

Kimball City Council
Regular Meeting
January 5, 2016

A regular meeting of the Mayor and City Council was convened in open and public session at 7:00 p.m. on January 5, 2016 in the City Council Chambers. Mayor Prunty and Council members Warner, Schnell, Shields, and Morrison were present. Also present were City Attorney Hadenfeldt, City Administrator Ortiz, Police Chief Huff, Street Superintendent Shoup, 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.

Prunty opened discussion on his appointment to the Housing Agency. There being no discussion, Schnell moved and Warner seconded to approve the Mayor's appointment of Deb Bourlier to the Housing Agency. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Schnell, Shields, and Morrison. Nay: None. Absent: None. Motion carried.

Prunty opened discussion on increasing the fees for dog licenses. Ortiz indicated the amount required to be sent to the State Treasurer increased from \$1.00 to \$1.25 and the increases will help to cover the increase to the State. There were 99 licenses issued last year, 84 licenses issued in 2014 and 83 licenses issued in 2013.

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

RESOLUTION 2016-01

A RESOLUTION INCREASING THE DOG LICENSE FEES.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KIMBALL, NEBRASKA, THAT the dog license fees are hereby increased as follows effective February 15, 2016:

| | <u>PRIOR TO MAY 1ST</u> | <u>AFTER MAY 1ST</u> |
|---------------------|------------------------------------|---------------------------------|
| Neutered/Spayed | \$5.00 | \$6.00 |
| Not Neutered/Spayed | \$8.00 | \$9.00 |

All fees include the fee required to be paid to the State Treasurer of Nebraska under Neb. RS 54-603(3).

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.

Whereupon the Mayor declared said resolution passed and approved this 5th day of January, 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.

Ordinance 732 to amend Title IX, Section 95.40(A) of the Kimball Municipal Code was discussed. Ortiz said this section of the Code currently spells out the \$1.00 remitted to the State. It would be simpler to have a generic language without having to revise the Code whenever the amount submitted to the State is changed.

There being no further discussion, Shields moved and Warner seconded to introduce Ordinance 732 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 732 by title only.

ORDINANCE 732

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

Shields moved and Warner seconded to pass and approve Ordinance 732. 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 Kimball Main Street Design and Improvement Program Grant application from Fraternal Order of Eagles #3889. This request is for the roof that replaced in 2014. The total cost of the roof was \$27,055 and the Kimball Main Street Design and Improvement Committee recommended the \$3,000 maximum.

Ortiz said the City Council approved a similar request for the bakery.

There being no further discussion, Schnell moved and Morrison seconded to approve the Kimball Main Street Design and Improvement Program Grant for Fraternal Order of Eagles #3889 in the amount of \$3,000. 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 snow removal policies. Ortiz said whenever Kimball has snow, the City usually starts fielding calls about the conditions of the roads. He spoke about the current snow routes and the snow removal plan. Ortiz presented a map that outlines the routes which includes the downtown area, Highway 30 and Chestnut Street, the hospital, major arterials, schools, and the truck route. Part of the challenge during the most recent snowstorm was that the snow blower was out of commission for a while; however, it is back and working. Ortiz said the City has a snow removal plan on the books, however, the snow routes have never been formally adopted and emergency snow routes have not been designated.

Ortiz said the practice has been that when Kimball receives a large amount of snow, the Landfill is shut down and their employee and loader help clear the snow. Shields inquired about determining an emergency and Hadenfeldt indicated the Mayor makes the declaration. Schnell said this has been visited in the past of whether to center the windrow or take the snow down one side and at that time, the Street Department was allowed to center the windrow. Shields said the biggest concern is around the hospital.

Street Superintendent Shoup said during a typical snowstorm, they work to get the main streets, the hospital area, downtown area and the schools open and then work on the major arterial streets and the truck route. Warner inquired if he felt that the emergency routes need to be marked and Shoup indicated he didn't feel that was necessary at this time. Discussion was held on the Sunnyview area and the narrow streets in that area.

Shoup said they try to get a driving lane cleared on every street before the day is over. Morrison feels the City should continue the way they have been. Shoup commented on the snow emergency routes and towing cars and he doesn't feel that is necessary. He added that the campers and boats on the streets are an issue.

Karen Bivens, 310 South Nadine Street, inquired about the street in front of the nursing home and Shoup said that the street in front of the Manor is cleared.

Prunty opened discussion on authorizing leasing and improvements of the Goodhand Theater. Prunty indicated the City Council previously gave FKI the authority to market the theater and nothing was indicated about leasing. He asked council to give their OK to lease the building. Ortiz said the Friends of the Goodhand are looking to make some improvements to clean things up. The question has come up as to how much flexibility the Friends has and the easy thing to do would be to have a lease. Prunty indicated the Friends would have their own insurance.

There being no further discussion, Morrison moved and Warner seconded to authorize

leasing and improvements of the Goodhand Theater. 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 vacating rights-of-way. Ortiz has received two requests from entities wanting to expand their property and take the rights-of-way. The first request is from the Kimball Evangelical Free Church. The City's maps show an alley that runs east to west and there doesn't appear to be any underground utilities. Representatives from the church would be responsible to survey and replat the two parcels into one after the vacation. The second request was from an individual to vacate a portion of Park Street. Ortiz indicated that portion of Park Street was never a developed road. The individual would also be responsible to replat the two parcels into one after the vacation.

Discussion was held on access in that area and Ortiz said the only thing in the alley would be the trash dumpsters. The only way this would work is by vacating part of it and not the entire piece, such as vacating 10 to 15 feet from an 80 foot right-of-way.

Ortiz explained a third parcel. In 2014, the entire North side of the City was surveyed to determine the right-of-way boundaries. Park Street on the North side was originally platted to run along with Highway 71. Park Street between Walnut and Oak Streets was never developed as a road and was never vacated. Ortiz said it is not used as a road now and it is probably not feasible to develop it as a road and inquired if it is worth considering vacating it. The property owners that surround that street have been using it for their personal purposes. Ortiz said the alley between Walnut and Oak Streets would not be vacated. Ortiz said with this vacation, there would need to be discussion with the property owners and Schnell commented to ensure that the City retains the alley. Hadenfeldt said that if the property is vacated, the City should ensure to retain ownership.

Discussion was held on the fees for the vacation and Ortiz indicated that in the past, the City did assess a fee. The next course of action would be to engage with the property owners and he asked the Council for direction. Warner suggested giving the individual the 20 feet and Morrison suggested giving the church the property they want and negotiate with the others.

Ortiz gave an update on Public Alliance for Community Energy (ACE), the natural gas retailer. There is usually not much activity on this but lately there has been a lot activity due to Black Hills Energy acquiring Source Gas. In addition to the Black Hills Energy acquisition of Source Gas, the Public Service Commission is also reviewing two other filings of interest/concern to ACE; Black Hills Energy is seeking approval to implement a new Cost of Service Gas program and increasing the SSIR charge billed to customers of Source Gas Distribution. Discussion was held on the Choice Gas Program.

Prunty opened discussion on the Event Center renovation. Ortiz explained that bids received were higher than expected and will have to be rebid. However, new estimates have been received and Ortiz inquired if the Council wished to still move forward with the renovation process. Ortiz commented on some of the features that will need to be

eliminated. Currently the estimate the City is looking at is \$675,000 and Ortiz said additional cutbacks on the project need to be considered. Structural renovations to the building to address the ADA compliance cannot be made without the fire suppression system. Warner said she would really like to see the Event Center redone and it is really hard to know that the entire Keno savings funds will be used on this project. Shields commented on the \$100,000 already spent for the roof replacement.

Discussion was held on the number of reservations and Ortiz said the number of events is declining because the project has been planned for some time. He added that the Event Center can continue to operate as it is.

Discussion was held on the ADA restrooms and fire suppression system. Schnell said the City is preaching to people to keep their properties up. The City needs to get out of the Event Center what they have invested in it. Schnell commented that people have been interested in leasing it, but then have declined due to the condition. Schnell said the while the City has the opportunity for the State to pay for the fire suppression and bring it up to code, it should be done or the City should put the building up for auction and get out of it.

Ortiz believes a comfortable budget amount would be \$625,000 so an additional \$50,000 would need to be cut from the project. He said the work on the ceiling in the big ballroom and the electrical work would be done. Warner again said she would love to see it redone.

Discussion was held on the Fitness Center. Schnell said the building is not to where the Fitness Center can be marketed, but the opportunities are there. Schnell said the City has attempted to keep the building usable and Warner commented on marketing it well. Ortiz inquired about Council's direction and discussion was held on eliminating aspects to get to the \$600,000 to \$625,000 range.

There being no further discussion, Schnell moved and Shields seconded to authorize the City Administrator to work with the engineers on redesigning the plans for the Event Center to meet the \$600,000 to \$625,000 budget. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Schnell, Shields, and Morrison. Nay: None. Absent: None. Motion carried.

Warner moved and Morrison seconded to remove the discussion and action on participating in the Multi-County Regional Housing Study with Strategies for Affordable Housing from table. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Schnell, Shields, and Morrison. Nay: None. Absent: None. Motion carried.

Ortiz indicated this was tabled at the meeting in December due to the cost. He has spoken with Nathan Johnson and Michelle Coolidge and they have recognized where the City of Kimball is, having already gone through a Housing Study. The consensus was to still be part of this. Ortiz commented on the City providing 75 cents per capita. He provided an update to the Economic Development Committee and they felt this was something to be put under Economic Development.

Lonnie Dickson from Hanna:Keelan recently provided an update to the Planning Commission with regard to the Comprehensive Plan. The Multi-County Regional Housing Study is unique for Nebraska and this is a way for communities to get larger developers to have interest in doing projects. Through this model, Kimball will have more buying power and more influence on being able to attract a developer. Warner thinks it is a great idea to collaborate. Every city gets one vote, a village of less than 500 can partner with other villages to get up to 500 to get one vote. Warner stressed that Kimball has just as much input as the other cities.

There being no further discussion, Warner moved and Schnell seconded to approve using Economic Development funds to participate in the Multi-County Regional Housing Study with Strategies for Affordable Housing. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Schnell, Shields, and Morrison. Nay: None. Absent: None. Motion carried.

Warner moved and Schnell seconded to enter into closed session at 8:13 p.m. for the purpose of conducting a strategy session with respect to pending litigation. The closed session to include the Mayor, City Council members, City Attorney, City Administrator, City Clerk, City Treasurer and Police Chief. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Schnell, Shields, and Morrison. Nay: None. Absent: None. Motion carried.

Mayor Prunty stated a motion to enter into closed session for the purpose of conducting a strategy session with respect to pending litigation has been adopted.

Schnell moved and Warner seconded to end closed session and the strategy session with respect to pending litigation at 8:41 p.m. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Schnell, Shields, and Morrison. Nay: None. Absent: None. Motion carried.

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

1. Minutes from the December 1, 2015 regular city council meeting; and
2. Claims.

Morrison moved and Shields seconded to approve the consent agenda items as presented. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Schnell, Shields, and Morrison. Nay: None. Absent: None. Motion carried.

Ortiz reported he will be following up with Z & S Construction on the final bill for the Landfill cell closure project. They will have to do some additional earth moving. Ortiz reported the winter weather disconnection policy is in effect. Ortiz reported he is following up on the rate study and anticipates the Board of Public Works will give direction at their next meeting. Ortiz reported the Planning Commission met this week and received a draft of the Comprehensive Plan. The Planning Commission will discuss

the draft and any potential changes at their March meeting. Ortiz added that the planners have recommended some changes to the zoning categories.

Prunty reported the City is working with and helping out with the Friends of the Goodhand Theater. Prunty reported his plans for this year are to get the Economic Development Plan amended with regard to the rail spur.

The next City Council meeting will be on January 19, 2016 at 7:00 p.m.

There being no further business to come before the Council, Shields moved and Warner seconded to adjourn at 8:45 p.m. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Schnell, Shields, and Morrison. Nay: None. Absent: None. Motion carried.

Keith Prunty, Mayor

Rosemarie Russell, City Clerk

City of Kimball-City Council Meeting-General Claims-January 5, 2016-21st Century-Part-20.80; A & L Sales and Service-Repairs-81.00; Amazon-Charges-100.01; American Bullet-Supplies-1,094.72; American First Aid & Safety-Supplies-1,593.82; Baker & Taylor Books-Book Purchase-250.19; Sheryl Biesecker-Contract Cleaning-262.50; C & M Air Cooled Engine, Inc.-Equipment-40,876.00; Cengage Learning-Gale-Book Purchase-153.08; Center Point Large Print-BookPurchase-170.16; CenturyLink-Telephone-94.56; CenturyLink-Telephone-522.17; CenturyLink-Telephone-80.69; Charter Communications- Internet-235.89; Combined Utilities-City Utilities-3,618.25; Connecting Point-Copy Usage-76.59; Dollar General Corporation-Supplies-50.85; Frenchman Valley Coop-Fuel-418.76; GreatAmerica Financial Services-Lease-124.12; High West Energy-Utilities-978.00; Hometown Hardware-140.13; Ideal Linen Supply, Inc.-Supplies-152.60; Intralinks, Inc.-Computer Support-56.25; Kimball County Treasurer-Real Estate Taxes-276.88; Kimball Auto Parts-Parts-234.24; Kimball Handyman Project-Handyman Project-684.15; Kimball Midwest-Part-335.14; Kimball Service Center-Vehicle Maintenance-230.79; Kimball V.F.W.-Flag-40.00; LorRon Department Store-Foul Weather Gear-117.99; M.C. Schaff & Associates, Inc.-GIS Services-239.50; MicroMarketing, LLC-Book Purchase-626.91; Miller Office Supply-Supplies-19.99; Miracle Recreation Equipment-Supplies-687.48; NEDA-Dues-100.00; Napa Auto Parts-Parts-193.82; Panhandle Coop Association-Supplies-114.49; Prairie Animal Hospital-Boarding-68.00; Protex Central Inc.-Alarm Inspection-263.00; Robert Abramson, CPA -Services-2,070.00; Safetyline Consultants, Inc.-Safety Training-750.00; Shopko Stores Operating Co.- Supplies-27.25; Simmons Olsen Law Firm, P.C.-Professional Services-1,002.50;SourceGas,LLC-GasService-162.87; Staples-Supplies-329.76; Star-Herald Newspaper-Notices- 918.85; The Right Impression-Dog Tags-96.00; The United States Life Insurance Company-Long Term Disability-1,362.48; Russ Thompson-Contract Cleaning-180.00; Autumn Uglow-Contract Cleaning-75.00; Viaero-Cell Phone-336.55; Visa-Firstier Bank-Charges-128.67; Voyager Fleet Systems- Fuel-70.13; WPCI-Screening-28.50; West Gate Bank-Bond-16,612.09; Western Nebraska Observer-Meeting Notices- 121.82; Windstream-Long Distance-6.04; Combined Utilities-Utilities-4,793.34; Dollar General Corporation-Supplies-11.35; Kimball Insurance-Insurance-404.00; Kimball Insurance-Insurance Coverage-97,158.80; Jim O'Brien-Mend Flags- 70.00; SourceGas, LLC-Gas Service-1,048.35; Staples-Charges-

22.92; C. W. Golf Management, LLC-Management Fees -4735.00; Combined Utilities-City Utilities-3,317.04; Consolidated Management Company-Meal Plan-27.50; Country Printer-Printing-103.00; GCSAA -Annual Membership-375.00; GreatAmerica Financial Service-Lease-124.12; Hinton's Lock & Alarm-Cards-400.00; Hometown Hardware-Supplies-73.97; Ideal Linen Supply, Inc.-Supplies-67.27; Kimball County Register of Deeds-Recording Fees-20.00; Kimball Event Center-Rent-500.00; Kimball Handyman Project-Handyman Project-896.09; L.L. Johnson Distributing Co.-Equipment-99,686.00; L.W. Cartage Co.-Lot Rent-100.00; League of NE Municipalities-Membership-333.00; Napa Auto Parts-Parts-472.83; Nebraska Safety & Fire Equipment, Inc. -Extinguishers-189.00; Daniel Ortiz-Supplies-51.75; Prairie Animal Hospital-Boarding-187.00; Praise Windows Inc.-Window Washing-100.00; Presto-X-Monthly Contract-83.87; Shopko Stores Operating Co.-Supplies-20.06; Star-Herald Newspaper-Notice-8.01; Autumn Uglow-Contract Cleaning-75.00.

City of Kimball-Economic Development-Claims-January 5, 2016-CenturyLink-Telephone -61.44; Charter Communications -Internet-42.32; Robert Abramson, CPA-Services-150.00-Robert Abramson, CPA-Services-90.00; Kimball Insurance-2,727.50; Chamber of Commerce-Grant-450.00; Kimball County Treasurer-990/995 Split-1,000.00.