

Kimball City Council  
Regular Meeting  
June 4, 2013

A regular meeting of the Mayor and City Council was convened in open and public session at 7:00 p.m. on June 4, 2013 at the City Council Chambers. Mayor Schnell and Council members Warner, Shields, and Christensen were present. Council member Morrison was absent. Also present were City Administrator Ortiz, City Attorney Hadenfeldt, Police Chief Huff, Economic Development Director Bowling, Street Superintendent Jim Ryschon, City Clerk Russell and City 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 7:00 p.m. and the Pledge of Allegiance was recited.

Schnell indicated that Council member Morrison is not able to attend tonight's meeting due to being on vacation. Warner moved and Shields seconded to excuse the absence of Council member Morrison. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, and Shields. Nay: Christensen. Absent: Morrison. Motion carried.

Schnell acknowledged the posted Open Meetings Act poster.

Schnell read a proclamation for National Nursing Assistant Week and proclaimed June 13<sup>th</sup> to 20<sup>th</sup>, 2013 as the 36<sup>th</sup> Annual National Nursing Assistants Week in the City of Kimball.

Jada Thompson, Contryman Associates, P.C. was present to review the 2011-2012 fiscal year financial statement.

The City of Kimball presents their governmental activities on the cash basis of accounting while the proprietary activities are presented on the accrual basis of accounting. Therefore, the auditors submitted a qualified opinion. Thompson recommended for next fiscal year to change so both activities are the same.

Thompson explained some of the notes to the Financial Statements. Note 3 indicates \$1,636,299 in cash that is restricted. Note 7 indicates long-term debt, which is how much money the City owes to various entities and bonds payable. Thompson commented on the report on internal control and material weaknesses identified. Segregation of duties is not an unusual finding. The recommendation on the financial

statement preparation is to hire someone to come in and close the books properly and make sure that everything is matching the fixed journal entries. She commented on the balancing of each individual fund and the number of journal entries needs to be reduced.

Following review and discussion, Warner moved and Christensen seconded to hire an accountant that knows government bookkeeping to clean up the records as recommended by the auditor. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, and Christensen. Nay: None. Absent: Morrison. Motion carried.

Schnell opened discussion on re-funding of the Kimball Main Street Design and Improvement Program. This is a program that was started a number of years ago to use money from the Economic Development funds for the program. There is a small subcommittee that meets to review applications and makes recommendations to the City Council. It is a benefit to take the Economic Development money collected and provide to the businesses.

Some businesses assisted have been McConnell Health Clinic, Cottage Gardens, DBAC, Bob and Susie Abramson, Kimball Service Center, Circle R Auto Service, Eagles Aerie #3889, Heeg Enterprises and SAN Properties. The applicants are required to match 50/50 up to \$2,000. Schnell urged businesses to take advantage of this program.

There being no further discussion, Shields moved and Christensen seconded to approve \$10,000 from Economic Development funds for Kimball Main Street Design and Improvement Program Grant. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, and Christensen. Nay: None. Absent: Morrison. Motion carried.

Schnell opened discussion on the Kimball Main Street Design and Improvement Grant applications from Anderson Family Foot Care. Strauch explained the Kimball Main Street Design and Improvement Grant committee consists of Kelli Patterson, Bob Jenner, Jeanette Rabender, Wilson Bowling and herself. They reviewed two applications from Anderson Family Foot Care. One of the applications is for improvements that were done in 2011 to replace the awning with new metal and wood and painting all metal poles for \$4,459.75. The committee recommended \$2,000 funding for that application. The other application is for a stone sign and foundations for \$1,625 and the committee recommended approval of \$1,625.

Strauch indicated there are certain guidelines for the program and some items are allowed while others are not. Christensen said Anderson's have done a very nice job and moved to approve the Kimball Main Street Design and Improvement Program Grant Applications from Anderson Family Foot Care for \$2,000 and \$1,625. Seconded by Shields. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, and Christensen. Nay: None. Absent: Morrison. Motion carried.

Schnell opened discussion on the Keno Grant Application from Kimball Ranch Rodeo. Alex Engstrom and Justin Perry explained the Ranch Rodeo is in its fifth year. The funds have enabled them to continue this event for the community. They could use a little help from the City in covering expenses. A beer garden and dance will follow the rodeo. It is difficult to keep this event going without a budget, but this gives the community something to do. This event is not quite self-sufficient yet.

Shields inquired if Engstrom has been part of this event for a while and Engstrom said he has been in this from the beginning. Warner said this event seems to bring in a lot of participation. Christensen indicated this is totally for the community and they have done a nice job in bringing people in for it.

There being no further discussion, Christensen moved and Warner seconded to approve the Keno Grant Application for Kimball Ranch Rodeo in the amount of \$3,000. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, and Christensen. Nay: None. Absent: Morrison. Motion carried.

Schnell opened discussion on the request for waiving or reducing the fee for a water aerobics class at the Kimball Municipal Pool. Kim Baliman, 900 S. Nadine, has been teaching water aerobics for the past five to six years. She would like to teach it once again. She commented on the report of Kimball County being the least healthy county in Nebraska and said it prompted her to want to teach water aerobics again and she would like to find a way to make it work. Baliman would like to teach on Mondays, Tuesdays, Thursdays and Fridays from 5:50 p.m. to 6:50 p.m. and on Saturdays from 10:50 a.m. to 11:50 a.m. Participants would have to buy a season pass to get into the water. Baliman inquired what she would have to pay to use the pool to do this. In the past, the only thing she would be charged would be if the pool had to bring in extra guards.

Schnell indicated this is a public service and it is one of the buildings that we use and asked for clarity from the council. Baliman is charging participants \$25 a month for unlimited classes. Baliman commented that the Chamber of Commerce receives some bonuses for having non-credit activities through WNCC. Christensen commented on the pass being an incentive to use the pool and asked if Baliman could track the attendance. Ortiz said the biggest issue is to make sure the City is not waiving any fees. He commented on the private party fee and asked Baliman if she is OK with sharing the pool during her classes. It was recommended that the participants purchase a pass and Baliman keep track of the attendance and have the classes during the times when the guards are already at the pool. Baliman said this is promoting fitness throughout the community.

There being no further discussion, Warner moved and Christensen seconded to allow the water aerobics in the pool as long as it is during open hours with life guards and at a cost of the season pass, family or individual. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, and Christensen. Nay: None. Absent: Morrison. Motion carried.

Schnell opened discussion on Chestnut Street after relinquishment from the State. He wanted to dedicate the meeting to discussing Chestnut Street and to receiving input from citizens. Doug Hoevet, NDOR District Construction Engineer, indicated they are finishing up the Highway 71 project and will answer any questions the best he can. Schnell inquired of the timeline for relinquishment and Hoevet said once the construction is finished, there are some letters that will have to be written and he expects it to be this summer. Schnell said it then becomes the responsibility of the City of Kimball. This will affect the citizens as taxpayers. Hoevet explained south to the City limits will be relinquished to the County and at the roundabout. Just north of the interchange to the City limits will also be relinquished to the County. East to west 30 there is no change and will remain state jurisdiction. As Chestnut Street goes under the interstate, reference post 15+37, from that point South remains with the State.

Discussion was held on the patching and the roughness of the asphalt. Hoevet said overlaying the asphalt portion brought it up to standard. He will check to see if they need to grind the surfacing.

Jim Ryschon, Street Superintendent, has been working with Jim Johnson, Project Manager, to determine what was put on the street and what they could expect for the life of the material. Ryschon said it is hard to predict the life of the material, but added that if the City keeps up on the crack sealing, they could get five to seven years of life. Hoevet said if the City is diligent with sealing the cracks and preventing moisture, the better the top is sealed, the longer the life.

Hoevet said to his knowledge the construction has passed testing and he commented on random sampling and based on their sampling, it is within their specification range. Warner inquired if Highway 71 and 30 had the same specification and Hoevet said yes except a portion at Lodgepole Creek. The superpave mix is the same as used on all the highways, except for the interstates. Hoevet said they could give recommendations on best practices with regard to sealing and armor coating. The City would be able to maintain the high quality longer if they are diligent. Hoevet commented on moisture and heavy truck traffic.

Schnell commented on the City's maintenance program and Ryschon said the City has not paved during his tenure. The City is spending about \$80,000 in maintaining that program and will have to armor coat on Chestnut which will increase the cost of maintenance to \$250,000 in five years. The armor coating could probably be done in sections and be coordinated with the County.

Council member Morrison provided written comments to the Mayor. The comments are: two blocks on Chestnut should be retail-friendly which means pedestrian friendly. This could be accomplished by slowing traffic and removing trucks; similar to the mall in Loveland; Gering has a sign at the Civic Center corner that indicates no trucks, deliveries only; trucks can use the by-pass. If trucks cannot use I-80, they can get off at the roundabout and use Highway 30 and go south on Highway 71. It would be ideal to have a truck route south of the east interchange. The County needs a truck route as much as the City because truck traffic will decrease the life of the road. Finally, Morrison feels there does not need to be four downtown handicap parking places. The Coop store only needs two and there should be limited time parking in front of the

## Bakery.

Schnell commented on the brand new street striping and the angle parking downtown. He also said there have been people worried about trucks in town; however, people need to remember the businesses that are affected.

Marvin Hill, a Scottsbluff trucker who hauls livestock, feels that the bypass has taken a lot of business out of town. He has to buy a special permit to run the little section of the interstate. His licensing fee was over \$3,000 this year. He also has to pay \$550 a year for federal highway use tax. Hill said to travel that extra two miles and not drive through town, would cost him another \$1.00 a day. He said he does buy items from both "quick stops" in town, but he will not stop if he has to drive around. Hill was upset that the City would want to restrict truckers from the roads they have to travel. He realizes his heavy truck is going to do damage to the street, but he pays his taxes too. He commented on the elevator getting the grain and the filling stations getting gas. Hill said he hates to see the City not allow trucks to drive through town because it is just going to continue to hurt the businesses.

Mike Hofer, Panhandle Coop COO, said one-third of their fuel business is at the corner for trucks coming through. They cannot afford to lose the one-third of their business.

Henry Heeg, Vince's Corner, said it would directly affect his business as well. He commented on trucks that stop in and support his business and he appreciates that they come in and he needs that business. He would lose over half of the diesel sales if the trucks were not able to drive through town. Heeg said to let people and truckers come into our town and spend their money here.

Bud Klassen inquired if anyone has ever tried to talk to the governor. He said that the governor needs to be called and asked to raise the limit in the two miles. He doesn't necessarily want to stop the trucks from coming through town, but would like some of them to slow down.

Ortiz inquired of Hoevet what restrictions will be on Chestnut. Hoevet said some of Chestnut has control limitations and the City will still need to consult with the NDOR. Schnell asked if the City will need to conduct studies or check with NDOR when considering changes to signage and Hoevet indicated he will research and email the information.

Warner commented on Kimball being a Livestock Friendly Community and said people complain of the smell of the cattle trucks. Christensen said she doesn't believe the smell is the issue. The concern is the wear and tear on the roads. She said the City is just trying to figure out how to pay for the maintenance on the road.

Gene Golding, Frenchman Valley Coop, said they do have quite a bit of trucks that fill up at Coop because it is convenient, wide-open and easy access. He doesn't want to run business out of town.

Jeanette Rabender, Chamber of Commerce Director, has had numerous business owners talk to her about the truck traffic on Chestnut and she has not heard any

negatives. If the City starts limiting the truck traffic through Kimball, things will go away. She did suggest slowing traffic down before it comes down the hill in Kimball. She doesn't think traffic should be redirected, it is part of who Kimball is and it does bring extra people into town.

Rod Swanson, Plains Marketing, is saddened to see how Kimball has shrunk from when he used to live in Kimball. He said whatever the council decides, his company will abide by it. However, he encouraged the council not to redirect the trucks. He encouraged the council to not discourage business because he has seen the effects of it.

Darren Huff, Police Chief, commented on trucks coming off the interstate because of the interstate being closed and that trucks would have to go somewhere. There has to be a place to put the vehicles in the event of Wyoming or Colorado closing the interstates.

Dave Haack, Z & S Construction, commented on economic development and growth and said people should be encouraged to come to town and the City will receive more money to pay for the street. He commented on his company's trucks that do visit the "quick stops". He said the City should encourage business rather than push it away.

Schnell encouraged comments and said this all needs to be on public record so that people understand why the council made the decisions they did.

Derek Lukassen asked why the City would want to push out people that will bring money into town and said they should be encouraged.

Ginny Hinton, Kimball Bakery, wants to keep the bakery going. She commented on the handicap parking space and said it should be in the middle of the block. It needs to be accessible to both sides instead of on the corner. Schnell said it was originally designed for the handi-busses and the lifts. It needs to be decided if they are in the best suited areas.

Warner commented that what she has heard tonight is that it would be a devastating economic loss to downtown Kimball if truck access is restricted. She appreciates everyone taking the time to come tonight and thanked everyone for voicing their opinions.

Hoebet will email Ortiz regarding his "homework", i.e., grinding of the concrete on the southern end of the project; project completion; jurisdictional changes; and confirm what requirements the City would still have with regard to stop lights, speed limit, and signage.

Shields appreciates everyone's comments and said this is going to get interesting. The council's goal is to determine how best to maintain Chestnut with regard to usage and continue to bring businesses in.

Hill thanked the council for listening.

Christensen likes the way the streets look now. She informed the audience that as far as people voicing opposition to what was said at this meeting, these citizens took the

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time to come and it means a lot.

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

1. Minutes from the May 21, 2013 meeting; and
2. Claims.

Christensen 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: Warner, Shields, and Christensen. Nay: None. Absent: Morrison. Motion carried.

The next regular City Council meeting is June 18, 2013. There will be a strategic planning session on June 28 and 29, 2013.

There being no further business to come before the Council, Shields moved and Warner seconded to adjourn at 8:45 p.m. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, and Christensen. Nay: None. Absent: Morrison. Motion carried.

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James Schnell, Mayor

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Rosemarie Russell, City Clerk

City of Kimball-General Claims-June 4, 2013-Combined Utilities-Utilities-167.68; Kimball Swimming Pool-Start-Up Cash-200.00; Staples-Office Supplies-140.21; Staples-Supplies-25.00; Action Communications-Data Backup-99.96; Laura Bateman-14-Students-Heartsaver Annual Renewal-150.00; CenturyLink-Telephone-159.44; Combined Utilities-Utilities-1451.53; Community Internet Systems, Inc-Monthly Internet Service-15.00; Contractors Materials, Inc-Supplies-32.15; Contryman Associates, P.C.-Audit Services-3575.00; Croell Redi-Mix-Concrete-1012.70; Frederick Construction-Windows-1139.49; Dorothy Griffith-Supplies-99.00; Hometown Hardware-Supplies-59.08; Ideal Linen Supply, Inc.-Mats-22.74; Intralinks, Inc-Computer Support-75.00; Brooke M. Jones-Reimbursement-10.00; Kimball Event Center-Rent-Fitness Center-500.00; Kimball Insurance-Directors/Officers-Renew Policy-22449.46; L.W.Cartage Co-Lot Rent-100.00; Nina LaBate-Contract Cleaning-60.00; Linn Machine Works-Repair Roller-61.11; Monograms & More-Rags-6.00; Napa Auto Parts-Parts-156.42; Nebraska Environmental Products-Supplies-1007.21; Panhandle Clerk's Association-Membership Dues-10.00; Panhandle Coop Association-Trees-138.43; Petty Cash-Reimbursement-19.10; Points West Ins-Supplement-2671.00; Right Impression-Supplies-29.50; Sheri Roberds-Handyman Project-888.00; Vycktoryja Selves-Reimbursement-40.00; Shopko Stores-Supplies-35.86; Simon Contractors-Repairs-3730.78; SourceGas, LLC-Gas Service-211.89; Sysco Denver, Inc-Popcorn-2296.09; Viaero-Cell Phone-63.55; Windstream-Long Distance-11.62; Chad Wise-Golf Pro Compensation-2835.00; Chad Wise-Credit Cards Reimbursement-4925.25; Wolf Automotive Center, Inc-Vehicle Maintenance-494.05. City of Kimball-Economic Development Claims-June 4, 2013-Wilson Bowling-Expense Report-1890.43; Contryman Associates, P.C.-Audit Services-1925.00; Kimball County Treasurer-Visitor's Committee-1000.00; SAN Properties-Kimball Main Street Program-2000.00.