

Kimball City Council
Special Meeting
August 22, 2013

A special meeting of the Mayor and City Council was convened in open and public session at 7:00 p.m. on August 22, 2013 at the City Council Chambers. Mayor Schnell and Council members Warner, Shields, and Morrison were present. Council member Christensen was absent. Also present were City Administrator Ortiz, Deputy City Attorney Seltzer, Police Chief Huff, 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.

Schnell opened discussion on recommendations from the Cemetery Board on the Cemetery Rules and Regulations amendments. The Cemetery Board had a special meeting on July 30, 2013 and their regular meeting on August 12, 2013 to discuss issues with the cemetery. The recommendations for amending the rules and regulations are before the council members. Schnell commented on a letter he and council members received from Ron Scott, Cemetery Board member, and Schnell's response that the City Council go forward with the recommendations made by the Cemetery Board at their August 12, 2013 meeting. Any further changes can be addressed by the Cemetery Board and presented to the City Council for adoption later.

Ron Scott expressed concerns with rules 7, 8, 9, 10 and addressed rule 7 in particular. He said if this amendment is passed, the City will very probably have the opportunity to move everything again. Scott recommended the wording be changed to "flowers and other items placed on the gravesite shall be removed when they become wilted, discolored, or an eyesore" and omit "during the Holiday season". This rule has been incorporated for many years. Today, people are decorating with all kinds of things, artificial flowers, solar lights, and various other things. Scott thinks it would be an injustice if the council does not change that rule. Pat Sibal, Cemetery Board Chair, indicated that would eliminate confusion as people decorate many times a year. Then it is up to the caretaker's discretion and Warner inquired whose discretion is it when the flowers are discolored or an eyesore? Scott said there must be some discretion used. Warner inquired if Scott has ever been at any cemetery that allowed decorations over 10 days. Discussion was held on the different decorations, including solar lights. Scott indicated that the vast majority of people decorate the graves to honor the deceased. It

should be up to the owner as to what they place on the gravesites. Warner inquired about responsibility if the item is broken and citizens in attendance said it is the owner's responsibility. A citizen commented that they take responsibility for things that get broken. She said they don't hold anyone responsible if anything gets broken. Scott said solar lights are extremely cheap and he believes that if he has a solar light that is damaged, he will replace it. Sibal indicated that rules state that items of that nature need to be up next to the gravestone.

Morrison said the Cemetery Board are the ones that should be writing the amendments. The City Council should just make some minor changes and if people are not happy with it that is what the Cemetery Board is for. Ortiz said the way the rules and regulations are presented is what the board recommended.

Discussion was held on the next special Cemetery Board meeting on August 26, 2013 at 12:00 noon and Regina Hinton inquired if the meetings can be held in the evenings so people can attend. Sibal indicated that the special Cemetery Board meeting will address items that were on the previous agenda that were not addressed due to time constraints. The Cemetery Board typically tries to hold the meetings to an hour and they meet on a quarterly basis.

Marie Aguiniga commented that she was at the cemetery after dark and a police officer told her she had to leave. Ortiz indicated with the proposed changes, essentially the cemetery will be open 24 hours. Huff said there has been an issue in the past with kids being in the cemetery after dark and he strongly urged the City Council to consider that this change has a potential issue for criminal activity.

Discussion was held on rule 2 and Scott said that doesn't allow any items on gravesites and Morrison interprets that the decorations can be out there anytime and be within the guidelines.

Carolyn Wilson inquired about rule 10 and Sibal said what she is talking about is to keep the in ground/reversible vases upside down during the mowing season and perhaps the wording should be clarified and Schnell clarified the wording for her.

Morrison said the amendments need to be given a period of time and if something is wrong, then the Cemetery Board can go back and fix them.

There being no further discussion, Morrison moved and Warner seconded to approve the amendments to the Cemetery Rules and Regulations as presented by the Cemetery Board. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, and Morrison. Nay: None. Absent: Christensen. Motion carried.

Schnell opened discussion on Airport Authority property tax request. Ortiz said the Airport Authority has come back with a property tax levy and Strauch indicated it is the same request as last year. She said the Airport Authority does have a big project coming up but they have grant funds they are going to use for that, so they didn't feel they need to increase their request. Warner inquired if the mill levy will be 43 cents before the Airport Authority property tax request and 46 cents after and Strauch said

that is correct. Their property tax request falls under the City's mill levy. Morrison said it appears that it is in the same range as in prior years. He inquired about the \$5,536.60 to be used towards the payment of interest and principal on outstanding bonded indebtedness and Strauch indicated the bonds fall outside of the lid laws. The request is the same amount as last year. Schnell said the public has already voted on the bond and it doesn't count against what is going to be taxed.

There being no further discussion, Morrison moved and Shields seconded to approve the Airport Authority property tax request. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, and Morrison. Nay: None. Absent: Christensen. Motion carried.

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

1. Minutes from the August 6, 2013 regular city council meeting and joint City/County meeting;
2. Claims; and
3. Financial Statements

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

Morrison moved and Warner seconded to excuse Council member Christensen's absence. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, and Morrison. Nay: None. Absent: Christensen. Motion carried.

Ortiz reported on the tornado siren. The siren needs to be mounted on a higher pole so he is talking to the owners of the church across from Gotte Park as a place to place the siren and pole. Shields inquired about power and Ortiz said there is a transformer in that area and it is just a matter of stringing the power across the alley. By moving the siren 20 yards to the south, it gives better coverage to the high school. At the pool area, it is a 3-phase transformer and would require an additional siren.

Warner asked that the council be updated on the rail spur and underpass projects at a future meeting.

Schnell reported the Police Department has a new officer, Justin Trout. He has seven years in law enforcement and will be taking the sergeant's position in the department. With this new hire, that will leave just two more positions to fill. Huff said Trout has an excellent background and Kimball is very fortunate to have gotten him. Huff reported they also have a possibility for a certified officer for the SRO position. This individual also comes from a SRO position.

The budget workshop will be concluded on August 27, 2013 at 5:00 p.m. The next regular City Council meeting is September 3, 2013.

There being no further business to come before the Council, Shields moved and Morrison seconded to adjourn at 7:45 p.m. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, and Morrison. Nay: None. Absent: Christensen. Motion carried.

James Schnell, Mayor

Rosemarie Russell, City Clerk

City of Kimball-City Council-General Claims-August 22, 2013-Nebraska Library Commission-Seminar-10.00; High Plains Budweiser-Liquor Purchase-37.80; ALSCO-Supplies-111.89; American Patriot Pictures, LLC-DVD-19.99; Baker & Taylor Books-Book Purchase-507.72; Sheryl Biesecker-Contract Cleaning-330.00; Bill Bohac-Contract Labor-1,825.00; Jamie Carpenter-Expense Report-80.20; Center Point Large Print-Book Purchase-196.37; CenturyLink-Telephone-131.52; CenturyLink-Telephone-85.14; CenturyLink-Telephone-441.60; Charter Communications-Internet Service-79.50; Check's Ice Co.-Cube Ice-28.90; Combined Utilities-Transfer-1,536.00; Connecting Point-Copy Usage-86.61; Croell Redi-Mix- Concrete Sand-1,680.00; Dale's Auto Glass-Glass-27.00; Dollar General Corporation-Supplies-12.10; Richard Elliott- Adjust Locks-40.00; Gale-Book Purchase-70.85; Carla Goranson-Expense Report-53.54; Greenline Equipment-Aerator- 600.00; Dorothy Griffith-Expense Report-39.81; High West Energy-Utilities-6,681.58; Hometown Hardware-Supplies- 174.88; Ideal Linen Supply, Inc.-Supplies-99.30; Jirdon Agri Chemicals, Inc.-Chemicals-521.92; Kimball Auto Parts-Parts- 728.85; Kimball Bakery-Supplies-57.00; Kimball Builder's Emporium-Contract Labor-680.00; Nina LaBate-Contract Cleaning-60.00; League of NE Municipalities-Membership Dues-3,553.00; Merryfield Heating & Air Conditioning- Air/Heating Maintenance-150.00; Michael Todd & Co., Inc.-Signs-585.47; MicroMarketing, LLC-Book Purchase-118.53; Mike's Heating-Condenser Motor-460.00; Napa Auto Parts-Parts-692.63; PADD-Dues-1,934.63; Panhandle Coop-Fuel- 747.59; Panhandle Coop Association-Supplies-267.11; Prestige MFG.-Equipment Repair-25.53; Presto-X-Monthly Contract-76.91; Sherwin-Williams Co.-Supplies-227.90; Shopko Stores-Supplies-48.36; Simmons Olsen Law Firm, P.C.-Professional Services-2,411.50; SourceGas, LLC-Gas Service-1,820.11; Star-Herald Newspaper-Subscription- 149.00; Sysco Denver, Inc.-Supplies-362.32; The United States Life Insurance Company-Long Term Disability-457.08; Viaero-Cell Phone-133.45; Visa-Firstier Bank-Charges-839.39; Western Nebraska Observer-Meeting Notices-1,332.58; Chad Wise-Credit Card Due-6,143.88; Xerox Corporation-Copier Maintenance-125.21; Combined Utilities-Utilities-2,859.17; Kimball County Clerk-Recording Fee-22.00. Economic Development-Claims-August 22, 2013-Tiffani Anderson-Kimball Main Street Funds-2,000.00; Wilson Bowling-Expense Report-142.83; CenturyLink-Telephone-51.95; Charter Communications-Internet Service-119.25; Connecting Point-Copy Usage-7.05; ED Suite-Website Development-6,655.25; Simmons Olsen Law Firm, P.C.-Professional Services-502.50; The United States Life Insurance Company-68.20; Viaero-Cell Phone-34.98; Western Nebraska Observer-Meeting Notices-9.88.