

Kimball City Council
Regular Meeting
February 19, 2013

A regular meeting of the Mayor and City Council was convened in open and public session at 7:00 p.m. on February 19, 2013 at the City Council Chambers. Mayor Schnell and Council members Warner, Morrison, Merryfield and Christensen were present. Also present were City Administrator Ortiz, City Attorney Hadenfeldt, Police Chief Simpson, and City Clerk/Treasurer 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.

Schnell called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

Schnell acknowledged the posted Open Meetings Act poster.

Schnell opened discussion on the Keno grant application from Kimball Junior High Accelerated Reader Bookstore. Lani Heeg, reading teacher with Kimball Public Schools, and four 7th and 8th grade students were present to explain the program. As students read books and take comprehension tests on books in the library or at home, they earn Accelerated Reader points. The points are transferred into accelerated reader money and students can spend that money on books, kindles, etc. in the Accelerated Reader Bookstore. This is all about encouraging literacy and trying to get students to read more. The students have made a lot of progress and they have been encouraged to take the vocabulary practice test. The four students in attendance at the meeting each spoke positively about the Accelerated Reading Program and the benefits of reading and receiving prizes for reading. Reading for prizes makes many want to read more books. Each child is exposed to at least five books. It is a neat program, but it is also based on how students take advantage of it. There are approximately 90 7th and 8th grade students and nine high school remedial students in the program. The Keno money would be put in a fund and allocated by the school. The Accelerated Reading Program sets a reading level and the students take a STARS test at the beginning of the year.

Christensen inquired what happens with the program if they don't receive Keno funds and also asked if the school is supporting this. Heeg explained the school received a grant through the school foundation last year for about \$300. Clean Harbors and other businesses have also donated money. Discussion was held on breaking the requested amount down and looking at it per quarter. Heeg indicated that \$500 per quarter is realistic if everyone meets their goals. Christensen commented on awarding \$1,000 now and it would allow the program a couple of quarters and will keep the City with

operating money. Warner commented on dollar amounts per student and Merryfield indicated it would be hard to do that because sometimes it is more and sometimes it is less. He suggested that Heeg come back before the council each semester and submit a request for Keno funds. Merryfield suggested awarding \$1,500 now and then award at the beginning of next year. This should cover what each student has earned so far.

There being no further discussion, Merryfield moved and Christensen seconded to award Keno funds of \$1,500 to the Kimball Junior High Accelerated Reader Bookstore. On roll call vote, the following votes were recorded. Aye: Warner, Morrison, Merryfield and Christensen. Nay: None. Absent: None. Motion carried.

Schnell opened discussion on the Keno grant application from the Village of Bushnell. Vern Hackbarth, Village Board member, explained the application. The Federal government is mandating that municipalities have reflective street signs. In order to meet the guidelines, the Village of Bushnell will need to replace all their street signs at a cost of \$5,636.85. The signs have to be in place by 2016. Schnell inquired if any of their funding could come from Homeland Security and asked if the City could assist them in any way with grant writing. Hackbarth said it is difficult to meet that mandate in small communities. Simpson commented on grants and added that the State of Nebraska is able to give out mini-grants.

Merryfield inquired if the County has been consulted and Hackbarth said no. Ortiz commented on grants and said they vary on the criteria and guidelines. Many involve follow-up reporting. Christensen said many small communities may be under a little more constraint as far as access to a grant writer. Smaller communities don't have the opportunity or personnel to do some things that larger cities do. Christensen added that Bushnell citizens are contributors to Kimball's Keno money and she doesn't want to discount the request from the Village.

Christensen would like to see Bushnell have a pro-active approach of trying to garner these funds and maybe the City and County of Kimball should be looking at assisting the Village with grant writing. Simpson suggested Hackbarth get in contact with Fred Zwonichek with regard to the mini grants and perhaps he could point him in the right direction.

Warner suggested to table this application until it is determined if some grant money was available and that Bushnell pursue some other avenues that maybe the City can assist them with. Simpson said he will look into some possibilities and give Hackbarth some connections and he can also assist him with writing grants as well. Merryfield recommended denying the application now and give them the opportunity to reapply but proceed to help them. Once they get all their grants in place, they can reapply for Keno funds. Christensen agreed to deny the application and invite them to come back at the time they have more firm figures.

There being no further discussion, Merryfield moved and Christensen seconded to deny the Keno grant application from the Village of Bushnell for \$5,636.85. On roll call vote, the following votes were recorded. Aye: Warner, Morrison, Merryfield and Christensen. Nay: None. Absent: None. Motion carried.

Schnell opened discussion on the Keno grant application from Girl Scout Troop 10209. Tanya Cook and four junior girl scouts were present to explain the request. Troop 10209 is trying to raise funds to go to "Bunk with the Beast" at the Denver Zoo. The girls will stay the night at the zoo and then go to the Denver Museum. They have raised \$500 so far and are trying to raise the remaining \$500 to go on the trip in April. All the money has to be collected by March 22nd. There are two buses, one from eastern Nebraska and one from Scottsbluff and all will meet and go to the zoo. There are a total of eight individuals from Kimball, including the chaperones.

Warner commented that other students that have had Keno money awarded to them have assisted in the clean-up day. Cook said they would be willing to help out and also try to help out with community things in Kimball.

There being no further discussion, Christensen moved and Merryfield seconded to award Keno funds of \$500 to Girl Scout Troop 10209. On roll call vote, the following votes were recorded. Aye: Warner, Morrison, Merryfield and Christensen. Nay: None. Absent: None. Motion carried. Christensen told the Girl Scouts to enjoy the trip and to come back to the council and tell them all about it.

Schnell opened discussion on the Limited English Proficiency (LEP) Plan. Russell indicated the Federal Highway Administration (FHWA) requires local entities that receive Federal funds to establish a Title VI Program. The City is responsible for a Title VI Nondiscrimination Agreement, and a Limited English Proficiency (LEP) Plan. Hadenfeldt has drafted the LEP Plan and said the whole point of the plan is to provide people with limited English skills the same opportunities. The point is not to discriminate. According to the census figures, Spanish is the most prominent non-English language in Kimball County. Ortiz said there are some options for translation services that are available on-line and other resources as well. Currently, there are resources in place. Whenever the City receives Federal funding, this is a requirement that the City will be able to check off as already being place. Hadenfeldt said this is to inform NDOR that the City will adopt the Limited English Proficiency (LEP) Plan and will revise that Plan to meet the need.

There being no further discussion, Morrison moved and Christensen seconded to adopt the Limited English Proficiency (LEP) Plan. On roll call vote, the following votes were recorded. Aye: Warner, Morrison, Merryfield and Christensen. Nay: None. Absent: None. Motion carried.

Schnell opened discussion on authorizing the Mayor and City Administrator to sign the Title VI Non Discrimination Agreement. This agreement is with the Nebraska Department of Roads and Hadenfeldt indicated there was a sample agreement provided by NDOR. The agreement basically states that the City agrees not to discriminate.

There being no further discussion, Warner moved and Merryfield seconded to authorize the Mayor and City Administrator to sign the Title VI Non Discrimination Agreement. On roll call vote, the following votes were recorded. Aye: Warner, Morrison, Merryfield and Christensen. Nay: None. Absent: None. Motion carried.

Schnell opened discussion on Ordinance 694 to adopt Section 504 of the Rehabilitation Act – Nondiscrimination Under Federal Grants and Programs. There being no discussion, Warner moved and Merryfield seconded to introduce Ordinance 694 and waive the requirement of reading on three different day be suspended. On roll call vote, the following votes were recorded. Aye: Warner, Morrison, Merryfield and Christensen. Nay: None. Absent: None. Motion carried.

Mayor Schnell read Ordinance 694 by title only.

ORDINANCE NO. 694

AN ORDINANCE OF THE CITY OF KIMBALL, NEBRASKA ADOPTING SECTION 504 OF THE REHABILITATION ACT - NONDISCRIMINATION UNDER FEDERAL GRANTS AND PROGRAMS, UNDER THE AMERICANS WITH DISABILITIES ACT OF 1990, AS AMENDED IN 2009; PROVIDING FOR ENFORCEMENT PROCEDURES AND PENALTIES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING A DATE THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

Warner moved and Merryfield seconded to pass and approve Ordinance 694. On roll call vote, the following votes were recorded. Aye: Warner, Morrison, Merryfield and Christensen. Nay: None. Absent: None. Motion carried.

Schnell opened discussion on Resolution 2013-04 to ensure compliance with Title VI – Civil Rights, Americans with Disabilities/Section 504 of the Rehabilitation Act. There being no discussion, Christensen introduced the following resolution and moved its approval.

RESOLUTION NO. 2013-04

A RESOLUTION OF THE CITY OF KIMBALL, NEBRASKA, TO ENSURE COMPLIANCE WITH TITLE VI - CIVIL RIGHTS, AMERICANS WITH DISABILITIES/ SECTION 504 OF THE REHABILITATION ACT.

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

WHEREAS: Certain transportation facilities (roads, streets, trails, and others) in the City of Kimball, Nebraska, have been designated as being eligible for federal funds by the Federal Highway Administration in compliance with federal laws pertaining thereto;

WHEREAS: The City of Kimball, Nebraska desires to continue to participate in Federal-Aid transportation construction programs;

WHEREAS: The Nebraska Department of Roads as a recipient of said federal funds is charged with oversight of the expenditures of said funds;

WHEREAS: The City of Kimball, Nebraska, as a sub-recipient of said federal-aid funding is charged with the responsibility of expending said funds in accordance with

federal and state law, the rules and regulations of the Federal Highway Administration, the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Roads and the Americans with Disabilities/Section 504 – Civil Rights Policy of the City of Kimball, Nebraska; and

WHEREAS: The City of Kimball, Nebraska understands that the failure to meet all requirements for federal funding could lead to a project(s) being declared ineligible for federal funds, which could result in the City of Kimball, Nebraska being required to repay some or all of the federal funds expended for a project(s).

NOW, THEREFORE, BE IT RESOLVED the City of Kimball, Nebraska, by and through its City Council, does hereby adopt and bind itself to comply with all applicable federal law, including the rules and regulations of the Federal Highway Administration, all applicable state law and rules and regulations (Nebraska Administrative Code) and the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads and the Americans with Disabilities/Section 504 – Civil Rights of the City of Kimball, Nebraska.

BE IT FURTHER RESOLVED the City of Kimball, Nebraska, by and through its City Council, does hereby designate the following as responsible for the management of the Americans with Disabilities/Section 504 – Civil Rights process: City Administrator.

Passed and approved this 19th day of February, 2013.

/s/James W. Schnell, Mayor

Attest:

/s/ Rosemarie D. Russell, City Clerk

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

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

1. Minutes from the February 5, 2013 meeting;
2. Claims; and
3. Financial Statements

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

The next regular City Council meeting is March 5, 2013. Schnell reported the Strategic Planning meetings on February 22 and 23, 2013 have been postponed and Russell said it is anticipated to be rescheduled for April 19 and 20, 2013. Further information will be provided at a later date.

There being no further business to come before the Council, Merryfield moved and Warner seconded to adjourn at 7:55 p.m. On roll call vote, the following votes were

recorded. Aye: Warner, Morrison, Merryfield and Christensen. Nay: None. Absent: None. Motion carried.

James Schnell, Mayor

Rosemarie Russell, Clerk/Treasurer

City of Kimball-General Claims-February 19, 2013-American Legal Publishing Corporation-Printing Charges-5,346.75; Baker & Taylor Books-Book Purchase-759.90; Bemis Drug-Supplies-9.59; Sheryl Biesecker-Contract Cleaning-330.00; C & M Air Cooled Engine, Inc.-Parts-865.64; Center Point Large Print-Book Purchase-125.22; Centurion Technologies-Maintenance Fee-50.00; CenturyLink-Telephone-725.10; Colorado Golf & Turf, Inc.-Parts-21.91; Combined Utilities-City Utilities-3,223.55; Companion Corporation-Software-899.00; Richard Elliott-Re-Key Locks-191.20; FYR-TEK, Inc.-Repairs-1,885.11; Fastenal Company-Supplies-44.31; Frank Implement Company-Part-32.10; GCSAA-Membership -170.00; Gale-Book Purchase-54.96; High West Energy-Utilities-677.07; Hometown Hardware-Supplies-269.34; Ideal Linen Supply, Inc.-Supplies-113.19; Joshua Kent-Expense Report-324.33; Kimball Auto Parts-Parts-134.89; L.L. Johnson Distributing Co.-Sprayer-9,952.46; Nina LaBate-Contract Cleaning-60.00; LorRon Department Store-Foul Weather Gear- 113.98; M.C. Schaff & Associates, Inc.-GIS Services-1,325.00; MicroMarketing, LLC-Book Purchase-239.04; Miracle Recreation Equipment Co.-Handles-54.60; Mobius Communications Company-System Monitoring-51.36; Napa Auto Parts -Supplies-273.40; Nebraska Environmental Products-Parts-106.10; Nebraska Library Association-Membership Renewal-75.00; Nebraska Liquor Control Commission-License Applications-90.00; Nebraska Public Health Enviro Lab- Water Samples-14.00; Northwest Pipe Fitting, Inc. of S.B.-Supplies-677.27; Off Broadway Business Products-Supplies- 52.89; Daniel Ortiz- Reimbursement -59.95; Pack Rat Enterprises-Garbage Service-96.00; Panhandle Coop-Fuel-1,559.73; Panhandle Coop Association-Supplies-502.29; Prestige MFG.-Services-327.19; Pumpkin Books-Book Purchase-127.17; Quill Corporation-Supplies-494.30; R & R Products, Inc-Parts-555.29; RDJ Specialties, Inc.-Supplies-106.78; Shopko Stores-Supplies-99.27; Simmons Olsen Law Firm, P.C.-Professional Services-1,934.00; Simmons Olsen Law Firm, P.C.- Professional Services-2,111.50; SourceGas,LLC-Gas Service-1,868.83; Star Office Supply-Office Supplies-308.59; United Rotary Brush Corporation-Brushes-1,354.14; Upstart-Book Purchase-138.26; Viaero-Cell Phone Usage-129.16; Vince's Corner-Fuel-62.08; Visa-Firstier Bank-Charges-2,350.17; Western Nebraska Observer-Meeting Notices-312.86; Rick Wynne-Reimbursement-81.32; Xerox Corporation-Copier Maintenance-132.00; Kimball Laundry-Sewing Services-78.75; Mike's Heating-Motor-406.00; SourceGas, LLC-Gas Service-456.35. Economic Development-Claims-February 19, 2013-CenturyLink-Telephone-52.69; Miller Office Supply-Supplies-9.23; Simmons Olsen Law Firm, P.C.-Professional Services-315.00; Viaero-Cell Phone Usage-32.84; Visa-Firstier Bank-Charges-2.64; Western Nebraska Observer-Meeting Notices-6.80.