

Kimball City Council
Regular Meeting
September 15, 2015

A regular meeting of the Mayor and City Council was convened in open and public session at 7:00 p.m. on September 15, 2015 in the City Council Chambers. Council President Morrison and Council members Shields, Schnell, and Warner were present. Mayor Prunty and Council member Shields were absent. Also present were Deputy City Attorney Selzer, City Administrator Ortiz, Water Superintendent Ford, Police Chief Huff, 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 Alycia Vrbas and David Selves lead the Pledge of Allegiance.

Morrison called the meeting to order at 7:00 p.m.

Warner moved and Shields seconded to excuse the absence from this meeting of Mayor Prunty. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Schnell, Shields, Warner, and Morrison. Nay: None. Absent: None. Motion carried.

Morrison acknowledged the posted Open Meetings Act poster.

At 7:02 p.m. Morrison opened a public hearing for the 2015-2016 Fiscal Year Budget.

Ortiz explained the budget process and indicated the City has been working with Almquist, Maltzahn, Galloway & Luth, to prepare the budget forms. There is a change to the published budget summary. The tax asking was increased by \$15,150 to fund Fire Department operating expenses. The changes to the budget summary is required to be published within 20 days of the adoption of the budget.

Ortiz explained a change to the Police Department K-9 program budget. The Union Pacific grant was originally allocated to a non-profit and it should have been allocated to the City funds. Therefore, there will be an additional amount redeposited into the City funds. Any additional donations received will offset some of the expenses from the program.

Ortiz explained the \$51,000 allocated to Keep Kimball Beautiful. The City is still waiting to work out an agreement with Keep Kimball Beautiful. Ortiz has received samples of the Alliance and Scottsbluff/Gering agreements with their local Keep Nebraska Beautiful affiliates.

There being no further discussion, Morrison declared the public hearing closed at 7:06 p.m.

Shields moved and Warner seconded to introduce Ordinance 731 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.

Council President Morrison read Ordinance 731 by title only.

ORDINANCE NO. 731

AN ORDINANCE OF THE CITY OF KIMBALL, NEBRASKA, TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM.

Schnell moved and Shields seconded to pass and approve Ordinance 731. 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.

Morrison opened the public hearing for the Class I liquor license application for Greg R. McDaniel DBA Kim Bowl, 208 S. Birch Street, at 7:09 p.m.

Ortiz indicated this is a busy time for Mr. McDaniel, so he was not able to attend the meeting. McDaniel has registered for the liquor license training and the organizers are trying to see if there are enough participants to hold a class locally at the end of October. Ortiz said there does not appear to be any issues with the application. McDaniel moved to Nebraska from Oregon with the intention of purchasing a small bowling alley.

There being no further discussion, Morrison closed the public hearing at 7:11 p.m. Schnell moved and Warner seconded to recommend approval of the Class I liquor license application for Greg R. McDaniel DBA Kim Bowl, 208 S. Birch Street. 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.

Ortiz reviewed the Capital Improvement Plan. Updated sheets were included in the council packets. The sheets indicated the completed projects. Due to financial concerns, Ortiz has amended the initial period of some of the projects.

On the electric side, Exponential Engineering will come before the Board of Public Works and the City Council to update them on the South substation project. There is another set of relays that need to be replaced and Ortiz commented on an upgrade needed at the Power Plant as well. When the recent upgrades for the relays were done, it was primarily for the local distribution.

With regard to garbage collection, new dumpsters have been ordered as well as the new garbage truck. There is still a need for more dumpsters moving forward. The baler replacement was pushed back to FY18-19. Ortiz and Schulte have looked at getting a gas monitor for the Landfill but haven't found one yet to purchase. However, that is a relatively minor cost.

The new locator and fire hydrants have been purchased for the Water Department. There are also a considerable amount of CIP items that have been completed at the Wastewater Treatment Plant.

On the General Fund side, Ortiz commented on the Event Center renovation project and modifications to the plan and scope. The new roof was not planned for but it was needed to get the project moving forward.

The street sweeper has been ordered and the tar pot is on hold for the time being.

Schnell inquired about the fencing at the old Landfill. Ortiz indicated that it is planned to just repair the post and install new fence wire. It is not as extensive as initially thought.

Ortiz commented on the meter reading information that was discussed at the last Board of Public Works meeting.

Moving forward, Ortiz will review CIP items at the City Council meetings. This will give the Council members the opportunity to be aware of the details of the CIP projects and what is needed.

At 7:19 p.m. Morrison opened the public hearing for the 2015-2016 Final Property Tax Request. Morrison reviewed the budget notice and indicated the 2014 tax rate was 0.552110 and the proposed 2015 tax rate is .556991. There was no public comment.

Morrison declared the public hearing closed at 7:22 p.m.

Warner moved approval of Resolution 2015-09 setting the final property tax request for 2015-2016.

RESOLUTION 2015-09

WHEREAS, the Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the City Council of the City of Kimball, Nebraska passes by a majority vote, a resolution setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interest of the Kimball City Council and the citizens of Kimball, Nebraska that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the City Council of the City of Kimball, Nebraska, by a majority vote, resolves that:

1. The 2015-2016 property tax request be set at \$447,430.00 (\$0.416099 per \$100 valuation) for the City's General Fund. \$151,500 (\$0.140891 per \$100 valuation) for the City's Bond Fund. (These levies include only the City of Kimball.)
2. A copy of this resolution be certified and forwarded to the Kimball County Clerk prior to October 14, 2015.

PASSED AND APPROVED THIS 15th day of September, 2015.

/s/John Morrison, Council President

ATTEST:

/s/Rosemarie Russell, City Clerk

Seconded by Shields. 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.

Morrison opened discussion on the Restricted Fund Lid. Ortiz explained restricted funds. LB 989, passed in 1998, extended and modified a lid on what is defined as restricted funds. This is the current spending limitation on all local governments.

There being no further discussion, Schnell moved and Shields seconded to approve the increase to the restricted fund lid by 2.5% and an additional 1% as allowed by law. 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.

Morrison opened discussion on renewing the agreement with the Chamber of Commerce. Ortiz indicated this agreement was approved earlier in the year and spelled out that all support by the City shall be addressed each fiscal year and shall be determined during the City's budgetary process. Ortiz said the City and the Chamber will review the Chamber's financials at the end of the fiscal year. Ortiz reminded Council members that the funds are paid out of the Economic Development funds.

Josh Enevoldsen, Chamber President, said that Chamber Director Jo Caskey has been doing a great job, but they are still looking for a part-time person to assist her. The Chamber has been able to build up a pretty good reserve and they are looking for ideas to invest some of that back.

There being no further discussion, Shields moved and Warner seconded to approve renewing the agreement with the Chamber of Commerce for an Economic Development grant of \$450.00 a month for promotion and consulting services and authorize the Mayor to sign the agreement. 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.

Morrison opened discussion on the underpass design. Ortiz said a public meeting presenting three concepts for the underpass was held in July with a fairly good turnout. All of the designs met the Historic Preservation Office criteria. There were components from a couple different designs that some individuals liked over the other. All are going to retain most of the rocks and the slopes. Comments that were submitted were included in the Council packets. Ortiz said billboards with the concepts were placed in five different locations for public display.

Ann Warner, 720 Jefferson Street, prefers concept #1 and commented on the sign print being the dark print. Morrison said most of the comments show that people like something from each concept. Ann Warner also commented on the difference in price from concept #1 - \$690,000 to concept #4 - \$780,000.

Larry Stahla, 517 Monroe Street, said he talked to a lot of people and it seems like most people would lean towards concept #1, with the sign slanted and letters black. Also, concept #1 is the least costly. Stahla added that the comments made at the meeting in July seemed to lean towards concept #1 as well. The local Historical Society prefers concept #1, and concept #2 second.

Warner inquired about maintenance and if there was a difference of continual maintenance cost between concepts. Ortiz said there would not be a lot of difference. Most of the watering will be the same. Without fully understanding what they are going to do to preserve the rock, there is still going to be some issues. In terms of daily maintenance, it will probably all be the same. Ortiz said that with a wide angle turn on the south end, there will be issues with snow removal.

Ortiz commented on the Union Pacific right of way and when the fiber optic line was installed, the rocks were not put back correctly and are not uniform. There may be issues dictating that the rocks have to be put back to the original condition.

Morrison prefers concept #4 and most of the people he has spoken with prefer concept #4. Morrison inquired that even if the concept is chosen at this meeting, is that what the City is going to get. Ortiz said the response from NDOR is yes, primarily. He explained the time line for the project – fall/winter 2015 Section 106, 4(f) and NEPA approval, final design and right of way in 2016 and construction in 2017.

Shields said that whichever concept is chosen, there may be some likes and dislikes and he prefers concept #1.

Schnell is in favor of concept #4 with black lettering.

Ortiz commented on the similar details on the designs on concepts #1 and #4. The curb is where the most dramatic difference is as well as the retaining walls.

After further discussion, Warner said she personally likes concept #4, but the taxpayers are the ones that pay for it and concept #1 seems to be the preference of the majority. Warner moved and Shields seconded to approve concept #1 for the Kimball underpass design. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner and Shields. Nay: Schnell and Morrison. Absent: None. There

was a tie vote and the Mayor was not present to break the tie.

After the tie vote further discussion was held.

Shields moved and Warner seconded to approve concept #1 for the Kimball underpass design. 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.

Morrison opened discussion on bids for the NDOR water service line. Two quotes were received for the NDOR 4-inch water service line. Neinheiser quoted \$45,500 with the caveat they would not be able to begin the project until the end of November. Pine Bluffs Gravel and Excavating, Inc. quoted \$32,880. Ortiz explained this project is to install a 4-inch water service line to the NDOR building near the water tower. Ortiz commented on the backflow preventer ordinance that requires lines to be equipped with a backflow preventer. That is important with this location being so close to the water tower and booster pump station. Ortiz said the quote calls for doing a hot tap and it doesn't require a hot tap, so \$2,600 will be taken off the quote. The time line for completion is within a couple days' time. Typically this would require a recommendation from the Board of Public Works; however, Ortiz updated the Board at their last meeting and there was no hesitation from the Board when this was discussed.

There being no further discussion, Warner moved and Shields seconded to approve the quote from Pine Bluffs Gravel and Excavating, Inc. for \$32,880 for the NDOR 4-inch water service line project. 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.

Morrison opened discussion on the Keno grant application from Kimball Fall Festival. Kelleigh Huff, coordinator of the Kimball Fall Festival, explained the festival is a free event for families. Last year was the first year and it was very successful. They had over 30 businesses and groups that set up booths and played games with the kids. The festival committee provides the candy, prizes and the venue. This year, the venue is the hospital's north campus. Last year they served over 200 servings of chili. Penny Merryfield cooked all the food and is willing to do so this year as well. Huff is requesting \$2,500.00 which is the same amount of Keno funds requested last year. Discussion was held on parking.

There being no further discussion, Warner moved and Schnell seconded to approve the Keno grant application for Kimball Fall Festival in the amount of \$2,500.00. 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.

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

1. Minutes from the August 26, 2015 budget workshop and September 1, 2015 regular city council meeting;
2. Claims; and
3. Financial Statements.

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, Shields, Warner, and Morrison. Nay: None. Absent: None. Motion carried.

Ortiz reported on the Landfill project. They are waiting for the liner to be installed.

Ortiz reported the track loader is in Gering and it is anticipated to be delivered at the end of next week.

Ortiz reported on the departments getting ready for Farmers Day. Electrical outlets have been installed at Gotte Park and at the Caboose.

Ortiz reported the chip seal project was completed in one day. The Street Department is re-stripping all the parking locations and the handicap parking in front of the bakery will be relocated around the corner on 2nd Street.

Morrison reported on the budget and challenges in Kimball. Projects that need to be done in Kimball need to be discussed all through the year instead of waiting until budget time. He also commented on prioritize walking and biking in areas where it creates value. Morrison encouraged including on the City Council agenda to talk about one item about the future of Kimball and a way to upgrade and maintain the facilities in Kimball.

The next City Council meeting will be held on October 6, 2015 at 7:00 p.m.

There being no further business to come before the Council, Warner moved and Schnell seconded to adjourn at 8:19 p.m. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Schnell, Shields, Warner, and Morrison. Nay: None. Absent: None. Motion carried.

John Morrison, Council President

Rosemarie D. Russell, City Clerk

City of Kimball-City Council Meeting-General Claims-September 15, 2015-Arrowhead Distributing Inc.-Liquor-276.00; High Plains Budweiser-Liquor-280.00; Action Communications-Equipment-3,315.00; Baker & Taylor Books-Book Purchase-743.14; Sheryl Biesecker-Contract Cleaning-412.50; Center Point Large Print-Book Purchase-247.29; Charter Communications-Internet-223.00; Combined Utilities-City Utilities-5,131.28; Connecting Point-Copy Usage-54.94; Consolidated Management Company-Meal Plan-75.00; Croell Redi-Mix-Concrete-2,178.26; Culligan-Salt-39.80; DP Electronic LLC/Radio Shack-DVR-317.65; Demco-Supplies-147.52; Frenchman Valley Coop-Lease-552.00; Gale/Cengage Learning-Book Purchase-474.20; High West Energy-Utilities-4,763.00; Hometown Hardware-Supplies-1,389.25; Ideal Linen Supply, Inc.-Mats-137.39; Intralinks, Inc.-Computer Support-152.20; Kimball Auto Parts-Parts-46.48; Kimball County Register of Deeds-Recording-50.00; Kimball Public Schools-2015 Licenses-3,320.00; Kimball Service Center-Services-3,519.10; Kimball Volunteer Fire Department-2015-Chief Allowance-5,500.00; Miller Office Supply-Supplies-257.90;

Napa Auto Parts-Supplies-2.18; Off Broadway Business Products-Supplies-30.94; Omaha World Herald -Subscription-160.68; Oriental Trading Company-Supplies-387.28; Daniel Ortiz-Reimbursement-67.68; Panhandle Coop-Oil-264.60; Panhandle Coop Association-Supplies-170.55; Pins & Needles-Services-681.00; Prairie Animal Hospital-License/Boarding-203.50; Prestige MFG.-Supplies-6.47; Presto-X-Monthly Contract-83.87; R & R Products, Inc-Parts-121.20; Janet Sears-Reimbursement-122.04; Shopko Stores Operating Co.-Supplies-26.88; Simmons Olsen Law Firm, P.C.-Professional Services-1,720.00; Star-Herald Newspaper-Advertising-9.16; State Treasurer-Dog & Cat Fund-96.03; The Saturday Evening Post-Subscription-23.94; The Thompson Company-Supplies-208.46; Russ Thompson-Contract Cleaning-50.00; Autumn Uglow-Contract Cleaning-75.00; Vince's Corner-Car Washing-22.80; Visa-Firstier Bank-Charges- 1,805.68; WPCI-Data Management-58.50; Wolf Automotive Center, Inc.-Repairs-173.34; Wolfe Sand & Gravel Co.-Sand- -37.50.

City of Kimball-Economic Development Claims-September 15, 2015-Charter Communications-Internet-39.72; Intralinks, Inc.-Computer Support-33.83; M.C. Schaff & Associates, Inc.-Professional Services.