

Kimball City Council  
Regular Meeting  
July 2, 2013

A regular meeting of the Mayor and City Council was convened in open and public session at 7:00 p.m. on July 2, 2013 at the City Council Chambers. Mayor Schnell and Council members Warner, Shields, Christensen and Morrison were present. Also present were City Administrator Ortiz, City Attorney Hadenfeldt, Police Chief Huff, Economic Development Director Bowling, 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 acknowledged the posted Open Meetings Act poster.

At 7:05 p.m., Schnell opened a public hearing on an application for Class C (beer, wine, distilled spirits, on and off sale) liquor license for Big Mamou Steakhouse LLC DBA Big Mamou Steakhouse, 615 W. Highway 30. Stephanie Tyan, owner, said she would like the approval to get a liquor license to serve alcohol in the Big Mamou. They have been open since June 14, 2013. Schnell commented on previous statements and Tyan indicated it is just herself and her husband and a certain individual will have nothing to do with the business. She has encouraged the Police to do walk-throughs. Christensen inquired if she will encourage her servers to get alcohol training and Tyan said all her help will be required to go through the training provided by the Nebraska State Patrol. Huff inquired about drug screening and Tyan indicated she and her husband have talked about this and Christensen said this is a fairly expensive process for employers. Morrison said Kimball needs another restaurant in town and as long as the landlord is at arm's length, he would have no issues with them receiving a liquor license.

There being no further comment, Schnell declared the public hearing closed at 7:09 p.m. Christensen moved and Morrison seconded to recommend approval of the application for Class C (beer, wine, distilled spirits, on and off sale) liquor license for Big Mamou Steakhouse LLC DBA Big Mamou Steakhouse. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Christensen and Morrison. Nay: None. Absent: None. Motion carried.

Schnell opened discussion on an application for corporation manager from Robert L. Tyan for Big Mamou Steakhouse, LLC DBA Big Mamou Steakhouse. As an LLC, they are required to have a corporate manager. There being no discussion, Morrison moved

and Shields seconded to approve Robert L. Tyan as the corporation manager for Big Mamou Steakhouse. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Christensen and Morrison. Nay: None. Absent: None. Motion carried.

Schnell opened discussion on Big Mamou Steakhouse LLC DBA Big Mamou Steakhouse to be approved as a local outlet for keno lottery. In the past, most of the restaurants within the City boundaries have had keno lottery operations and it is something that the community takes advantage of. He thanked the Tyans for bringing a fine food restaurant to Kimball.

There being no further discussion, Warner introduced the following resolution and moved its approval.

#### RESOLUTION 2013-08

A RESOLUTION APPROVING BIG MAMOU STEAKHOUSE LLC, DBA BIG MAMOU STEAKHOUSE AS A LOCAL OUTLET FOR KENO LOTTERY WITHIN THE CITY OF KIMBALL AND DETERMINING THAT THE KENO LOTTERY OUTLET MEETS THE REQUIREMENTS PERTAINING TO THE OPERATION OF A KENO LOTTERY.

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

WHEREAS, it is the desire of the City Council of the City of Kimball to insure the qualification standards for an outlet for conducting a keno lottery in conformance with Section 9-642.01 of the Revised Statutes of Nebraska; and

WHEREAS, it is the desire of the City Council in order to protect the general health, welfare, and morals of the City of Kimball that each sales outlet for keno lottery be a suitable establishment to conduct such sales.

BE IT THEREFORE RESOLVED THAT based upon the best information available, each keno lottery sales outlet complies with the rules and regulations of the Nebraska Department of Revenue adopted to carry out the provisions of the Nebraska County and City Lottery Act.

1. Big Mamou Steakhouse, 615 W. Highway 30, Kimball, is hereby approved as a Keno Lottery outlet.

PASSED AND APPROVED THIS 2<sup>nd</sup> DAY OF JULY, 2013.

/s/James W. 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, Shields, Christensen and Morrison. Nay: None. Absent: None. Motion carried.

Discussion was held on the Mayor's appointment of Linda Mimh to the Kimball Housing Agency. Schnell indicated she will take the place of Sheila Story, who recently resigned. There being no discussion, Warner moved and Shields seconded to approve the Mayor's appointment of Linda Mimh to the Kimball Housing Agency. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Christensen and Morrison. Nay: None. Absent: None. Motion carried.

Schnell opened discussion on the amendment to the City of Kimball Housing Rehabilitation Program Guidelines. Bowling indicated the deadline is later than what was originally thought. When the program guidelines were originally brought before the City Council, there was some concern about the upkeep of the property and he has included the amendment of "to avoid complications on insurance claims, the City of Kimball will be listed as a co-insured on any insurance policy". He inquired if there is anything else that council members wish to include in the program guidelines. There being no further discussion, Shields moved and Christensen seconded to approve the amendment to the City of Kimball Housing Rehabilitation Program Guidelines as discussed. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Christensen and Morrison. Nay: None. Absent: None. Motion carried.

Schnell opened discussion on nuisance abatement at 605 S. Elm Street. Huff indicated the owners have been cited and warned numerous times. They clean it up temporarily and then it again becomes a nuisance. This property is "in reserve" until March 2014, at which time it will go to a tax sale. It typically takes three years to finalize a tax sale and four years before it could be removed. Huff expressed his frustrations with this property.

Christensen commented that there are ordinances in place and said in other communities if individuals are outside the ordinance, they can be cited and they are obligated to follow the instruction. If they don't follow it, they pay a fine. She feels that the council is re-enforcing the same law over and over again. Christensen thinks the Police Chief has the right to act on these properties. Hadenfeldt said there are two ways to deal with a nuisance type issue; citing them or confiscation of property. Either way, the owners have to be given notice. It is not a crime, it is just an ordinance violation.

Further discussion was held and Christensen commented that the council members need to agree that they are relinquishing authority to the Police Chief. Hadenfeldt commented on the five day notice period and said after that time the owners can be cited and a complaint filed. Morrison agrees to the Police Chief enforcing the law and doing exactly what needs to be done with the nuisances. Christensen said if meatier ordinances are needed, let the council members provide the policy, not enforce the law. Huff will visit the property tomorrow and if it is the same, he will cite the owners.

Christensen also said that it needs to be impressed upon the community that we are all neighbors to each other and if we can do something to help, that is what we should do.

Schnell opened discussion on the ordinance to amend the Kimball Municipal Code to

add Chapter 117: Special Events. Ortiz said the special events permit form was approved by city council at the last meeting and this ordinance redefines what the council wanted. The special events permit would be needed when any City resources or personnel would be required or if the event would impede businesses or residents.

There being no further discussion, Christensen moved and Shields seconded to introduce Ordinance 696 and waive the requirement of reading on three different days be suspended. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Morrison, and Christensen. Nay: None. Absent: None. Motion carried.

Mayor Schnell read Ordinance 696 by title only.

#### ORDINANCE NO. 696

AN ORDINANCE OF THE CITY OF KIMBALL, NEBRASKA, AMENDING TITLE XI: BUSINESS REGULATIONS; PROVIDING FOR THE REPEAL OF ORDINANCES AND SECTIONS IN CONFLICT THEREWITH, AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

Christensen moved and Morrison seconded to pass and approve Ordinance 696. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Morrison, and Christensen. Nay: None. Absent: None. Motion carried.

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

1. Minutes from the June 18, 2013 meeting;
2. Claims;
3. Weed abatement letter;
4. Dead tree letter; and
5. Ratify the Kimball Volunteer Fire Department members.

Warner moved and Shields seconded to accept the consent agenda items as presented. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Christensen and Morrison. Nay: None. Absent: None. Motion carried.

The next regular City Council meeting is July 16 2013.

There being no further business to come before the Council, Christensen moved and Shields seconded to adjourn at 7:43 p.m. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Christensen and Morrison. Nay: None. Absent: None. Motion carried.

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James Schnell, Mayor

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Rosemarie Russell, City Clerk

City of Kimball-Council General Claims- July 2, 2013-Heartland Expressway Association - Donation-Heartland Expressway Association - 820.00; Chad Wise - CC Due-6/4/13 thru 6/18/13 - 4774.95; Wendy Baker - Handyman Project-6/1/13-6/30/13 - 1061.50; Charter Communications - Internet-Dual-City Hall - 150.12; Combined Utilities - Cemetery Water/Well - 3131.81; Combined Utilities - Cemetery Storage Building - 34.37; Combined Utilities - Cemetery Maintenance Building - 233.07; Combined Utilities - City Utilities - 2398.44; Combined Utilities - City Utilities - 1554.79; Community Internet Systems, Inc. - Monthly Internet Service - 15.00; Contractors Materials, Inc. - Tungston Cutters - 65.04; Crescent Electric Supply Co. - Fan/Light-Event Center - 129.71; Croell Redi-Mix - 4000 PSI - 135.00; Richard Elliott - Keys-Padlock-WWTP - 7.00; Frenchman Valley Coop - Chemicals - 464.95; High Plains Budweiser - Liquor Purchase-Family Reunion - 304.70; Hometown Hardware - #36392-Irrigation Supplies - 6.63; Jirdon Agri Chemicals, Inc. - Tuff Turf Mix, Greenmaster, Speedzone - 396.59; Kimball Auto Parts - #4151-Antifreeze, Washer Fluid, Lithium - 355.96; Kimball Event Center - Room Rent-Strategic Planning - 522.50; Kimball Health Services - Medical-Police - 372.68; Kimball Insurance - Bond-Strauch Notary - 50.00; L.L. Johnson Distributing Co. - Rotor, Swing Joint - 389.32; L.W. Cartage Co. - Lot Rent - 100.00; Linda's Monograms & Beyond - Uniforms-Lifeguards - 455.12; Terry Lovesee - Golf Membership Due Medical Issues-Appd. 5/28/13 - 485.30; Mike's Heating - Filter Change-Event Center - 300.00; Monograms & More - Uniforms-Event Center - 34.00; Murphy Tractor & Equipment Co., Inc. - Grapple Bucket-Street Dept. - 4211.50; Napa Auto Parts - Paint Thinner, Corn Broom-Street - 72.97; Nebraska Safety & Fire Equipment, Inc. - GTR Recharge - 100.00; Pepsi-Cola of Western Nebraska - Pepsi Machine-Concessions - 285.60; Powerplan - Maintenance-JD Tractor - 108.00; Presto-X - Monthly Contract-Event Center - 76.62; Ramada In Kearney NE - Lodging-Finance Conference-Ortiz - 450.00; Shopko Stores - Pool Supplies-Brooke Jones - 135.73; SourceGas, LLC - Gas Service-Library - 1752.81; Staples - Office Supplies - 249.77; Sysco Denver, Inc. - Supplies - 722.33; The Right Impression - Public Notice Sign - 12.00; The United States Life Insurance Company - Long Term Disability Premium-6/22/13-7/21/13 - 596.46; United Rotary Brush Corporation - 3-United Pro Strip Brushes - 1169.82; Chad Wise - Credit Due-6/19/13-6/25/13 - 2488.37; Chad Wise - Golf Pro Compensation - 2835.00;