

Kimball City Council
Regular Meeting
August 5, 2014

A regular meeting of the Mayor and City Council was convened in open and public session at 7:34 p.m. on August 5, 2014 in the City Council Chambers. Mayor Schnell and Council members Warner, Shields, and Christensen were present. Council member Morrison was absent. Also present were City Attorney Hadenfeldt, City Administrator Ortiz, City Treasurer Strauch 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 7:34 p.m.

Christensen moved and Warner seconded to excuse John Morrison's absence from the August 5, 2014 meeting. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, and Christensen. Nay: None. Absent: Morrison. Motion carried.

Schnell opened the public hearing for the mobile home permit application submitted by Stan and Kay Dillmann at 7:34 p.m. Ortiz commented that the Dillmanns are a family coming in from South Dakota. They have purchased the Hilltop Mobile Home Park and intend to operate it as an RV Park, catering to travelers and providing a place to stay in Kimball. They are working on the infrastructure side of it.

Ortiz commented on the proper zoning and said this mobile home will be a permanent residence and the Dillmanns have plans to build a garage structure as well. Warner said it would be an improvement in that area. Ortiz said the Dillmanns have been working on that property every day to clean it up. Kay Dillmann wants to get it up and running. Electric Superintendent Hinton is working with them on what the electric needs are going to be and they will need to do some repairs on the water and sewer system. Ortiz said they are currently living out of a motor home and hope to have the mobile home ready to be lived in by the end of the week.

There being no further discussion, Schnell closed the public hearing at 7:40 p.m. Warner moved and Christensen seconded to approve the mobile home permit application submitted by Stan and Kay Dillmann. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, and Christensen. Nay: None. Absent: Morrison. Motion carried.

Schnell opened the public hearing on the amendment to the City of Kimball Zoning Ordinance to amend District R-1 and District R-2 permitted accessory uses at 7:41 p.m. Ortiz said there are a couple properties in town that are unique in that a principle lot is separated by an alleyway. This amendment will permit the accessory uses on those lots.

Warner said there was previously an amendment to the zoning ordinance that allowed accessory structures to be built on a lot without a principle structure as long as they left room for a principle structure. Ortiz indicated the lots affected are too small for principle structures. The Planning Commission recommended approval.

There being no further discussion, Schnell closed the public hearing at 7:43 p.m. Warner moved and Shields seconded to introduce Ordinance 711 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, and Christensen. Nay: None. Absent: Morrison. Motion carried.

Mayor Schnell read Ordinance 711 by title only.

ORDINANCE NO. 711

AN ORDINANCE AMENDING ARTICLE 3, SECTIONS 11-305 AND 11-306 OF THE ZONING ORDINANCES OF THE CITY OF KIMBALL, KIMBALL COUNTY, NEBRASKA, 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 711. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, and Christensen. Nay: None. Absent: Morrison. Motion carried.

Brooke Jones, Swimming Pool Manager, gave a report on the 2014 swimming pool activities. She thanked the Water Department employees for everything they have done for the pool staff. There are 14 licensed guards and five of them are first year guards. The pool's opening day was June 2nd. The average amount of swimmers in June and July was 60 per day. The busiest day, other than July 4th, was July 3rd with 130 swimmers.

Vicky Selves ran the 4th of July pool games and did a very good job. Jones said they run a lot of classes at the pool. The first class had 15 children and the 2nd class had 21 children. They also had a mom, pop and me class for the 2nd year.

Every Wednesday at 5:00 p.m. was a training night for the lifeguards. Jones recognized the guards for putting in the extra hours for the training. Jones said the lifeguards train with an ambulance crew at least once. Jones commented on the "drop drill". This year every guard has had the drop drill at least once. She hopes they keep doing this in the years to come and would like to have this incorporated in the pool manual.

Jones commented that Kimball's pool is very old and is in need of repair to be kept running and safe for the swimmers. Ortiz indicated the water levels have not been consistent and he commented on the possibility of a leak. Water Superintendent Ford will put together a quote for companies to come and look at that and may budget \$100,000 for pool repair. Some other issues are the pool heater and water heater.

Shields thanked Jones and inquired about the season passes. Jones said there were 156

passes sold in the first two weeks of opening. She suggested increasing the daily fees and/or the season pass fees.

Discussion was held on fundraisers for the pool and Christensen commented on something in the form of a scholarship. Ortiz will pass the information onto Chief Huff to have School Resource Officer Smith compile information.

Christy Warner said if it were her choice to pay a little more or not have a swimming pool, most parents would prefer to have a pool instead of not having one. Discussion was held on a repair fund and Ortiz indicated there are a number of departments that do not have a capital repair fund. Christensen said it would be a lot better to put \$10,000 back every year than to try to come up with \$100,000 all at once.

Schnell presented a certificate of appreciation to Jones for her service to the City.

Schnell opened discussion on the chip seal project bids. Dave Schaff, M.C. Schaff & Associates, indicated one bid was received on July 17, 2014 from TopKote Inc. The bid of \$89,902.50 came in slightly under the engineer's estimate of \$91,850.00. The bid was for single layer RC-800 oil and they did not bid on the alternate of single layer CRS-2P asphalt. Schaff said they will address the issues with TopKote from last year. Ortiz said \$85,000 was budgeted.

There being no further discussion, Warner moved and Shields seconded to accept the bid for the chip seal project from TopKote in the amount of \$89,902.50. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, and Christensen. Nay: None. Absent: Morrison. Motion carried.

Schnell opened discussion on the appointment of a contracted Street Superintendent. Ortiz indicated that Jim Shoup is serving as interim Street Superintendent. M. C. Schaff has offered to help with regard to the requirement of having a licensed street superintendent to submit reports to the State. Warner said she would like the City to send someone to school for certification and Ortiz said that is being considered; however, the classes are several months away and funding is tied to having a licensed street superintendent in place. Ortiz added that the City of Sidney has offered to help as well. Schnell commented that Dave Hottell, County Roads Superintendent, has an employee going to training and has offered to split the travel costs. It is beneficial to the City to have this offered and when the City has a licensed street superintendent, the resolution can be repealed. Ortiz added that if this is going to be past December, the City will have to have another conversation with M.C. Schaff.

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

RESOLUTION 2014-10

A RESOLUTION DESIGNATING JEFF WOLFE, AS THE DESIGNATED STREET SUPERINTENDENT FOR STATE OF NEBRASKA STREET INCENTIVE PAYMENTS.

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WHEREAS, The City of Kimball has a requirement under Nebraska Revised Statutes to appoint a qualified street superintendent; and

WHEREAS, meeting said requirement is necessary under Nebraska Revised Statutes to ensure the City continues to receive incentive payments for street maintenance; and

WHEREAS, Jeff Wolfe, an employee of M.C. Schaff & Associates, is a qualified street superintendent and has agreed to engage in the practice of street superintending for the City of Kimball.

NOW, THEREFORE, BE IT THEREFORE RESOLVED BY THE CITY COUNCIL OF THE CITY OF KIMBALL, NEBRASKA THAT the Mayor is hereby authorized to appoint Jeff Wolfe, Street Superintendent #S-1025, Class A, as the designated street superintendent for incentive payment purposes with the State of Nebraska, to be effective from July 17, 2014.

PASSED AND APPROVED THIS 5TH DAY OF AUGUST, 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, and Christensen. Nay: None. Absent: Morrison. Motion carried.

Schnell opened discussion on his appointments to the Kimball Housing Agency and the Planning Commission. There have been several resignations on the Kimball Housing Agency and the Planning Commission. Shari Lindgren and Maggie Baliman and Assunta Calise have been asked to fill in for the remainder of the terms. Schnell also informed council members that Mary Kay Jenner has submitted her resignation and the vacancy has been advertised.

There being no further discussion, Warner moved and Christensen seconded to approve the Mayor's appointments of Shari Lindgren and Maggie Baliman to the Kimball Housing Agency and Assunta Calise to the Planning Commission. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, and Christensen. Nay: None. Absent: Morrison. Motion carried.

Schnell opened discussion on the Airport Authority property tax request. Strauch indicated this request is \$2,000 more than last year's request. A big hangar project is in the works.

There being no further discussion, Shields moved and Christensen seconded to authorize the Airport Authority property tax request of \$39,536.60. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, and Christensen. Nay: None. Absent: Morrison. Motion carried.

Schnell opened discussion on the Economic Development Committee grant recommendation for \$1,200 for the UNL intern. This was an item that originally came before the council in the form of a Keno grant, which was denied. The Economic Development Committee met and recommended a grant for \$1,200.

There being no further discussion, Warner moved and Shields seconded to approve the Economic Development grant for \$1,200 for the UNL intern. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, and Christensen. Nay: None. Absent: Morrison. Motion carried.

Schnell opened discussion on amendments to Title V, Chapter 53 of the Kimball Municipal Code. Ortiz explained there were some changes that needed to be made to the municipal code pertaining to the electric distribution system. The municipal code was codified a few years ago and some changes need to be made. Some of the changes are due in large part to recent liabilities of the City and he spoke about the recent fire.

Ortiz said some of the changes include that people will make the updates to the electric connections to their homes with regard to how it is connected to the City's system. He also commented on requiring licensed electricians. Ortiz said in the past some of the costs associated with the meters has been absorbed by the City. This amendment spells out what those split costs are and what the City absorbs and what the customer absorbs. The ordinance has been reviewed by the Board of Public Works and there was some discussion regarding the inspections. Ortiz said this provides some teeth to make sure people who are connecting to the City's system are doing so properly.

Discussion was held on businesses expanding and requiring new transformers. Ortiz said the business would be responsible for this because they are requesting additional load capacity. Further discussion was held on adopting a policy where the City absorbs the cost and it was mentioned that this can run into a grey area and become complicated. Ortiz said these are dealt with on a case by case basis. Hadenfeldt commented on the Economic Development program and that loans or grants can be made. Warner said it would be difficult for a small business and Christensen said some small businesses would not qualify. Christy Warner inquired if this would apply to residents as well and Hadenfeldt said it would not. Ortiz commented that other City residents should not be footing the bill when other residents are upgrading wiring and meters. Discussion was held on who determines if a transformer is needed.

Ortiz indicated that things that are part of the City's infrastructure are absorbed by the City. Discussion was held that the City should be paying to the meter and the installation expense. After some discussion it was made clear that the City's responsibility is to the point of connection.

Warner inquired about Section 53.04 paragraph (C) and Ortiz explained that only the outside will be inspected. This is saying that the electric crew will remove the infrastructure connected to the City's service. This will also reduce line loss. Ortiz said older properties have not been brought up to code. Warner inquired about changing it to 90 days instead of 30 days because some individuals may be gone for a longer period of time. Christy Warner also commented that 30 days would be cutting it pretty tight.

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Josh Enevoldsen, Kimball Insurance, commented on the recent fire and feels the City is open up to risk. Warner inquired if it would make a difference whether 30 or 90 days and Enevoldsen said the way it stands, the City is pretty much on the hook. Warner said she can't believe that 90 days is going to make that much of a difference. Ortiz said the City is dealing with properties that do not conform to the National Electric Code. Enevoldsen said the insurance company is still working on the current claim and they will figure out a way that the City can manage this going forward.

Comments were made about having a first reading of the ordinance and changing it to 90 days for the second reading. Further discussion was held and Christy Warner said she would be happy with 60 days. It would be very hard to meet the 30 day deadline. Shields feels that the City needs to notify residents. Christensen said she is OK with what needs to be done. Hadenfeldt said this is a way of the City having a checks and balances. Warner said she doesn't have an issue with anything but the 90 days.

After further discussion, Warner moved and Shields seconded to introduce Ordinance 712 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, and Christensen. Nay: None. Absent: Morrison. Motion carried.

Mayor Schnell read Ordinance 712 by title only.

ORDINANCE NO. 712

AN ORDINANCE OF THE CITY OF KIMBALL, NEBRASKA, AMENDING KIMBALL MUNICIPAL CODE, TITLE V: PUBLIC WORKS, CHAPTER 53; PROVIDING FOR THE REPEAL OF FORMER CHAPTER 53 AND ORDINANCES AND SECTIONS IN CONFLICT THEREWITH, AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

Warner moved and Shields seconded to pass and approve Ordinance 712 with Section 53.04 (C) amended from 30 to 90 days. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, and Christensen. Nay: None. Absent: Morrison. Motion carried.

Schnell opened discussion on the application for Special Designated License from Beer and Loathing for a beer garden on August 22, 2014. Russell indicated the liquor license for Beer and Loathing was issued on August 1, 2014. They will have that license in place before the beer garden is held. The reason for the Special Designated License is that they wish to have the beer garden on their back patio.

There being no discussion, Christensen moved and Warner seconded to approve the application for Special Designated License from Beer and Loathing for a beer garden on August 22, 2014. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, and Christensen. Nay: None. Absent: Morrison. Motion carried.

Ortiz reported on the substation project. EEC had requested bids without providing documentation to the City. Therefore, the bids received will be rejected and the request for

bids will be republished and will close on August 22nd. This will come before the council for approval.

Ortiz reported the swimming pool will close for the season on August 15th. Shortly thereafter, the contractor will check it over.

Ortiz said the budget will be distributed to the City Council members shortly as well as information on the Capital Improvement Plan.

Schnell thanked City staff and County Commissioner Engstrom, County Clerk Sibal, Henry Heeg and Barry Frederick for helping out with the issue at the golf course. Schnell encouraged everyone to attend the County fair. He also commented on the large construction addition at Kimball County Manor.

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

1. Minutes from the July 15, 2014 regular meeting; and
2. Claims.

Shields moved and Warner 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, Shields, and Christensen. Nay: None. Absent: Morrison. Motion carried.

There will be a budget workshop on Thursday, August 21, 2014 at 5:00 p.m. The next regular City Council meeting will be on Thursday, August 21, 2014 at 7:00 p.m. If needed, the budget workshop will be concluded on Thursday, August 28, 2014 at 5:00 p.m.

There being no further business to come before the Council, Shields moved and Christensen seconded to adjourn at 8:58 p.m. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, and Christensen. Nay: None. Absent: Morrison. Motion carried.

James Schnell, Mayor

Rosemarie D. Russell, City Clerk

City of Kimball-City Council-General Claims-August 5, 2014-FirsTier Bank-Payment-365.61; Ideal Linen Supply, Inc.-54.56; Mobius Communications Company-Monitoring Fee-51.36; Scotts Bluff County Sheriff's Office-Registration-150.00; Vince's Corner-Supplies-143.40; Affordable Tree-Tree Removal-1,200.00; Amazon/GECRB-Supplies-45.98; Arrowhead Distributing Inc.-Liquor-105.00; CenturyLink-Telephone-132.30; CenturyLink-Telephone-88.34; CenturyLink-Telephone-516.58; Combined Utilities-Utilities-2,183.92; Combined Utilities-Utilities-4,587.42; Frenchman Valley Coop-Lease-876.04; Hometown Hardware-294.82; Norberg Auto & Diesel Inc.-Repairs-42.50; Panhandle Coop Association-Supplies-313.06; Pepsi-Cola of Western Nebraska-Pepsi Products-144.40; Presto-X -Monthly Contract-80.53; SourceGas, LLC-Gas Service-2,850.62; Chad Wise-

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Credit Cards Due-3,378.00; Dietrich Distributing-Liquor-136.25; BARCO Municipal Products, Inc.-Signs -221.41; Baker & Associates-Professional Fees-6,819.93; Bluffs Sanitary Supply, Inc.-Supplies- 55.91; CenturyLink-Telephone-180.70; Check's Ice Co.-Ice-49.50; Combined Utilities-Utilities-1,019.34; Combined Utilities -Utilities-4,991.63; Contractors Materials, Inc.-Supplies-220.00; Danko Emergency Equipment-Equipment-1,193.24; Frenchman Valley Coop-Fuel-1,959.14; Dorothy Griffith-Reimbursement-69.43; Hometown Hardware-Supplies-705.50; Ideal Linen Supply, Inc.-Supplies-87.78; Jerry Anderson Construction-Repairs-244.00; Johnson Brothers of Nebraska- Liquor-155.00; Kimball Auto Parts-Parts-111.79; Kimball Event Center-Rent-500.00; Kimball Handyman Project-Handyman Project-843.30; L.W. Cartage Co.-Lot Rent-100.00; MicroMarketing, LLC-Supplies-383.83; Napa Auto Parts- Parts-89.12; Nebraska Environmental Products-Parts-83.78; Northern Agri-Services, Inc.-Parts-32.03; Panhandle Coop Association-Supplies-19.50; Pepsi-Cola of Western Nebraska-Pepsi Products-273.10; Petty Cash-Reimbursement-31.49; Points West Ins.-Kimball-Premium-2,671.00; Prairie Animal Hospital -Boarding-60.00; Prestige MFG.-Metal-4,079.96; Republic National Distributing Co.,LLC-Liquor-216.08; Rosie Russell-Reimbursement-28.33; Safetyline Consultants, Inc.-Safety Consulting-750.01; Sandberg Implement Inc.-Parts-15.98; Sherwin-Williams Co.-Supplies-170.90; Shopko Stores Operating Co.-Supplies-67.87; The Computer Guy-Computer Support-50.00; The Right Impression-Sign-15.00; The United States Life Insurance Company-Long Term Disability-426.29; Noah Thomas-Reimbursement-151.68; Viaero-Cell Phone Usage-63.50; Vince's Corner-Supplies-259.30; Western Nebraska Observer-Meeting Notices-541.36; Chad Wise- Credit Cards-4,617.07; Chad Wise-Golf Pro Compensation-2,916.00; Taylor Wismer-Reimbursement-50.04.

City of Kimball-Economic Development-Claims-August 5, 2014-Kimball County Treasurer-990/995 Split-500.00; Petty Cash-Reimbursement-35.99; The United States Life Insurance Company-Long Term Disability-35.40; Western Nebraska Observer-Meeting Notices-8.96.