

Kimball City Council
Regular Meeting
August 15, 2017

A regular meeting of the Mayor and City Council was convened in open and public session at 6:00 p.m. on August 15, 2017 in the City Council Chambers. Mayor Prunty and Council members Shields, Schnell, Warner and Baliman were present. Also present were City Attorney Hadenfeldt, City Administrator Dean, 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 6:02 p.m. The Pledge of Allegiance was recited and the posted Open Meetings Act poster was acknowledged.

At 6:03 p.m. Prunty opened a public hearing to consider an application for subdivision creating Lots 1 & 2, Tower Subdivision, located in the south half of the southeast quarter of Section 6, Township 14 North, Range 55 West of the 6th Principal Meridian, Kimball County, Nebraska.

Dean indicated this is a parcel that is just south of town on Highway 71. There are three towers on that site and the tower owners currently lease the land and want to own the land the towers are on. This is really a three lot subdivision. The Planning Commission has recommended approval.

There being no further comments, Prunty declared the public hearing closed at 6:04 p.m.

Schnell introduced the following resolution and moved its approval.

RESOLUTION 2017-11

WHEREAS, the Mayor and the City Council of the City of Kimball, Nebraska, wish to approve the platting of Lots 1 & 2, Tower 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 Lots 1 & 2, Tower Subdivision is hereby approved. The Mayor is hereby authorized to sign the plat for recording in the appropriate office.

PASSED AND ADOPTED THIS 15th DAY OF AUGUST, 2017.

/s/Keith B. Prunty, Mayor

ATTEST:

/s/Rosemarie D. Russell, City Clerk

Seconded by Warner. 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.

At 6:05 p.m. Prunty opened a public hearing to consider proposed amendments to the Economic Development Plan.

Sapp indicated that one amendment to the plan is to allow for housing. LB-518 was recently passed and allows communities to use economic development funds for workforce housing and rehabilitation. Kimball was part of a housing study that was done in partnership with WNED. There is a real need for housing in rural communities so amending the plan to include workforce housing will allow Kimball to use economic development funds for new housing and rehabilitation.

Other amendments includes film production as an eligible business and a loan forgiveness program. The loan forgiveness program which will provide loan forgiveness of 15% for loans that are current with payments, have met their payment schedule commitment, and their FTE requirement from their original business plan. The current plan requires an interest rate of not less than 4% per year and cannot be changed unless there is a vote. The loan forgiveness program will provide some relief.

Another amendment is the creation of an "Application Review Committee" and a "Citizen Advisory Committee" as required by state statute.

Schnell inquired about the community development activities being deleted and Hadenfeldt indicated it is too nebulous. LB-840 funds are used for qualifying businesses. The CDA is a governmental entity and LB-840 funds cannot be used for governmental entities.

There being no further comments, Prunty declared the public hearing closed at 6:15 p.m.

Warner moved and Baliman seconded to introduce Ordinance 749 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: Schnell, Shields, Warner and Baliman. Nay: None. Absent: None. Motion carried.

Mayor Prunty read Ordinance 749 by title only.

ORDINANCE NO. 749

AN ORDINANCE AMENDING THE CITY OF KIMBALL ECONOMIC DEVELOPMENT PLAN TO PROVIDE FOR CHANGES IN QUALIFYING BUSINESSES, ADDING LOAN FORGIVENESS, AND TO PROVIDE FOR AN APPLICATION REVIEW COMMITTEE AND A CITIZEN ADVISORY COMMITTEE, TO AMEND AND REVISE CHAPTER 32, SECTION 32.021 OF THE KIMBALL MUNICIPAL CODE, TO PROVIDE FOR AN EFFECTIVE DATE AND TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM.

Warner moved and Baliman seconded to pass and approve Ordinance 749. 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.

The request to waive the Event Center Prairie Room rental rates for the PEO Rummage Sale in November was withdrawn.

Prunty opened discussion on the agreement with the Kimball Recycling Center. There has been a name change and the new agreement includes a section for KRC to provide single-stream recycling and the City to provide a compactor truck and operator for up to four hours per week to collect single stream recycling and cardboard from bins located within the City.

Spud Rowley, KRC Manager, indicated they have done a demo run and are trying to get more single-stream totes out. They are working on getting 60 to 70 more out. Rowley said they have improved on the building and the fence is in the works. Everything has been positive. Prunty indicated the City and KRC have built up a very good relationship. Warner expressed her appreciation to KRC for everything they are doing. Baliman commented on KRC's volunteer and his positive attitude.

Dawn Moeser, KRC Board Treasurer, has spoken with Jim Cederburg, Chair of the Board of Public Works, and KRC will be getting together with him and Dean to go over the audit.

Discussion was held on the volume collected and Rowley said they usually pick up 80 of the cardboard totes a week. Dean indicated the Board of Public Works did have a discussion about whether or not an extra operator would need to be hired. It did seem like a workable solution right now. However, as the City goes through this process, it can be re-evaluated as needed.

Annette Brower, KRC Board President, thanked the City for being so receptive and open and willing to build the bridge again.

There being no further discussion, Baliman moved and Warner seconded to approve the agreement with Kimball Recycling Center. 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.

Prunty opened discussion on renewing the agreement with the Chamber of Commerce. Dawn Moeser, Chamber President, presented information on Chamber activities for the current fiscal year to date. A few years ago, the Chamber Board made it a goal to find one thing in the community that they could make better and that was the Goodhand Theater. They have focused on the theater and formed a Goodhand Theater Board.

Moeser has received concerns about the Chamber's direction. The Board has set goals and plans to have more personal interaction with people and businesses. Sapp has volunteered to help the Chamber Director with putting information on Facebook and the website. Moeser said that the Chamber Director takes direction from the Board.

Discussion was held on WNCC and them pulling their funds. Jo Caskey, Chamber Director, said WNCC also cut funds from Alliance and Chadron. Warner inquired how much time Caskey spends performing administrative functions for the Goodhand Theater and Caskey said about 10 minutes a day. The funding the Chamber is requesting does not help with the Goodhand Theater. Caskey said the Business Boosters is on hiatus but the Chamber Ambassadors are still active.

Baliman commented that people are concerned about the Chamber. She agrees that the Chamber is vital and should be member-funded. Baliman expressed appreciation for the Chamber Board getting involved and commented that there should be month to month accountability.

Prunty commented that the Chamber has very good direction and good leadership. The City support is vital to the Chamber. Warner inquired if Caskey could have it any way she wanted, what she thinks could be done differently to make the circle stronger. Caskey said it would be nice if there were a bigger pool of money for Kimball to draw on. The Chamber could really use a full time person. Caskey said a lot of resources are shared between the Chamber and economic development.

Sapp commented that there are too many people sitting on boards and committees that are not "working" members. She said they need to focus more on being working members.

Baliman suggested the Chamber provide a monthly report and financials and input from the membership. Sapp suggested quarterly reports and Baliman said Sapp could give the reports since she is on the Chamber Board. Warner commented on the quarterly update being provided to the Economic Development Committee and Dean indicated that he can work with the Chamber on the detail of it.

There being no further discussion, Schnell moved and Warner seconded to approve renewing the agreement with the Chamber of Commerce for October 1, 2017 to

September 30, 2018, with a representative of the Chamber reporting at least quarterly to the Economic Development Committee. 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.

Prunty opened discussion on the Business Façade Improvement Grant from Elite Oil Field Services, LLC. Mark Green indicated Elite Oil Field Services purchased property in December and didn't realize the poor shape the buildings were in. A lot of dirt had blown against the buildings and rusted the bottoms out. They have cleaned the buildings out and put on a fresh coat of paint and are trying to dress up the buildings. Sapp said the Improvement committee recommended approval of \$2,800, which is half of the cost of \$5,600. Warner expressed appreciation for improving their buildings.

There being no further discussion, Baliman moved and Warner seconded to approve the Business Façade Improvement Grant from Elite Oil Field Services for \$2,800. 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.

Prunty opened discussion on the Business Infrastructure Improvement Loan Program. Sapp indicated that the draft of this program was discussed at the joint City Council/Economic Development Committee meeting. At the joint meeting, it was discussed to offer assistance to those businesses that have infrastructure needs in order to meet various requirements by local or state agencies by offering a \$5,000 loan at 4% that can be forgiven after half of the principal is paid in a timely fashion. This will allow some of the smaller businesses an additional funding source.

Eligible activities include: ADA bathroom compliance; energy efficiency updates; updating electrical; updating plumbing; and other approved projects from the Building Inspector, Fire Marshal, Health Inspector, or City Administrator.

Sapp indicated this is a trial program currently, so it was agreed to start at \$5,000. There will be some type of personal guarantee or collateral for the five year loan. Prunty inquired if this program could be modified to include residential structures and Sapp indicated that it is not possible because the applicant has to be a qualifying business.

There being no further discussion, Baliman moved and Schnell seconded to approve the Business Infrastructure Improvement Loan Program. 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.

Prunty opened discussion on adopting the South Platte Natural Resources District Multi-Jurisdictional Hazard Mitigation Plan Update. Hadenfeldt indicated this is an update of the plan done a few years ago. Russell said the update must be adopted to become eligible for grant funding.

Schnell moved and Baliman seconded to approve the following resolution.

RESOLUTION 2017-12

WHEREAS, the Federal Disaster Mitigation Act of 2000 was signed into law on October 30, 2000, placing new emphasis on state and local mitigation planning for natural hazards and requiring communities to adopt a hazard mitigation action plan to be eligible for pre-disaster and post-disaster federal funding for mitigation purposes; and

WHEREAS, a Multi-jurisdictional Hazard Mitigation Plan was prepared by South Platte Natural Resources District with assistance from JEO Consulting Group, Inc. of Lincoln, NE, which includes the City of Kimball; and

WHEREAS, the purpose of the mitigation plan was to lessen the effects of disasters by increasing the disaster resistance of the Natural Resources District and participating jurisdictions located within the planning boundary by identifying the hazards that affect the City of Kimball and prioritize mitigation strategies to reduce potential loss of life and property damage from those hazards; and

WHEREAS, FEMA regulations require documentation that the plan has been formally adopted by the governing body of the City of Kimball in the form of a resolution and further requesting approval of the plan at the Federal Level.

NOW, THEREFORE, the governing body of the City of Kimball does herewith adopt the South Platte Natural Resources District Multi-Jurisdictional Hazard Mitigation Plan in its entirety.

PASSED AND APPROVED THIS 15th DAY OF AUGUST, 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, Warner and Baliman. Nay: None. Absent: None. Motion carried.

Prunty opened discussion on establishing a weekly and/or an annual vendor/peddler permit fee. Dean indicated that currently the City only offers a daily permit for \$10.00 and there are some vendors that would like to sell longer but it would be cost prohibitive. Dean is proposing a \$25.00 weekly fee and a \$100.00 annual fee.

There being no further discussion, Baliman moved and Warner seconded to establish a \$25.00 per week and a \$100.00 annual fee for the vendor/peddler permits. 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.

A resolution will be prepared for the next meeting.

Prunty opened discussion on the surplus property list. The list includes items from the Event Center and the Park and Recreation Department. The list also included an old police vehicle; however, Chief Bremer would like to donate the vehicle to the airport.

Sapp indicated the items from the Event Center are from when the volunteer committee cleaned and organized the kitchen.

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

RESOLUTION 2017-13

A RESOLUTION OF THE CITY OF KIMBALL, NEBRASKA, AUTHORIZING THE SALE BY PUBLIC AUCTION OR SEALED BID OF CITY-OWNED PERSONAL PROPERTY AS ALLOWED BY NEB. REV. STAT. §17-503.02 AND KIMBALL MUNICIPAL CODE §94.31.

WHEREAS, Neb. Rev. Stat. §17-503.02 and Kimball Municipal Code §94.31 allow for the sale and other conveyance of city personal property;

WHEREAS, the City of Kimball, Nebraska, owns personal property described on Exhibit A.

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

1. The City resolves to sell, to the highest responsible bidder by sealed bid or public auction the personal property contained on Exhibit A.
2. The City authorizes the sale of the personal property described on Exhibit A via public auction according to what is in the best interest of the City by the Kimball City Council.
3. Subject to Kimball Municipal Code §94.31 and Neb. Rev. Stat. §17-503.02, the Mayor of the City is hereby authorized to execute all documents that may be required to effectuate the transfer of all right, title and interest of the City in the above-described personal property;
4. The proceeds of the sale of the above-described personal property, if any, shall be placed in the City of Kimball, Nebraska general and utility funds as appropriate;
5. Following the passage of the resolution directing the sale of the property, notice of the sale shall be posted in three prominent places within the City for a period of not less than seven days prior to the sale of the property. If the fair market value of the property is greater than \$5,000, notice of the sale shall also be published once in a legal newspaper published in or of general circulation at least seven days prior to the sale of the property.

This Resolution shall become effective upon its passage and approval. Passed and approved on August 15, 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, Warner and Baliman. Nay: None. Absent: None. Motion carried.

Prunty opened discussion on the application for Keno funds for the Kimball Concert Association. Russell indicated that they had submitted their request on the old form and Susie Abramson will submit a new form and include volunteer information.

There being no further discussion, Schnell moved and Baliman seconded to approve the application for Keno funds for the Kimball Concert Association for \$1,000.00. 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.

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

1. Minutes from the July 18, 2017 joint city council and economic development committee meeting; July 18, 2017 regular city council meeting; and August 8, 2017 budget workshop;
2. Claims;
3. Financial Statements; and
4. Ratify the Kimball Volunteer Fire Department members.

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

Dean has received a report from the Janicek Dam safety engineer. They noted that there are potential seepage problems and recommended an analysis.

Dean reported the City is in discussion with Kimball Wind LLC with regard to an easement along the western edge of the Landfill. Hadenfeldt and Dean are working through Kimball Wind LLC's proposed agreement. Dean commented on the land and the line in the ground. The City has secured an agreement with the owners of the land adjacent to the south substation and Dean is working on getting a plat map.

Dean reported he met with the owners of the Longhorn building as well as Z & S Construction. He is waiting on responses from Z & S Construction on what it would cost to demolish the building. Dean has also met with Gary's Cleaning Services out of Scottsbluff.

Dean reported he is working on the trail project.

Dean reported the Heartland Expressway will hold their annual meeting this Friday in Alliance with Senator Deb Fischer in attendance.

Dean reported Region 21 Emergency Management is working on an emergency response plan and the City is updating the list of equipment available in the event of an emergency.

Dean reported Mayor Coolidge from Bayard stopped by today and presented the Electric Department crew with gloves in appreciation of their assistance.

Dean reported the Power Plant conducted the capability test and passed the test. Terrill indicated to him that while they passed the test, there were some issues with one of the engines and he has started to address that.

Dean reported he had a request from Starr Lehl and Mayor Coolidge for a letter of support for the Croell project being proposed in Scottsbluff. He will put a letter together for them.

Prunty reported he is working on some abatements and working on getting some trees on City property cut down.

There will be a special City Council meeting and continued budget workshop on August 24, 2017 at 5:00 p.m. The next City Council meeting is on September 12, 2017 at 6:00 p.m. for budget adoption and the regular meeting.

There being no further business to come before the Council, Warner moved and Baliman seconded to adjourn at 7:15 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-General Claims-August 15, 2017-Consolidated Management Company-Meal Plan-77.91; EMC National Life Company-Premium-182.42; Holiday Inn-Lodging-99.95; Staples-Supplies-52.75; Autumn Uglow-Contract Cleaning-75.00; C. W. Golf Management, LLC-Management Fees-4,735.00; Combined Utilities-Utilities-634.41; GreatAmerica Financial Services-Lease-91.64; Kimball Event Center-Rent-500.00; A & L Sales and Service-Services-783.23; Affordable Tree-Tree Removal-750.00; Amazon-Charges-Supplies-59.99; Arnold Pool Company -Supplies-381.00; Baker & Taylor Books-Book Purchase-16.39; Mark Brown-Tree Grant-269.50; Center Point Large Print-Book Purchase-23.37; CenturyLink-Telephone-537.43; CenturyLink-Telephone-101.01; Charter Communications-Internet Service-298.12; Combined Utilities-Utilities-10,308.71; Combined Utilities-City Utilities-6,332.61; Connecting Point-Copy Usage-37.08; DP Electronic LLC/Radio Shack-Security-21.49; Dollar General Corporation-Supplies-77.65; Frenchman Valley Coop-Fuel-3,631.34; Gale/Cengage Learning-Book Purchase-65.15; Heather Gawith-Contract Cleaning-45.00; Jessica Hanks-Reimbursement-40.00; High West Energy-Utilities-7,836.00; Hometown Hardware-Supplies-942.50; Ideal Linen Supply, Inc.-Supplies-164.35; John

Deere Financial-Parts-223.49; John E. Reid and Associates Inc.-Training-575.00; Kimball Auto Parts-Parts-327.66; Kimball County Register of Deeds-Recording Fees-42.00; Kimball Event Center-Appetizers-Kimball Handyman Project-Handyman Project-878.58; Kimball Health Services-Playground Equipment -50.00; Kimball Service Center-Repairs-41.02; Kriz-Davis Company-Parts-78.91; L.L. Johnson Distributing Co.-Parts-162.66; League of NE Municipalities-Dues-3,910.00; M.C. Schaff & Associates, Inc.-Services-3,287.50; Modern Marketing-Supplies-520.63; Mary Moore-Tree Grant-49.97; NMC Exchange LLC-Parts-2,274.94; Napa Auto Parts-Parts-541.43; Northern Safety Co., Inc.-Supplies-231.19; Northwest Pipe Fitting, Inc. of S.B.-Parts-32.88; OCLC, Inc. -Subscription-249.80; PADD-Dues-1,934.63; Pack Rat Enterprises-Garbage Disposal-130.00; Panhandle Coop-Supplies-71.80; Panhandle Coop Association-Supplies-148.76; Praise Windows Inc.-Contract Services-75.00; Presto-X-Pest Control-92.00; R & R Products, Inc-Parts-317.83; Scottsbluff Screenprinting-Uniforms-66.00; Janet Sears- Reimbursement -116.35; Shopko Stores Operating Co.-Supplies-17.09; Pat Sibal-Tree Grant-74.36; Simmons Olsen Law Firm, P.C.-Professional Services-1,036.75; Simmons Olsen Law Firm, P.C.-Professional Services-1,067.00; Spic and Span Cleaners-Paint-1,322.00; Star-Herald Newspaper-Meeting Notice-13.17; The Right Impression-Decals-860.00; Autumn Uglow-Contract Cleaning-75.00; Viaero-Cell Phone-177.46; Vince's Corner-Supplies-311.50; Visa-Firstier Bank-Charges-1,494.89; Voyager Fleet Systems-Fuel-184.76; Western Engineering Co., Inc.-Cold Mix-2,803.50; Western Nebraska Observer-Meeting Notices-366.08; Wolf Automotive Center, Inc.-Repairs-238.66; Wolfe Sand & Gravel Co.-Sand-20.40; Z & S Construction Co., Inc.-Hauling Charges-924.28.

City of Kimball-Economic Development Claims-August 15, 2017-EMC National Life Company-Premium-15.36; Staples-Supplies-14.46; Chamber of Commerce-Monthly Grant-450.00; Kimball County Treasurer-990/995 Funds-1,000.00; Goodhand Theater-Main Street Grant-616.17; LB Foster (I.O.S.)-Main Street Grant-2,850.25; CenturyLink-Telephone-63.22; Charter Communications-Internet-42.34; Connecting Point-Copy Usage-19.43; Dollar General Corporation-Supplies-27.00; Panhandle Coop Association-Supplies-125.27; Simmons Olsen Law Firm, P.C.-Professional Services-508.75; Simmons Olsen Law Firm, P.C.-Professional Services-324.00; Star-Herald Newspaper-Meeting Notice-4.77; Visa-Firstier Bank-Charges-552.78; Western Nebraska Observer-Meeting Notices-3.93.