

Kimball City Council
Regular Meeting
September 17, 2013

A regular meeting of the Mayor and City Council was convened in open and public session at 7:00 p.m. on September 17, 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, 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.

Shields moved and Warner seconded to excuse the absence of Christensen from the September 3, 2013 City Council meeting. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, and Morrison. Nay: None. Abstaining: Christensen. Motion carried.

Schnell opened a public hearing for the 2013-2014 Fiscal Year Budget at 7:03 p.m.

Schnell reviewed the budget process and asked for public comment. Discussion was held on the final dollar amount requested in property tax and Strauch explained the 2012-2013 request and the 2013-2014 property tax request. Ortiz reminded council that is the total combined with the airport authority levy included. Morrison noted the request is the same as last year. Warner commented on Kimball having the highest tax per capita in the State and Christensen commented that if this is compared to services offered in the surrounding communities, the tax per capita might be less. She would not be willing to give up the services offered. Christensen commended the City departments for the efforts they have made to hold the line, knowing that it is part of their income and part of their tax dollars as well. Schnell commended Ortiz and Strauch for the nice job they have done in their "inauguration" year. He added that they have shared with him some ideas of how they want to make it easier for the public to understand the budget process.

There being no further discussion, Schnell declared the public hearing closed at 7:13 p.m.

Morrison moved and Shields seconded to introduce Ordinance 698, read by title only and waive the statutory rule requiring reading on three different days be suspended. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Christensen and Morrison. Nay: None. Motion carried.

Schnell read Ordinance 698 by title only.

ORDINANCE NO. 698

AN ORDINANCE OF THE CITY OF KIMBALL, NEBRASKA, TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM.

Christensen moved and Morrison seconded to pass and approve Ordinance 698. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Christensen and Morrison. Nay: None. Motion carried.

At 7:15 p.m. Schnell opened the public hearing for the 2013-2014 Final Property Tax Request. Schnell reviewed the budget notice and indicated the 2013 proposed tax rate is .582231. There was no public comment.

Schnell declared the public meeting closed at 7:16 p.m.

Warner moved and Morrison seconded to approve Resolution 2013-10. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Christensen and Morrison. Nay: None. Motion carried.

RESOLUTION 2013-10

WHEREAS, the Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the City Council of the City of Kimball, Nebraska passes by a majority vote, a resolution setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interest of the Kimball City Council and the citizens of Kimball, Nebraska that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the City Council of the City of Kimball, Nebraska, by a majority vote, resolves that:

1. The 2013-2014 property tax request be set at \$452,480.00 (\$0.436186 per \$100 valuation) for the City's General Fund.

\$151,500 (\$0.146044 per \$100 valuation) for the City's Bond Fund.
(These levies include only the City of Kimball.)

2. A copy of this resolution be certified and forwarded to the Kimball County Clerk prior to October 14, 2013.

PASSED AND APPROVED THIS 17th DAY OF SEPTEMBER 2013.

/s/James Schnell, Mayor

ATTEST:

/s/Rosemarie D. Russell, City Clerk

Schnell opened discussion on the Restricted Fund Lid. Warner inquired if it has ever been used and Ortiz indicated it provides a safety net to allow for growth as a city. Christensen commented on the recent devastation to some communities and Ortiz commented that most likely there would be a mechanism at the State level to allow for assistance. Strauch indicated the restricted fund lid is included in the budget numbers on the income side and valuations were down also. Christensen commented that this does not cost the tax payers additional money.

There being no further discussion, Morrison moved and Christensen seconded to approve the increase to the restricted fund lid by 2.5% as allowed by law. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Christensen and Morrison. Nay: None. Motion carried.

Shields moved and Morrison seconded to approve the increase to the Restricted Fund Lid by an additional 1% as allowed by law. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Christensen and Morrison. Nay: None. Motion carried.

Schnell opened discussion on a Keno grant application from Kimball Concert Association for \$500.00. Morrison indicated Susie Abramson intended to attend the council meeting, but she is stuck in Denver. Schnell commented that the Kimball Concert Association has requested Keno funds in the past. Christensen said there are a number of people that travel to the different communities and people travel to Kimball to attend the concerts as well.

There being no further discussion, Shields moved and Warner seconded to approve the Keno grant request from Kimball Concert Association for \$500.00. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Christensen and Morrison. Nay: None. Motion carried.

Schnell opened discussion on a Keno grant application from Kimball Public Schools Art class for \$4,500.00. Schnell has met with the new art teacher to come up with a way to cover the blank wall on the south side of the bakery. They intend to put an exterior Quick-rete coating on the wall and the art class will paint a mural on it. Since the property is privately owned, Arnie Christensen and the owners of the vacant lot have both signed a form allowing the students on their property to put together a nice mural for the downtown area. Schnell said this is a win-win for the entire downtown area.

There being no further discussion, Warner moved and Christensen seconded to approve the Keno grant request from Kimball Public Schools Art class for \$4,500.00. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Shields, Christensen and Morrison. Nay: None. Motion carried.

Schnell opened discussion on Section 94.15, Kimball Municipal Code. Ortiz indicated this is in regard to curbs and sidewalks. This section states that when someone wants to cut a sidewalk or driveway, it has to come to the council for approval, causing at least a two week delay. He would like to change that section so the authorization falls with the Zoning Administrator or Street Superintendent. He presented a draft permit form that would be no-cost to the applicant. The permit would be required for a new sidewalk or a new driveway.

Ortiz explained that Mary Lynch Elementary School started dismissing the students at the east end this school year and discussion was held with Warner regarding the driveway. Warner said they were trying to make it easier for dropping off the children. She said that the school has decided they will not be dismissing the children at the east end after all.

Discussion was held on amending the Code Book and Russell indicated that numerous sections of the Code Book will need to be amended and she would like to present them for council review and approval all at the same time.

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

1. Minutes from the September 3, 2013 meeting;
2. Claims;
3. Financial Statements;
4. Deny claim from McGinley, O'Donnell, Reynolds & Korth, P.C., LLO, representing Amie Rutledge.

Hadenfeldt explained denying the claim from McGinley, O'Donnell, Reynolds & Korth, P.C., LLO was requested by the City's insurance carrier. The plaintiff cannot bring a lawsuit until they receive final disposition. The insurance carrier is providing the City a defense and the City should cooperate with their defense. Hadenfeldt explained the Political Subdivision Tort Claims Act. In this particular case, the insurance carrier is asking for the City not to wait the six months and feels at this point there is no point in dragging this out.

Christensen 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.

Chief Huff introduced police officer Andrew Bremer. Bremer is a certified police officer and was a police officer for 9 years in Alliance. He has spent two years as a special investigator for the railroad. Another new officer, Sergeant Justin Trout, will be introduced to the council at the next meeting.

Ortiz reported the Economic Development Committee met and received an update on the rail spur. Ortiz has been talking with AVI Engineering in Cheyenne and hopes to meet with them in the next couple of weeks.

Ortiz also reported the Economic Development website is being revamped. The trend in economic development has been that businesses are hiring middle men to find what is available and the website is being tailored to meet those needs.

Ortiz reported on the Tax Modernization Committee meeting on Monday, September 23, 2013 in Scottsbluff from 4:00 p.m. to 7:00 p.m. Ortiz is planning to attend and invited council members to join him. He explained that this meeting will present some of the tax issues municipalities are facing and options that could be used to address the issues.

Ortiz reported work has begun on the substations. Therefore, the Power Plant will be generating for about three days this week.

Mark Bohl, the Responsible Charge, will be at the next meeting to provide an update on the underpass. He has been trying to determine how much of the work that was done previously could be used now.

The Board of Public Works will be receiving an update on the projects and bonding of the projects and will provide a recommendation to the council at the next council meeting. Ortiz also commented on recent developments with MEAN.

Ortiz provided an update on the landfill expansion. The contractors are here and have done a great deal of work. They have run into some rock in the C & D pit, but the construction is on track. Ortiz commented on the liner and said the City may be looking at a little less money for the liner and now there is the opportunity for the contractor to come in with their crew, which will still provide some savings to the City. The project is still within the amounts originally budgeted.

Schnell reminded Council members of the dignitary coffee on Farmers Day, Saturday, September 28th.

The next regular City Council meeting is October 1, 2013. A joint strategic planning meeting with the City Council, Board of Public Works and City Staff is scheduled for October 15, 2013 at the Event Center at 5:00 p.m., with the regular City Council meeting after that.

There being no further business to come before the Council, Christensen moved and Shields seconded to adjourn at 7:56 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.

James Schnell, Mayor

Rosemarie Russell, City Clerk

City of Kimball-City Council-General Claims-September 17, 2013-Christie Adams-Supplies-150.00; American Chamber of Commerce Resources-Manual-230.00; BARCO Municipal Products, Inc.-Signs-1,915.60; Baker & Taylor Books-Book Purchase-330.36; Barco Products Company-Bench-1,332.40; Laura Bateman-CPR Certification-25.00; Sheryl Biesecker- Contract Cleaning-412.50; Center Point Large Print-Book Purchase-153.23; CenturyLink-Telephone-128.75; CenturyLink- Telephone-85.28; CenturyLink-Telephone-481.19; Charter Communications-Internet-79.50; Combined Utilities-Transfer Funds-4,728.94; Connecting Point-Copies-28.82; Country Printer-Printing-76.00; DP Electronic LLC/Radio Shack-Installation-2,139.00; Gale-Book Purchase-54.96; Galls, LLC-Uniforms-410.85; High West Energy-Utilities-5,145.27; Hometown Hardware-Supplies-325.22; Ideal Linen Supply, Inc.-Supplies-130.48; Intralinks, Inc.-Computer Support-253.58; Jirdon Agri Chemicals, Inc.-Chemicals-396.00; Kimball Auto Parts-Parts-14.28; Kimball Health Services-Medical-210.00; Kimball Insurance-Premium-894.00; Kimball Laundry-Sewing Services-53.40; Kimball Midwest-Tools-493.60; Kimball Service Center-Tires-1,195.00; Ethan Land-Reimbursement-150.00; McGruff SAFE KIDS-Supplies-422.76; MicroMarketing, LLC-Book Purchase-565.69; Miller Office Supply-Office Supplies-53.97; Monograms & More-Embroidery Work-219.56; Napa Auto Parts-Parts-399.57; NE DOL/Boiler Inspection Program-Inspection-108.00; Nebraska Library Commission-Registration-20.00; Off Broadway Business Products-Office Supplies-6.99; Omaha World Herald-Subscription-154.44; Panhandle Coop-Fuel-2,698.45; Panhandle Coop Association-Supplies-117.56; Paul Reed Construction & Supply-Services-9,016.00; Petty Cash-Reimbursement-40.00; Prestige MFG.-Repairs-25.53; Right Impression-Signs-119.20; Sandberg Implement Inc.-Manual-161.60; Janet Sears-Reimbursement-121.48; Shopko Stores-Supplies-107.38; Simmons Olsen Law Firm, P.C.-Professional Services-1,689.00; Star-Herald Newspaper-Public Notices-181.42; State Treasurer-Commercial Fund-58.46; Taser International-Supplies-552.71; Viaero-Cell Phone Usage-62.11; Visa-Firstier Bank-Charges-1,277.50; Voyager Fleet Systems-Fuel-124.73; W PC I-Screening-60.00; Western Engineering Co., Inc.-Professional Services-6,204.45; Western Nebraska Observer-Meeting Notices-413.27; Jeremy J. Williams-Reimbursement-20.85; Chad Wise-Credit Cards-2,402.62; Wolf Automotive Center, Inc.-Vehicle Maintenance-37.52; Wolfe Sand & Gravel Co.-Sand-183.60; Wyoming Tribune-Eagle-Advertising-155.00; Xerox Corporation-Copier Maintenance-135.40. City of Kimball-Economic Development-Claims-September 17, 2013-CenturyLink-Telephone-56.62; Charter Communications -Internet-39.75; Connecting Point -Copies-1.84; Intralinks, Inc.-Computer Support-126.79; Simmons Olsen Law Firm, P.C.-Professional Services-2,097.50; Viaero-Cell Phone Usage-31.05; Visa-Firstier Bank-Charges-728.39; Western Nebraska Observer-Meeting Notices-4.29.