

Kimball City Council  
Regular Meeting  
November 5, 2013

A regular meeting of the Mayor and City Council was convened in open and public session at 7:00 p.m. on November 5, 2013 at the City Council Chambers. Mayor Schnell and Council members Shields, Christensen and Morrison were present. Council member Warner was absent. 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.

Christensen moved and Shields seconded to excuse the absence of Warner from the November 5, 2013 City Council meeting. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Shields, Christensen, and Morrison. Nay: None. Absent: Warner. Motion carried.

Schnell acknowledged the posted Open Meetings Act poster.

Schnell opened discussion on Change Order #2 from Geo-Synthetics, LLC. Ortiz had informed council members at the last meeting of the damage to the Landfill liner caused by the rain storm. He has spoken with both the contractor and subcontractor about any other recourse. Liability insurance would not cover this as it is considered an "act of God". Ortiz had conferred with City Attorney Hadenfeldt on any other options and, unfortunately, it is one of the things the City will have to absorb. He added that there may be some adjustments made due to excessive material. Ortiz said he will review all the invoices. Ortiz advised council members that the work at the Landfill wrapped up yesterday and information will be sent to NDEQ for final approval.

There being no further discussion, Morrison moved and Christensen seconded to approve Change Order #2 from Geo-Synthetics, LLC. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Shields, Christensen, and Morrison. Nay: None. Absent: Warner. Motion carried.

Schnell opened discussion on the transfer agreement for Goodhand Theater to Forward Kimball Industries (FKI). Ortiz indicated it is difficult for the City to market and sell property. Since FKI is the other lien holder, the City will maintain insurance on the property and any costs would be divided up when the property sells.

Morrison moved and Christensen seconded to authorize the Mayor to sign the Transfer Agreement for Goodhand Theater to Forward Kimball Industries (FKI). On roll call vote, the following votes were recorded on the electronic voting board. Aye: Shields, Christensen, and Morrison. Nay: None. Absent: Warner. Motion carried.

Schnell opened discussion on the Quitclaim Deed conveying Goodhand Theater to Forward Kimball Industries (FKI). Ortiz has been in conversation with FKI as far as what is going to happen with the building. Some on the FKI board want to sell the building as soon as possible. Discussion was held on maintaining and renovating the theater. Ortiz said it needs major improvement. It does require a great deal of TLC to bring it up to date. Ortiz said the awning and marquee are in very bad shape. One estimate to repair it was \$15,000 to \$20,000 and Ortiz said the City may just move forward and tear the awning down. Morrison wants to look at the awning before the City does anything with it.

Christensen asked Hadenfeldt if this is transferred to FKI, would the City have any input or final say on who to sell to and what the uses would be. Hadenfeldt said yes. Christensen said she has an attachment to the theater and commented on preserving a good portion of it. Shields asked what the cost would be for the digital equipment and Ortiz indicated anywhere from \$75,000 to \$100,000, depending on the system.

Christensen thinks that private industry tends to make the “wheels flow better” than cities do. When the private industry makes their own investment and puts their own money into it, they usually work harder at it and she thinks the City would be better off to get the theater sold to someone in the private sector and do what the City can to support them.

Morrison said there are numerous examples of communities that have reopened their theaters and they have been successful. He feels the City has ample opportunity to find a way to make it work.

Bowling commented on someone buying the building and not using it as a theater. He said someone is going to have to do all the work to it and it is going to be very hard to find an entrepreneur to do all the upgrades. It is not going to be a money-maker. However, he said there are some examples in Nebraska where community effort is put into getting the theater open.

Schnell said when the Sorensons reopened the theater they pretty much did it as a community service. He commented on getting some examples of other theaters, their history, and then deciding whether to lease, or sell, etc. Morrison said there are many communities smaller than Kimball that have installed new digital equipment. Bowling has spoken with Billy Estes from the Midwest Theater in Scottsbluff and he said he would be willing to help get started. Morrison said that everyone understands that it is going to be tough for someone to make money with the theater; however, if it is structured right, it will support itself.

Christensen said the utilities on a month to month basis must be astronomical. She is concerned about the City putting more investment into something that the City doesn't want to give up and said it is a good idea to check it out and see if it can be done.

However, the sooner it can get out of the City's hands, the better. Hadenfeldt said the quitclaim deed gets it into the name of FKI; however, the City's deed of trust is still in effect.

There being no further discussion, Christensen moved and Morrison seconded to authorize the Mayor to sign the Quitclaim Deed conveying the Goodhand Theater to Forward Kimball Industries (FKI). On roll call vote, the following votes were recorded on the electronic voting board. Aye: Shields, Christensen, and Morrison. Nay: None. Absent: Warner. Motion carried.

Schnell opened discussion on the Deed in Lieu of Foreclosure Agreement with Terry and Amy Sorenson, d/b/a Goodhand Theater. Hadenfeldt indicated this is the actual agreement where the Sorensens have said they are willing to turn the property over to the City and FKI in forgiveness of the debt. This doesn't merge with the deed, so the City's lien is still there.

There being no discussion, Shields moved and Christensen seconded to authorize the Mayor to sign the Deed in Lieu of Foreclosure Agreement with Terry and Amy Sorenson d/b/a Goodhand Theater. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Shields, Christensen, and Morrison. Nay: None. Absent: Warner. Motion carried.

Schnell opened discussion on his appointments to the Park and Recreation Operating Board and the Library Board. He has recommended the appointment of Carrie Wynne to fill Robert Hill's unexpired term on the Park and Recreation Operating Board. She has been involved in the soccer league system for a number of years. The Library Board submitted two names for appointment to fill Chad Jay's unexpired term and Schnell is recommending the appointment of Sara Bouse.

There being no discussion, Christensen moved and Shields seconded to accept the Mayor's appointments of Carrie Wynne to the Park and Recreation Operating Board and Sara Bouse to the Library Board. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Shields, Christensen, and Morrison. Nay: None. Absent: Warner. Motion carried.

Schnell opened discussion on a mission statement for the City of Kimball. The mission statement has come about as a result of the strategic planning session and Council members need to decide on a mission statement. Morrison inquired if this will tie in with Marketing Hometown America and Schnell said he had planned to take all the high points from Marketing Hometown America to see what can be merged. Christensen commented on merging the marketing information with the mission statement.

There being no further discussion, Morrison moved and Christensen seconded to table the discussion and action on a mission statement for the City of Kimball until the December 3, 2013 City Council meeting. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Shields, Christensen, and Morrison. Nay: None. Absent: Warner. Motion carried.

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

1. Minutes from the October 15, 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. Aye: Shields, Christensen, and Morrison. Nay: None. Absent: Warner. Motion carried.

Ortiz commented on the power blip on Sunday. They don't know the cause but it could have been the wind.

Ortiz attended the Small Cities Legislative Committee in Lincoln last week. This is where the League reviews a variety of issues that are moving forward and the League will be introducing a couple of items. The Legislative Committee looks at all the issues to be proposed.

Ortiz will attend the MEAN Board meeting next week in North Platte. There should be an update on the SPP agreement and where that agreement stands for the rest of the cities.

Work is continuing on the lift station. Ortiz hoping to TIF that project and he has spoken with the engineers. Construction will start in the spring.

The Cemetery staff has been working to get the Cemetery ready for Veterans Day. Chief Huff and his officers will be hoisting 21 flags at 7:00 a.m. on Veterans Day.

Schnell encouraged all to attend the Veterans Day celebrations on Monday, November 11<sup>th</sup>.

The next regular City Council meeting is November 19, 2013.

There being no further business to come before the Council, Shields moved and Morrison seconded to adjourn at 7:32 p.m. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Shields, Christensen, and Morrison. Nay: None. Absent: Warner. Motion carried.

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James Schnell, Mayor

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Rosemarie Russell, City Clerk

City of Kimball-City Council General Claims-November 5, 2013-Nebraska Law Enforcement Training Center-Training- 80.00; Visa-Firstier Bank-Charges-1,272.90; Viaero-Cell Phone Usage-30.23; Charter Communications-Internet Charges-177.69; Combined Utilities-City Utilities-7,317.61; Connecting Point-Copy Usage-62.58; Days Inn Kimball-Lodging-92.96; Jones & Bartlett Learning-Chemicals-1,380.00; Junior Library Guild-Book Purchase-513.00; Nina LaBate-Contract

Cleaning-80.00; Merryfield Heating & Air Conditioning-Maintenance-150.00; Nebraska Library Commission-Training-30.00; O'Hare Construction-Contract Labor-7,454.38; Pumpkin Books-Book Purchase-71.51; Rosie Russell-Expense Report-99.46; SourceGas, LLC-Gas Service-350.33; Staples-Supplies-1,949.90; The Thompson Company-Dishwasher-4,821.35; WPCI-Pool Management-125.00; Chad Wise-Credit Card-223.50; ALSCO-Supplies-241.21; Alamar Uniforms-Vests-2,794.43; Bluffs Sanitary Supply, Inc.-Supplies-19.75; Melvin Bouse-Reimbursement-121.06; C & M Air Cooled Engine, Inc.-Parts-395.23; CNA-Bond-125.00; Charter Communications- Internet-71.75; Colorado Golf & Turf, Inc.-Parts-54.77; Community Internet Systems, Inc.-Monthly Internet-15.00; Consolidated Management Company-Meals Plan-32.75; Croell Redi-Mix-Concrete-303.25; Frenchman Valley Coop-Propane-139.00; Galls/Quartermaster-Uniforms-270.13; Graphic Screen Printing-Uniform-130.00; Dorothy Griffith-Expense Report-152.41; Hometown Hardware-Supplies-1,277.05; Ideal Linen Supply, Inc-Supplies-202.93; Intralinks, Inc.-Computer Support-1,579.32; Kimball Auto Parts-Parts-233.36; Kimball Event Center-Rent-500.00; Kimball Handyman Project-Handyman Project-788.19; Kimball Health Services Clinic-Medical-177.87; L.W. Cartage Co.-Lot Rent- 100.00; Lanelle Martin-Gravel-294.00; Michael Todd & Co., Inc.-Posts-569.51; Monograms & More-Shirts-223.00; Napa Auto Parts-Supplies-234.31; NSA & POAN Conference-Registration-30.00; Nebraska Environmental Products-Part-152.76; Nebraska Municipal Clerks' Association-Dues-50.00; Nebraska Salt & Grain Co.-Salt-1,640.51; Pack Rat Enterprises- Trash Services-100.00; Panhandle Coop-Bulk Diesel-2,017.92; Presto-X-Monthly Contract-76.91; Shopko Stores-Supplies -77.33; The United States Life Insurance Company-Long Term Disability-434.58; Western Nebraska Observer-Meeting Notices-319.25; Jeremy J. Williams-Reimbursement-135.00; Chad Wise-Golf Pro Compensation-2,916.00; Chad Wise-Merchandise-17.11; CenturyLink-Telephone-89.12; First Wireless, Inc.-Phones-1,946.00; Jones & Bartlett learning-Shipping-34.62; M.A. LaBate-Contract Cleaning-60.00; SourceGas, LLC-Gas Service-101.19; Windstream-Long Distance-5.97; Chad Wise-Credit Cards-94.00; NFPA-Materials-1,390.77.

City of Kimball-Economic Development Claims-November 5, 2013-Viaero-Cell Phone Usage-30.24; Wilson Bowling-Expense Report-108.48; Connecting Point-Copy Usage-4.20; Days Inn-Lodging-340.48; Kimball County Treasurer-990/995-500.00; Kimball Event Center-Room Rent-577.50; The United States Life Insurance Company-Long Term Disability-34.10; Viaero-Phone Replacement-100.00; Western Nebraska Observer-Meeting Notices.