

Kimball City Council
Regular Meeting
September 2, 2014

A regular meeting of the Mayor and City Council was convened in open and public session at 7:00 p.m. on September 2, 2014 in the City Council Chambers. Mayor Schnell and Council members Shields, Morrison and Christensen were present. Council member Warner was absent. Also present were Deputy City Attorney Hoelsing, City Administrator Ortiz, Police Chief Huff, Electric Utilities Superintendent Hinton, 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 7:00 p.m. and the Pledge of Allegiance was recited.

Morrison moved and Shields seconded to excuse Council member Warner's absence from the September 2, 2014 meeting. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Shields, Christensen, and Morrison. Nay: None. Absent: Warner. Motion carried.

Schnell acknowledged the posted Open Meetings Act poster.

At 7:01 p.m. Schnell opened a public hearing on rezoning of Lots 5, 6, and 7, Block 20, South Park Addition from single family residential district (R-1) to light industrial district (I-1). Ortiz said this is a request from Viaero to rezone this property west of GRI in order to install a cell tower. This request was considered on two occasions by the Planning Commission. It was tabled the first time so more information could be obtained. Ortiz commented on the health concerns that were brought up at the Planning Commission meetings and said there is a Federal law which supersedes local authority. Health concerns cannot be a major reason in which a cell tower permit is denied. A cell tower is a permitted use in the light industrial district (I-1). The Planning Commission recommended approval of the rezoning on the condition that Viaero explore options for camouflaging and landscaping the area around it.

This is currently a vacant lot and Ortiz said there may have to be some realignment that will have to be done. This is one of the two cell towers Viaero is considering to be within the City limits.

Other cities have adopted a cell phone tower ordinance and Ortiz explained that different aspects have been outlined in those ordinances. Christensen feels a cell tower ordinance should be put in place.

Further discussion was held and Ortiz explained that the site itself is not currently zoned to permit a tower to be constructed. Council members have a little bit more leeway to deny the rezoning request or table it for Viaero to come back with a design.

Henry Jacobsen, Viaero representative and engineer, indicated the tower that is north of Kimball sits about two miles from the downtown area. Since the high data service started, towers that site more than one-half mile from town degrade the signal. Viaero's tower needs to be moved closer into the City to get the data speed that people need. Most of their traffic comes from the residential areas. They have been looking at an area on the west side of the City and something on the south side of the City and are anxious to provide the service. They have been looking for some places like the area they are requesting to be rezoned that are tucked into a corner and would not be too obvious.

Hoelsing informed council members they can oppose this specific location because it is not zoned for a tower or they can negotiate for a more aesthetic appeal. Generally, if Viaero finds an appropriate lot that is zone correctly, the council cannot deny it.

Jerry Williams, co-owner of 801 S. Walnut Street, commented on spot zoning and said the zoning rules are there to protect the citizens. He also commented on the property values. Williams said the council members are setting a precedent if they change the zoning from residential to commercial to permit the cell tower. There are plenty of other sites that Viaero can obtain and the council's job is to protect the landowners. Williams added that he is not against increased cell phone service, but it needs to be done within the City's present zoning laws. He said he and a number of his neighbors in that area are against the rezoning and the cell tower. Williams commented on limiting this use in commercial areas set aside for that. He feels that changing the zoning in that area for a use such as this is totally inappropriate and added that there are places that are zoned for commercial use and will work. Williams commented on reducing the value of homes in the area and asked to please continue that area as a residential use. Morrison stated that he doesn't think that Williams can prove any devaluation. The argument is if the City Council wants to change the zoning from residential.

There being no further comments, Schnell closed the public hearing at 7:22 p.m.

Schnell asked for action on Ordinance No. 713 and no action was taken.

Jacobsen requested permission to address the City Council. He commented on Viaero looking at an alternate site and said the problem is that the ordinances that apply to towers are old. In today's world, there are smaller towers. The question here is whether Kimball wants to embrace 21st century communications. Jacobsen said he did look at the proposed lots further south but commented on a required 100 foot setback

and there are very few spaces where a tower would fit. The spot Viaero wanted to site the tower sits on the very edge of a residential area and there is very little traffic. Jacobsen added that he would love to find a different site that is zoned commercial and said that this really was the best alternative. In larger cities, people have come to realize that this is a necessity. He asked the City Council to consider this as they look forward so that Kimball has modern communications. Jacobsen also asked citizens to work with him so that they can provide communications to the community and so other carriers can do the same.

Schnell opened discussion on the Keno Grant application from Kimball High School Civics Class. Michael Ferguson, representing the KHS Civics class, said they are applying for a keno grant to bring in Sam Glenn, a motivational speaker. They plan on having three assemblies; one for the junior high school, one for the high school and one for the entire community. It is anticipated that this will reach a possible 880 people in the community. Mr. Glenn will customize each assembly for the proper group. Ferguson said that the Civics class knows they are asking for a lot of money, but this could pay off ten-fold. The Civics class believes there is apathy in this community and thinks that Mr. Glenn will provide the motivation needed and encourage people to do more for the community.

Ferguson said that due to the loss of State aid, his school cannot afford to pay for this. He said that if they get the money they need for this, they promise to do the advertising to fill the auditorium. They will do this themselves and will do their best.

There being no further discussion, Christensen moved and Shields seconded to approve the Keno Grant application from Kimball High School Civics class in the amount of \$6,000 and get behind the Civics class and make this successful. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Shields, Morrison and Christensen. Nay: None. Absent: Warner. Motion carried.

Schnell opened discussion on the South Substation bid. Ortiz said the City has been working on the process of getting major repairs done at the South Substation. Mike Mansour, from Exponential Engineering, helped put together the bid specifications. Only one bid was received and that was from Ward Electric. A lot of electric utility projects are going on across the country and there are very few companies that are willing to do the work under "hot-work". When WAPA did their upgrade a few weeks ago, it was determined that some conditions are more dire than anticipated. The City has been acquiring the material ahead of time and has tried to get some of the material ordered that had an extensive lead time.

Ortiz said that Ward Electric cannot do the bulk of the work until the end of January, beginning of February. Between now and then, they are going to try to do some of the smaller work. The bid summary does not include the cost of material that has already been purchased. Ortiz recommended the City Council approve the bid from Ward Electric in the amount of \$458,059.08 and authorize the Mayor to sign the acceptance. Morrison inquired how close the bid is to what was estimated and Ortiz said it was

estimated to be \$650,000 to \$700,000 for the overall project. Shields inquired if there will be an issue with Ward Electric installing the components already purchased and Ortiz said it should not be an issue.

There being no further discussion, Morrison moved and Christensen seconded to authorize the Mayor to sign the acceptance of the bid from Ward Electric in the amount of \$458,059.08. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Shields, Morrison and Christensen. Nay: None. Absent: Warner. Motion carried.

Schnell opened discussion on the sale of real estate. Ortiz has been approached by Great Plains Communications to purchase City property to install a new fiber line. They are interested in trying to develop an area to house their communication system and tie into a fiber optic line from Kimball to Cheyenne. The area is west of the Wastewater Treatment Facility and Ortiz indicated that NDEQ approval is not needed for this since it is outside the fence boundary. Ortiz said a price has not been discussed. Council members recommended that Ortiz proceed with negotiations and report back.

Schnell opened discussion on the resignation from City Treasurer/Deputy Clerk Meg Strauch. He said Strauch has been great to work with and wished her many good fortunes in her next adventure in life. Council members thanked Strauch for her service.

There being no further discussion, Christensen moved and Morrison seconded to accept the resignation of City Treasurer/Deputy Clerk Meg Strauch with regret. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Shields, Morrison and Christensen. Nay: None. Absent: Warner. Motion carried.

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

1. Minutes from the August 21, 2014 joint city council / Economic Development Committee meeting, August 21, 2014 regular city council meeting and budget workshop of August 21, 2014; and
2. Claims.

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

Ortiz reported on wrapping up the budget process.

Ortiz reported the City is also losing John Sauer from the Electric Department. He has accepted a position with the City of Alliance. The recruitment process has begun and the goal is to hire an Electric Lineman 2, so that person can assist Hinton sooner.

Ortiz will be attending the ICMA Conference and therefore will not be attending the next

City Council meeting. He will also be attending the annual League Conference in North Platte and a MEAN Ad Hoc Committee meeting in Lincoln.

Ortiz reported Prairie Animal Hospital will be conducting a shot clinic in Gotte Park on September 11, 2014 at 6:00 p.m. Shots will be offered at a discounted rate and they will roll the cost of licensing the dogs into the cost of the shots.

Ortiz reported the chip seal project should be beginning. One change to the location is that instead of Myrtle Street, it has been moved to Nadine from 4th Street to 7th Street.

Schnell said he will ask a council member to be a part of the hiring process for the City Treasurer position.

There being no further business to come before the Council, Shields moved and Christensen seconded to adjourn at 7:56 p.m. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Shields, Morrison and Christensen. Nay: None. Absent: Warner. Motion carried.

James Schnell, Mayor

Rosemarie D. Russell, City Clerk

City of Kimball-City Council-General Claims-September 2, 2014-Arnold Pool Company-Chemicals-1,520.78; Baker & Taylor Books-Book Purchase-672.67; Sheryl Biesecker-Contract Cleaning-330.00; Brown Transfer Co.-Shipping-80.64; C & M Air Cooled Engine, Inc.-Part-510.64; Center Point Large Print-Book Purchase-127.02; CenturyLink-Telephone-85.37; CenturyLink-Telephone-132.30; CenturyLink-Telephone-88.33; CenturyLink-Telephone-516.61; Charter Communications- Internet Service-223.00; Check's Ice Co.-Ice-21.25; Combined Utilities-Utilities-3,561.21; Connecting Point-Copy Usage- 47.96; Croell Redi-Mix-Concrete-2,960.00; Demco-Supplies-327.81; Digital Ally-Supplies-30.00; Dollar General Corporation-Supplies-14.00; Everett & Nancy Durham-Tree Grant-51.77; Fastenal Company-Supplies-17.65; Frank Implement Company-Parts-1,969.50; Frenchman Valley Coop-Chemicals-88.30; Frenchman Valley Coop-Bulk Fuel-1,875.26; High Plains Budweiser-Liquor Purchase-180.00; High West Energy-Utilities-6,231.44; Hometown Hardware-Supplies-1,605.70; Ideal Linen Supply, Inc.-Supplies-327.52; Intralinks, Inc.-Micro Annual Fee-128.89; Kimball Auto Parts-344.87; Kimball Public Schools-Supplies-915.84; Kimball Service Center-Maintenance-202.19; League of NE Municipalities-Membership Dues-3,527.00; Leta Liesch-Reimbursement-58.48; Miller Office Supply-Supplies-53.60; Napa Auto Parts - Power Generator-Repairs-1,135.12; Nebraska Library Commission-Conference-20.00; OCLC, Inc.-Subscription-178.56; Off Broadway Business Products-Supplies-37.50; Pack Rat Enterprises-Garbage Collection-100.00; Panhandle Coop-Fuel-2,991.25; Panhandle Coop Association-Supplies-304.73; Pepsi-Cola of Western Nebraska-Pepsi Products-42.65; Pine Bluffs Gravel & Excavating, Inc.-28.84; B Rock-Rock-609.12; Presto-X-Monthly Contract-80.53; Pumpkin Books-Book Purchase-130.91; RR Donnelley-Application-85.66; Regional Books, Inc.-Book Purchase-23.35; STP Auto Service-

Maintenance-582.54; Scottsbluff Screenprinting & Emb. LLC-Polo's/Embroidery-52.00; Sherwin-Williams Co.-Supplies-170.90; Shopko Stores Operating Co.-Supplies-145.80; Simmons Olsen Law Firm, P.C.-Professional Services-2,978.48; SourceGas, LLC-Gas Service-2,229.10; Star-Herald Newspaper-Subscription-230.29; Stotz Equipment-Parts-401.12; The Smoke-Eater Publications-Subscriptions-14.00; The Thompson Company-Supplies- 293.90; Viaero-Cell Phone Usage-32.25; Vince's Corner-Fuel-116.80; Visa-Firstier Bank-Charges-4,780.34; Voyager Fleet Systems-Fuel-168.85; WPCI-Screening-28.50; Windstream-Telephone-5.56; Chad Wise-Credit Cards-3,702.76; Wolfe Sand & Gravel Co.-Sand-126.00; Xerox Corporation-Copier Maintenance-154.92; Baker & Associates-Survey-6,420.65; Combined Utilities-Utilities-6,953.72; Dollar General Corporation-Supplies-4.00; Enviro Service Inc.-Water Sample-15.00; Frank Implement Company-Part-183.25; Frederick Construction-Window-400.00; Frenchman Valley Coop-Fuel-1,979.00; Ideal Linen Supply, Inc.-Supplies-24.58; Internal Revenue Service Center-Administration-720.00; Kimball Bakery-Supplies -21.60; Kimball Event Center-Rent-500.00; Kimball Handyman Project-Handyman Project-744.30; Kimball Health Services-Medical Services-44.10; Kimball Plumbing-Services-85.00; Kimball Public Schools-License Fees-3,195.00; L.W. Cartage Co.-Lot Rent-100.00; Merryfield Heating & Air Conditioning-Maintenance-200.00; Napa Auto Parts-Supplies-435.67; Nebraska Environmental Products-Parts-1,523.33; Off Broadway Business Products-Supplies-21.97; Omaha World Herald-Subscription-160.68; Pepsi-Cola of Western Nebraska-Supplies-111.00; Safetyline Consultants, Inc.-Safety Training-750.00; Sandberg Implement Inc-Parts-330.64; Sherwin-Williams Co.-Supplies-468.45; Shopko Stores Operating Co.-Supplies-4.99; Staples-Office Furniture-80.14; The Right Impression-Sign-23.20; The United States Life Insurance Company-Long Term Disability-636.64; United Rotary Brush Corporation-Parts-1,403.22; Chad Wise-Credit Cards-3,250.21; Chad Wise-Golf Pro Compensation-2,916.00.

City of Kimball-Economic Development-Claims-September 2, 2014-Kimball Recruitment Coalition-Grant-1,200.00; CenturyLink-Telephone-60.77; Charter Communications-Internet-39.75; Connecting Point-Copy Usage-1.71; Intralinks, Inc.-Annual Fee-32.22; Kimball Public Schools-Supplies-120.96; Viaero-Cell Phone Usage-32.25; Visa-Firstier Bank-Charges-68.66; Global Site Location Industries, LLC-Site Reports-1,950.00; Kimball County Treasurer-990/995 Split-500.0; The United States Life Insurance Co.-Long Term Disability-35.40.