

Kimball City Council
Regular Meeting
January 15, 2013

A regular meeting of the Mayor and City Council was convened in open and public session at 6:00 p.m. on January 15, 2013 at the City Council Chambers. Mayor Schnell and Council members Warner, Morrison, and Christensen were present. Council member Merryfield was absent. Also present were City Administrator Ortiz, City Attorney Hadenfeldt, Police Chief Simpson, Captain Darren Huff, Economic Development Director Binod, City Clerk/Treasurer Russell, and Deputy City Clerk/Treasurer Strauch. 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.

Schnell called the meeting to order at 6:02 p.m. and the Pledge of Allegiance was recited.

Christensen moved and Warner seconded to acknowledge and excuse Council member Merryfield's absence on January 15, 2013. On roll call vote, the following votes were recorded. Aye: Warner, Morrison, and Christensen. Nay: None. Absent: Merryfield. Motion carried.

Schnell acknowledged the posted Open Meetings Act poster.

Schnell opened discussion on City Administrator Ortiz's contract. The contract was originally approved in December with an amendment. City Attorney Hadenfeldt stated that because this is a statutory position, the Mayor appoints the City Administrator and he serves at the pleasure of the Mayor. It is very similar to an at-will contract and Hadenfeldt commented on "with or without just cause" and explained "just cause". He said it pertains to severance and that is why it is defined twice in the contract. There being no further discussion, Morrison moved and Christensen seconded to approve the City Administrator contract. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Morrison, and Christensen. Nay: None. Absent: Merryfield. Motion carried.

The continuing education information from 2011-2012 budgets was reviewed. Warner had asked for an update on the overall budgets. Russell reported \$16,125 was budgeted in the general budget and \$12,500 was budgeted in the utilities budget for continuing education in 2011-2012. For travel, \$13,875 was budgeted in the general budget and \$13,250 was budgeted in the utilities budget for 2011-2012. Warner commented that this might be something to look at to tighten the budget.

Schnell opened discussion on his appointment of Ortiz as the alternate to the PADD Board. Ortiz has already attended a PADD meeting. Christensen said this forms good working relationships throughout our area. This is something that we need to proceed forward on. Schnell mentioned that the City will be working with PADD on the Comprehensive Plan to bring it up to date. There being no further discussion, Christensen moved and Morrison seconded to approve the Mayor's appointment of City Administrator Ortiz as the alternate to the PADD Board. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Morrison, and Christensen. Nay: None. Absent: Merryfield. Motion carried.

Schnell opened discussion on the nuisance abatement property at 207 South Walnut Street. This was originally brought before the council on July 18, 2012. Simpson reported there are still abatement issues that need to be taken care of. The owners haven't contacted him or the building inspector. He said there are still broken windows and there are still some vehicles on the property. The owner is willing to work with the City; however, he has been sick. Christensen inquired if the owner would be willing to pay the costs to have those things taken care of and Simpson will ask him. Christensen doesn't want the City to incur any costs to doing this. Simpson will report at the next City Council meeting. Morrison said the City needs to work with people but individuals also need to work with the City.

There being no further discussion, Christensen moved and Morrison seconded to have the Chief of Police speak with the owner of 207 South Walnut Street and find out if he would be willing to pay the cost of having the vehicles removed and the windows fixed and report back on February 5, 2013. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Morrison, and Christensen. Nay: None. Absent: Merryfield. Motion carried.

Schnell opened discussion on the nuisance abatement property at 4152 E. Front Street. This was also originally brought before the council on July 18, 2012. Simpson reported very little has been done on this property. Kim Baliman had a time set up with the owners to clean this property up, but they cancelled. Cynthia Behnke commented on scrap material and said she has to have a title to the vehicles. Simpson said there is lots of trash on the property and he has received complaints from the neighbors about the trash. He told Behnke that she has been told by the council to stay in contact with him. Behnke reported the tires are gone and the barrels and the light poles are gone. She commented on getting updates to Simpson and Schnell said if she called City Hall, they could get in touch with him. Morrison said they have to keep in contact.

Simpson asked council to give him the right to issue citations if this continues any longer. Schnell asked if they thought there will actually be progress on the property before February 5th and Sallie Behnke said yes. The Mayor asked council if they wished to take the same action as taken on the previous property.

There being no further discussion, Warner moved and Christensen seconded to allow owners of the property at 4152 E. Front Street to report on progress at the next council meeting on February 5, 2013. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Morrison, and Christensen. Nay: None. Absent: Merryfield. Motion carried.

Christensen added that council will request citations issued at the next meeting if there is not significant progress. Simpson said he can cite them up to \$100 per day for every day they are not compliant with the order. Schnell thanked the Behnkes for their attendance. Cynthia Behnke commented on the vehicles and said she doesn't have title to them. Hadenfeldt said they could be moved to another location.

Schnell opened discussion on the sign permit/sign construction permit application for Big Sky Energy, 3948 Road 34N. Russell indicated this property was rezoned to C-1 in April 2012 and meets the sign requirements for that zoning. There being no further discussion, Warner moved and Morrison seconded to approve the application for sign permit/sign construction permit for Big Sky Energy, 3948 Road 34N. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Morrison, and Christensen. Nay: None. Absent: Merryfield. Motion carried.

Schnell opened discussion on the sign permit/sign construction permit application for Kimball Recycle Center. Binod submitted an application for all the signs that are currently installed as well as new signs. Russell indicated the signs meet the sign requirements for that zoning. Binod said they are adding a mural to the front of the building as well. There being no further discussion, Warner moved and Christensen seconded to approve the application for sign permit/sign construction permit for the Kimball Recycle Center. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Morrison, and Christensen. Nay: None. Absent: Merryfield. Motion carried.

Schnell opened discussion on the Keno grant application from WorldStrides. Jessica Fossand and Casey Copeland provided information on the 4-day trip to Washington, DC. Five students will take the trip; one from Mitchell and four from Kimball. The total cost is \$7,500 and they are requesting \$2,000 from Keno funds. This is a school sponsored trip. The students have done other fundraisers and they are short between \$700 to \$900 each. They may have additional fundraisers.

Discussion was held on guidelines for awarding and Christensen indicated there really aren't any guidelines so it has lacked consistency on how much is awarded. She said she wants to support the kids, but \$2,000 is quite a bit of money for four of them. It was indicated the kids have earned about \$800 each. The cost is \$1,500 per person. Fossand said they have been doing fundraisers since last year. There being no further discussion, Warner moved and Morrison seconded to award keno funds of \$1,000 to WorldStrides. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Morrison, and Christensen. Nay: None. Absent: Merryfield. Motion carried.

Schnell commented that in the past the kids have been asked to assist during the Kimball clean up days and asked the kids to consider helping.

Schnell opened discussion on the Keno grant application from Post Prom Committee. Courtney Hunzaker and Hannah Bemis were present to request keno funds to help make a great post prom. Mr. Hunzaker indicated that discussions about the actual prom have not even started yet. They had their first committee meeting last week. Last year they rented blow-up slides and had some games. They plan on contacting companies similar to those. They will have prizes for the kids and food. There are 29

students in the junior class, so they are targeting about 150 for attendance. Hunzaker said they are asking for community donations and \$75 for each junior class student to help fund this. Their budget is about \$5,000. They haven't decided on the final venue yet and Schnell strongly suggested they book the date.

Christensen said she likes that they are asking parents to contribute. Warner thinks this impacts a lot of people and moved to award keno funds of \$2,000 to the Post Prom Committee. Motion was seconded by Morrison. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Morrison, and Christensen. Nay: None. Absent: Merryfield. Motion carried.

Schnell said this really serves the intent of what it was designed for and he reminded the kids to help during the community clean-up.

Schnell opened discussion on the reserve officers. Captain Huff commented on a Reserve Police Officer program. Typically, the reserve officers have been volunteers and had to furnish everything. These are individuals who want to give back to the community in which they live. The reserve officers would be used as adjuncts at special events such as the County fair, Farmers Day and parade and community outreach programs.

In accordance with Nebraska statutes, all reserves would work under a certified officer. Huff said this would help the police officers in being able to provide the City a better Police Department. Also, having reserves really helps retention within the department. Simpson added that they also help with their hiring pool and would actually provide him an "in-house" pool from which to hire. Simpson also indicated that the reserve officers would assist in schools as needed.

There is no cost in training and no cost in attending the academy. Their target is five reserve officers. The reserve officers would be required to go through the same process as a regular police officer. Christensen inquired if there is some interest and Simpson said they have several people that are interested. The reserve officers would wear a uniform and carry a weapon and would work under the direct supervision of a certified police officer. Once the reserve officer is fully certified, a minimum of 8 hours of duty time is recommended per month. Reserve officers cannot exceed 100 hours of duty time per year.

An inquiry was made about other communities and Simpson said many of the communities in the Panhandle have reserve officers. Ortiz indicated that it is a common practice among many Police Departments across the country. There being no further discussion, Christensen moved and Morrison seconded to approve the Reserve Officer program. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Morrison, and Christensen. Nay: None. Absent: Merryfield. Motion carried.

Schnell opened discussion on the School Resource Officer. Simpson said this is a discussion item only for right now. When he was a School Resource Officer, he was able to get an understanding of the youth in the area and established great long-term relationships with the kids. Simpson believes a School Resource Officer will help the kids relate to police officers. The School Resource Officer is a counselor and a mentor

to kids.

Simpson said the community needs this. He said the school district has been asked to contribute 50% of the cost for the officer and equipment and he is also looking for grants to help pay for the officer. Simpson said he is doing everything he can to make sure the position is fully funded. Simpson is asking for a 7th officer for that reason. The School Resource Officer is a huge tool in a law enforcement agency and a huge asset to the community. He has approached the School Board with this and received positive response. The officer would spend the whole day in the schools and would also attend all the school activities. Simpson said the officer would attend the School Resource Officer school and it is planned to utilize the officer as a regular officer during the summertime. Huff commented that this would benefit the schools in threat assessment. A School Resource Officer would be able to be proactive in fixing issues before they become a potential problem.

Warner inquired if a full time officer is really needed. She truly doesn't think that someone needs to be at the schools all day and suggested having a police officer at the schools a couple of hours a day, five days a week. Simpson said he doesn't have the manpower to do that because right now they have 24-hour a day, 7 days a week shifts. Simpson said the officer needs to be at the schools every day and have their face known and get them known by the kids. Warner inquired about other Nebraska towns with population under 5,000.

Morrison commented that this is something that discussion should be continued on. He is still open-minded on it and said it is something that needs to be looked at. It would be nice to have a School Resource Officer if the school is willing to work with the City on this.

Christensen would be interested in knowing some of the comparables in Nebraska, the number of police officers ratio. She said to keep in mind that just a few moments ago, the council made a decision to spend \$2,000 for four hours to keep kids safe. The council might want to consider that putting an officer in our school system is worth an awful lot as well. Warner commented that if there are reserve officers to help out, would a full time officer at the schools all day really be needed.

Jeannette Rabender, Chamber of Commerce Director, commented that in her experience, there is more violence in schools with an officer present. With officers in schools, the children develop a relationship with the officers. It is crucial to have an officer in the school and she thinks each school should have one. Simpson believes this is the best avenue.

There being no further discussion, Christensen moved and Morrison seconded to continue to provide Simpson with the opportunity to educate the council on the advantage of the School Resource Officer in an affirmative way and revisit this at the first meeting in March. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Morrison, and Christensen. Nay: None. Absent: Merryfield. Motion carried.

Schnell opened discussion on changing City Council meeting starting time. Morrison had submitted the agenda item request and indicated he would like the meetings to start

at 7:00 p.m. He doesn't think 6:00 is a very good time for a public meeting. He would like to be able to go home and eat and relax a little bit before coming to the meeting. Schnell asked the public in attendance their thoughts and Jeannette Rabender indicated it would be easier to attend a 7:00 p.m. meeting. Schnell commented that one of the reasons it was set for 6:00 p.m. was so staff could wrap up their day.

There being no further discussion, Morrison moved and Christensen seconded to direct City Attorney Hadenfeldt to draft an ordinance to change the City Council meeting time to 7:00 p.m. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Morrison, and Christensen. Nay: None. Absent: Merryfield. Motion carried.

Schnell opened discussion on Resolution 2013-01 authorizing City Administrator Ortiz' and Council President Christensen's signatures on bank signature cards. Warner introduced the resolution and moved its approval.

Resolution 2013-01

A banking form resolution from Points West Bank to add City Administrator Daniel Ortiz and Council President Kim Christensen to the signature card.

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

Schnell opened discussion on Resolution 2013-02, a Resolution to appoint the Electric Supervisor and the City Administrator as Public Alliance for Community Energy Representatives. Following discussion, Morrison moved and Christensen seconded to approve Resolution 2013-02. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Morrison, and Christensen. Nay: None. Absent: Merryfield. Motion carried.

RESOLUTION 2013-02

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 City Administrator as the City's alternate representative to said Board of Directors.

Dated this 15th day of January, 2013.

/s/James Schnell, Mayor

ATTEST:

/s/Rosemarie D. Russell, City Clerk

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

1. Minutes from the December 19, 2012 meeting;
2. Claims;
3. Financial Report; and
4. Annual Agreement Renewal and Certificate of Compliance with the Nebraska Department of Roads.

Morrison moved and Christensen seconded to approve the consent agenda items. On roll call vote, the following votes were recorded. Aye: Warner, Morrison, and Christensen. Nay: None. Absent: Merryfield. Motion carried.

The next regular City Council meeting is February 5, 2013. There is a hospital tabletop exercise scheduled for January 21, 2013. There will be Strategic Planning meetings on February 22 and 23, 2013. The League of Nebraska Municipalities Conference is in Lincoln on February 25th and 26th.

There being no further business to come before the Council, Morrison moved and Warner seconded to adjourn at 7:38 p.m. On roll call vote, the following votes were recorded. Aye: Warner, Morrison, and Christensen. Nay: None. Absent: Merryfield. Motion carried.

James Schnell, Mayor

Rosemarie Russell, Clerk/Treasurer

City of Kimball-Council General Claim-January 15, 2013-High Plains Budweiser-Liquor-258.00; High Plains Budweiser-Liquor-69.00; Atlantic Tactical-Uniforms-167.83; Baker & Taylor Books-Book Purchase-694.21; Sheryl Biesecker-Contract Cleaning-330.00; Bluffs Sanitary Supply, Inc.-Supplies-23.00; C & M Air Cooled Engine, Inc.-88.88; Center Point Large Print-Books-250.44; CenturyLink-Telephone-425.96; Centurylink Communications, Inc.- Telephone- 372.65; Community Internet Systems, Inc.-Monthly Internet Service-15.00; Crafcoc Inc.-Supplies-3,070.54; DeBoodt Construction-Contract Labor-644.70; Gale-Books-54.96; Galls, LLC-Uniforms-88.60; Dorothy Griffith-Expense Report- 447.03; High West Energy-Utilities-607.83; Hometown Hardware-Supplies-996.19; Ideal Linen Supply, Inc.-Supplies- 241.35; Jirdon Agri Chemicals, Inc.-Grass Seed-2,410.16; John Morrison-HSA Contribution-200.00; Joshua Kent-Reimbursement-250.00; Kimball Auto Parts-Part-10.88; Kimball Bakery-Supplies-325.30; Kimball Event Center- Room Rent-404.37; Kimball Health Services-Screening-72.00; Kimball Park & Recreation-Annual Allocation-80,500.00; Kimball Service Center-

Tires-248.00; L.L. Johnson Distributing Co.-Board Exchange Program-1,538.71; Jill Marks-Gratuity- 62.00; MicroMarketing, LLC-Books-139.47; Miller Office Supply-Chair-316.94; Monograms & More-Monogramming- 265.00; Napa Auto Parts-Parts-273.97; Nebraska Machinery Company-Rental-152.25; Nebraska Safety & Fire Equipment, Inc.-Annual Inspection-84.00; Lorri Norberg-Gratuity-62.00; Northwest Pipe Fitting, Inc. of S.B.-Repairs-202.26; Off Broadway Business Products-Office Supplies-37.25; Panhandle Coop-Fuel-2,943.91; Panhandle Coop Association- Supplies-706.21; Panhandle Library System-Service Fee-50.00; Pepsi-Cola of Western Nebraska-Supplies-266.35; Prairie Animal Hospital-Dog Pound Services-587.40; Prestige MFG. – Angle Iron-95.60; Presto-X-Contracted Services-72.96; Protex Central Inc.-Fire Alarm Inspection-202.00; Rainbow Printing-Supplies-333.00; Crystal Ramsey-Gratuity-44.00; Regional Books, Inc.-Books-33.21; Sheri Roberds-Handyman Services-607.00; Janet Sears-Expense Report-58.82; Simmons Olsen Law Firm, P.C.-Professional Services-405.00; SourceGas, LLC-Gas Service-1,517.94; Star-Herald Newspaper-Advertising-9.92; State Industrial Products-Supplies-114.21; Sysco Denver, Inc.-Supplies-1,492.01; The Right Impression-Name Plates-18.40; The United States Life Insurance Company-Premium-448.58; Tuxall Uniform & Equipment -Uniforms-662.49; Viaero-Cell Phone Usage-129.31; Visa-Firstier Bank-Charges-704.79; Brenda Voss-Gratuity-62.00; Western Nebraska Observer-Advertising-326.98; Windstream-Long Distance-9.32; Wolfe Sand & Gravel Co.-Sand- 59.40; Xerox Corporation-Copier Maintenance-131.91; High Plains Budweiser-Liquor-148.60; Arrowhead Distributing Inc.-Liquor-75.15; Century Link-Telephone-82.87; Combined Utilities-Utilities-3,841.08; Dietrich Distributing-Liquor-43.85; Kimball Auto Parts-Supplies-74.05; Kimball Service Center-Repair-18.00; Nina LaBate-Cleaning Services-60.00; Napa Auto Parts-Parts-630.18; Quill Corporation-Supplies-140.87; WPCI-Screening & Review-30.00; Winter Equipment Company, Inc.-Part-132.50; Nebraska Law Enforcement Training Center-Training Materials-80.00; Nebraska Law Enforcement Training Center-Certification-50.00; Baker & Taylor Books-Book Purchase-465.81; Laura Bateman-Certifications-50.00; Blackstone-Book Purchase-194.50; Center Point Large Print-Book Purchase-125.22; CenturyLink-Telephone-632.19; Check's Ice Co.-Ice-20.00; Combined Utilities-City Utilities-2,378.67; Community Internet Systems, Inc.-Monthly Internet-15.00; Connecting Point-Copy Usage-127.32; Contractors Materials, Inc-Concrete Blanket- 178.00; Creative Product Source, Inc.-Magnets-159.20; Curless Construction Service-Contract Labor-400.00; Daniel Ortiz-Hernandez-Expense Report-1,233.32; Demco-Library Supplies-232.04; Don Schmidt Carpet, Inc.-Carpet/Installation- 621.96; Frenchman Valley Coop-Propane-116.10; Galls, LLC-Uniforms-144.74; High West Energy-Utilities-743.95; Hometown Hardware-Supplies-551.81; Hornady-Supplies-1,926.46; Ideal Linen Supply, Inc.-Mats-145.24; Intralinks, Inc. -Computer Support-206.25; Judy Hoatson, CPA, LLC-Professional Services-220.00; Kimball Event Center-Rent-500.00; Kimball Health Services-Medical-328.90; Kimball Insurance-Premium-90,281.54; Kimball Service Center-Vehicle Maintenance-280.33; L.W. Cartage Co.-Lot Rent-100.00; Larsen's Jewelry Store-Plaque-21.48; League of NE Municipalities-Membership Dues-300.00; M.C. Schaff & Associates, Inc.-GIS Services-292.50; Michael Todd & Co., Inc.-Sign-79.11; MicroMarketing, LLC-Book Purchase-246.06; Mid-States Organized Crime Info Center-Membership Fees- 100.00; Napa Auto Parts-Parts-189.40; Nebraska Library Commission-Trainig-20.00; Lorri Norberg -Expense Report- 28.20; North American Book Distributors, L.L.C.-Book Purchase-190.00; Off Broadway Business Products-Wall Calendar- 11.79; PDR Distribution LLC-Desk Reference-59.95; Panhandle Coop-Fuel-2,067.01; Panhandle Coop Association- Supplies-56.99; Prestige MFG.-Flat Bar-14.98; Revize LLC-Software-234.00; Sheri Roberds-Handyman Service-607.00; Rosie Russell-Reimbursement-59.00; Simmons Olsen Law Firm, P.C.-

Professional Services-2,106.00; Star-Herald Newspaper-Advertising-9.16; Sysco Denver, Inc.-Supplies-1,106.26; The United States Life Insurance Company-Long Term Disability-448.58; Tuxall Uniform & Equipment-Uniforms-139.99; Viaero-Cell Phone Charges-65.71; Vince's Corner- Fuel-17.23; Visa-Firstier Bank-Charges-412.47; Western Nebraska Observer-Meeting Notices-399.32; Chad Wise-Credit Card-89.54; Chad Wise-Golf Pro Compensation-2,835.00; Wolf Automotive Center, Inc.-Vehicle Maintenance-598.97. City of Kimball-Economic Development Claims-January 15, 2013-Miller Office Supply-Office Supplies-31.21; CenturyLink-Telephone-50.06; Connecting Point-Copy Usage-32.86; Daniel Ortiz-Hernandez-Expense Report-411.10; Don Schmidt Carpet, Inc.-Carpet/Installation-621.96; Kimball county Treasurer-Funds 990/995-1,000.00; Kimball Insurance-Premium-198.00; NEDA-Dues-100.00; Revize LLC-Software-78.00; The United States Life Insurance Company-Long Term Disability-30.40; Viaero-Cell Phone Usage-32.87; Western Nebraska Observer-Meeting Notices-3.07.