

Kimball City Council
Regular Meeting
September 13, 2016

A regular meeting of the Mayor and City Council was convened in open and public session at 6:00 p.m. on September 13, 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, Captain Bremer, City Administrator Ortiz, Landfill Superintendent Schulte, Electric Superintendent Hinton, Library Director Sears, Event Center Director Griffith, 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.

Warner moved and Morrison seconded to excuse the absence of Council member Shields from the August 25, 2016 budget workshop. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Shields, Warner, and Morrison. Nay: None. Absent: Schnell. Motion carried.

Prunty acknowledged the posted Open Meetings Act poster.

At 6:01 p.m. Prunty opened a public hearing for the 2016-2017 Fiscal Year Budget.

Ortiz explained the budget process and indicated the budget forms were prepared by Almquist, Maltzahn, Galloway & Luth, the City's auditors. The property tax request for 2016-2017 fiscal year is \$478,386.50. Ortiz explained the total revenue and expenses in the 2016-2017 operating budget. Previously, \$150,000 was budgeted in the community development budget for bonding. That amount was taken out for the bonds for the rail spur project.

Bea Heidemann, 306 S. Myrtle, inquired about the Park and Recreation budget and the impact of out of town golfers. Prunty indicated that information is not available and that the Park and Recreation budget expenses and income have been adjusted since the draft budget she reviewed last month.

Heather Entingh, 204 S. Chestnut Street, inquired about the \$400,000 in Keno and Ortiz explained when that when there is a project, the expense has to be budgeted, for instance, the underpass project.

There being no further discussion, Prunty declared the public hearing closed at 6:08 p.m.

Warner moved and Shields seconded to introduce Ordinance 739 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, and Morrison. Nay: None. Absent: Schnell. Motion carried.

Mayor Prunty read Ordinance 739 by title only.

ORDINANCE NO. 739

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.

Warner moved and Morrison seconded to pass and approve Ordinance 739. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, and Morrison. Nay: None. Absent: Schnell. Motion carried.

At 6:10 p.m. Prunty opened the public hearing for the 2016-2017 Final Property Tax Request. Ortiz reviewed the budget notice and indicated the 2015 tax rate was 0.556991 and the proposed tax rate is \$.453071. There was no public comment.

Prunty declared the public hearing closed at 6:13 p.m.

Shields moved approval of Resolution 2016-08 setting the final property tax request for 2016-2017.

RESOLUTION 2016-08

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 2016-2017 property tax request be set at \$478,386.50 (\$0.453071 per \$100 valuation) for the City's General 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 15, 2016.

PASSED AND APPROVED THIS 13th day of September, 2016.

/s/Keith Prunty, Mayor

ATTEST:

/s/Rosemarie Russell, City Clerk

Seconded by Warner. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, and Morrison. Nay: None. Absent: Schnell. Motion carried.

Prunty 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, Morrison 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, and Morrison. Nay: None. Absent: Schnell. Motion carried.

Regan Hinton presented the annual swimming pool report. Hinton assisted Carla Goranson in managing the swimming pool the past summer. The pool was open 74 days out of the 83 days of the season; closed nine days due to weather; closed early 16 days due to weather. They had a total number of 4,628 patrons for an average of 63 swimmers a day. This amount does not include the number from the 4th of July celebration as there is free admission that day and patrons do not sign in.

There were 26 single passes sold and 20 family passes sold. The first doggie swim was successful with approximately 20 dogs total. The pool closed for the season on August 27th. The new furniture and basketball hoop were very well received.

Warner inquired if there would be anything she would do differently for next year and Hinton said she wouldn't do anything differently.

Hinton explained the water walking and that there is a group of approximately five to eight people that water walk daily. Entingh inquired about advertising for the pool and Hinton indicated they distribute flyers with the opening date and hours and also place an ad in the newspaper. Entingh inquired about the rates and Goranson said the rates will

increase next year.

Schnell arrived at 6:24 p.m.

Goranson said Hinton and Jessica Hanks did a wonderful job of managing the pool this year. There were less swimmers this year and she attributed that to Sidney's new pool opening.

Prunty opened discussion on appointing John Morrison as the council alternate for the Park and Recreation Operating Board. He informed the public that the Park and Recreation Executive Board had agreed that there should be a council alternate as well as a county alternate to alleviate the issues with not attaining a quorum for those meetings. Schnell indicated that has been a problem and commented on summer hours and conflicts.

There being no further discussion, Shields moved and Schnell seconded to approve the Mayor's appointment of John Morrison as the Park and Recreation Operating Board alternate City Council representative. 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 the IOS/PCI, LLC (Castronics) 2015 Personal Property Tax Correction and Refund. Ortiz indicated the City received notice from the County Treasurer that the County Commissioners approved a tax correction and refund request by Castronics on their 2015 personal property tax. This affects both the general fund for \$7,452.76 and the bond fund for \$2,523.50. There is the option to pay annually over the next five years or pay in full. Ortiz recommended the annual five year payments.

There being no further discussion, Schnell moved and Morrison seconded to approve the following resolution.

RESOLUTION 2016-10
Hardship Resolution Kimball County 2016
IOC/PCI, LLC (Castronics) 2015 Personal Property Tax Refund
City of Kimball General Fund

WHEREAS, IOS/PCI, LLC (Castronics) has requested a refund for their 2015 personal property tax based on the correction and decrease of value; and

WHEREAS, this request has been approved by the Kimball County Board of Commissioners.

WHEREAS, the amended amount for each political subdivision has been certified by the Kimball County Assessor and the Kimball County Treasurer has notified each subdivision of the amount they owe IOS/PCI, LLC (Castronics), and the Nebraska Statute necessitates the refund of proportionate amounts from the political subdivisions to the county treasurer in order to effectuate the refund process; and

WHEREAS, Statute 77-1736.06 subdivision (2) R.R.S. Nebraska provided that the governing body of a political subdivision may certify to the county treasurer that the payment of such refunds at this time would seriously interfere with its governmental functions; and

WHEREAS, this political subdivision understands that this action will result in deferral of refund payments and shall be satisfied in full as soon as practicable and in no event later than five years from the date the final order approving the refund is entered.

NOW, THEREFORE, BE IT RESOLVED that City of Kimball certifies to the treasurer of Kimball County that immediate payment of a refund would seriously interfere with its governmental functions.

This resolution passed and approved the 13th day of September, 2016.

/s/ Keith B. Prunty, Mayor

ATTEST:

/s/Rosemarie D. Russell, City Clerk

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.

Schnell moved and Shields seconded to approve the following resolution.

RESOLUTION 2016-11
Hardship Resolution Kimball County 2016
IOC/PCI, LLC (Castronics) 2015 Personal Property Tax Refund
City of Kimball Bond Fund

WHEREAS, IOS/PCI, LLC (Castronics) has requested a refund for their 2015 personal property tax based on the correction and decrease of value; and

WHEREAS, this request has been approved by the Kimball County Board of Commissioners.

WHEREAS, the amended amount for each political subdivision has been certified by the Kimball County Assessor and the Kimball County Treasurer has notified each subdivision of the amount they owe IOS/PCI, LLC (Castronics), and the Nebraska Statute necessitates the refund of proportionate amounts from the political subdivisions to the county treasurer in order to effectuate the refund process; and

WHEREAS, Statute 77-1736.06 subdivision (2) R.R.S. Nebraska provided that the governing body of a political subdivision may certify to the county treasurer that the payment of such refunds at this time would seriously interfere with its governmental functions; and

WHEREAS, this political subdivision understands that this action will result in deferral of refund payments and shall be satisfied in full as soon as practicable and in no event later than five years from the date the final order approving the refund is entered.

NOW, THEREFORE, BE IT RESOLVED that City of Kimball certifies to the treasurer of Kimball County that immediate payment of a refund would seriously interfere with its governmental functions.

This resolution passed and approved the 13th day of September, 2016.

/s/Keith B. Prunty, Mayor

ATTEST:

/s/Rosemarie D. Russell, City Clerk

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 the License, Waiver and Release Agreement for Landfill tree waste. Ortiz indicated this agreement is the same as was approved a number of months ago for Michael Moehr to remove large tree waste from the Landfill. During the past two years, a lot of tree waste has accumulated. With the size of some of the logs, it has not been possible to burn them. Ortiz recommended Council members approve the agreement and the template and allow City staff to use the template for other individuals to haul out the tree waste. This agreement allows individuals who have the means and equipment to haul some of the wood out. Ortiz indicated that bringing in a chipper would be pricy. Prunty said according to the City's burn permit, the fire cannot be left unattended. Ortiz said the larger logs have been set to the side and commented on them taking a lot of room in the C & D pit.

Shields inquired if there was any concern with the material being blighted or bugged and taken across state lines. Hadenfeldt indicated the liability is on the individual. This agreement allows the individual to go onto City property.

There being no further discussion, Morrison moved and Warner seconded to approve the License, Waiver and Release Agreement for Landfill tree waste between the City of Kimball and Verlyn L. Olson and approve the template. 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 developing a dog park at Janicek Dam. Captain Bremer presented information on the proposed dog park. The Fritz Memorial Dog Park will be an enclosed and legal off-leash area. It will serve a larger purpose for the residents, senior citizens, and the disabled who welcome the opportunity to socialize with those who share a love of dogs.

The City of Kimball currently owns Janicek Dam and Bremer requested 2.5 acres to start the process of making the dog park a reality. Future expansion ideas include a walking trail, soccer field, ballfields, remote control car track, and more. Bremer indicated he plans to start a 501c3 organization. He hopes to start the planning phase as soon as possible so he can begin fundraising over the fall and winter and start development in the spring/summer of 2017.

Bremer presented a map of the proposed area and indicated there is natural prairie grass there now and it is planned to keep it that way. The location will be naturally watered. Ortiz indicated that the areas outlined in yellow on the map are the areas that are not to be used as well as the secondary spillway. Ortiz said that it was originally talked about putting in a trail along the perimeter; however with the secondary spillway, that area cannot be graded. He added that there cannot be any major earthwork done in that area.

Warner inquired about this becoming a place for agility testing for the working dogs and Bremer said it could be used for that and also could be a place to bring in teams for learning and competition.

Further discussion was held and Prunty said the dog park would be a plus for the community. Entingh said it is a great idea but expressed concern about dogs fighting and commented on insurance. Bremer said that is something that needs to be researched as well.

Jamie Carpenter, 713 Vista Drive, inquired about making it accessible from the school. Ortiz said that the school administration has indicated there is too much pedestrian and bus traffic to consider that. Ortiz said that it has been considered to have access from Evergreen or follow the old drainage ditch. There are still many more details to iron out and Bremer said right now he would like the City Council's blessings to begin the research.

There being no further discussion, Warner moved and Morrison seconded to give City Council's blessing for the dog park to be researched and determine how the City Council can help. 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 the Event Center / Fitness Center. Ortiz indicated the direction at the budget workshop was to incorporate \$20,000 in sales tax to keep the Event Center and Fitness Center open through the end of December. Ortiz said this is on this agenda for a final determination. Warner commented on the \$20,000 and said she would like to try to check into all the options between now and December to see if something can be determined. Prunty indicated the City is looking to keep it for someone who does express an interest in it. The City Council is looking to fund it to the end of the year to fulfill the obligations made. Morrison commented that there are more events going on in the Event Center this quarter than last year and suggested people meet with Warner to review and discuss options.

Mrs. Heidemann commented that most people would like to see the Event Center kept open because it is a nice place for the residents to have celebrations and funeral dinners and it can be used for so many different things.

Ortiz reminded Council members that if they want to keep the Event Center open past December, there are some events that people would like to schedule well in advance. There needs to be a determination whether it is going to be kept open and this also hinges on what will be done with the Fitness Center. Ortiz asked for Council members' decision by October. Warner said to put this item on the agenda for the October meeting for an update at that time. Ortiz reminded Council members on the refunds for the Fitness Center annual passes.

Ortiz provided information on the Regulatory ISO Transmission Adjustment (RITA). Approximately two years ago, municipalities were given notice by MEAN with regard to a SPP billing dispute. MEAN entered into a settlement agreement with SPP that provided for the payment of a settlement amount of over \$6 million. Because of that, the MEAN board approved a cost sharing allocation among MEAN's members and the total settlement was spread out for five years. Kimball's grand total was \$62,932.25 and monthly payments of \$1,048 began in February 2014.

With some of the changes that MEAN did to restructure some of the finances and billing practices, the City of Kimball has received a credit refund of \$35,000. Therefore, that refund will be used to pay the remainder of the RITA payment of \$31,466.

Schnell inquired about the future outlook for MEAN and Ortiz commented that it sounds like they have gotten their act together. They have been able to hire additional staff which has been helpful. Ortiz commented on WAPA joining the SPP and what they are doing with the wholesale market in this region. Board of Public Works Chair Jim Cederburg has offered to attend the next MEAN committee meeting. Ortiz commented on the wind farm and MEAN paying the City for access. The City will need to contract with an engineering firm with regard to updating the wheeling rate.

Prunty opened discussion on Ortiz's resignation. Schnell said that Ortiz came on board when he was Mayor. Ortiz has brought the City into the 21st century. Schnell commented on the manner and integrity with which Ortiz has helped build the City and commented on the teamwork he has fostered. Schnell expressed hope that the City will be able to find another individual that possesses the integrity and quality that Ortiz has provided for the City of Kimball. The City should be proud of what Ortiz has brought forward for Kimball and wished him the best and success in Webster City.

Shields commented on the effort that Ortiz has put forth and appreciates it. Warner commended Ortiz on his professionalism and adhering to the rules and regulations and treating everyone the same. Morrison said he has thoroughly enjoyed working with Ortiz.

Prunty said that he is amazed at what Ortiz has done to make Kimball a better place. He wished Ortiz the best of luck in Webster City.

There being no further discussion, Warner moved and Morrison seconded to accept the resignation of City Administrator Daniel Ortiz-Hernandez. 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 appointing Rosie Russell as interim City Administrator. There being no discussion, Morrison moved and Shields seconded to approve the Mayor's appointment of Rosie Russell as interim City Administrator. 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 the Keno grant application from the Farmers Day Committee. Assunta Calise-Nelson, Farmers Day Committee Chair, indicated they are requesting Keno funds to help celebrate the 90th annual Farmers Day celebration. They did not request Keno funds last year. Discussion was held on receiving State funding for next year (due to the State celebrating 150 years) and Calise-Nelson said she will pursue that.

There being no further discussion, Shields moved and Warner seconded to approve the Keno grant application from the Farmers Day Committee in the amount of \$4,000.00. 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.

Prunty opened discussion on his appointment of Amy Sapp as the alternate representative to the PADD Board. There being no discussion, Schnell moved and Warner seconded to approve the Mayor's appointment of Amy Sapp as the alternate representative to the PADD Board. 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 provided an update on the Power Plant and urge test. The third urge test was successful. Terrill and the Electric Department crew cleaned out all the louvers and radiators and the 60 degree weather also helped. During the urge test, there were some issues with the water pumps. Ortiz said there are a lot of maintenance items that need to be done at the Power Plant. He commented on the capacity payments from MEAN. Ortiz explained that most communities have redundant feeds and Kimball only has one feed. He commented on the RICE compliance and the Power Plant serving as a back-up. The City has spoken with High West Energy as a secondary source; however, that is cost prohibitive and that is why the City agreed to spend the money to become RICE compliant. Hinton reminded Council members that that was to upgrade the emissions only.

Ortiz commented on the issues with the No. 3 engine and quotes on what it would cost to troubleshoot the issues. Maintenance can only be done from October to May; maintenance cannot be done from June to September because the City may be required to generate at a moment's notice during those months.

Ortiz stressed that the City needs to make the investments needed to make sure that the Power Plant is ready. There has been some discussion with the MEAN Board about reinstating reimbursement for testing/exercising the engines. Paul Heidemann, 306 S. Myrtle, encouraged the City Council to maintain the Power Plant as best they can.

Ortiz also commented on the storage tanks, the requirement for placing meters on individual fuel lines, and that some ceiling tile has started to come down due to age. Jim Cederburg, Board of Public Works Chair, toured the Power Plant last week. He said that Terrill has come a long way and he has fixed a lot of the issues. Terrill has a plan and he is working on it. Cederburg said that Ortiz suggested as part of the budgetary process that another person be placed with Terrill and it was a very good decision that the City Council supported. The electric and water crews have helped Terrill when needed. Cederburg said it really necessitates to ensure that there are at least two employees at the Power Plant.

The next item on the agenda was to discuss and consider action on SRT SWAT Team. Prunty indicated that recently the idea of the Kimball Police Department creating or being part of a SWAT team or Special Response Team was brought up. After speaking with the Kimball County Sheriff and consulting with Chief Huff, this is not the direction or action the City of Kimball is headed towards.

Prunty opened discussion on Ordinance 740 to amend the Kimball Municipal Code. In 2015, the Housing Agency amended their by-laws to allow for up to nine members on the Housing Agency Board. The amendment to the Municipal Code mirrors the language of the Housing Agency by-laws.

Schnell moved and Shields seconded to introduce Ordinance 740 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 740 by title only.

ORDINANCE NO. 740

AN ORDINANCE OF THE CITY OF KIMBALL, NEBRASKA, AMENDING KIMBALL MUNICIPAL CODE, TITLE III, ADMINISTRATION; PROVIDING FOR THE REPEAL OF ORDINANCES AND SECTIONS IN CONFLICT THEREWITH, AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

Shields moved and Schnell seconded to pass and approve Ordinance 740. 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 Resolution 2016-09, swimming pool rates. There being no discussion, Morrison moved and Warner seconded to approve the following resolution.

RESOLUTION 2016-09

Swimming Pool Rates

WHEREAS, the City of Kimball (City), Nebraska, owns and operates a swimming pool which provides for the recreation of its citizens; and,

WHEREAS, the City must recoup sufficient revenues to pay for goods and services, and must do so by the collection of fees for the swimming pool; and,

NOW, THEREFORE, BE IT RESOLVED BY the governing body of the City of Kimball, Nebraska, that swimming pool rates for the City of Kimball, Nebraska, are hereby established as shown:

Effective January 1, 2017:

City of Kimball
Swimming Pool Rates
2017

Season Ticket Prices	Daily	Annual
Family Season tickets (5 members)		\$84.00
Additional members		\$11.25
Individual Season Tickets	\$2.25	\$45.00
Swimming Lessons		\$28.25
Water Aerobics/Intense	\$5.75	6/\$28.25
Parent/Child		\$28.25
Water Walk/Lap Swim	\$1.25	\$22.50

BE IT FURTHER RESOLVED that any ordinance or resolution passed, approved and adopted prior to the passage and approval of this Resolution in conflict with its provisions is repealed.

BE IT FURTHER RESOLVED that this Resolution shall take effect and be in full force from and after its passage and approval as required by law.

PASSED, APPROVED AND ADOPTED THIS 13th DAY OF SEPTEMBER, 2016.

/s/Keith B. Prunty, Mayor

ATTEST:

/s/Rosemarie D. Russell, City Clerk

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 Resolution 2016-12. This is to obtain a Special Event Permit through the Nebraska Department of Roads to use a portion of Highway 30 for the Farmers Day celebration.

Morrison moved and Shields seconded to approve the following resolution.

RESOLUTION 2016-12

A RESOLUTION OF THE CITY OF KIMBALL, NEBRASKA, PREPARING FOR ITS ANNUAL FARMER'S DAY CELEBRATION AND APPLYING TO OBTAIN A SPECIAL EVENT PERMIT THROUGH THE NEBRASKA DEPARTMENT OF ROADS.

WHEREAS, the City of Kimball, Nebraska, and its residents have annually celebrated a Farmer's Day in the fall of each year, to be held this year on September 24, 2016; and

WHEREAS, as part of the Farmer's Day celebration, the City of Kimball, Nebraska, plans to use 2.08 miles of Highway 30, which is part of the state highway system, other than a freeway, including full and partial lane closures as part of the special event; and

WHEREAS, the Nebraska Department of Roads has changed its special event permit process as a result of the passage of Neb. Rev. Stat. §39-1359, which became effective on May 24, 2011; and

WHEREAS, the City of Kimball, Nebraska, as part of Farmer's Day, acknowledges and understands that use of the state highway system for a special event requires a legal duty to protect the highway property from any damage that may occur arising out of the special event, and the state shall have no duty during the time the City of Kimball is in control of the highway, as specified in the notice that will be provided to the Nebraska Department of Roads.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kimball, Nebraska (the "City"):

1. The Kimball City Council now advises the Nebraska Department of Roads that the City of Kimball will be making use of 2.08 miles of Highway 30, between Washington Street and one-half mile past County Road 45, which is part of the state highway system and is not a freeway, for a special event known as Farmer's Day to be held on September 24, 2016. The use of Highway 30 will be from 6:00 a.m. until 6:00 p.m. on September 24, 2016 ("city's use"). As part of the special event, the Kimball City Council acknowledges the City of Kimball shall have the legal duty to protect highway property from any damage that may occur from the city's use of 2.08 miles of Highway 30 and the State of Nebraska shall not have any such duty during the city's use of Highway 30 for the Farmer's Day celebration.

2. The City Council, on behalf of the City of Kimball, acknowledges that any existing statutory or common law duty of the State of Nebraska to protect the public from damage, injury or death shall become the duty of the City of Kimball during the city's use of two blocks of State Highway 30 for the Farmer's Day celebration, and the state shall not have such statutory or common law duty during the city's use of 2.08 miles of Highway 30 within the City of Kimball.
3. The City Council, on behalf of the City of Kimball, by this resolution, formally acknowledges that the City of Kimball accepts the duties set forth in subsection (2) of Neb. Rev. Stat. §39-1359, as well as the duty to protect the public from damage, injury or death during the city's use of two blocks of Highway 30 for the annual Farmer's Day celebration and if a claim is made against the State of Nebraska, the City of Kimball shall indemnify, defend and hold harmless the State of Nebraska from all claims, demands, actions, damages and liability, including reasonable attorney fees, that may arise as a result of the city's use of 2.08 miles of Highway 30 during its annual Farmer's Day celebration.
4. The Kimball City Council now authorizes the Mayor to sign this resolution accepting and acknowledging its duties for control during the city's use of 2.08 miles of Highway 30 during its annual Farmer's Day celebration, and to present this resolution to the Nebraska Department of Roads.

This Resolution shall become effective upon its passage and approval.

Passed and approved on September 13, 2016.

/s/Keith B. Prunty, Mayor

ATTEST:

/s/Rosemarie D. Russell, City Clerk

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 Resolution 2016-13 for appointments to the Public Alliance for Community Agency. He indicated that the Board of Public Works Chair would replace Ortiz.

Schnell moved and Morrison seconded to approve the following resolution.

RESOLUTION 2016-13

Director and/or Alternate Director to ACE Board of Directors

WHEREAS, the City of Kimball, State of Nebraska, is a party to the Interlocal Agreement creating the Public Alliance for Community Energy and, pursuant to the

terms of said Agreement, it is the responsibility of the City to designate a representative of the City of Kimball to the Public Alliance for Community Energy Board of Directors provided for under the terms of said Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kimball, that:

1. The City Clerk is hereby directed to give written notice to the Public Alliance for Community Energy of the appointment of the Electric Supervisor as the City's representative to said Board of Directors.
2. The City Clerk is hereby directed to give written notice to the Public Alliance for Community Energy of the appointment of the Board of Public Works Chairman as the City's alternate representative to said Board of Directors.

Dated this 13th day of September, 2016.

/s/Keith B. Prunty, Mayor

ATTEST:

/s/Rosemarie D. Russell, City Clerk

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.

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

1. Minutes from the August 16, 2016 regular city council meeting and August 25, 2016 budget workshop;
2. Claims; and
3. Financial Statements.

Morrison moved and Warner 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 the annual chip seal project was completed this week. Ortiz reported the Water Department has moved forward with replacing the fire hydrants on 1st Street. It was hoped to complete that by July; however, it has been a little more complicated than originally thought. Ortiz reported that some tree waste has been burned at the Landfill. The trommel screen has been scheduled for rent and should be available around the middle of October.

Prunty reported he attended the MEAN meeting with Ortiz and urged Council members to attend at least one. Prunty reported several applications for the City Administrator vacancy have been received.

The next City Council meeting will be held on October 18, 2016 at 6:00 p.m.

There being no further business to come before the Council, Schnell moved and Warner seconded to adjourn at 7:45 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 D. Russell, City Clerk

City of Kimball-City Council Meeting-General Claims-September 13, 2016-Combined Utilities-Utilities-3,888.82; High West Energy-Utilities-1,116.00; Hometown Hardware-Supplies-25.88; Kimball County Register of Deeds-Recording Fees-44.00; NE DOL/Boiler Inspection Program-Boiler Certificate-72.00; SourceGas-Service-1,461.50; Staples-Charges-145.02; Autumn Uglow-Contract Cleaning-75.00; Combined Utilities-Transfer-16,795.18; Ideal Linen Supply, Inc.-Mats-77.11; EMC National Life Company-Premium-262.61; Vince's Corner-Car Washing-11.00; Western Nebraska Observer-Meeting Notices-345.26; Wyoming Law Enforcement Academy-Dorm/Meals-275.00; Viaero-Cell Phone-88.40; Great America Financial Services-Lease-124.12; L.W. Cartage Co.-Lot Rent-100.00; C. W. Golf Management, LLC-Management Fees-4,735.00; BSN Sports, LLC-Fence Marker-631.85; Baker & Taylor Books-Book Purchase-393.48; Barco Municipal Products, Inc.-Supplies-1,015.82; Charter Communications-Internet Service-287.60; City of Kimball-Landfill Fee-117.00; Combined Utilities-City Utilities-6,322.18; Combined Utilities-Transfer-25.00; Connecting Point-Copy Usage-47.77; Croell Redi-Mix-Rock-460.90; Crouch/Churchich-Equipment-291.00; Dan's Radiator-Repairs-120.00; Dollar General Corporation -Supplies-8.95; Fastenal Company-Parts-49.43; Frenchman Valley Coop-Diesel-1,930.79; Galls, LLC-Uniforms-58.94; High West Energy-Utilities-5,127.00; Hometown Hardware-Supplies-731.63; Ideal Linen Supply, Inc.-Supplies-192.05; Intralinks, Inc.-Computer Support-18.75; John Deere Financial-Repair Parts-137.75; Kimball Auto Parts-Parts-57.18; Kimball County Register of Deeds-Recording-520.00; Kimball Event Center-Rent-500.00; Kimball Handyman Project-Handyman Project-804.60; Kimball Insurance-Bond Renewal-100.00; Kimball Public Schools-License Fees- 2,757.50; Kimball Service Center-Tires-967.43; L.L. Johnson Distributing Co.-Parts-33.64; M.C. Schaff & Associates, Inc.- Professional Services-2,694.50; Matt's Small Engine Repair-Repairs-240.00; MicroMarketing, LLC-Book Purchase-15.96; Miller Office Supply-Supplies-18.47; Napa Auto Parts-Parts-751.69; Nebraska Environmental Products-Parts-258.45; Nebraska Municipal Power Pool-Computer Program-148.59; Northwest Pipe Fitting, Inc. of S.B.- Parts-33.92; Oklahoma Correctional Industries-DVD's-60.00; Panhandle Coop-Meter-504.24; Panhandle Coop Association -Supplies-142.55; Pins & Needles-Services-59.50; Prairie Animal Hospital-Boarding-362.50; Praise Windows Inc.-Services-75.00; Prestige MFG.-Grates-6,744.28; Presto-X-Contract-88.06; STP Auto Service-Vehicle Repair-732.80; Sandberg Implement Inc.-Supplies-82.47; Sherwin-Williams Co.-Supplies-1,729.26; Simmons Olsen Law Firm, P.C.-Professional Services-3,880.96; Simmons Olsen Law Firm, P.C.-Professional Services-142.50; SourceGas-GasService-49.39; Star-Herald Newspaper-Meeting Notice-37.79; The Right

Impression-Dog Tags-20.00; Russ Thompson- Contract Cleaning-60.00; TopKote, Inc.- Chip Seal Project-71,798.35; Autumn Uglow-Contract Cleaning-75.00; United Rotary Brush Corporation-Brushes-1,625.12; Van Diest Supply Company-Chemicals-1,811.40; Van Pelt Fencing Company, Inc.-Repairs-1,079.36; Viaero-Cell Phone-205.04; Vince's Corner-Car Washing-5.00; Western Engineering Co., Inc.-UPM- 4,994.00; Winter Equipment Company, Inc.-Parts-138.51; Wolfe Sand & Gravel Co.-Sand-122.40; Z & S Construction Co., Inc.-Transporting-782.08.

City of Kimball-Economic Development-Claims-September 13, 2016-Connecting Point-Copy Usage-10.48; Intralinks, Inc.-Computer Support-106.01; EMC National Life Company-Premium-19.20; Western Nebraska Observer-Meeting Notices-4.55; Chamber of Commerce-Monthly Grant-450.00; Kimball County Treasurer-990/995 Split-1,000.00; Charter Communications-Internet Service-42.82; Connecting Point-Copy Usage-20.62; Intralinks, Inc.-Computer Support-18.75; NEDA-Training-75.00; Nebraska Municipal Power Pool-Computer Program-49.53; Nebraska.Gov-Requests-120.10; Simmons Olsen Law Firm, P.C.-375.00.