Morrison seconded to recommend approval of the Class CK liquor license application for SinEasy LLC DBA Beer & Loathing, 206 S. Chestnut Street. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Christensen, and Morrison. Nay: None. Absent: Shields. Motion carried.

Schnell opened discussion on the manager application from Nathan W. Entingh for Beer & Loathing Bar. There being no comments, Christensen moved and Morrison seconded to approve the manager application from Nathan W. Entingh for Beer & Loathing Bar. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Christensen, and Morrison. Nay: None. Absent: Shields. Motion carried.

Schnell opened discussion on SinEasy LLC DBA Beer & Loathing to be approved as a local outlet for keno lottery.

There was no discussion and Warner moved and Christensen seconded to approve the following resolution.

#### RESOLUTION 2014-05

A RESOLUTION APPROVING SINEASY LLC DBA BEER AND LOATHING AS A LOCAL OUTLET FOR KENO LOTTERY WITHIN THE CITY OF KIMBALL AND DETERMINING THAT THE KENO LOTTERY OUTLET MEETS THE REQUIREMENTS PERTAINING TO THE OPERATION OF A KENO LOTTERY.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KIMBALL, NEBRASKA:

WHEREAS, it is the desire of the City Council of the City of Kimball to insure the qualification standards for an outlet for conducting a keno lottery in conformance with Section 9-642.01 of the Revised Statutes of Nebraska; and

WHEREAS, it is the desire of the City Council in order to protect the general health, welfare, and morals of the City of Kimball that each sales outlet for keno lottery be a suitable establishment to conduct such sales.

BE IT THEREFORE RESOLVED THAT based upon the best information available, each keno lottery sales outlet complies with the rules and regulations of the

Nebraska Department of Revenue adopted to carry out the provisions of the Nebraska County and City Lottery Act.

1. Beer and Loathing Bar, 206 S. Chestnut Street, Kimball, is hereby approved as a Keno Lottery outlet.

PASSED AND APPROVED THIS 1<sup>st</sup> DAY OF JULY, 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, Christensen, and Morrison. Nay: None. Absent: Shields. Motion carried.

Schnell opened discussion on the contract with Kimball County for Landfill services. Ortiz indicated that when the Board of Public Works increased Landfill rates, the contract with Kimball County also needed to be reviewed. The original contract was executed in 1995 and some things have changed since that time. Both the County and the City thought it would be prudent to update the contract and the contract language. One of the things that was brought up for discussion was the need to identify who the County's paying customers are. There needs to be a mechanism to keep track and verify who the paying customers are. The Board of Public Works had requested researching the procedures of other landfills. Sidney and Gering both require customers to present a utility bill. However, this may be problematic for Kimball's county residents.

After considering all the options available, it was determined to require the County to provide a list of their residents who have paid for the Landfill services and Ortiz indicated something similar for City residents will be explored as well. This will be a change for the Landfill staff and residents. Warner commented on having the current bill and Ortiz said the route taken would most likely be taking the name and address and having the office verify the customer information.

Christensen encouraged the City to educate and be lenient for the first year. Ortiz indicated that the original contract from 1995 did spell out that the City was to receive a list of customers from the County.

There being no further discussion, Morrison moved and Christensen seconded to approve the contract with the County for Landfill services. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Christensen, and Morrison. Nay: None. Absent: Shields. Motion carried.

Schnell opened discussion on Resolution 2014-06. Ortiz indicated there have been previous discussions on how the Underpass Renovation project is moving forward and he and Schnell met with the State Historical Society. Ortiz indicated this Resolution 2014-06 emphasizes that the City Council of the City of Kimball, as owner of the does

not want to include the underpass structure and existing rock slide slopes on the National Register of Historic Places and will not request inclusion at a future date. Ortiz added that inclusion would become such a large burden on the City.

In 2008, the City had requested bids and Ortiz commented that before bids could be received, approval from the State Historical Preservation Office was required. He stated that at that point the State Historical Preservation Office was agreeable to moving forward on the project.

The recent assessment has determined that there is some historical significance to the underpass structure and existing rock slide slopes and it is eligible to be on the National Register of Historic Places. It is important for the City to determine what they ultimately want out of this. Ortiz has forwarded a response to the HDR environmental specialist regarding the determination.

Warner inquired what the difference in cost would be if it were on the Historic Register. Ortiz commented that the cost of restoring it is unknown. Further discussion was held and Ortiz indicated the resolutions give the option of using the rock in preserving the past and looking toward the future. Schnell commented that the City Council voted about a year ago to incorporate the rock into the design.

Discussion was held on different aspects and the costs and Warner commented on leaving the structure as it is and redoing the handrails. She said if this is put on the Historic Register, she is sure it would have to be restored.

Ortiz provided an example of the difficulty of restoring structures. When something is put on the Historic Register, it really does become problematic when there are not resources to maintain the life of the structure. He further commented on historical districts and renovating to historical standards.

Further discussion was held on the resolution and Ortiz indicated that his letter to HDR made it clear that the City of Kimball does not want the underpass to be listed on the National Register and the stones and slopes to be restored as they currently lay. Christensen added that to restore one of the entry ways and exits for the community is something that is visually appealing and forward-thinking.

Ortiz said that by the July 29, 2014 stakeholders meeting, the Federal Highway Administration will have already made the decision. The resolution is informing them that the City of Kimball does not want to see the structure restored as it is but does want to consider a design that incorporates the rock. Christensen said the resolution is simply putting a voice back into the City's hands instead of the State's.

Warner inquired what design will be presented at the stakeholder's meeting and Ortiz said the City gets to present options and take ideas, but the Federal Highway Administration has the final say. M.C. Schaff will be involved with the design and Ortiz believes they will present a few conceptual designs at the stakeholders meeting to

gauge citizen's interest. Morrison said this meeting will be to receive input from the public but not designing the underpass.

Schnell said it is important for people to voice their opinions now and Warner expressed that she doesn't want to take the option away from the residents.

Ortiz said the stakeholders meeting is July 29, 2014 at the Event Center and information will be presented indicating where the project stands. The actual public hearing will most likely be in September where the designers and architects will have some designs for the public to offer feedback. Ortiz said it is important for the City to give their feedback.

There being no further discussion, Morrison moved and Christensen seconded to approve the following resolution.

#### **RESOLUTION 2014-06**

#### **A RESOLUTION OF THE CITY OF KIMBALL, NEBRASKA, TO REQUEST THAT THE KIMBALL UNDERPASS ROCK STRUCTURES NOT BE PLACED ON THE NATIONAL REGISTER OF HISTORIC PLACES.**

WHEREAS, the Kimball Underpass Renovation funded by the Nebraska Department of Transportation Enhancement Program was approved in December 2002; and

WHEREAS, the underpass is located at the north end of Kimball's central business district; and

WHEREAS, the underpass serves as the primary grade separated crossing of the Union Pacific Railroad line within the community and connects the residential area in north Kimball to the central business district in the south; and

WHEREAS, the purpose of the renovation project has been to preserve the structure and eliminate safety hazards to the public; and

WHEREAS, Section 106 of the National Historic Preservation Act requires a recipient of federal funds to take into account the effects of the project on properties included or eligible for inclusion in the National Register of Historic Places. Historic Properties may be districts, buildings, structures, objects, or archeological sites; and

WHEREAS, it is our understanding that this Kimball underpass structure and existing rock slide slopes are eligible for inclusion in the National Register of Historic Places.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kimball, Nebraska (the "City"):

The City of Kimball, as owner, does not want to include the underpass structure and existing rock slide slopes on the National Register of Historic Places and will not request inclusion at a future date.

The City of Kimball, as owner, does agree to include the existing rock on the rock slide slopes into an updated design.

This Resolution shall become effective upon its passage and approval.

Passed and approved on July 1, 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, Christensen, and Morrison. Nay: None. Absent: Shields. Motion carried.

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

1. Minutes from the June 17, 2014 regular meeting;
2. Claims; and
3. Ratify the Kimball Volunteer Fire Department members.

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

Ortiz reported on the progress on the lift station and the redevelopment agreement with Castronics. He hopes to have the agreement for the next council meeting.

Ortiz reported the Board of Public Works is reviewing some changes to the Municipal Code that pertain to electrical service connection. The changes will most likely be before the council at the second meeting in August.

Ortiz reported on the substation project and said that bid documents are being prepared to begin work on the project in September.

Schnell reported on the different events recently held in Kimball and the new business in the golf course area.

There will be a Community Development Agency meeting on July 15, 2014 at 6:30 p.m. and the next regular City Council meeting is July 15, 2014 at 7:00 p.m.

There being no further business to come before the Council, Morrison moved and Christensen seconded to adjourn 7:45 p.m. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Christensen, and Morrison. Nay: None. Absent: Shields. Motion carried.

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James Schnell, Mayor

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Rosemarie D. Russell, City Clerk

City of Kimball-City Council Meeting-General Claims-July 1, 2014-Arrowhead Distributing Inc-Liquor Purchase-119.00; High Plains Budweiser-Liquor Purchase-135.00; Viaero-Cell Phone-32.24; Arrowhead Distributing Inc.-Liquor Purchase-105.00; C & M Air Cooled Engine, Inc.-Parts-623.15; Check's Ice Co.-Ice-30.00; Combined Utilities-Utilities-566.60; Frenchman Valley Coop-Chemicals-786.45; High Plains Budweiser-Liquor Purchase-270.00; Ideal Linen Supply, Inc.-Supplies-60.56; Nebraska Law Enforcement Training Center-Tuition-440.00; Sherwin-Williams Co.-Paint-1,023.05; SourceGas, LLC-Gas Service-91.35; Chad Wise-Credit Card-2,382.44; Kimball Event Center-Petty Cash-150.00; Baker & Taylor Books-Book Purchase-380.01; Erinn Baldwin-Refund-40.00; Sheryl Biesecker-Contract Cleaning-412.50; Bluffs Sanitary Supply, Inc.-Supplies-70.28; C & M Air Cooled Engine, Inc.-Parts-402.72; Charles Carlson-Refund-386.00; CenturyLink-Telephone-180.68; Chamber of Commerce-Dues-200.00; Combined Utilities-Utilities-3,582.56; Doheny's Water Warehouse-Chemicals-74.91; Dollar General Corporation-Supplies-20.00; Enterprise Rac of Mt/Wy-Car Rental-154.00; Fastenal Company-Parts-51.07; Frank Implement Company-Parts-574.23; Frenchman Valley Coop-Fuel-703.08; Gering Valley Plumbing & Heating-Repairs-258.00; Dorothy Griffith-Reimbursement-69.70; High Plains Budweiser-Liquor Purchase- 345.00; Hometown Hardware-Parts-51.42; Ideal Linen Supply, Inc.-Supplies-102.71; K & R Custom Cleaning-Carpet Cleaning-102.39; Kimball County Clerk-Copies-1.50; Kimball Auto Parts-Parts-83.48; Kimball Event Center-Rent-500.00; Kimball Plumbing-Services-85.00; Kimball Service Center-Tire-279.00; L.W. Cartage Co.-Lot Rent-100.00; Linda's Monograms & Beyond-Uniforms-439.04; LorRon Department Store-Boots-32.00; MicroMarketing, LLC-Book Purchase- 90.48; Napa Auto Parts-Parts-406.18; Nebraska Law Enforcement Training Center-Testing Fee-100.00; Northwest Pipe Fitting, Inc. of S.B.-Repairs-380.43; Panhandle Coop-Fuel-390.05; Paul Reed Construction & Supply-Concrete Work-1,710.00; Prairie Animal Hospital-Pound Fees-90.00; R & R Products, Inc-Parts-94.65; Republic National Distributing Co.,LLC-Liquor Purchase-224.13; Shopko Stores Operating Co.-Supplies-76.39; Sterling Distributing Co- Liquor Purchase-320.58; Stotz Equipment-Parts-216.75; Sysco Denver, Inc.-Supplies-536.47; The Right Impression-Sign-200.00; Vince's Corner-Concessions-116.00; Western Nebraska Observer-Meeting Notices-432.12; Chad Wise- Golf Pro Compensation-2,916.00; Chad Wise-Credit Cards-2,461.02; Wolf Automotive Center, Inc.-Letters-5,500.00; Xerox Corporation-Copier-143.45.

City of Kimball-Economic Development Claims-July 1, 2014-Viaero-Cell Phone-32.26; Kimball Park & Recreation-Advertising-127.50; Kimball County Treasurer-990/995-500.00; Western Nebraska Observer-Meeting Notices-2.80.