

Kimball City Council  
Regular Meeting  
February 5, 2013

A regular meeting of the Mayor and City Council was convened in open and public session at 6:00 p.m. on February 5, 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, Deputy City Attorney Hoesig, Police Chief Simpson, 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 6:00 p.m. and the Pledge of Allegiance was recited.

Schnell acknowledged the posted Open Meetings Act poster.

Christensen moved to acknowledge and excuse Council member Merryfield's absence on February 5, 2013. Motion died due to lack of a second.

At 6:02 p.m. Schnell opened a public hearing on the One and Six Year Street Plan. Street Superintendent Ryschon presented the plan and commented on the maintenance projects that are planned. He commented on Form 11 and indicated the turning lane has been dropped from that form. On Form 8, the summary of one-year plan, there are maintenance items and three other projects have been added, extending rail spur from County Road 43 to County 45 for \$36,000, the Castronics turning lane on Highway 30 for \$150,000, and the underpass project for \$300,000. The City has some grant money from the Federal government. With the State of Nebraska, all projects have to be included on the one-year form.

Ryschon explained the summary of the six-year plan. This consists of all the one-year projects extended to six years. Schnell explained the armor coat streets project was approved to increase from \$70,000 to \$80,000 last year. So, this year, the amount was put at \$80,000 for this project. With \$80,000, 14 to 15 blocks could be done. Christensen said it seems to make a big difference in the overall upkeep of the street.

There being no further comments, Schnell declared the public hearing closed at 6:07 p.m.

Warner introduced the following resolution and moved its approval.

## RESOLUTION 2013-03

WHEREAS, the City of Kimball, Nebraska, has conducted a public hearing in accordance with the requirements of the Board of Public Roads Classifications and Standards,

NOW, therefore, be it resolved by the Mayor and City Council that the one and six-year street plans are unanimously accepted as presented at the public hearing.

Dated this 5<sup>th</sup> day of February, 2013.

/s/James Schnell, Mayor

ATTEST:

/s/Rosemarie D. Russell, City Clerk

Seconded by Christensen. 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 his appointments of Tim Klassen to the Board of Public Works and Cinda Schwindt to the Housing Authority Board. They are both very knowledgeable on how things work on the boards. There being no further discussion, Morrison moved and Warner seconded to approve the Mayor's appointments of Tim Klassen to the Board of Public Works and Cinda Schwindt to the Housing Authority 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. Simpson visited with the owner of this property and told him about the containers having to be moved. Mr. Schadegg indicated he didn't know where else to put them, but did say that he will try to move some of the stuff and clean it up a little bit more and do what he can to please the council. He has gotten rid of scrap iron and a lot of tires and he will be getting rid of more tires in 21 days. He has also gotten rid of several vehicles. Simpson said the property is not as messy and disorganized as it used to be.

Christensen is pleased to see that he is complying. But he needs to keep decreasing it. As long as he continues to work on cleaning up his property, she would be in favor of allowing him to continue and as long as he doesn't continue to accumulate items. Simpson reminded council that Schadegg will have the row of tires gone in 21 days. Warner is in favor of no action. If he has cleaned it up this much, she doesn't have any problems with it. Simpson said he is in violation with putting the containers on the property and discussion was held on the containers. Morrison is in favor of him trying to clean up the property but he is also in favor of being more aggressive. As long as Schadegg is working with the council, he doesn't have a problem with it. Morrison would like to see the City raise the standards for everyone. Christensen commented on having some type of parameter put on the property so the tires do not accumulate again.

There being no further discussion, Christensen moved and Morrison seconded to give the property owner at 207 S. Walnut Street until the March 5, 2013 City Council meeting to get rid of the remainder of the tires and give him direction not to accumulate those again. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Morrison, and Christensen. Nay: Warner. Absent: Merryfield. Motion carried.

Schnell opened discussion on the nuisance abatement property at 4152 E. Front Street. Simpson was contacted today by the Behnkes and he did take pictures today. Sallie Behnke said she had hired someone today to get the building torn down that used to be a horse barn. They have also gotten rid of two more vehicles and are working on getting rid of the trailer. The tires and barrel will be removed by this weekend. Morrison told the Behnkes that the council can work with them, but stressed to them not to allow something else to accumulate on the property. He said that as long as the Behnkes keep working at cleaning up their property, the council will work with them. Morrison requested the Behnkes try to be as much in contact with the City as they can.

There being no further discussion, Morrison moved and Christensen seconded to consider action on the property at 4152 E. Front Street again in 30 days. 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 amendments to the City of Kimball Employee Handbook. Ortiz said some of the revisions that were in the works included the use of City property, equipment and vehicles. As he delved deeper into the handbook he felt it didn't address the levels of employee disciplinary action. The proposed amendment will allow the City to be more consistent in the manner that is used for employee discipline. Along with this, there were some minor changes to be made for the sake of best practices. It is important to understand that the employee handbook is not a contract and is subject to change to update to current practices. With regard to employee conduct and work rules, it has been expanded it to include workplace violence and disciplinary action.

Warner commented on the overtime section under holidays and Ortiz indicated it was amended to clarify the wording. Warner commented on the levels of disciplinary action available and Ortiz said under disciplinary demotion, this gives him authority, with consultation with the Mayor, on disciplinary action. If it is a dismissal, the same would apply. After discussion, it was agreed that the statement "in consultation with the Mayor" should apply to disciplinary reduction in pay and disciplinary dismissal. Ortiz read Section 31.03 (9) of the City Code, which states "the City Administrator, with approval of the Mayor, may appoint and dismiss department heads and all subordinate employees of the city, as well as provide for the transfer of such employees from one department to another." Discussion was held on disciplinary dismissal and Attorney Hoesig indicated that it should be with approval of the mayor.

There being no further discussion, Warner moved and Morrison seconded to adopt the amendments to the City of Kimball Employee Handbook, with the changes to Section 701, VII (5), add "in consultation with the mayor"; and (6), add "with approval of the mayor". 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 revised City of Kimball Code of Ordinances. He indicated the City was up against the deadline for the quoted price for codification. He added that the City Attorney was not able to prosecute certain cases because the current code is outdated. Attorney Hoesig commented the new Code Book now complies with the statutes and he is comfortable with adopting it. He said if there are any problems with it, changes will be able to be done much quicker. Ortiz said a copy will be on the City's website. He is very pleased with moving forward on getting this code codified and digitized. It is also very helpful from an economic development standpoint.

Warner moved and Christensen seconded to introduce Ordinance 692 and waive the requirement of reading on three different days be suspended. On roll call vote, the following votes were recorded. Aye: Warner, Morrison, and Christensen. Nay: None. Absent: Merryfield. Motion carried.

Mayor Schnell read Ordinance 692 by title only.

#### ORDINANCE NO. 692

AN ORDINANCE TO REVISE ALL THE ORDINANCES OF THE CITY OF KIMBALL, NEBRASKA, TO REPEAL PRIOR ORDINANCES, TO REQUIRE FILING, PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE AND PUBLICATION IN PAMPHLET FORM.

Warner moved and Morrison seconded to pass and approve Ordinance 692. On roll call vote, the following votes were recorded. Aye: Warner, Morrison, and Christensen. Nay: None. Absent: Merryfield. Motion carried.

Schnell opened discussion on the ordinance to change the City Council meeting time. This had been discussed at a previous meeting and is before the council for approval.

Warner moved and Morrison seconded to introduce Ordinance 693 and waive the requirement of reading on three different day be suspended. On roll call vote, the following votes were recorded. Aye: Warner, Morrison, and Christensen. Nay: None. Absent: Merryfield. Motion carried.

Mayor Schnell read Ordinance 693 by title only.

#### ORDINANCE NO. 693

AN ORDINANCE AMENDING TITLE III: ADMINISTRATION, CHAPTER 33, SECTION 33.04 OF THE MUNICIPAL CODE OF THE CITY OF KIMBALL, NEBRASKA, AMENDING THE TIME OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF KIMBALL, NEBRASKA, PROVIDING FOR THE REPEAL OF ORDINANCES AND SECTIONS IN CONFLICT THEREWITH, AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

Warner moved and Morrison seconded to pass and approve Ordinance 693. On roll call vote, the following votes were recorded. Aye: Warner, Morrison, and Christensen. Nay: None. Absent: Merryfield. Motion carried.

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

1. Minutes from the January 15, 2013 meeting; and
2. Claims.

Christensen moved and Warner 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 19, 2013. There will be a Park and Recreation Executive Board meeting on February 13, 2013 at 5:00 p.m. This meeting is for the consideration of the use and permit to place an oil derrick on Park and Rec property. There will be Strategic Planning meetings on February 22 and 23, 2013.

There being no further business to come before the Council, Morrison moved and Christensen seconded to adjourn at 6:48 p.m. On roll call vote, the following votes were recorded. Aye: Warner, Morrison, and Christensen. Nay: None. Absent: Merryfield. Motion carried.

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James Schnell, Mayor

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Rosemarie Russell, Clerk/Treasurer

City Council Meeting-General Claims-February 5, 2013-ASCAP-License Fee-330.27; Sheryl Biesecker-Contract Cleaning -495.00; Ideal Linen Supply, Inc. - Supplies126.39; The Right Impression-Dog Tags-106.40; V.F.W. 2243-Flag-40.00;Xerox Corporation-Maintenance-130.40; ALSCO-Supplies-367.49; Bluffs Sanitary Supply, Inc.-Supplies-277.41; CPS Distributors, Inc.-Parts-134.48; Colorado Golf & Turf, Inc.-Parts-37.47; Combined Utilities-Utilities-5,020.18; FYR-TEK, Inc.-Supplies-500.16; Frank Implement Company-Parts-119.81; GCSAA-Membership-340.00; Dorothy Griffith- Expense Report-112.71; Hometown Hardware-Supplies-458.94; Kimball Laundry-Laundry Services-33.75; E.A. Kulp-Contract Labor-100.00; Nina LaBate-Contract Cleaning-60.00; LorRon Department Store-Foul Weather Gear-43.99; Napa Auto Parts-Tool Box-436.17; NMC Exchange LLC-Rental-385.70; Northwest Pipe Fitting, Inc. of S.B.-Parts-444.54; Panhandle Coop-Bulk Fuel-942.04; Panhandle Coop Association-Supplies-709.63; Public Safety Center-Supplies-401.25; R & R Products, Inc-Tools-2,749.95; Simmons Olsen Law Firm, P.C.-Professional Services-345.00; SourceGas, LLC-Gas Service-898.54; Staples-Office Supplies-421.46; Viaero-Cell Phone Usage-127.10; Windstream-Long Distance-4.61; Alamar Uniforms-Uniforms- 2,094.00; Atlantic Tactical-Supplies-96.99; Assunta Calise-Gratuity-53.55; Check's Ice Co.- Ice-33.00; Community Internet Systems, Inc.-Monthly Internet Service-15.00; Consolidated Management Company- Meals- 250.50; Culligan-Salt-32.00; Curless Construction Service-420.00; Dave's Repair & Service-Wrecker Service-171.20; Dollar General Corporation-Supplies-50.70; Emblem Enterprises, Inc.-Patches-242.22; Graphic Screen Printing-Uniforms- 142.00; Dorothy Griffith-Gratuity-510.90; Hometown Hardware-Supplies-74.27; Hornady-Supplies-2,071.26; Ideal Linen Supply, Inc.-Supplies-20.95; Intralinks, Inc.-Computer Support-93.75; Kimball County Clerk-Recording Fee-22.00;

Susie Kennedy-Gratuity-74.55; Kimball Auto Parts-Parts-282.80; Kimball Event Center-Rent-500.00; Kimball Laundry-Sewing Services-13.35; Kimball Service Center-Tire Repair-35.00; L.W. Cartage Co.-Lot Rent-100.00; Jill Marks-Gratuity-64.00; Napa Auto Parts-Parts-299.39; NGCSA-Dues-150.00; Nebraska Clerk Institute-Clerk Academy-446.00; Lorri Norberg-Gratuity-93.00; Northern Safety Co., Inc.-Supplies-295.90; Off Broadway Business Products-Office Supplies- 81.00; Daniel Ortiz-Expense Report-853.01; Panhandle Coop Association-Supplies-19.11; Sherri Parshal-Gratuity-55.00; Police Officers' Association of Nebraska-Handbooks-69.00; Prairie Animal Hospital-Boarding-128.25; Prestige MFG.- Door Repair-86.18; Presto-X-Monthly Contract-73.08; Crystal Ramsey-Gratuity-57.00; Sheri Roberds-Handyman Project- 647.00; The Computer Guy-Computer Support-87.00; The United States Life Insurance Company-Long Term Disability- 538.47; Vince's Corner-Fuel-75.36; Brenda Voss-Gratuity-76.60; Voyager Fleet Systems-Fuel-111.92; Chad Wise-Golf Pro Compensation-2,835.00; Wolf Automotive Center, Inc.-Vehicle Maintenance-479.59. Economic Development-Claims-February 5, 2013-Kimball County Clerk-Recording Fees- 28.00; Kimball County Treasurer-990/995 Split – 1,000.00; Daniel Ortiz-Expense Report – 231.380-The United States Life Insurance Co.-Long Term Disability – 47.60.