

Kimball City Council
Regular Meeting
July 7, 2015

A regular meeting of the Mayor and City Council was convened in open and public session at 7:00 p.m. on July 7, 2015 in the City Council Chambers. Mayor Prunty and Council members Schnell, Warner, Shields, and Morrison were present. Also present were City Attorney Hadenfeldt, City Administrator Ortiz, Police Chief Huff, Electric Superintendent Hinton, Power Plant Supervisor Terrill, Landfill Superintendent Schulte, Board of Public Works Chair Cederburg, 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.

At 7:02 p.m. Prunty opened a public hearing on a conditional use permit for an automobile repair service at 205 E. 3rd Street. Ortiz indicated this is the property that was used as a dry cleaning business. This is a permitted use in the Central Business District (C-1) as a conditional use. Jim Tucker said he plans to operate a tire shop and quick lube shop. He has a buyer in Laramie, Wyoming that will be using the oil for heating and a buyer in Cheyenne, Wyoming that will use the tires as windbreaks for livestock. There is enough room in the building that he will have tire racks in the building. He plans to roll a tire rack in and out each day. There will be minor interior changes made to accommodate business essential equipment and supplies. No exterior modifications will be made except signage.

There being no further discussion, Prunty declared the public hearing closed at 7:04 p.m. Warner moved and Schnell seconded to allow the conditional use permit for an automobile repair service at 205 E. 3rd Street. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Schnell, Warner, and Morrison. Nay: None. Absent: Shields. Motion carried.

At 7:05 p.m. Prunty opened a public hearing to considering amending Article 9, Fences and Vision Clearance of the Zoning Ordinance pertaining to barbed wire. Ortiz indicated that when Verizon was requesting their cell tower and in reviewing the plans, it was determined that the Zoning Ordinance does not permit barbed wire. The Planning Commission considered this at their last meeting and they felt it best to consider this as

a conditional use. As a conditional use, it would have to go before the Planning Commission and City Council for approval. Morrison said the entity that uses the barbed wire the most is the City. Ortiz indicated this only applies to barbed wire as a conditional use and does not include razor wire.

Council member Shields arrived at 7:06 p.m.

There being no further discussion, Prunty declared the public hearing closed at 7:06 p.m. Schnell moved and Morrison seconded to introduce Ordinance 726 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: Schnell, Warner, Shields, and Morrison. Nay: None. Absent: None. Motion carried.

Mayor Prunty read Ordinance 726 by title only.

ORDINANCE NO. 726

AN ORDINANCE AMENDING ARTICLE 9, FENCES AND VISION CLEARANCE OF THE ZONING ORDINANCES OF THE CITY OF KIMBALL, KIMBALL COUNTY, NEBRASKA, PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

Schnell moved and Warner seconded to pass and approve Ordinance 726. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Schnell, Warner, Shields, and Morrison. Nay: None. Absent: None. Motion carried.

At 7:08 p.m. Prunty opened a public hearing to consider amending Residential Mobile Home Park District (District R-4) of the Zoning Ordinance to include recreational vehicles. Ortiz indicated the definition of recreational vehicle differs from that of a mobile home and this means recreational vehicles are not permitted to be in mobile home parks. Ortiz said the simplest solution would be to allow recreational vehicles under the Residential Mobile Home Park District (District R-4). Schnell inquired about lodging tax and Ortiz said that would have to be determined by the County. Morrison indicated there is no other place for recreational vehicles to go currently.

There being no further discussion, Prunty declared the public hearing closed at 7:12 p.m. Shields moved and Warner seconded to introduce Ordinance 727 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: Schnell, Warner, Shields, and Morrison. Nay: None. Absent: None. Motion carried.

Mayor Prunty read Ordinance 727 by title only.

ORDINANCE NO. 727

AN ORDINANCE AMENDING DISTRICT R-4 RESIDENTIAL MOBILE HOME PARK PERMITTED USES, OF THE ZONING ORDINANCES OF THE CITY OF

KIMBALL, KIMBALL COUNTY, NEBRASKA, PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

Shields moved and Morrison seconded to pass and approve Ordinance 727. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Schnell, Warner, Shields, and Morrison. Nay: None. Absent: None. Motion carried.

Prunty opened the Kimball Recycle Center hearing with the City Council regarding the Nuisance Notice and Order to Comply and Correct. James Ray, Keep Kimball Beautiful board member, indicated they wanted to respond to the Nuisance Notice. The property has been cleaned up. They realize that it got out of hand and it is now cleaned up. With regard to the paint cans and buckets of oil, they are waiting for the Household Hazardous Waste clean-up with Clean Harbors which has been scheduled for Saturday, July 25, 2015. The boat is gone and the camper shell won't be there much longer.

Shields inquired about the pallets and Spud Rowley, Recycle Center Manager, indicated they ship 70 out a month and divert some of the others to South Platte NRD for the campfires at Oliver Reservoir. The majority of the pallets are from Castronics and in the last two weeks, they have gotten rid of about 114 of them. There are currently about 350 on-site behind the Recycle Center. Shields inquired if they anticipate having a goal of a number of them on-site and Rowley said they actually haul the better ones to the Recycle Center and junk the old ones. Shields commented on the pallets that are stacked up against the fence and trees that have grown up through some of them.

Schnell commented on the Main Street Design and Improvement Program that will match 50/50 to put a fence up.

After further discussion, Prunty indicated that Chief Huff can inspect the property and determine if the nuisance is abated. He would like to have an interlocal agreement similar to the one with the Chamber at the next council meeting for action. Ortiz indicated this agreement will have to go before the Board of Public Works for a recommendation to the City Council.

Morrison appreciates that they have addressed the issues and Ray said they will make sure it doesn't happen again. Discussion was held on the protectors from Castronics and Rowley said they are all recycled. Morrison inquired about Castronics providing them a space out at Castronics and Rowley said they are attempting to do that. Morrison said that it would be much more efficient to do that on-site.

Ray requested that the City Council provide a variance for the compliance with regard to the paint cans and the oil. They are waiting for the hazardous collection and then they will be gone. Ray commented that the Recycle Center collects them and holds them until they can arrange a collection. Shields recommended that if they are accepting items that are going to be hard to get rid of to post signs and look at penalties. Huff said they can post signage that individuals can be charged with dumping. Dawn Moeser, Keep Kimball Beautiful board member, is making the signs and there will be signs on all

sides of the building. Schnell inquired if perhaps the terminology should be an extension instead of variance and Ray said the reason they used the word variance is it could be an on-going basis.

Discussion was held on the Household Hazardous Waste Program. Moeser asked Shields if this is something that could be done on a yearly basis with Clean Harbors on the second weekend in July so people will be more willing to hang on to their HHW and be able to plan for the disposal. Shields indicated there is a potential that could happen.

Morrison moved and Warner seconded to grant an extension until July 25, 2015 for the storing of oil and paint at the Recycle Center. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Schnell, Warner, Shields, and Morrison. Nay: None. Absent: None. Motion carried.

Rowley indicated they have about 70 to 80 containers crated and ready to go to Clean Harbors. Ray asked for a meeting of the Board of Public Works, the City Council and the Keep Kimball Beautiful Board to discuss the future of recycling.

Prunty opened discussion on leasing right of way property and Ortiz requested this be tabled at this time. Warner moved and Shields seconded to table the discussion and action on leasing right of way property. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Schnell, Warner, Shields, and Morrison. Nay: None. Absent: None. Motion carried.

Prunty opened discussion on rates for mowing properties. Ortiz indicated the City has sent out 43 weed notices to date and the City is getting more requests from individuals who are not able to mow and requesting the Street Department to mow for them. Currently, there is a \$50 per hour charge for mowing property and there is no rationale for this rate. The City is not in the business to compete with private individuals for mowing and the City does not have the staff time to continue to do this. Ortiz said one way to discourage this is to increase the rates.

Warner inquired how many employees this takes and Ortiz said it generally falls on Street Superintendent Shoup and another Street Department employee. The intent of charging to mow is a penalty of sorts and if there are people that are willing to pay that amount, the City is charging too little. Mowing rates were received from 14 other cities and villages. Schnell recommended the rates be \$100 per hour, minimum one hour, plus a \$50 administrative fee. Shields inquired about contracting out the mowing. Prunty said the Chamber of Commerce will put out a list of mowing companies. Ortiz indicated he has not thought about the option of contracting with the mowing companies directly but spoke about covering the costs.

Ortiz said one option is to have a rate for the first offense and a higher rate for the second offense. Morrison suggested adding "per employee" to Schnell's recommendation of \$100 per hour. Russell will prepare a rate resolution for the next council meeting.

Ortiz provided an update on unsafe buildings and nuisances to date. The City has had a much better response from the personal delivery by Chief Huff. There were 43 weed notices delivered or mailed, 21 junk and abandoned vehicles notices delivered or mailed, three nuisance notices and two unsafe building notices. Rick Soper was provided an extension with regard to his unsafe building until the end of August 2015.

Schnell inquired about the dead tree notices and Ortiz said Shoup has begun an inventory of the trees. Schnell requested an update at the next council meeting.

Terrill provided an update on the Power Plant. He informed council members that MEAN called today about conducting an URGE test tomorrow. This entails the Power Plant running all the engines at maximum capacity for two hours straight. Terrill spoke about the City-wide generation on May 7, 2015 and June 24, 2015. Terrill spoke about the natural gas decommissioning status and each engine's condition. Shields asked Terrill to include the hours of service for each of the engines on his next update to the City Council.

Discussion was held on the URGE test and the amount of notice. Terrill indicated that this is required once a year and the City's capacity payments are tied to what is produced. It was indicated that MEAN will reimburse the City for the URGE test.

Shields inquired about the underground testing of the tanks and the last time it was done. Ortiz said he doesn't know.

Shields told Terrill he is doing a great job.

Prunty opened discussion on Ordinance 728 to vacate 50 foot right of way at Lots 1, 5, 6 and 7, Ideal Addition. There being no discussion, Schnell moved and Warner seconded to introduce Ordinance 728 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: Schnell, Warner, Shields, and Morrison. Nay: None. Absent: None. Motion carried.

Mayor Prunty read Ordinance 728 by title only.

ORDINANCE NO. 728

AN ORDINANCE VACATING THE FIFTY (50) FOOT RIGHT OF WAY AT LOTS 1, 5, 6 AND 7, IDEAL ADDITION; PROVIDING THAT THE CITY OF KIMBALL RESERVES TITLE OF THE VACATED RIGHT-OF-WAY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE AND PUBLICATION IN PAMPHLET FORM.

Schnell moved and Warner seconded to pass and approve Ordinance 728. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Schnell, Warner, Shields, and Morrison. Nay: None. Absent: None. Motion carried.

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

1. Minutes from the June 16, 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: Schnell, Warner, Shields, and Morrison. Nay: None. Absent: None. Motion carried.

Ortiz reported it was a busy weekend at the pool and commented on broken steps and them being repaired. The contractor still has not given an estimate to replace the leak and it might be a little more complicated than originally thought.

Ortiz reported the budget process has begun. The Board of Public Works will review the utility budgets at their next meeting and then they will be brought forth to the City Council.

Prunty commented on the unsafe buildings and nuisances.

There will be a public meeting for the Underpass Project at the Event Center on July 14, 2015 at 5:30 p.m. The next City Council meeting will be on July 21, 2015 at 7:00 p.m.

There being no further business to come before the Council, Schnell moved and Warner seconded to adjourn at 8:10 p.m. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Schnell, Warner, Shields, and Morrison. Nay: None. Absent: None. Motion carried.

Keith Prunty, Mayor

Rosemarie D. Russell, City Clerk

City of Kimball-City Council Meeting-July 7, 2015-General Claims-SourceGas, LLC-Service-414.99; Arrowhead Distributing Inc.-Liquor Purchase-154.20; High Plains Budweiser-Liquor Purchase-217.80; Dietrich Distributing-Liquor Purchase-107.20; A & L Sales and Service-Repair-75.00; Bluffs Sanitary Supply, Inc.-Supplies-242.00; C & M Air Cooled Engine, Inc.-Repairs-688.99; C. W. Golf Management, LLC-Management Fees-4,735.00; CenturyLink-Telephone-91.47; Chamber of Commerce-Dues-200.00; Check's Ice Co.-Ice-51.00; City of Kimball-Transfer-22.50; Combined Utilities-Utilities-1,303.35; Combined Utilities-Utilities-1,600.70; Combined Utilities-Utilities-3,420.98; Consolidated Management Company -Food Plan-264.25; Contractors Materials, Inc.-Supplies-164.10; Demco-Supplies-325.44; Doheny's Commercial-Chemicals-73.14; Ed Roehr Safety Products-Supplies-1,012.71; Frenchman Valley Coop-Bulk Diesel-2,186.50; GreatAmerica Financial Svcs-Lease-124.12; Regan Hinton-Reimbursement-119.19; Hometown Hardware-Supplies-616.69; Ideal Linen Supply, Inc.-Supplies-159.16; Brooke M. Jones-Reimbursement-19.17; Kimball County Clerk-Recording Fees-22.00; Kimball Auto Parts-Parts-53.86; Kimball Event Center-Rent-500.00; Kimball Handyman Project- Handyman Project-1,779.38; Kimball Midwest-Supplies-168.89; Kimball Service Center-Tire-93.00; L.L. Johnson Distributing Co.-Shipping-18.32; L.W.

Cartage Co.-Lot Rent-100.00; M.C. Schaff & Associates, Inc.-Services-680.00; Miller Office Supply-Office Supplies-33.59; NE DOL/Boiler Inspection Program-Pool New Heater Inspection-18.00; Napa Auto Parts-Repairs-308.35; Nebraska Public Health Enviro Lab-Water Sample-16.00; Northwest Pipe Fitting, Inc. of S.B.- Supplies-192.96; Panhandle Coop-Oil-360.20; Panhandle Coop Association-Supplies-16.79; Pepsi-Cola of Western Nebraska-Products-233.80; Prairie Animal Hospital-Boarding-337.55; Respond First Aid Systems-Supplies-89.22; STP Auto Service-Parts-445.20; Sandberg Implement Inc.-Honda Parts-267.63; Sherwin-Williams Co.-Traffic Paint-2,021.25; Shopko Stores Operating Co.-Supplies-140.30; SourceGas, LLC- Gas Service-568.19; Staples-Supplies-188.07; Stotz Equipment-Parts-634.02; Sysco Denver, Inc.-Supplies-1,808.93; The Right Impression-Sign-15.00; Autumn Uglow- Contract Cleaning-75.00; Viaero-Cell Phone-4.48; Vince's Corner-Concessions-244.00; WPCI-Screening-28.50; Western Nebraska Observer-Meeting Notices-373.18; Windstream-Long Distance-5.97; Wingate Inn-Lodging-599.70.

City of Kimball-Economic Development Claims-July 7, 2015-Chamber of Commerce-Monthly Grant-450.00; Kimball County Treasurer-Funds 990/995-1,000.00; Star-Herald Newspaper-Advertising-11.07; Western Nebraska Observer-Meeting Notices-3.00.