

Kimball City Council  
Regular Meeting  
September 17, 2019

A regular meeting of the Mayor and City Council was convened in open and public session at 6:00 p.m. on September 17, 2019 in the City Council Chambers. Mayor Prunty and Council members Bright, Shields and Baliman were present. Council member Warner was absent. Also present were City Administrator Dean, City Treasurer Brower and City Clerk Terrill. 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. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Baliman, Bright and Shields. Nay: None. Absent: Warner. Motion carried.

The Pledge of Allegiance was recited. Prunty acknowledged the posted Open Meetings Act poster.

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

Prunty opened the 2019-2020 Fiscal Year Budget public hearing at 6:01 p.m. Prunty advised that after the budget workshop meeting the auditor recommended adding \$40,000 to sales tax and Jeremy Williams added \$2,500 for windmill grass. Bright asked if the budget included funds to spray for mosquitos next season. Dean advised there would need to have public input before that decision is made. There being no further questions or comments, Prunty closed the public hearing at 6:06 p.m.

Prunty opened the public hearing for the 2019-2020 Set Final Property Tax Request at 6:06 p.m. Prunty advised that taxes will not increase on the City side. There being no further questions or comments, Prunty closed the public hearing at 6:08 p.m.

Prunty opened discussion to consider the Restricted Fund Lid. Kent Hadenfeldt explained the Restricted Fund Lid to the Council citing Nebraska State Statute §13-519. Hadenfeldt stated that the approval of the additional 1% is to cover any additional sales tax, property tax, state funding, etc.

Baliman moved and seconded by Shields to waive the three readings and introduce Ordinance #772, 2019-2020 Appropriations, by title only. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Baliman, Bright and Shields. Nay: None. Absent: Warner. Motion carried. Prunty read Ordinance #772 by title only.

## ORDINANCE NO. 772

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.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KIMBALL, NEBRASKA:

**Section 1.** That after complying with all procedures required by law, the budget presented and set forth in the budget statement of the 2019-2020 fiscal year budget for the City of Kimball, Nebraska is hereby approved as the Annual Appropriation Bill for the fiscal year beginning October 1, 2019 and ending September 30, 2020. All sums contained in this budget statement are hereby appropriated for the necessary expenses and liabilities of the City of Kimball, Nebraska. A copy of this budget statement shall be forwarded as provided by law to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska and to the County Clerk of Kimball County, Nebraska, for use by the levying authority.

**Section 2.** Any ordinance or part of any ordinance in conflict with this ordinance is hereby repealed to the extent of such conflict. Should any part or section of this ordinance be declared void and unenforceable, such declaration shall not affect any other part of this ordinance. This ordinance shall be in full force and effect from and after its passage, approval and publication according to law, in pamphlet form.

PASSED AND APPROVED THIS 17<sup>th</sup> DAY OF SEPTEMBER, 2019.

CITY OF KIMBALL, NEBRASKA

/s/ Keith Prunty, Mayor

ATTEST:

/s/ Katherine Terrill, City Clerk

Shields moved and seconded by Bright to approve Ordinance #772, 2019-2020 Appropriations. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Baliman, Bright and Shields. Nay: None. Absent: Warner. Motion carried.

Prunty opened discussion on Resolution 2019-06, Setting Tax Request. Baliman moved and seconded by Bright to approve Resolution 2019-06, Setting Tax Request. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Baliman, Bright and Shields. Nay: None. Absent: Warner. Motion carried.

## RESOLUTION NO. 2019-06

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 2019-2020 property tax request be set at \$480,558.00 (\$0.419386 per \$100 valuation) for the City's General Fund.

(These levies include only the City of Kimball.)

2. The City Council determines that it is necessary to exceed the allowable growth for restricted funds for the 2019-2020 FY by an additional 1% as permitted by Neb. Rev. Stat. §13-519 and as approved by at least 75% of the Council.
3. A copy of this resolution be certified and forwarded to the Kimball County Clerk prior to October 13, 2019.

PASSED AND APPROVED THIS 17<sup>TH</sup> DAY OF SEPTEMBER, 2019.

/s/ Keith Prunty, Mayor

ATTEST:

/s/Katherine Terrill, City Clerk

Prunty opened discussion on Resolution 2019-07, Sale of the Longhorn Building. Bright pointed out completion required within three years of closing but there is not a penalty if that is not done. Dean advised that there will be more definite agreement drawn up. Discussion held on the agreement. After further discussion, Baliman moved and seconded by Shields to approve Resolution 2019-07, Sale of the Longhorn Building. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Baliman and Shields. Nay: Bright. Absent: Warner. Motion carried.

#### **RESOLUTION 2019-07**

#### **A RESOLUTION OF THE CITY OF KIMBALL, NEBRASKA, AUTHORIZING THE SALE OF CITY-OWNED REAL PROPERTY AS ALLOWED BY NEB. REV. STAT. §17-503 AND NEB. REV. STAT §17-503.01 AND KIMBALL MUNICIPAL CODE §94.30.**

WHEREAS, Neb. Rev. Stat. §§17-503 AND 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 ("City"), owns real property described as follows:

The South 9 feet of Lot 2 and all of Lots 3, 4 and 5, Block 1,

ANTELOPEVILLE ADDITION to the City of Kimball, Kimball County

Nebraska.

WHEREAS, The City has offered the real property to be developed into housing units and retail/office space;

WHEREAS, the City has previously attempted to sell the real property by bids through a Request for Proposal ("RFP"), however, no bids were received;

WHEREAS, SK Hays Companies L.L.C., a Nebraska limited liability company has offered to purchase the real property for the amount of \$1.00 (one dollar);

WHEREAS, as part of the purchase, the City will require that redevelopment of said real property occur and be complete within 3 (three) years of closing date of the real property.

WHEREAS, the value of the real property is less than \$5,000

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

1. The City now authorizes the sale of the above-described real property.
2. The terms of the sale shall be \$1.00 cash or cashier's check and the completion of the redevelopment of the real property into housing units and/or retail/office space occur within three (3) years of the closing date.
3. Subject to Kimball Municipal Code §94.30 and Neb. Rev. Stat. §§17-503 and 17-503.01, 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 real property.
4. The proceeds of the sale of the above-described real property shall be placed in the City's Economic Development Fund.
5. 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.
6. This Resolution shall become effective upon its passage and approval.

Passed and approved on September 17, 2019.

/s/ Keith B. Prunty, Mayor

ATTEST:

/s/ Katherine Terrill, City Clerk

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

1. Minutes from the August 13, 2019 joint City Council/County Commissioner meeting and the August 20, 2019 regular meeting;
2. Claims;
3. Financial Statements.

Bright questioned an Economic Development charge of \$805.00 for tourism. Brower advised Bright she would email him the details. Baliman moved and seconded by Bright to approve the consent agenda as presented with Bright's question answered via email. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Baliman, Bright and Shields. Nay: None. Absent: Warner. Motion carried.

Administrator Report: Dean advised the Council that they are holding off on the Landfill liner repair as they are trying to find a more cost-effective option. Dean advised the Underpass Project is complete. Dean went on to say that they decided against the rock in the ditches as it would be easier to maintain.

Mayor's Report: Prunty stated that there have been several complaints about the drainage at the underpass. Prunty went on to say that was not included in the project and that Z&S will clean out the drain with their vac truck. Prunty also stated that the concrete project on East Main Street has been completed.

The next regular meeting will be October 15, 2019 at 6:00 p.m. There being no further business, Baliman moved and seconded by Bright to adjourn the meeting at 6:24 p.m. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Baliman, Bright and Shields. Nay: None. Absent: Warner. Motion carried.

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Keith B. Prunty, Mayor

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Katherine Terrill, City Clerk