

Kimball City Council
Regular Meeting
August 16, 2016

A regular meeting of the Mayor and City Council was convened in open and public session at 6:00 p.m. on August 16, 2016 in the City Council Chambers. Mayor Prunty and Council members Warner, Shields, Schnell, and Morrison were present. Also present were City Attorney Hadenfeldt, Police Chief Huff, City Administrator Ortiz, Street Superintendent Shoup, Electric Superintendent Hinton, Power Plant Supervisor Terrill, Special Projects Coordinator Sapp, 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 6:00 p.m. and the Pledge of Allegiance was recited.

Prunty acknowledged the posted Open Meetings Act poster.

At 6:02 p.m. Prunty opened a public hearing on the amendments to the City of Kimball Zoning Ordinance and Zoning Map. Ortiz provided an overview of the revised zoning map and the amendments since the previous public hearing. The Planning Commission held a public hearing on August 1, 2016 and recommended approval. Ortiz indicated that the zoning should reflect the current use and desired use. Larissa Binod, 235 Kearney Street, inquired about her property being zoned as R-1 and inquired how people are being told about the zoning being changed. Ortiz indicated that it is through the public hearing process and once the zoning is finalized, information will be included in the utility bills. Ortiz told Binod based on her property lines, her parcel is too small to fit within the Rural Residential acreage requirement. There being no further discussion, Prunty declared the public hearing closed at 6:05 p.m.

At 6:05 p.m. Prunty opened a public hearing on the amendment to the City of Kimball Zoning Ordinance pertaining to kennels. Ortiz informed Council members that this is something they had considered at a previous meeting. Kimball's Municipal Code allows up to 10 dogs, but there is no mechanism to allow for notification. The Planning Commission recommended kennels be allowed as a conditional use in residential zoning and a permitted use in the commercial and industrial areas and to limit to eight dogs. The conditional use would notify property owners within 300 feet of the proposed kennel area. Amy Nelson, 402 E. 5th Street, commented on fosters and inquired about individuals who currently have a kennel permit. Ortiz indicated that those who currently

have a kennel permit would be considered non-conforming and provided the use is continued, they will be allowed to continue as a kennel. Should the kennel be moved or the use changed for a two year period, it is no longer a non-conforming use and will require a conditional use permit. There being no further discussion, Prunty declared the public hearing closed at 6:08 p.m.

Schnell moved and Shields seconded to introduce Ordinance No. 736. 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

Mayor Prunty read Ordinance No. 736 by title only.

ORDINANCE NO. 736

AN ORDINANCE PERTAINING TO MUNICIPAL PLANNING; AMENDING ZONING REGULATIONS AS PER LIST OF AMENDMENTS AND OFFICIAL ZONING MAP; INCORPORATING, BY REFERENCE, THE ZONING REGULATIONS AMENDED; PROVIDING FOR THE REPEAL OF ANY ORDINANCE OR PART OF ORDINANCE IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF.

Schnell moved and Warner seconded to pass and approve Ordinance No. 736 on third and final reading. 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.

Prunty opened discussion on authorizing the Airport Authority property tax request, Airport Authority Resolution 2016-01. Ryan McElroy, Airport Authority Chair, indicated the hangar project to add six new hangars has been completed. The next project will be new lights on the runway and taxiway. McElroy indicated they are also looking at new fuel pumps. The Airport Authority property tax request is the same as last year; \$25,355.26 of property tax to be used towards the payment of interest and principal on outstanding bonded indebtedness that is outside of the current lid laws and \$20,000 of property tax to be used towards the operations and capital projects, for a total request of \$45,355.26.

There being no further discussion, Schnell moved and Morrison seconded to authorize the Airport Authority property tax request of \$45,355.26 for the 2016/2017 budget. 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.

Library Director Sears gave a bi-annual update of the Library and the activities held in the Library. She thanked everyone for the support on the fundraising for the carpeting and for helping to rearrange the Library. Sears said part of her job as director is to appear before the funding bodies and give reports at least twice a year. The Library is a source of pride for the community. The Kimball Public Library, the Board of Trustees

and the staff are accredited through the Nebraska Library Commission. Accreditation gives the Library Board and staff standards and guidelines to strive for in providing services that are needed or desired in the community while abiding by Nebraska State Statute.

Sears said she wanted to emphasize how much the Library does for the community and spoke about the after school programs and teen programs. She explained the 3D printer. In addition to books, audios and magazines, the Library offers faxing, laminating and copying services. The Library is a depository of governmental information and has a huge paper history of Kimball and its families. Library staff spends a lot of time helping people on the computers. Morrison inquired if the oral history collected by Fredine Pietsch is still at the Library and Sears said it is. Shields thanked Sears for her hard work.

Prunty opened discussion on changing the height at which weeds, grasses or worthless vegetation are a nuisance and other amendments to conform to Nebraska State Statute 17-563. Ortiz indicated that the Council members had discussed changing the height at which weeds are considered a nuisance. Kimball City Code currently lists 12 inches. Between the time notices are sent out and the weeds are ultimately mowed, they could potentially be as high as three feet.

Shields inquired about City property being mowed and if the City is a pretty good steward of getting that accomplished. His concern is to make sure the City is taking care of their own property as well. He commented on being reasonable but also understands the concept of getting to the weeds before they are three feet tall. Ortiz commented that the City does fall behind due to mowing others property as well as maintaining Janicek Dam. The City has a lot of grass to mow and it can be a little challenging to keep up. Street Superintendent Shoup had indicated the more problematic properties are where the property owners live outside of Kimball.

Mike Schadegg, 3486 Road 45E, indicated that he has been mowing every five days this year. He believes the height should be left at 12 inches. Prunty commented that the City is usually pretty good about working with the property owners if they are contacted.

Ryan McElroy, 710 E. 8th Street, commented on the extra postage when mailing out notices at six inches and then the property is already mowed. Ortiz informed McElroy that two years ago, the City changed the procedure for the notices and the Police Department delivers most of the notices.

Further discussion was held and Morrison indicated there needs to be a way to get this done to everyone's satisfaction. Warner inquired about setting the height to nine inches and if it would be a big deal. The rules that are made today apply to individuals and councils past the current council.

Spud Rowley inquired about spraying the lawns with roundup once a year. Hadenfeldt indicated that there is a big difference on maintenance and taking and said the City cannot do that.

There being no further discussion, Shields moved and Morrison seconded to introduce Ordinance No. 738 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: Shields, Schnell, and Morrison. Nay: Warner. Absent: None. Motion carried.

Mayor Prunty read Ordinance No. 738 by title only.

ORDINANCE NO. 738

AN ORDINANCE AMENDING TITLE IX: GENERAL REGULATIONS, CHAPTER 93, SECTIONS 93.19, CHAPTER 94, SECTION 94.19 AND TITLE XIII: GENERAL OFFENSES, CHAPTER 133, SECTION 133.05 OF THE MUNICIPAL CODE OF THE CITY OF KIMBALL, NEBRASKA, PROVIDING FOR THE REPEAL OF ORDINANCES AND SECTIONS IN CONFLICT THEREWITH, AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

Shields moved and Morrison seconded to pass and approve Ordinance No. 738. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Shields and Morrison. Nay: Warner and Schnell. Absent: None. Motion carried. There being a tie vote, Mayor Prunty voted Aye.

Prunty opened discussion on changing the kennel requirements and number of dogs allowed.

There being no discussion, Schnell moved and Shields seconded to introduce Ordinance No. 737 and waive the requirement of reading on three different days. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Schnell, and Morrison. Nay: None. Absent: None. Motion carried.

Mayor Prunty read Ordinance No. 737 by title only.

ORDINANCE NO. 737

AN ORDINANCE AMENDING TITLE IX: GENERAL REGULATIONS, CHAPTER 95, SECTION 95.48 OF THE MUNICIPAL CODE OF THE CITY OF KIMBALL, NEBRASKA, PROVIDING FOR THE REPEAL OF ORDINANCES AND SECTIONS IN CONFLICT THEREWITH, AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

Schnell moved and Shields seconded to pass and approve Ordinance No. 737. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Schnell, and Morrison. Nay: None. Absent: None. Motion carried.

Prunty opened discussion on sale or relinquishment of City of Kimball buildings and/or properties. Schnell commented on the budget figures and indicated the City needs to tighten up their belt. Discussion needs to be held with regard to if the City is going to hang on to some of the buildings. At the budget workshop on July 5th, discussion was held pertaining to closing the Event Center and the City Office, the Police Department and the Library move to the Event Center. There is no money to remodel that facility and Schnell commented on more vacant buildings in the downtown area. Schnell reiterated that the City needs to figure out what they are going to do with the properties they own. Hadenfeldt commented on State Statute 17-503 requiring the selling of property and also on three exceptions to the requirement. The City cannot just give away public property. The procedure is sealed bid or public auction. Hadenfeldt indicated there are a lot of cities re-evaluating ownership of their buildings because of the cost to maintain them. There is also a large amount of frustration because the Statute is not very flexible.

Larissa Binod, 235 Kearney Street, inquired about accepting sealed bid and whether the City Council is able to accept the bid they choose. Hadenfeldt said the City Council has to accept the highest bid.

Kim Baliman, 704 Marian Street, inquired about adding a stipulation of what the buyers are going to do with the building and Hadenfeldt indicated that could be done and was done with the lots that were sold. Any kind of conditions could be placed on the sale as well as a minimum dollar amount to be received.

Dave Stahla, 806 Blackman Blvd., inquired if it is a conclusion that the City is going to go ahead with the sale of the Event Center building. There are a lot of people that don't want to see the Fitness Center go. Stahla commented on the \$250,000 being a lot of money to put sprinklers and bathrooms in. He suggested that whoever manages the building should do so on a commission basis. Schnell corrected that the amount is closer to \$500,000. The grant received from the State only covered the sprinklers. Ortiz that the projects that the grant was going to cover included updates to the HVAC, electrical system, changing out the lighting, addressing the restroom issues and eliminating the bowling alley ceiling.

Heather Entingh, Beer & Loathing, inquired about yearly upgrades. Schnell indicated there was a new HVAC system installed in 2010 and a new roof two years ago. Just to keep the doors open will require \$52,000 in sales tax. Schnell said the City doesn't have the money and commented on how many positions within the City are not being filled. Schnell said there is money to be made with a fitness center and it should not be City government running those things.

Blaine Schilreff, 617 S. Jefferson Street, inquired how much it costs to run the Fitness Center by itself and it was indicated that the Fitness Center brought in \$13,000 and Schilreff indicated that should tell the City that it makes money. Further discussion was held on the costs to maintain the building and that no local contractors provided a bid for the renovation. Ortiz indicated the reason why the City is not moving forward with the

renovation is that the Keno funds that were to be used as matching funds is now going to cover the expense the City will incur with the Underpass project.

Entingh commented on the age limit and offering options and Warner indicated that having an age restriction is due to liability issues. Wendy Baker commented that the Fitness Center does have different options such as adult membership, couple membership, youth membership, etc.

Schilreff inquired how much the Fitness Center has lost over the course of five years and why the City Council allows it to be losing money? He suggested that it was poor management. Morrison indicated that the City is seeing a 40% decrease in sales tax revenue this year. Morrison added that it is not poor management and commented that the City could close the pool and the Library and people would not be happy.

Discussion was held on the architect for the Event Center renovation and Schnell informed the public in attendance that under State Statute, every project has to have an engineer's seal on it. The City had planned for sales tax revenue and received a grant for \$250,000. The bids were way over what was estimated.

Stahla commented that the building was not open for a period of time last year due to the potential remodeling and commented on finding a solution to get someone in to manage it. Warner said on Dorothy Griffith's behalf, it was not a fair year due to the renovations. If the City were to put it out for bid do have someone run it, Warner asked Griffith if she believed in it enough that she would take on that endeavor. Griffith indicated that if she were 10 years younger and didn't have to worry about retirement. Stahla said there are people in town that would take it on.

Further discussion was held on leasing the building and Prunty commented on the cost of the utilities. Discussion was held on the Fitness Center and it was indicated that with private ownership, the Fitness Center could remain where it is. Discussion was held on other potential locations for the Fitness Center and Rowley commented on the trap building.

Binod inquired what the current plan is for the Event Center and what is currently being budgeted for? Schnell indicated currently there have been no tax dollars budgeted in the next fiscal year to subsidize the Event Center.

Mary Lou Diaz, 109 E. 4th Street, inquired about increasing membership dues for the Fitness Center. She would be willing to pay more to go to the Fitness Center. Prunty said it is an option that can be looked at. Discussion was held on the rates and the amount of revenue the Fitness Center has brought in this year. Morrison indicated that all solutions to keeping it open can be looked at.

Schadegg inquired about utilizing Economic Development money and Ortiz indicated that there needs to be a partnership with another government entity. Diaz inquired how soon the final decision needs to be made on the building and it was indicated one

month.

Morrison commented that the first budget workshop has no public in attendance. This meeting is the kind of meetings he likes because this is the only way they find out and get ideas. Morrison said the City doesn't want to cut services but when income is down, you have to cut expenses.

Warner commented that when the money is tight, people tighten their belts and added that the City could have been a little more proactive during the last 10 years.

Diaz said that when people come to the community, they are looking at the Fitness Center, the swimming pool, the Library and the Health Clinic.

Josh Enevoldsen indicated that the best idea is to find someone to recruit someone to come in and open a Fitness Center. Schnell said the City cannot provide something they don't have funding for. Diaz inquired how much it would cost to keep it open and it was indicated that it was being subsidized for \$52,000.

Griffith distributed a list of bookings through the end of the year and inquired if she could keep the Event Center open until December for the people who have already booked it and Council members said that would have to be considered. Schnell suggested the Fitness Center be moved into the old West Elementary School and commented on a wellness grant from the hospital.

Ortiz provided an update on the nuisance and zoning violations at 810 W. 1st Street and 1101 and 1109 S. Oak Street owned by Mike Schadegg. On August 1st, Ortiz, Prunty and Captain Bremer walked through Schadegg's properties. He is making progress in cleaning up the properties and it looks like he could meet the deadline. Ortiz commented on the fence permit. The agreement was to fence off the properties, however, Schadegg only intends to fence off three sides on the Oak Street property.

Ortiz provided an update on the Underpass project. He recently had a conference call regarding the Underpass. All the environmental approvals have been approved. The NDOR and Federal Highway Administration and consultants are trying to iron out all the particulars. It looks like it will be moving forward and they are going to put together a design and bid packet for construction to begin next year. Ortiz commented that changes to the RC Program have been made and NDOR is going to take over that component.

The City Council reviewed the following items under the consent agenda

1. Minutes from the July 19, 2016 regular city council meeting and August 4, 2016 budget workshop;
2. Claims; and
3. Financial Statements.

Morrison moved and Warner seconded to approve the consent agenda items. 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 the zoning has been the bigger piece of what he has been trying to finalize.

Prunty reported the owner of the Eby property on Burg Street has been physically served. Prunty took part in an ISO insurance audit with Fire Chief Rick Wynne.

Another budget workshop will be held on August 25, 2016 at 5:00 p.m. The next City Council meeting will be on September 13, 2016 at 6:00 p.m.

There being no further business to come before the Council, Warner moved and Schnell seconded to adjourn at 7:35 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.

Keith Prunty, Mayor

Rosemarie Russell, City Clerk

City of Kimball-City Council Meeting-General Claims-August 16, 2016-Check's Ice Co.-Ice-25.50; Combined Utilities-Gate Fees-211.25; EMC National Life Company-Premium-262.61; Regan Hinton-Reimbursement-25.66; Wacey Schmid-Reimbursement-25.00; SourceGas-Gas Service-1,436.46; Staples-Supplies-39.77; Autumn Uglow-Contract Cleaning-75.00; C. W. Golf Management, LLC-Management Fees-4,735.00; Kimball Event Center -Rent-500.00; L.W. Cartage Co.-Lot Rent-100.00; FirstTier Bank-Loan Payment-8,462.33; GreatAmerica Financial Services-Lease-124.12; A & L Sales and Service-Contract-601.68; Action Communications-Repairs-11.75; Affordable Tree -Tree Removal-400.00; Baker & Taylor Books-Book Purchase-561.02; Sheryl Biesecker-Contract Cleaning-412.50; Bluffs Sanitary Supply, Inc.-Supplies-63.03; C & M Air Cooled Engine, Inc.-Parts-79.12; C. W. Golf Management, LLC-Reimbursement-25.32; Petty Cash-44.88; Center Point Large Print-Book Purchase-28.97; CenturyLink-Telephone-534.81; CenturyLink-Telephone-99.02; CenturyLink-Telephone-84.88; Charter Communications- Internet-287.59; Chief Law Enforcement Supply-Alterations-60.49; City of Kimball-Group Health-540.00; Combined Utilities-Utilities-1,280.53; Combined Utilities-City Utilities-5,751.22; Connecting Point-Copy Usage-36.71; Consolidated Management Company-Meal Plan-17.23; Construction Specialists Inc.-Concrete Work-2,695.00; Dollar General Corporation-Supplies-33.20; Dollar General Corporation-Supplies-15.00; Frenchman Valley Coop-Fuel-3,263.79; Gale/Cengage Learning-Book Purchase-52.46; Grey House Publishing-Book Purchase-278.00; High West Energy-Utilities -5,964.00; Highlands Ranch LE Training Facility-Training-50.00; Hometown Hardware-Supplies-349.74; Ideal Linen Supply, Inc.-Supplies-343.82; Intralinks, Inc.-WFBS Services-560.56; John Deere Financial-Part-248.59; Kimball Auto Parts-Parts- 99.84; Kimball County Register of Deeds-Recordings-42.00; Kimball

Handyman Project-Handyman Project-746.17; Kimball Plumbing-Installation-379.81; Kimball Service Center-Repair-123.11; L.L. Johnson Distributing Co.-Parts-391.58; League of NE Municipalities-Dues-3,867.00; M.C. Schaff & Associates, Inc.-Chip Seal Project-3,595.75; MicroMarketing, LLC-Book Purchase-25.99; Napa Auto Parts-Parts-519.44; Nebraska Municipal Power Pool-Software-336.00; Northern Safety Co., Inc.-Supplies-314.19; Northwest Pipe Fitting, Inc. of S.B.-Parts-12,458.20; OCLC, Inc.-Subscription-189.43; Off Broadway Business Products-Supplies-165.75; PADD-Membership-1,934.63; Pack Rat Enterprises-Garbage Disposal-100.00; Panhandle Coop Association-Supplies-260.76; Prairie Animal Hospital-Boarding-93.75; Praise Windows Inc.-Window Cleaning-75.00; Presto-X -Monthly Contract-88.06; Quill Corporation-Supplies-141.97; R & R Products, Inc.-Parts-98.76; STP Auto Service-Vehicle Maintenance-70.00; Sandberg Implement Inc.-Parts-69.03; Shopko Stores Operating Co.-Supplies-27.90; Simmons Olsen Law Firm, P.C.-Professional Services-1,451.50; Simmons Olsen Law Firm, P.C.- 169.50; SourceGas, LLC-Gas Service-54.37; Stotz Equipment-Parts-342.18; The Right Impression-Sign-45.00; Russ Thompson-Contract Cleaning-120.00; Autumn Uglow-Contract Cleaning-75.00; Viaero-Cell Phone Usage-205.14; Vince's Corner-Concessions-544.30; Visa-Firstier Bank-Charges-1,539.38; Western Nebraska Observer-Meeting Notices-401.75; Windstream-Long Distance-5.74.

City of Kimball-Economic Development Claims-August 16, 2016-A & L Sales and Service-Main Street Grant-815.91; City of Scottsbluff-Housing Study-1,818.75; A & L Sales Service-Loan-100,000.00; Chamber of Commerce-Monthly Grant-450.00; Kimball County Treasurer-990/995 Funds-1,000.00; Petty Cash-Reimbursement-12.94; CenturyLink-Telephone-62.90; Charter Communications-Internet-42.83; Intralinks, Inc.-WFBS Services-118.12; Kimball Health Services-Screening-44.10; Kimball State Bank-Main Street Grant-3,000.00; Nebraska Municipal Power Pool-Software-112.00; Simmons Olsen Law Firm, P.C.-Professional Services-690.00; Simmons Olsen Law Firm, P.C.-Professional Services-135.00; WPCI-Review Data-30.00; Western Nebraska Observer-Meeting Notices-5.21.