

Kimball City Council  
Regular Meeting  
March 3, 2015

A regular meeting of the Mayor and City Council was convened in open and public session at 7:00 p.m. on March 3, 2015 in the City Council Chambers. Mayor Prunty and Council members Warner, Shields, Morrison and Schnell were present. Also present were City Attorney Hadenfeldt, City Administrator Ortiz, Economic Development Director Bowling, 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 except as otherwise indicated.

Sixth graders Samantha Bemis and Megan Spicer lead the Pledge of Allegiance.

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

Schnell moved and Shields seconded to excuse Morrison's absence from the February 17, 2015 council meeting. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Morrison, and Schnell. Nay: None. Absent: None. Motion carried.

At 7:01 p.m. Prunty opened a public hearing for a conditional use permit for a cell tower located in the NW ¼ of Section 34, Township 15 North, Range 55 West of the 6<sup>th</sup> P.M., Kimball County, Nebraska.

Jeffrey Skinner, Verizon representative, was not able to attend the meeting due to inclement weather, but was available by telephone. Ortiz indicated Skinner has submitted an engineer's letter with regard to the fall area. The Planning Commission was comfortable with this as far as the height and recommended approval.

Skinner provided a brief overview of the project. The tower is being brought forward to serve Kimball for coverage and capacity. This location is on Mike and Kinne Reuter's property. This tower would not only be able to serve Verizon's needs but also up to two co-locators. It is a self-supporting tower, meaning there are no guy wires. Shields inquired about distance from the road and Skinner said the tower will be designed to fall within the specified distance of 170 feet. The tower would collapse and fall within itself. Shields inquired about the wind load and Skinner said the tower would hold 90 mph with no ice and 60 mph with ¼" radial ice. Skinner spoke about the difference between a

self-supported tower and a guy-wire supported tower. He said if there was an issue with one of the guy wires, the tower would collapse, most likely straight over. With a self-supported tower, a 3 legged tripod tower, it can actually be designed to fall within a specific given distance.

Discussion was held on boring underground or having overhead wires and Skinner said it is Verizon's intention to have this underground. Morrison inquired if any of Verizon's towers has collapsed and Skinner said he can only think of one, which was in Columbus, Nebraska. He said it was a monopole tower and the collapse was attributed to the contractor installing the bolts incorrectly.

Mike Reuter said he loses four to five phone calls a day and there is a need for a tower. Skinner said the enhanced strength will make a difference in all areas. This will enable everyone to have 100% Verizon service.

Ortiz commented on the fence and said that Kimball's zoning ordinance doesn't allow barbed wire on fences. Skinner said they can eliminate that. He added that this is for additional security purposes and they can always put wooden slats on top of the fence. Ortiz said he can work with Skinner on a solution to this.

There being no further comments, Prunty declared the public hearing closed at 7:15 p.m.

Shields moved and Warner seconded to approve the conditional use permit for a cell tower located in the NW  $\frac{1}{4}$  of Section 34, Township 15 North, Range 55 West of the 6<sup>th</sup> P.M., Kimball County, Nebraska. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Morrison, and Schnell. Nay: None. Absent: None. Motion carried.

Prunty informed the public present that Chief Huff will not be at the meeting and no action can be taken on his agenda items. However, the council will take public comments when those items are addressed.

At 7:17 p.m. Prunty opened a public hearing on rezoning of tracts of land in the NW  $\frac{1}{4}$  of Section 35, the NW  $\frac{1}{4}$  of Section 34, the NE  $\frac{1}{4}$  of Section 34, the NE  $\frac{1}{4}$  of Section 33 and a tract of land in the S  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of Section 34, Township 15 North, Range 55 West of the 6<sup>th</sup> P.M., Kimball County, Nebraska from no zoning to Agricultural District.

Ortiz indicated this is part of the conditional use permit. Kimball has areas in its zoning jurisdiction that are not zoned at all. The requirements for building a cell tower are that the land be properly zoned. When the Planning Commission met, Evertson Oil Company and Don Gregory representatives requested their areas not be zoned as agricultural and asked that it be zoned Heavy Industrial. Therefore, those areas are not to be considered at this time. The remaining areas should be zoned agricultural. Ortiz indicated there was some hesitation from property owners that did not wish to be zoned at all and Ortiz explained that within the City's one-mile zoning jurisdiction, the City is

responsible to ensure all areas are zoned. He added that the agricultural zoning does not affect the use and allows the existing use to continue.

There being no further comments, Prunty declared the public hearing closed at 7:21 p.m.

Schnell moved and Morrison seconded to introduce Ordinance 718 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, Schnell, and Morrison. Nay: None. Absent: None. Motion carried.

Mayor Prunty read Ordinance 718 by title only.

#### ORDINANCE NO. 718

AN ORDINANCE AMENDING THE ZONING CERTAIN PARCELS FROM NO ZONING TO AGRICULTURAL DISTRICT; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE AND PUBLICATION IN PAMPHLET FORM.

Schnell moved and Shields seconded to pass and approve Ordinance 718. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Schnell, and Morrison. Nay: None. Absent: None. Motion carried.

At 7:23 p.m. Prunty opened a public hearing on rezoning of a tract of land in the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , also known as 4350 E. Front Street, and a parcel of land known as Parcel A in the NW  $\frac{1}{4}$  of Section 28, Township 15 North, Range 55 West of the 6<sup>th</sup> P.M., Kimball County, Nebraska, from no zoning to Light Industrial District (I-1).

Ortiz explained several months ago, Great Plains Communications purchased a strip of land adjacent to the Wastewater Treatment Plant. Part of the requirements for that purchase was to zone the land appropriately to Light Industrial District (I-1). Great Plains Communications is planning to build a communications hut to house their equipment. As part of the survey they conducted, the City will retain an easement for the existing sewer line.

There being no further comments, Prunty declared the public hearing closed at 7:25 p.m.

Schnell moved and Morrison seconded to introduce Ordinance 719 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, Schnell, and Morrison. Nay: None. Absent: None. Motion carried.

Mayor Prunty read Ordinance 719 by title only.

## ORDINANCE NO. 719

AN ORDINANCE AMENDING THE ZONING CERTAIN PARCELS FROM NO ZONING TO LIGHT INDUSTRIAL DISTRICT (I-1); PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE AND PUBLICATION IN PAMPHLET FORM.

Shields moved and Warner seconded to pass and approve Ordinance 719. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Schnell, and Morrison. Nay: None. Absent: None. Motion carried.

Prunty opened discussion on the Keno grant application from Kimball Lions Club. Sonny Porter is in attendance to solicit some funds from Keno to help the Lions Club. The Lions Club was established in 1920 and has lost substantial membership. They provide scholarships for students of the month, collect used eyeglasses for the Lions Club International redistribution center, and provide travel expenses for individuals who have to travel with their children who are ill. Porter reported they usually receive membership dues and also hold fundraisers. Porter provided a list to council members of past community projects they have funded over the years and current and ongoing projects.

Warner inquired if the benefit occurs every year and Porter said he is trying to make it happen every year. Schnell said that last year, the Lions Club was able to give \$1,000 to the manor for a television for the Bingo program. Morrison said service clubs are good and Kimball needs more than one.

There being no further discussion, Warner moved and Morrison seconded to approve the Keno grant application from Kimball Lions Club for \$2,000. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Morrison, and Schnell. Nay: None. Absent: None. Motion carried.

Prunty opened discussion on the Economic Development grant of \$450.00 a month for a year to the Chamber of Commerce for promotion and consulting services and authorize the Mayor to sign the agreement. Josh Enevoldsen, Chamber Board President, commented on the agreement and the annual audit required in the agreement. He said they would have no problem with having an audit done. He provided copies of the Kimball Banner County Chamber of Commerce 2015 budget.

Enevoldsen said now was a good time to get a director back into the position and the grant will help them get some support staff as well. The grant would help in funding a part-time job. Morrison said he has always believed that chambers and cities should work together and he commended Ortiz for finding a way to make this happen in Kimball. Morrison added that he sees no problem with this and thinks this should be done every year. Ortiz said Enevoldsen was the driving force in this. Ortiz commented on this being an on-going process and looking at it every year as part of the budget. Ortiz said the agreement spells out what the Chamber is to provide.

There being no further discussion, Morrison moved and Schnell seconded to approve the Economic Development grant of \$450.00 a month and authorize the Mayor to sign the agreement between the City of Kimball and the Kimball Banner County Chamber of Commerce. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Morrison, and Schnell. Nay: None. Absent: None. Motion carried.

Prunty opened discussion on the funding of the Kimball Main Street Design and Improvement Program Grant from Economic Development funds. Bowling explained the Main Street Design and Improvement Program and said the City can provide funds up to a \$2,000 matching grant. He said that historically \$10,000 is added to this fund each year and the last time money was added was in November 2013. Since then, there were three entities that requested and received funds through this program and he knows of three more that will be submitting applications in addition to the two on this agenda. Bowling added that this year there are a lot of companies trying to do a lot for their businesses and for Kimball.

Schnell reminded everyone that this is sales tax money that is being given back to businesses. Warner said it is encouraging that Bowling has gone to the businesses and Bowling indicated it is the Mayor who has done this.

There being no further discussion, Warner moved and Schnell seconded to refund \$10,000 to the Kimball Main Street Design and Improvement Program Grant from Economic Development funds. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Morrison, and Schnell. Nay: None. Absent: None. Motion carried.

Prunty opened discussion on the Kimball Main Street Design and Improvement Program Grant application from Beer and Loathing. Bowling said the Kimball Main Street Design and Improvement Committee consists of himself, Laurie Sisk, Deb Schoenemann, Holly Bohac and Kelly Patterson. Beer and Loathing has done a lot of work to their establishment and presented receipts for \$3,134.47. The committee recommended approval of \$1,567.23.

There being no further discussion, Schnell moved and Morrison seconded to approve the Kimball Main Street Design and Improvement Grant for Beer and Loathing for \$1,567.23. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Morrison, and Schnell. Nay: None. Absent: None. Motion carried.

Prunty opened discussion on the Kimball Main Street Design and Improvement Grant application from Panhandle Coop. Bowling said this is a digital message center and sign located on the corner of Chestnut Street and Highway 30. Panhandle Coop spent \$35,217.81 on this project. Bowling said this adds a lot to the community and adds to the aesthetics when people are coming into town. Prunty said the entire corner section looks better. The committee recommended approval of \$2,000.00.

There being no further discussion, Shields moved and Warner seconded to approve the Kimball Main Street Design and Improvement Grant for Panhandle Coop for \$2,000. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Morrison, and Schnell. Nay: None. Absent: None. Motion carried.

Prunty opened discussion on amendments to the Kimball Main Street Design and Improvement Program. Bowling indicated this program was implemented a number of years ago and established certain eligible activities. The Kimball Main Street Design and Improvement Program committee felt that if someone is willing to put the time and money into improving their building, the eligible activities should be expanded. Bowling distributed a list of amended eligible activities which adds sidewalks or driveways; painting or brick unless previously painted; point tucking and brick repair; window replacement; gutters or drains. Schnell commented that in the past the reasons windows, gutters and drains were included as eligible activities was because of hail and insurance payments. He thinks, however, with the discretion of the committee, they can work around that.

Prunty inquired if this is only for downtown businesses or for the entire City limits. Bowling said the committee wants the downtown to look good but also the entire City and this is for the entire City limits. Ann Warner commented on increasing the amount to \$3,000 and council members agreed with this. Bowling will convene another meeting of the Kimball Main Street Design and Improvement Program committee and discuss the increase. Council member Warner commented she would hate to limit a business from improving their overall look.

There being no further discussion, Schnell moved and Warner seconded to approve the amendments to the Kimball Main Street Design and Improvement Program as presented. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Morrison, and Schnell. Nay: None. Absent: None. Motion carried.

Prunty informed the public that Chief Huff is not able to attend this meeting and the council members really cannot answer any questions on the next three agenda items pertaining to the Police Department Canine Program. However, Prunty added that comments could be received from the public.

Dale Green said he is all for cleaning up the drug issues in Kimball and commented on the large turn-over in the Police Department. He said the dogs are a one person handler and he was under the impression that it was going to cost the County a lot more, but it looks like it is going to be grant funded. Green said the Sheriff's Department has a K-9 and wondered if this means that the City is not working with the Sheriff's Department. Green also commented on the need for another vehicle and Schnell said the vehicle would be a rotation of one vehicle going out and one coming in. Green reiterated he is all for the clean-up.

There being no further comment, Morrison moved and Schnell seconded to table the discussion and action on the Police Department Canine Program and authorizing

expenditures pending grant/unbudgeted revenue. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Morrison, and Schnell. Nay: None. Absent: None. Motion carried.

Ann Warner inquired if the lease agreement for privately owned Police Service Canine with Chief Huff would be a conflict of interest and Ortiz said that could be a discussion when this item is considered. Ann Warner inquired if the grant is written for two dogs and a vehicle and Hadenfeldt said the grant is written for a Canine Unit. Ann Warner inquired about the bomb sniffing dog and it was indicated this could be further discussed once the item is considered.

Shields moved and Morrison seconded to table the discussion and action on the lease agreement for a privately owned Police Service Canine. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Morrison, and Schnell. Nay: None. Absent: None. Motion carried.

Schnell moved and Shields seconded to table the discussion and action on the purchase of a vehicle for the Canine Unit. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Morrison, and Schnell. Nay: None. Absent: None. Motion carried.

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

1. Minutes from the February 17, 2015 regular city council meeting; and
2. Claims.

Schnell 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, Morrison, and Schnell. Nay: None. Absent: None. Motion carried.

Ortiz reported the Event Center roof has been installed and the seams are now sealed. The City is moving forward with starting to revisit the interior renovations and Ortiz said the interior renovations may not start until after this summer.

Ortiz reported on the Power Plant and Electric substation project. Work should start on the substation project this month and it is anticipated that the Power Plant will generate the end of April or early May. Ortiz said they are looking at a single day extended run for about 14 to 16 hours. Ortiz is working with Terrill to troubleshoot and identify other issues. Ortiz commented on cross-training other employees to assist during the generation.

Ortiz reported the Board of Public Works received an update from Mr. Larry Wheeler regarding the Power Plant. Ortiz also commented on establishing a comprehensive maintenance plan for the Power Plant.

Ortiz reported the Board of Public Works approved sending out a request for proposals

for a comprehensive rate study. He hopes to get the RFP out soon.

Ortiz reported the Cemetery should be receiving the kiosk soon.

Ortiz reported on the underpass project. He hasn't heard much about when the public hearing is scheduled on this project; however, he has seen a number of emails regarding hazard mitigation and other items. He has emailed Quinn Damgaard, of HDR, for more information. Ortiz also hasn't heard anything on the designs; however, he believes the Department of Roads will be willing to give the City an extension.

Ortiz said the Employee Appreciation dinner is scheduled for April 10<sup>th</sup> at the Eagles.

Prunty reported on the abandoned and wrecked vehicles article that will be included with the utility bills.

The next City Council meeting will be on March 17, 2015 at 7:00 p.m. The Park and Recreation Executive Board meeting will be on March 17, 2015 at 5:30 p.m. The Joint City Council/Board of Public Works meeting will be on March 19, 2015 at 6:00 p.m.

There being no further business to come before the Council, Shields moved and Schnell seconded to adjourn at 8:12 p.m. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Morrison, and Schnell. Nay: None. Absent: None. Motion carried.

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Keith Prunty, Mayor

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Rosemarie D. Russell, City Clerk

City of Kimball-City Council Meeting-General Claims-March 3, 2015- Amazon-Supplies-44.19; CenturyLink-Telephone-91.42; Combined Utilities-Utilities-4,702.33; Matheson Tri-Gas Inc.-Supplies-124.45; Nebraska Dept. of Health Human Services-Permit Renewal-40.00; Nebraska Liquor Control Commission-Liquor License Renewal-45.00; Presto-X-Monthly Contract-79.88; SourceGas, LLC-Gas Service-1,665.78; The United States Life Insurance Company-Long Term Disability- 338.56; Windstream-Long Distance-6.02; C & M Air Cooled Engine, Inc.-Parts-294.14; C. W. Golf Management, LLC-Management Fees-4,735.00; Carol's Nut List, Inc.-Shipping-43.77; Combined Utilities-City Utilities-2,741.49; Component Fabricators Inc.-Repairs-43.08; Connecting Point-Copy Usage-32.16; Contractors Materials, Inc.-Parts-312.00; Embassy Suites Hotel-Lodging-2,062.00; GreatAmerica Financial Services-Lease-124.12; Hometown Hardware-Supplies-229.34; IIMC-Membership Fee-95.00; Ideal Linen Supply, Inc.-Supplies-22.90; Kimball County Clerk-Recording Fees-20.00; Kimball County Treasurer-Election Costs-340.10; Kimball Auto Parts-Parts-77.13; Kimball Body Works-Repairs-1,325.53; Kimball Event Center-Fitness Center Rent-500.00; Kimball Handyman Project-Handyman Project-676.00; L.W. Cartage Co.-Lot Rent-100.00; Linda's Monograms & Beyond-Uniforms-218.00; Max's Vacuum & Sewing Center-Supplies-28.57; MicroMarketing, LLC-Books-358.41; Miller Office Supply-Supplies-28.94; Napa Auto Parts-Parts-249.76; Nebraska Safety & Fire Equipment, Inc.-Fire

Extinguishers-260.00; Daniel Ortiz-Reimbursement-33.90; Prestige MFG.-Repairs-85.00; Keith Prunty-Expense Report-69.00; R & R Products, Inc-Parts-2,563.50; R.S. Technologies, Inc.-Support-500.00; Shopko Stores Operating Co.-Supplies-18.48; Staples-Supplies-78.28; Autumn Uglow-Contract Cleaning-75.00; Upstart-Books-221.61; Western Nebraska Observer-Meeting Notices-411.54; Wolf Automotive Center, Inc.-Car Wash-99.00.

City of Kimball-Economic Development Claims-March 3, 2015-The United States Life Insurance Co.-Long Term Disability-35.40; Connecting Point-Copy Usage-28.84; Kimball County Treasurer-Funds 990/995-1,000.00; Western Nebraska Observer-Meeting Notices-3.02.