

Kimball City Council
Regular Meeting
April 7, 2015

A regular meeting of the Mayor and City Council was convened in open and public session at 7:00 p.m. on April 7, 2015 in the City Council Chambers. Mayor Prunty and Council members Warner, Shields, Morrison and Schnell were present. Also present were City Attorney Hadenfeldt, Police Captain Bremer, City Administrator Ortiz, Economic Development Director Bowling, Landfill Superintendent Schulte, 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 Jaydin Paxton and Connor Cluff lead the Pledge of Allegiance.

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

At 7:02p.m. Prunty opened a public hearing on rezoning a tract of land in the West Half of the Northeast Quarter less 2.01 for highway r.o.w. and 1 acre in the Northwest Quarter of Section 33 (also known as 4351 E. Highway 30) and a tract of land in the East Half of the Northeast Quarter of Section 33, all in Township 15 North, Range 55 West of the 6th P.M., Kimball County, Nebraska from no zoning to Heavy Industrial District (I-2).

Perry Van Newkirk, representing the Evertson Companies and Don Gregory, indicated they do not wish to be zoned but if they have to be zoned, they would like to be zoned as heavy industrial. They purchased the property years ago with the intent to use it or sell it. At that time, Evertson had bought some land in the Kimball Industrial Park and began Evertson Companies. The purpose of that area was for industrial development. Neither Evertson nor Gregory are farmers so they had no intention of keeping it farm property. If it is zoned agricultural, no job will ever be created on that property; no personal property taxes or sales taxes will ever be collected on this property.

Van Newkirk explained Castronics' growth, spoke about Ron and Wendy Baker and said that Castronics was built in 1981 and the Bakers built their home in 1988.

Beth Huddleston, representing Gene and Kathy Franks of 4323 E. Highway 30, said they are asking that if the area has to be zoned, it be zoned as agricultural. She also

commented on the truck traffic that has torn up Highway 30 so badly that her parents cannot get out of their driveway.

Kathy Porter inquired about the current zoning of the Castronics property and asked if there is a reason why the property could not be zoned light industrial instead of heavy industrial. Ortiz said the property owners requested it be zoned as heavy industrial.

Wendy Baker, 4342 Link 53E, and her husband are opposed to the rezoning. She presented a slide show of the residence her family purchased on five acres in 1988. This residence was near the Castronics site. As the plant grew, so did the hours of operation. The noise from pipes, loaders, music, and trucks was 24 hours a day, seven days a week and their quality of life began to decline. They finally got to the point where they knew they had to leave their home and in December 2011, they sold their property to Castronics. They ended up purchasing another home about a mile from their old home. Baker said the financial burden to them exceeded \$38,000.

Baker commented on the consumption of agricultural land and said it is difficult to replace that valuable land. She and her husband asked the council consider how the zoning to heavy industrial will have a negative impact on the people, property, and wildlife. The Planning Commission voted unanimously to deny the request and Baker asked that the council members consider their recommendation.

Jean Yanage, 4352 Link 53E, was not able to attend this meeting, but asked that it be known that she is opposed to the rezoning to heavy industrial.

Sharon Baker, 4258 Link 53E, asked the council members to think about as individuals and community members the long-term strategic growth and economic plan for Kimball. She cited the 2002 Comprehensive Plan and said the long-term strategic growth and economic plan for Kimball is to: maintain quality of life; revitalization and marketing of existing dilapidated commercial and industrial properties; conservation of prime farmland; protection of rural residential properties from encroachment of conflicting land uses; and preservation and enhancement of the primary entrance to corridors to Kimball. Heavy industrial zoning is an open door invite to heavy industrial development resulting in: increased traffic congestion, dust, noise, visual and other environmental concerns; highway congestion issues from both Highway 30 and 71 bypass; heavy industrial activity between Kimball proper and the recreational area; once developed as industrial it will never return to agricultural; and a potential unprofitable industrial site with vacant buildings, abandoned equipment and materials storage site (junkyard).

Baker feels that once zoned as heavy industrial, the community has openly invited heavy industrial development on this property and there will be no going back. She does support economic development in this community but thinks the community needs to look at strategic locations for the industrial sites. Baker and her husband oppose the rezoning to heavy industrial.

Ann Warner said she is not involved in this issue but spoke for the heavy industrial zoning and suggested maybe a light industrial zoning. She would like to see Kimball's

streets congested because it means there will be more money in Kimball. Warner added that this is difficult situation.

Bowling commented that the Comprehensive Plan is in the process of being updated. Finding a way so this can work with everyone is a huge issue whether it is residential, agricultural, heavy industrial or light industrial. Bowling encouraged everyone to attend the Planning Commission meeting on May 18th to share their opinions on how they want the City to grow.

Schnell commented that all three pivots on the south side were part of the project planning for the rail spur project. He also commented on housing in the golf course area and a buffer area and said that noise is abated with berms. He also commented on trees and containment lines and putting restrictions around buffer zones to help with the litter, dust and noise and encourage industry. Schnell spoke about the plans for a lift station being part of the long-term plan. He said the community needs to work together in order for the community to grow.

Morrison indicated that even though that zoning would be heavy industrial, it is unlikely that anything will happen with the land in the near future. That area is the most logical place to put heavy industrial. Morrison added that it could be just a warehouse put in that location. Morrison said if the council is not going to approve the zoning as heavy industrial, it should be left as no zoning. He added that they should figure out a way to make it work for everyone. Until there is a business there, it can be rezoned from heavy industrial as easy as it can be changed from anything else.

Schnell said when a developer is looking for property, they are looking at what it is zoned and if there is infrastructure in place.

Shields said it is a tough decision for him due to the frustrations his parents went through when their property was being annexed into the City. He spoke about the council looking to build homes in the golf course area which will be in close proximity of the heavy industrial zoning. He too, would like to see some growth in the community to share in the tax base. Shields said the City needs to plan for the future at some point.

Warner spoke about the rail spur and said the plan was for industry to be in that area and to grow. She feels that the people voted for the rail spur and wanted to see growth in that area.

Prunty reminded council members that it was a unanimous vote by the Planning Commission to deny the rezoning.

Ortiz commented on performance measures and design standards to incorporate as part of the zoning. Those can be done by amending the zoning ordinance to incorporate them into the zoning ordinance. He commented on a sound buffer concept to help reduce some of the noise and incorporating that as part of the zoning category. The direction this will take depends on who buys it. A good developer will take the entire acreage and plan it out.

Ortiz inquired of recommendations to the Planning Commission and direction for him to seek guidance from certified planners. Discussion was held on the cost. Ortiz said the cost depends on how rigorous the planning and development process is. However, this is helpful for companies because they like to know up front what would be required of them.

Deb Fennell inquired about once it is zoned heavy industrial, then the City has no say of what business goes in there. Hadenfeldt said it has to be a permitted use.

There being no further comments, Prunty declared the public hearing closed at 7:27 p.m.

Warner moved and Schnell seconded to approve the application for rezoning from no zoning to Heavy Industrial District (I-2). On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Schnell, and Morrison. Nay: Shields. Absent: None. Motion carried.

Ortiz said typically as part of the rezoning, there would have been an ordinance to consider. However, because of not knowing the direction the council would take, an ordinance for this rezoning action will be on the next City Council agenda.

Prunty opened discussion on the amended Park and Recreation Interlocal Cooperation Agreement. There being no discussion, Schnell moved and Shields seconded to approve the amended Park and Recreation Interlocal Cooperation Agreement. 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 representatives to the Compensation Committee. Morrison moved and Schnell seconded to approve the Mayor's appointment of Warner and Shields to the Compensation Committee. 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 and policy. Ortiz said there was discussion previously with regards to purchasing a vehicle. Chief Huff has indicated instead they will outfit the existing Ford Explorer with the necessary K9 equipment when they receive the grant funds. An updated policy had been provided to the council members and Ortiz reminded the council members that they cannot get into too much detail because it is an operational policy for the Police Department.

Discussion was held on requesting agencies and Captain Bremer suggested to leave it open-ended where anyone can request the K9. Ortiz said that demonstrations requests would need to go through Chief Huff and the department would need to consider when additional officers are used with regard to overtime pay.

Discussion was held on WING and Hadenfelt reminded council members that the City has an MOU with WING and the K9 program would operate under that MOU. Schnell inquired about an agreement between the City and the County and Bremer said that he doesn't believe there is anything in writing but he has worked with Loy.

Schnell said that the chain of command in the policy should be more definitive on who makes the determination to call out the K9 team. Bremer said the policy was crafted after one in Alliance and the wording in the policy needs to be changed to what they are doing in Kimball. All requests for the K9 team would be logged whether they respond or not.

Bremer informed the council members that the Police Department is subject to an audit at anytime by the DEA. The Police Department will not get the narcotics until he is certified. Bremer said there is a fire safe in the Police Department and that is where the drugs will be located as stated in the DEA agreement.

Schnell commented on the training aids to be used within the City of Kimball and inquired if that would be too restrictive and suggested to include the entire Kimball County.

Discussion was held on the time frame to pick up the dog. Bremer said Home Depot has donated concrete and rebar and an outside kennel. For right now, he will have to put in a flight crate in the vehicle when he picks up the dog.

Prunty opened discussion on the Keno grant application from Kimball All Class Reunion. Kim Baliman was present to discuss the request. It is a wonderful economic opportunity for the community. They are asking to help with the postage among other things. They hope to have 500 people and are sending out 3,500 invitations. Warner and Shields thanked Baliman for all her hard work. Baliman said this is a huge event for the community. If only 300 people show up, they may consider not doing this again because it is so much work.

There being no further discussion, Warner moved and Morrison seconded to approve the Keno grant application from Kimball All Class Reunion in the amount of \$1,700. 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 remove the discussion on a Keno grant application from Keep Kimball Beautiful 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 Keno grant application from Keep Kimball Beautiful. Spud Rowley, Recycle Center Manager, informed the council members that Keep Kimball Beautiful has received \$92,384 so far from the landfill fee and funding from trucks. He provided information on companies that accept e-waste and the costs. IT Refresh charges 25 cents a pound and Action Recycling charges \$1 per inch on the

CRTs. IT Refresh would be cheaper for them in the long-run. Rowley also commented on transportation and said it is comparable dollar-wise between 3 Schoes, Inc. and IT Refresh.

Due to the limited Keno funds, Rowley said they would be grateful for any amount they could receive. Schnell inquired if any KKB grants can be used for electronics and Rowley said they can but they have to be written far in advance. They also require a cash match. Further discussion was held on e-waste and Rowley said they don't have to ship some of the e-waste they get in.

There being no further discussion, Morrison moved and Shields seconded to approve the Keno grant application from Keep Kimball Beautiful in the amount of \$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 Kimball Main Street Design and Improvement Program Grant application from 3 Schoe's, Inc. Bowling indicated this is for a sign for the new business downtown, 3 Schoe's, Inc. The cost of the sign was \$925.99 and the committee recommended the 50/50 match of \$462.99.

There being no further discussion, Schnell moved and Warner seconded to approve the Kimball Main Street Design and Improvement Program grant application from 3 Schoe's, Inc. for \$462.99. 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 at the last meeting there were some suggestions to add to the list of eligible activities. Those items include sandblasting of brick and gutters or drains. The amendment also increased the amount that businesses can receive up to \$3,000 and the program funding increased from \$10,000 to \$15,000.

Warner said it is great to assist with buildings' appearances. Bowling thanked the newspaper for putting in information regarding this program.

There being no further discussion, Schnell moved and Warner seconded to approve the amendments to the Kimball Main Street Design and Improvement Program. 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 Event Center renovation. Ortiz said the bid process for the Event Center renovation is beginning. The cost estimate is \$697,750 and Ortiz wanted to ensure the council is still comfortable with that figure. He has spoken with Studio 120 Architecture with regard to bidding out with different components and segments of the project so that items can be cut to bring the project into budget if needed. Ortiz wanted to ensure the council is comfortable with using the Keno funds

from the City-side and trust side. If council members want to revise the figures, he will see what can be cut from the design.

Ortiz said the time frame is still from October to December. The designers feel the fall and winter months will provide significant savings on labor. There being no further discussion, Morrison moved and Shields seconded to continue with the Event Center renovation with the current estimates. 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 determination of unsafe building located at 301 S. Webster Street. Ortiz said this building is across from Pizza Hut and displayed photos of the building. Portions of the building are deteriorating and missing bricks. Schnell spoke with the property owner last fall. Ortiz left two voice mails and sent a certified letter and has not received a response. This building falls under the unsafe property determination. Ortiz said there is a difference between unsafe property and nuisance property. It is a structural issue and poses a safety hazard. Hadenfeldt suggested to put some colored netting on the sidewalk to prevent pedestrians from walking near the building.

Ortiz has also spoken with Hinton on whether or not this property is an immediate hazard and advised the owner the City's code permits the disconnection of electrical service for any good and sufficient reason without liability. However, since there is not much deterioration on the south wall, the electrical service will not be disconnected. Morrison inquired if the City is asking the owner to remedy the situation and Ortiz said yes. At the end of 60 days, the council will have to decide how to move forward, if necessary.

Schnell indicated that he has recently spoken with the property owner and the owner said the building is going to be remedied or demolished by the end of the summer. Hadenfeldt said that the City will give the owner notice that they need to fix it and some kind of barricade at the sidewalk would be a good idea. The process starts with sending a letter.

Rowley inquired about the Longhorn as an unsafe structure and Hadenfeldt said the process for that has been done and recorded at the Register of Deeds. Rowley inquired if the City is going to follow through on other properties. He asked if it is worth the City's time to take action if it is not going to be taken care of. Hadenfeldt said there has been action taken. If people would take care of their property, the City would not have to go through this. Prunty said hopefully this will send a message and it takes time. Morrison said the big point of this is there is a danger.

There being no further discussion, Morrison moved and Warner seconded to determine 301 S. Webster Street as an unsafe building and authorize a letter to be sent to the property owner to remedy the condition or demolish the building. 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 March 17, 2015 regular city council meeting; and
2. Claims.

Schnell 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 on the underpass. The consultants have indicated the public hearing will be scheduled the end of May, early June time frame. They plan to have at least three designs for consideration. Ortiz has had conversations with the Nebraska Department of Roads and the Federal Highway Administration and they are willing to work with the City and give an extension if needed.

Ortiz reported the Street crew, the Power Plant crew and the Electric crew have been busy with tree trimming.

Ortiz reported the new cemetery kiosk has been installed. There were a few glitches and they are being worked on.

Ortiz reported the rate study requests for proposals are due April 24th. The top firms will be invited to speak before the City Council and Board of Public Works at a joint meeting.

Ortiz reported the tentative opening date for the swimming pool is the first week of June. There is a smaller pool of lifeguards this year and Brooke Jones will come back for a few months to help.

Ortiz reported he will be taking some time off in September or October to welcome his new baby.

Prunty thanked City staff for assisting with the Tree City USA award. He also thanked Don Gregory and Wade Kiefer for the signs in Gotte Park.

The next City Council meeting will be on April 21, 2015 at 7:00 p.m.

There being no further business to come before the Council, Warner moved and Morrison seconded to adjourn at 8:57 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.

Keith Prunty, Mayor

Rosemarie D. Russell, City Clerk

City of Kimball-City Council Meeting-General Claims-April 7, 2015-Combined Utilities-Utilities-421.56; Kimball Volunteer Fire Department-Business Donation-250.00; NLA Public Library-Registrations-120.00; SourceGas, LLC-Gas Service-1,846.17; The Computer Guy-Computer Support-30.71; The United States Life Insurance Company-Long Term Disability-- 704.89; Windstream-Long Distance-5.94; Combined Utilities-Utilities-3,871.24; Kimball Health Services-Screening-132.30; Staples-Supplies-47.13; League of NE Municipalities-Conference-1,321.50; High West Energy-Utilities-49.00; BARCO Municipal Products, Inc.-Parts-932.28; C & M Air Cooled Engine, Inc.-Parts-183.61; C. W. Golf Management, LLC-Management Fees-4,735.00; C. W. Golf Management, LLC-Reimbursement-249.99; Check's Ice Co.-Ice-42.00; Combined Utilities-Utilities-2,396.98; Companion Corporation-Software-899.00; Connecting Point-Copy Usage-41.98; Culligan-Salt-39.80; Demco-Supplies-118.02; Dietrich Distributing-Liquor Purchase-296.00; Dollar General Corporation- Supplies-72.10; Enviro Service Inc.-Testing-18.00; Fairfield Inn & Suites-Lodging-213.00; Fastenal Company-Supplies-91.16; Rich Flores-Reimbursement-141.75; Frenchman Valley Coop-Fuel-977.07; Gaylord Bros. Inc-Supplies-585.24; Government Finance Officers Assn.-Membership-310.00; GreatAmerica Financial Services-Lease-124.12; Hometown Hardware-Supplies-620.08; Hullinger Glass & Locks, Inc.-Door-595.00; Ideal Linen Supply, Inc.-Supplies-106.48; Intralinks, Inc.-Computer Support-37.50; Kimball Auto Parts-Parts-236.22; Kimball Event Center-Rent-500.00; Kimball Handyman Project-Handyman Project-549.35; Kimball Health Services-Labwork-221.03; Kimball Rural Fire District-Premium-1,605.00; Kimball Service Center-Tire Repair-462.00; L.L. Johnson Distributing Co.-Repairs-2,447.97; L.W. Cartage Co.-Lot Rent-100.00; Make-Subscription-34.95; MicroMarketing, LLC-Books-337.21; Mountain Plains Library Association-Membership-55.00; Napa Auto Parts-Parts-534.41; Nebraska Law Enforcement Intelligence-Conference-150.00; Nebraska Library Association-Membership Dues-135.00; Jim O'Brien-Sewing Services-35.60; Panhandle Clerk's Association-Membership Dues-10.00; Panhandle Coop-Oil-236.35; Postmaster-PO Box Rent-84.00; Prairie Animal Hospital-Boarding-102.00; Prestige Flag-Flags-840.98; Quality Books Inc.-Books-596.67; R & R Products, Inc-Parts- 38.87; Ramada Inn-Lodging-490.00; Recorded Books, Inc-CD's-111.37; South Platte NRD-City Tree Expense-868.60; Safetyline Consultants, Inc.-Safety Training-750.00; Scottsbluff Screenprinting-Jacket-29.00; Sentimental Productions-DVD's-125.00; Sonny's Bike & Fitness-Treadmill-4,774.46; Stotz Equipment-Parts-693.79; The Thompson Company-Supplies-275.49; Autumn Uglow-Contract Cleaning-75.00; Western Nebraska Observer-Meeting Notices-303.60; Windy Prairie Systems-Directory Software-12,600.00.

City of Kimball-Economic Development Claims-April 7, 2015-Incredible Ink-LB840 Loan-10,000.00; The United States Life Insurance Co.-Long Term Disability-35.40; Kimball Health Services-Screening-44.10; Secretary of State-Reports-30.00; Chamber of Commerce-Monthly Grant-450.00; Connecting Point-Copy Usage-6.97; Kimball County Treasurer-990/995 Spit-1,000.00; Western Nebraska Observer-Meeting Notices-42.00.