

Kimball City Council
Regular Meeting
May 16, 2017

A regular meeting of the Mayor and City Council was convened in open and public session at 6:00 p.m. on May 16, 2017 in the City Council Chambers. Mayor Prunty and Council members Shields, Schnell, and Baliman were present. Council member Warner was absent. Also present were City Attorney Hadenfeldt, City Administrator Dean, Police Chief Bremer, 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.

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

Prunty acknowledged the posted Open Meetings Act poster.

At 6:01 p.m. Prunty opened a public hearing to consider a plat creating Lot 1, Enevoldsen Subdivision. Josh Enevoldsen indicated that after several years of looking someone has agreed to sell him a few acres out of town. This is near the recreation area and is approximately 4.4 acres. The zoning is currently agricultural and Enevoldsen plans to have agricultural use on that property. The Planning Commission has recommended approval.

There being no further comments, Prunty declared the public hearing closed at 6:03 p.m. Schnell moved and Baliman seconded to approve the following resolution.

RESOLUTION 2017-08

WHEREAS, the Mayor and the City Council of the City of Kimball, Nebraska, wish to approve the platting of Lot 1, Enevoldsen Subdivision, and;

WHEREAS, the filing of the plat is in accord with all applicable Nebraska law and Kimball City Ordinances, including but not limited to Section 19-916 through 19-921 R.R.S. Neb., Sections 17-415 through 17-426 R.R.S. Neb. and Chapter 11, Exhibit A of

the Kimball Subdivision Ordinance #607 except as waived by the City Council of Kimball, Nebraska, and;

WHEREAS, the City of Kimball Planning and Zoning Commission has recommended approval of said plat.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kimball, Nebraska, that the plat of Lot 1, Enevoldsen Subdivision is hereby approved. The Mayor is hereby authorized to sign the plat for recording in the appropriate office.

PASSED AND ADOPTED THIS 16th DAY OF MAY, 2017.

/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, and Baliman. Nay: None. Absent: Warner. Motion carried.

Prunty read a proclamation recognizing Police Canine Xana for her service to the citizens of Kimball.

Prunty opened discussion on the closure of 4th Street into Gotte Park. Mark Green, 417 Adams Street, indicated that at the last council meeting discussion was held with regard to barricading the street at Gotte Park. He said the residents in that area have been informed and there has not been much negative comment. Police Chief Bremer indicated to him that he had no concern with closing that area.

Green said he would try to assist with dressing up the cement barricades. Schnell inquired about any issues with fire truck access. Green indicated that Jefferson Street is a smoother street for the fire truck and equipment.

Dean has discussed this with Street Superintendent Shoup. His idea is to barricade it but make it so people can ride their bicycles through as well as walk through. Shields asked to install a sign at the end of Adams and Dean said that will be done. Shields said he is still concerned about the amount of traffic that will drive through the alley and hopes that when a sign is installed, that will help.

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

RESOLUTION 2017-09

A RESOLUTION OF THE CITY OF KIMBALL, NEBRASKA, DISCONTINUING ACCESS FROM 4TH STREET INTO GOTTE PARK.

WHEREAS, Neb. Rev. Stat. §17-559 and Kimball Municipal Code §94.68(B) allow for the discontinuance of a public way and the City Council finds that the public

safety, convenience and welfare require the use of a portion of 4th Street be discontinued; and

WHEREAS, the entrance to Gotte Park from 4th Street is not a platted street; and

WHEREAS, there is concern for pedestrian safety in that area.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kimball, Nebraska, that the use of 4th Street at Gotte Park will be discontinued and its use remain discontinued until resolved by the City Council.

This Resolution shall become effective upon its passage and approval.

Passed and approved on May 16, 2017.

/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, and Baliman. Nay: None. Absent: Warner. Motion carried.

Baliman moved and Shields seconded that within the near future that a “no-through street” sign be installed at the end of Adams Street and that Dean and Shoup work with Mr. Green on the beautification of the barricades and access. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Schnell, Shields, and Baliman. Nay: None. Absent: Warner. Motion carried.

Baliman moved and Shields seconded to remove the Keno fund application from Penny Hobbs/Sierra Bovial/Tri-State Grapplers from table. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Schnell, Shields, and Baliman. Nay: None. Absent: Warner. Motion carried.

Bovial is asking for money to help her travel to Detroit, Michigan for wrestling for the Junior Olympics and the Disney Duals in Florida. She is ranked second in Nebraska, Colorado and nationally.

Baliman moved and Schnell seconded to approve the Keno fund application from Penny Hobbs/Sierra Bovial/Tri-State Grapplers for \$250.00, the maximum amount for an individual. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Schnell, Shields, and Baliman. Nay: None. Absent: Warner. Motion carried.

Prunty opened discussion on the Keno fund application from Kimball Fireworks Fund. Sapp presented the application and indicated that Karen Robinson and Mark Green requested, on behalf of the Kimball Fireworks Fund, \$3,000 in Keno funds. Sapp said that last year Robinson collected the money for the fireworks display. Robinson has taken the initiative to collect again but has requested the City contribute half in order to assist.

Sapp indicated the fireworks committee normally spends \$6,000 but raises \$7,500 and the extra \$1,500 is used for the all-class reunion. Sapp suggested setting this up so they would not have to request Keno funds every year.

There being no further discussion, Baliman moved and Shields seconded to approve the Keno fund application from Kimball Fireworks Fund for \$3,000 to be taken out of the City-side. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Schnell, Shields, and Baliman. Nay: None. Absent: Warner. Motion carried.

Prunty opened discussion on the Main Street Design and Improvement Grant application from the Kimball VFW. Sapp indicated the VFW had submitted the grant a number of months ago and needed to include the labor. The Main Street Design and Improvement Grant Committee has reviewed this application and recommended approval of \$918.54, which is half of the total expense of \$1837.08.

There being no further discussion, Shields moved and Schnell seconded to approve the Main Street Design and Improvement Grant application from the Kimball VFW for \$918.54. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Schnell, Shields, and Baliman. Nay: None. Absent: Warner. Motion carried.

Prunty appointed Schnell and Baliman as City Council representatives to the Compensation Committee.

Prunty opened discussion on the State of Nebraska Department of Economic Development Civic and Community Center Financing Fund Assistance Award Second Amendment to Contract No. 14-03-180. Dean explained this gives the City a little more time to evaluate what can be done with the Event Center. The City has already received \$125,000 of the grant and it will have to be returned if nothing further is done with the Event Center.

There being no further discussion, Schnell moved and Shields seconded to authorize the Mayor to sign the State of Nebraska Department of Economic Development Civic and Community Center Financing Fund Assistance Award Second Amendment to Contract No. 14-03-180. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Schnell, Shields, and Baliman. Nay: None. Absent: Warner. Motion carried.

Prunty opened discussion on the sale of property at Block 1, Lot 1, Frederick Addition to the City of Kimball. He indicated this is a small plot of land next to Eatmon's Oil. Dean indicated it was initially a pump site that is no longer needed.

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

RESOLUTION 2017-10

A RESOLUTION OF THE CITY OF KIMBALL, NEBRASKA, AUTHORIZING THE SALE BY SEALED BID OF CITY-OWNED REAL PROPERTY AS ALLOWED BY NEB. REV. STAT. §17-503.01 AND KIMBALL MUNICIPAL CODE §94.30.

WHEREAS, Neb. Rev. Stat. §17-503.01 and Kimball Municipal Code §94.30 allow for the sale and other conveyance of city-owned real property;

WHEREAS, the City of Kimball, Nebraska, owns real property described as follows:

Block 1, Lot 1, Frederick Addition to the City of Kimball, Kimball County, Nebraska located at N. County Road 43, Kimball, Nebraska

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

1. The city resolves to sell to the highest responsible bidder by sealed bid the real property described herein.
2. A minimum bid amount of \$10.00 for the real property has been set.
3. The city now authorizes the sale of the above-described real property via sealed bids to be accepted until 4:00 p.m. on June 9, 2017.
4. Sealed bids will be publicly opened by city staff on June 9, 2017.
5. The terms of the sale shall be to the highest bidder by cash or cashier's check. All bids shall be designated final on the opening date of the bids.
6. Subject to Kimball Municipal Code §94.30 and Neb. Rev. Stat. §17-503.01, the Mayor of the City of Kimball, Nebraska, is hereby authorized to execute all documents that may be required to effectuate the transfer of all right, title and interest of the City of Kimball, Nebraska, in the above-described real property.
7. The proceeds of the sale of the above-described real property shall be placed in the City of Kimball, Nebraska general fund.
8. Following the passage of the resolution directing sale, and posting notice of the proposed sale in three prominent places within the City for not less than seven days, the real property shall then be sold.
9. This Resolution shall become effective upon its passage and approval.

Passed and approved on May 16, 2017.

/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, and Baliman. Nay: None. Absent: Warner. Motion carried.

Prunty opened discussion on the council member agenda item to discuss shortening the number of days fireworks are available. Baliman indicated she had about 25 people approach her with concerns about the number of days fireworks are discharged and that ten days is too much. The concern is about dogs, small children, veterans with PTSD and Alzheimer's patients.

Baliman talked with Greg Robinson who heads up the Rotary fundraiser each year, and he indicated it is a huge fundraiser for them. She also spoke with Fire Chief Wynne who could only think of two fires that have been fireworks related. Baliman indicated that Robinson said if the number of days is shortened to seven, there would not be an issue. Baliman said the conversation on Facebook is 50/50.

Prunty indicated that a lot of discussion needs to be done and Baliman said that she doesn't think that anything can be done because there should be three readings to change the ordinance. Hadenfeldt indicated that what is in Kimball's Municipal Code is what State Statute allows.

Schnell said this issue has been discussed many times and commented on the clean up issue.

Corie Miller, Kimball, said she was one of the individuals who commented on Baliman's Facebook thread. She said fireworks annoy her but her kids wait all year for the opportunity to discharge them. That is something they are really excited for. It is only 10 days a year. Miller also commented on another thread on Facebook requesting a place for people to go to shoot off fireworks. She said that the fireworks brings the community together and to let kids make memories.

Regan Hinton, 310 S. High School Street, said she is also not a fireworks person, but commented that if the City limits it to two days, people are going to go out of town and spend their money out of town. She commented on the Rotary Club scholarships provided from the sale of the fireworks and that Rotary is giving back to this community and it is important. Hinton commented that it is 10 days and she thinks people have the capability of preparing themselves for things they are uncomfortable with.

Sapp commented that the celebration in Kimball is wonderful. Baliman thanked everyone for listening to her. No further discussion was held.

Prunty opened discussion on the surplus property list. Dean indicated there is only one item on the list, the range hood at the Event Center. There is a minimum bid and the winning bidder will be required to repair the roof when they remove the range hood.

There being no further discussion, Schnell moved and Shields seconded to approve the surplus property list. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Schnell, Shields, and Baliman. Nay: None. Absent: Warner. Motion carried.

Prunty opened discussion on charging a fee for fence permits. Dean indicated that numerous fence permits have been issued and there is no fee charged. He said there is time invested in reviewing the permits and the building inspector does take the time to inspect the fences. He suggested a minimum flat fee of \$25.00.

There being no further discussion, Shields move and Schnell seconded to establish a flat fee of \$25.00 for fence permits. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Schnell, Shields, and Baliman. Nay: None. Absent: Warner. Motion carried.

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

1. Minutes from the April 18, 2017 regular city council meeting;
2. Claims; and
3. Financial Statements.

Schnell moved and Baliman 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, and Baliman. Nay: None. Absent: Warner. Motion carried.

Dean reported on the lots on the Northwest corner of 2nd and Chestnut Streets being consolidated into one lot. Dean attended the Heartland Expressway Ports to Plains DC Fly-In. They were promoting the Ports to Plains highway from Canada to Mexico. Dean had the opportunity to meet with senators to look at funding. The Heartland Expressway has reimbursed the City for Dean's expenses.

Dean reported he entered into a reimbursement agreement with Sandhills Energy regarding technical and legal aspects of the generation. Mike Mansour, with Exponential Engineering, is working on the wheeling agreement.

Dean reported Tammy Rutt was selected as the Community Service Officer and has been in training for the last few weeks.

Dean reported he had a follow up meeting with the Perry brothers regarding the Longhorn building. More information will be available at the next council meeting.

Shoup has mowed a path at Janicek Dam to outline where the trail could go. There is still some cleanup that needs to be done.

Schnell inquired about an outline of the budget and Dean indicated he and the Mayor have discussed having a retreat at the Event Center to get the council's perspective on the budget.

Dean reported he, Sapp and Russell met with Rick Ediger in Scottsbluff to discuss amendments to the Economic Development Plan. Ediger will be providing a letter for the amendments. It was indicated that the Economic Development Committee will

review the amendments. It was also indicated that at this point there will not be an election held for the amendments.

Dean reported he attended the regional Housing Study presentation in Scottsbluff and commented on the housing needs in Kimball County. He indicated the housing study has been included on the City's website.

Dean reported the flags have been put on the light poles for Memorial Day and will be removed after Memorial Day and put back up before July 4th. The Summer Reading Program will begin on May 24th and the swimming pool will open on June 5th.

Dean reported that the owner of 402 N. Chestnut had previously requested the City vacate a portion of Park Street. Dean will work with Hadenfeldt to get this done. The City will still need part of the street to access the alley.

Prunty reported he spoke with the City's insurance carrier regarding the RC track at Janicek Dam. There will be no increase on insurance for that as well as the walking trail. Prunty hopes to get an interlocal agreement in place.

Prunty reported on an update to the underpass renovation. The Department of Roads has indicated that the new bid letting date is winter 2018 or 2019.

Prunty met with Keep Kimball Beautiful's manager and has had discussion on working together to get single stream recycling for Kimball citizens.

Prunty reminded everyone about the Mobile Children's Museum in the Event Center parking lot on June 1st and 2nd.

The next City Council meeting will be held on June 20, 2017 at 6:00 p.m.

There being no further business to come before the Council, Schnell moved and Baliman seconded to adjourn at 8:03 p.m. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Schnell, Shields, Warner, and Baliman. Nay: None. Absent: None. Motion carried.

Keith B. Prunty, Mayor

Rosemarie D. Russell, City Clerk

City of Kimball-City Council Meeting-General Claims-May 16, 2017-Points West Insurance-4,369.50; Combined Utilities- Insurance Refund-3,253.47; Dollar General Corporation-Supplies-32.05; EMC National Life Company-Premium-184.89; Frenchman Valley Coop-Fuel-610.56; Kimball Auto Parts-Parts-131.05; Kimball County Register of Deeds-RecordingFees-10.00; Norberg Auto & Diesel Inc.-Repairs-170.00; Panhandle Coop Association-Supplies-399.37; Shopko Stores Operating Co.-Supplies-104.69; Staples-Supplies-65.96; C. W. Golf Management, LLC-Management Fees-4,735.00; GreatAmerica Financial Services-Lease-116.00; Kimball Event Center-Rent-500.00;

Kimball Baseball Board-Financial Assistance-1,000.00; A & L Sales and Service-Repairs-500.84; Action Communications-Repairs-155.00; Affordable Tree- Tree Removal-2,025.00; Amazon-Charges-436.73; Baker & Taylor Books-Book Purchase-1,002.19; Andrew Bremer-Reimbursement-7.48; C & M Air Cooled Engine, Inc.-Parts-125.44; Carol's Nut List, Inc.-Shipping-15.99; Centurion Technologies-Renewal-119.40; CenturyLink-Telephone-100.98;CenturyLink-Telephone-536.36; Charter Communications -Internet Service-298.12; Check's Ice Co., LLC-Ice-47.00; Combined Utilities-Utilities-382.46; Combined Utilities-Utilities- 2,213.51; Connecting Point-Copy Usage-58.91; Contractors Materials, Inc.-Supplies-2,550.00; Crop Production Services, Inc.-Chemicals-550.00; DP Electronic LLC/Radio Shack-Monthly Security-21.49; Dollar General Corporation-Supplies-13.00; Dultmeier Sales-Parts-169.03; Eagles Aerie-Dinner-480.00; Enviro Service Inc.-Samples-54.00; Farm Plan-Parts-198.95; Friends of the Goodhand Theater-Advertising-75.00; Gale/Cengage Learning-Book Purchase-146.88; Galls, LLC-Uniforms-402.71; High West Energy-Utilities-2,261.00; Hometown Hardware- Supplies-1,108.96; IIMC-Membership-160.00; Ideal Linen Supply, Inc.-Supplies-97.05; Intralinks, Inc.-Computer Support-37.50; Kimball Auto Parts-Parts-51.69; Kimball Handyman Project-Handyman Project-738.97; Kimball Insurance-Addition-41.00; Kimball Service Center-Vehicle Maintenance-299.05; Kimball Tree Service-Tree Removal-600.00; L.L. Johnson Distributing Co.-Parts-1,309.13; League of NE Municipalities-Registration-105.00; MITINET Inc.-Renewal-329.00; MicroMarketing, LLC-Supplies-136.95; Napa Auto Parts-Parts-120.79; Nebraska Safety & Fire Equipment, Inc.-Inspection-182.00; Jim O'Brien-Sewing-70.10; Off Broadway Business Products-Supplies-11.80; Pack Rat Enterprises-Garbage Disposal-130.00; Panhandle Coop-Propane Bottles-115.17; Panhandle Coop Association-Supplies- 212.07; Prairie Animal Hospital-Pound Fees-168.75; Wacey Schmid-Reimbursement-50.00; Shopko Stores Operating Co.- Supplies-37.43; Simmons Olsen Law Firm, P.C.-Professional Services-1,625.64; Simmons Olsen Law Firm, P.C.-Professional Services-951.50; Roxie Simms-Reimbursement-49.95; TechSoup-Microsoft License6-319.00; The Penworthy Company-Book Purchase-294.90; The Right Impression-Badges-186.50; Autumn Uglow-Contract Cleaning- 150.00; Viaero-Cell Phone-187.65; Visa-Firstier Bank-Charges-47.57; Westco-Chemicals-1,463.53; Western Nebraska Observer-Meeting Notices-291.08; Roger & Ann Wynne-Refund-176.56.

City of Kimball-Economic Development Claims-May 16, 2017-SinEasy LLC-Beer & Loathing-Main Street Grant-1,925.00; EMC National Life Company-Premium-15.36; Staples-Supplies-22.68; Chamber of Commerce-Monthly Grant-450.00; Kimball County Treasurer-990/995-1,000.00; CenturyLink-Telephone-63.12; Charter Communications-Internet-42.34; Connecting Point-Copy Usage-41.63; Eagles Aerie-Dinners-36.00; Kimball County Register of Deeds-Recording Fee-10.00; Simmons Olsen Law Firm-Professional Services-999.00; The Right Impression-Badges-5.30; United Chamber of Commerce-Training-70.00; Visa-Firstier Bank-Charges-1,189.64; Western Nebraska Observer-Meeting Notices-2.13.