

Kimball City Council  
Regular Meeting  
March 17, 2015

A regular meeting of the Mayor and City Council was convened in open and public session at 7:00 p.m. on March 17, 2015 in the City Council Chambers. Mayor Prunty and Council members Warner, Shields, Morrison and Schnell were present. Also present were City Attorney Hadenfeldt, Library Director Sears, Police Chief Huff, City Administrator Ortiz, 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.

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

Prunty acknowledged the posted Open Meetings Act poster.

Prunty opened discussion on the ACE revenue return for FY 2014-2015. ACE is distributing \$3,002.34 to the City of Kimball as its share of more than \$150,000 being distributed to the 72 Nebraska member communities of the not-for-profit, community-owned natural gas supplier. To date, ACE has given \$38,756.39 back to the City of Kimball and the Choice Gas selection period will run from April 10<sup>th</sup> to April 23<sup>rd</sup>.

Ortiz said the Cemetery will raise U.S. flags during the summer months and suggested this revenue return be used for the lighting for the flags. With the kiosk being installed, there will be power at the kiosk area. Ortiz said if this is the avenue the council wishes to pursue, the Cemetery Board can vote to dedicate some memorial funds for the remainder of the lighting project. There being no further discussion, Schnell moved and Shields seconded to direct the ACE revenue return of \$3,002.34 to the Cemetery Board to assist with lighting of the flagpoles at the Cemetery at their discretion. 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 Little Free Library Program sponsored by the Kimball Public Library. Library Director Sears said this is a way to provide books to people that can't get to the Library. She asked the council for consent to place a library box at the Head Start facility and at the food pantry and possibly in Bushnell or Dix. Sears said she would need to find volunteers that would be able to check on these library boxes a few times a month to make sure they are stocked. This is an outreach for literacy. Leta

Leisch, Assistant Director, said this movement started about five years ago and there are 25,000 of these little libraries in seven countries right now. Sears said they could take the cost of one or two of the boxes out of the Library budget to get it started. Shields inquired if there are other communities in Western Nebraska that are doing this and Sears said there are none. Sears said she has gone before the County Commissioners and they are in favor of this.

Josh Enevoldsen, representing Kimball Insurance, commented on the liability risk. It would be very minimal but commented on a business waiver agreement to be added to the City's policy at about \$100 for each business.

Sears said she would like to start with the box at Head Start and said she would be open to suggestions of any other locations. Warner inquired about insurance concerns with using old microwaves, etc., and Enevoldsen said different items could hurt people in different ways. Ann Warner commented on promoting downtown and suggested using the area where the Corner Bar was located. It was indicated that location is fairly close to the Library location.

There being no further discussion, Shields moved and Warner seconded to approve the Little Free Library Program sponsored through the Kimball Public Library. 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 waiving Event Center fees for a Kimball Public Library fundraiser. Jamie Carpenter, Technical Services Librarian, explained they are planning to hold a fundraiser for the Library carpeting. The fundraiser is a murder-mystery dinner theater on April 25<sup>th</sup> and 26<sup>th</sup> at the Kimball Event Center. She requested that the City waive the room fee for the use of the Event Center. They will still pay for the catering. Shields inquired how the fund raising is going and Sears said they are about one-third of the way there. Carpenter said they are hoping to raise about \$1,000 from the dinner theater event. The Theater group will be putting on the play and the Friends of the Library group will put everything else together. Carpenter said they will probably use the Meadowlark Room and will start selling tickets as soon as they know what the play will be. Ortiz commented that the fee for the Meadowlark Room is \$250 and Morrison said since this is another government entity, the fee should be waived.

There being no further discussion, Morrison moved and Warner seconded to waive the Kimball Event Center room fee for the dinner theater on April 25 and 26, 2015. 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 Keno grant application from Keep Kimball Beautiful. Spud Rowley, Recycle Center Manager, indicated this request is to help pay for costs associated with electronic recycling over the past year. Previously, they had received money from businesses to assist with this and they wanted to give the businesses a break and requested Keno funds instead. They have collected 16,000 pounds of e-

waste for recycling and the total cost is \$4,800. Rowley explained they received a bid from a company for this amount.

Rowley talked about the project behind the Recycle Center and said they will start that project this spring and they want to get some of the stuff cleaned out and hauled off. The Spanish Club kids and the Eco-Club kids have helped. They recycled 60,000 pounds in one month.

Shields inquired if the company picks up the e-waste and Rowley said they do not and he will have to take two trips with the e-waste. Everything is crated and separated and ready to haul. Morrison said it seems strange that they have to pay someone to take it. Rowley said they collect it all year long and have to pay someone to recycle it.

Rowley commented on "individual-pay" and Morrison said he would have no problem with paying if he took items to the Recycle Center. Rowley said there are costs associated with the disposal of the e-waste because they have to break it down. With the regulations, the State will be trying to redirect e-waste from the landfills. Prunty inquired if they have thought about charging and Rowley commented on the \$2.00 landfill fee that County residents do pay. Prunty commented again on a fee to help defray the cost. James Ray, Keep Kimball Beautiful, said if people are going to have to pay to recycle, they will just throw it in the dumpster.

Rowley commented on the annual events they used to have and said they used to have shredding days for free and now they charge for the shredding. He said with the e-waste, there may be some movement and redirection in what they need to do.

Discussion was held on the e-waste company and Shields commented on companies taking waste to other locations and abandoning it and the City still being held responsible. Discussion was held on signage.

Schnell commented that since January 2013, with the \$2.00 landfill fee, Keep Kimball Beautiful has received close to \$30,476. He inquired if when they get the stuff collected, are they still getting matching payments for the tonnage. Rowley said figure-wise, they almost did one-half million pounds this year. Their grants are reimbursement based. With some of the grant processes that they write for, any funding that they actually accept they plan for what they can actually match. Schnell commented on the City paying the insurance on the building and the utilities. The City is putting in a lot of money and Keep Kimball Beautiful also received \$2,500 for the bailer in addition to the \$2.00 landfill fee.

Schnell said he had asked other hauling companies the cost for hauling and was told a significantly less amount. He has spoken with Action Recycling Center in Colorado and they will take the e-waste at no charge. The City is on a tight budget and also tight on Keno funds. Rowley said the price he received was a bulk price for the 16,000 pounds. Further discussion was held on the Keno fund amount requested and Schnell said the \$4,000 was an amount that was never requested by Keep Kimball Beautiful before and Rowley indicated this was because it was mostly taken care of by business sponsors.

There being no further discussion, Warner moved and Schnell seconded to table the Keno grant application from Keep Kimball Beautiful for further information. 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 his appointments to the Board of Health. There being no discussion, Shields moved and Warner seconded to approve the Mayor's appointments to the Board of Health 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.

Schnell moved and Morrison seconded to remove the discussion and action on the Police Department Canine Program and authorize expenditures pending grant/unbudgeted revenue from table. 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 Police Department Canine Program. Huff said the Police Department will receive approximately \$47,500 in funds and grants to start up a Canine Program. Previously, the application of two dogs being used as multi-purpose canines was discussed. Huff said the feedback he has received was there was kind of a sway against having an explosive detection dog. He has found out the military would not bring in a bomb dog and the closest bomb detection dog would be in the Omaha/Lincoln area. If Kimball did require one from that area, it would be a considerable cost to Kimball. Huff said he is completely fine with the fact that Kimball doesn't have an explosive detection dog.

Huff commented on how he could take care of the overtime problem that would most like occur with the Canine Program and spoke of himself and Captain Bremer as the handlers. He is asking the City Council to consider adopting a Canine Program with two dogs for narcotic detection and patrol. All of the training will be able to be done in-house and the handlers will only have to attend the annual conference and keep the certifications up to date. Nebraska State Patrol will be able to do the annual certifications at no cost to the Police Department. Bremer is scheduled to pick up his dog in Alben, Alabama and will attend the Basic Handler Course from April 27<sup>th</sup> to May 15<sup>th</sup>. When he returns, he will be nationally certified.

The other dog belongs to Huff and he said the dog hasn't been trained with training aids. He has just been doing obedience training. Once the program is granted, DEA will send the training aids. The only thing the Police Department has to do is to follow the storage requirements and keep the license up to date.

Huff spoke about the Canine Unit start-up costs being paid for through grants and donations. Home Depot in Cheyenne will provide a steel kennel including cement pad and materials. Frenchman Valley Coop will provide two bags of dog food every month. The other start-up costs are taken care of through the grants and donations.

Schnell commented on the bomb dog and indicated he has spoken with the Division Director for the State of Nebraska. They only use their dog on sweeps for the Capitol area and Memorial Stadium and they have never been called out to assist with any other location. Schnell stated that since January 1<sup>st</sup>, it is a requirement that the dog be certified through the State of Nebraska. He understands the hard work Huff has gone through to get the donations, but he commented that this seems to always cost more money than what has been planned for.

Discussion was held on the vehicle. Prunty reiterated that Huff is not pursuing a bomb dog and Huff said that is correct. Warner commented on the policy stating that there needs to be a supervisor over the dog handler. Schnell said the Division Director had indicated that the supervisor should not be the handler. There should be a K-9 coordinator, a trainer, and a supervisor.

Discussion was held on responding and responding with a non K-9 officer. Huff said he is hoping with training with the patrol staff that they will be able to integrate with the dogs. Huff said it is worded in the policy that it is not mandatory, it is recommended. He said the officers are going to train with the dogs and they are going to be utilized with the searches. Morrison commented that sometimes on patrol there will be a K-9 and handler and sometimes just regular officers. If a handler and K-9 are on patrol, they would just take care of the situation. If an officer doesn't have a K-9 and feels it is appropriate, they would call the K-9 and handler for the situation. The reason to have two dogs is so one officer will not be on call at all times. Huff said this will eat up the overtime. Morrison said there should never be a situation where two dogs would be required and Huff said not in normal day to day routine.

Discussion was held on the age of the dogs and that some dogs can work until the age of 13. Warner inquired about a cost on the storage and the annual conference and Huff said these costs are covered under the grant. Warner said this is not only a policy issue but a budget issue as well. Huff said once they get the funds, they are going to refund the budget. Warner asked if he has taken a hard look at how this will affect future budgets and Huff said he has. That is why he approached the veterinarian regarding discounting her fees and that is why he has gotten the food for free. He said the insurance cost is nominal.

Huff said he has been researching establishing a 501(C) 3 to have fundraisers to put money back into the program. That is what a lot of Police Departments across the nation do. Huff commented on Angels Wings Camp and their Chief and Sergeant are dog handlers. He was told that one of the biggest reasons why there are two of them was the overtime and they started to use the on-call system. Warner inquired if he currently knows where his budget stands and Huff said no. Schnell stressed that he needs to make sure where he is going to give something up to pay for the program. He has to work it out in his budget. Huff said there are all kinds of grants they could go after. Schnell commented that the money he receives through the fundraisers should be put away to be used for replacement of the dog.

Warner asked Ortiz about the Police budget and Ortiz explained the operating supplies are at 53.86 percent for the fiscal year as of February 2015. The salaries and benefits are at 39.70 percent due to being down a few officers. Ortiz said it is hard to say how this will impact the budget sent to the State. There are some transactions that are mis-coded and some capital expenditures that are mis-coded. In terms of the overall budget, they are currently at 37.8 percent overall. Ortiz said that increases in salary, travel and training need to be considered moving forward. Huff needs to make sure that the policies match the operations.

Discussion was held on the daily training. Schnell commented on the 35 percent of the time required for daily training and said it seems pretty substantial in a small force such as Kimball's. Huff said he would see no problem with this. In Kimball's downtown, they should be able to complete their eight-hour weekly requirement of in-service training for the dogs. Shields asked if there is a cost for the DEA application and Huff answered that they are required to have a safe and the Police Department currently does have a safe.

Schnell urged Huff to make sure the policy is clear. Discussion was held on dog handlers and certifications and Huff said that certification always falls on whomever the certifying body is, the State Patrol. They are assuming the liability. It is the Police Department's job to make sure they keep it going and that they can do it. The supervisor is not necessarily the person certifying. Huff said they are going to put forth the energy and time to make sure they use the standards.

Prunty inquired how many times in the past few months they would have used the dog and Huff said generally the department would have used the dog five to six times. Ann Warner commented on the training requirement of one-third of the time and inquired if it wouldn't be two days a week and Huff said eight hours a week is mandated. He said it would probably be broken up during the week. Ortiz said it is difficult to believe there is not going to be any overtime required and commented that the City Council needs to be fully aware of that financial impact.

Warner said a drug dog would be beneficial but she has issues with the budget and policy. She said Huff needs to have all information correct. Huff said he would not be able to wait for two more weeks because of the vehicle and Bremer is going to be attending the last session of the Basic Handler Course. Rowley inquired about the Chevy Tahoe and the two dogs and Huff said they would use the Ford Explorer for one of the dogs and retrofit it. The insert would be \$1,550 and that cost is included in the grant.

Further discussion was held on the start-up costs and the concept of one dog for Bremer for this fiscal year and one dog for next fiscal year. Huff commented on things for the K-9 Program to be successful and commented on the training schedule. He mentioned that the City of Scottsbluff dog trains with the Scotts Bluff County dog and Warner inquired if that was an option for the City of Kimball dog to train with the Kimball County dog. Huff said they cannot train with the Kimball County dog because it is not

certified. Warner inquired when the Kimball County dog is certified in March, could they then train together and Huff said if he is certified they could.

Schnell inquired if the deadlines for a vehicle and dog are met and then when the next fiscal year's budget is presented to the City Council and in six months, he can have his K-9 Program. Huff said this could be done. Schnell said if he could get the second dog in the next fiscal year, he could present that budget to the City Council for planning purposes and approval. Their biggest concern is in these next six months, his budget is going to deteriorate. Schnell said that would satisfy him on that side and the policy would have to be changed. Warner inquired how long it would take to get a revised policy and Huff said it would take about a week to get it together. Warner strongly urged the Police Department to work together with the Sheriff's Department for training until they get the second dog. Schnell said he has always felt that Kimball needs a dog in the Police force.

There being no further discussion, Schnell moved and Morrison seconded to allow the Police Department to get the narcotic detection dog and begin the K-9 Program and a K-9 policy revision be provided the City Council by the next meeting. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Morrison and Schnell. Nay: Warner and Shields. Absent: None. There being a tie vote, Prunty voted "Aye" on the condition that Huff have everything in line by the next City Council meeting.

No action was required on the lease agreement for privately owned Police Service Canine tabled at the last City Council meeting.

Schnell moved and Morrison seconded to remove the discussion and action on the purchase of a vehicle for the Canine Unit from table. 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 purchase of a vehicle for the Canine Unit. Huff said they would be purchasing a 2013 Chevy Tahoe from the Kansas State Patrol complete with police equipment minus the insert. Huff said they would be able to get this vehicle as soon as next week. Schnell suggested everything be wrapped up before the money is spent on the vehicle and Huff said the money for the vehicle will be reimbursed as soon as he receives the funds from Union Pacific. Union Pacific has indicated the Police Department will receive the full \$30,000 grant and \$20,000 will go towards paying for the vehicle.

Discussion was held on how the Union Pacific funds are received (before or after the project) and Ortiz said they normally just present the check to the City. The checks are usually processed in April and received in May or June. Warner said if the vehicle is not purchased, the money could be used for any other costs associated with the program. Huff said the Police Department does have to budget for another vehicle in the next budget year and Prunty said this grant money would take care of that vehicle. Huff added that they are basically looking at another patrol car at no cost to the City. Schnell

commented on the aforementioned policy and said once there is an acceptable K-9 policy in place, the council can talk about the disbursing of funds at that time.

After further discussion, Huff commented on the time frame and that it is not going to work. Warner said if he really wanted the dog, he could put the insert into another vehicle. Schnell moved and Morrison seconded to table the action on the purchase of a vehicle for the K-9 Unit until the K-9 policy is in place and then consider the expenditure of funds. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Morrison, and Schnell. Nay: Shields. Absent: None. Motion carried.

Police Chief Huff presented the Police Department's Annual Report for 2014 which included the Kimball Police Department mission statement; national statistics; assaults on a police officer in the City of Kimball, NE; the current police officers in Kimball; a comprehensive list of crime comprised over the past three years; ticket demographics; arrest and contact demographic values; arrest and conviction reports from 2012, 2013 and 2014; suspects ages for case convictions 2012-2014; probation information 2014; Police Department grants 2013 and 2014; grant funded school resource officer; a snapshot of active shooter incidents nationally; shooter demographic; mass shooting weapon information; SRO ticket statistics; SRO demographics; traffic accidents in Kimball County; area of reported accidents responded to by law enforcement; drivers average age involved in accidents; traffic accident demographics; DUI cases conducted by the Kimball Police Department; and drug cases in the City of Kimball 2012-2014.

Prunty and Schnell thanked Huff for the report.

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

1. Minutes from the March 3, 2015 regular city council meeting;
2. Claims; and
3. Financial Statements

Warner moved and Shields 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 substation project is scheduled to start next week. The time line will carry through to the end of May. Ortiz reported the Electric Department, with help from the Street Department and Cemetery crew, has done a lot of tree trimming. Ortiz reported on preparing for the annual spring clean up.

Prunty reported the abandoned and wrecked vehicle article has been included on the reverse of the utility bills.

There will be a Joint City Council/Board of Public Works meeting on March 19, 2015 at 6:00 p.m. The next City Council meeting will be on April 7, 2015 at 7:00 p.m.

There being no further business to come before the Council, Shields moved and Schnell seconded to adjourn at 9:12 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-March 17, 2015-General Claims-Arrowhead Distributing Inc.-Liquor Purchase-26.95; High Plains Budweiser-Liquor Purchase-789.60; Baker & Taylor Books-Book Purchase-802.20; Bethel 12-Kitchen Supplies-66.00; Sheryl Biesecker-Contract Cleaning-412.50; C & M Air Cooled Engine, Inc.-Parts-579.13; C. W. Golf Management, LLC-Reimbursement-75.00; Center Point Large Print-Book Purchase-127.02; CenturyLink-Telephone- 517.63; CenturyLink-Telephone-92.54; Charter Communications-Internet-223.00; Companion Corporation-Software Subscription-899.00; Connecting Point-Service Contract-24.17; Dietrich Distributing-Liquor Purchase-1,061.00; Dietrich Distributing-Liquor Purchase-47.40; Dollar General Corporation-Supplies-9.50; Fastenal Company-Safety Supplies-83.51; Frenchman Valley Coop-Diesel-1,199.32; Gale/Cengage Learning-Book Purchase-101.44; High West Energy-Utilities-844.00; Ideal Linen Supply, Inc.-Supplies-331.05; Kimball Insurance-Premium-9,026.02; MicroMarketing, LLC-Book Purchase-72.26; Napa Auto Parts-Parts-210.54; NEDA-Annual Dues-100.00; Nebraska Library Commission-Computer Course-20.00; Off Broadway Business Products-Office Supplies-31.75; Panhandle Coop Association-Supplies-37.70; Pocket Press, Inc.-Manuals-116.87; Presto-X-Monthly Contract-79.88; Quality Books Inc.-Book Purchase-284.39; Greg & Jennifer Reininger-Supplies-125.00; Robinson Electric-Payment-Oil Derrick-1,000.00; Safetyline Consultants, Inc.-Safety Training-750.00; Simmons Olsen Law Firm, P.C.-Professional Services-2,197.50; Star-Herald Newspaper-Advertising-162.51; Total Lawn Care-Mark Anderson-Lawn Service-115.25; Autumn Uglow-Contract Cleaning-75.00; Viaero-Cell Phone-77.86; Visa-Firstier Bank-Charges-243.92; WPCI-Screening/Review-28.50; CenturyLink-Telephone-79.42; STP Auto Service-Maintenance-625.29; Russ Thompson-Contract Cleaning-50.00.

City of Kimball-Economic Development Claims-March 17, 2015-CenturyLink-Telephone-60.89; Chamber of Commerce-Monthly Grant-450.00; Charter Communications-Internet-39.75; Nate & Heather Etingh-Improvement Grant-1,567.23; Nebraska.Gov-Electronic UCC-24.00; Panhandle Coop Association-Improvement Grant-2,000.00; Secretary of State-Report Fees-40.00; Simmons Olsen Law Firm, P.C.-Professional Services-240.00; Viaero-Cell Phone-43.72.