

Kimball City Council
Regular Meeting
April 20, 2021

A regular meeting of the Mayor and City Council was convened in open and public session at 6:00 p.m. on April 20, 2021 held at the Kimball County Transit building, 233 S. Chestnut St. Council members Pike, Bright and Ingram were present. Also present was City Attorney Turman, City Clerk-Treasurer Brower, Deputy Clerk Barnwell and Economic Development Coordinator Elyse Schlake. 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.

Prunty called the meeting to order at 6:00 p.m. On roll call the following votes were recorded. Aye: Bright, Ingram, and Pike. Nay: None. Absent: None. Motion carried. The Pledge of Allegiance was recited. Prunty acknowledged the posted Open Meetings Act.

Prunty gave Mayor's Reports: Mayor advised that Council President Baliman has tendered her resignation. Copies of the letter of resignation were made available to the Council as well as printed for the public available on back table. Any interested parties for Council seat vacancy, send a letter for consideration to the Mayor.

Prunty invited representative from MC Schaff engineering to discuss the recommended bid for the CDBG Water Looping Project. Recommendation is to accept bid from Henning's Construction which came in at just \$325 over recommended bid pricing. Motion by Ingram and seconded by Pike to approve the recommended bid. On roll call the following votes were recorded. Aye: Bright, Ingram, and Pike. Nay: None. Absent: None. Motion carried.

Prunty opened discussion on Kimball City 2019-2020 Audit from Michael Hoback, CPA with AMGL, PC Grand Island. Copies of fiscal year audit made available to the public. Noted was the auditor's opinion as an 'Unmodified Opinion' which per the auditors is the opinion you want every year. City is looking at good capital reserves and good operating reserves. Auditor suggests to review landfill and wastewater rates in the future. Information only, no motion made no action.

Mayor opened discussion on the Kimball Hospital construction project. Kimball Health Services staff presented their project along with Marla Marx with the USDA to discuss

the USDA Rural Economic Development Grant Program (REDG). The RED grant for Revolving Loan Fund (RLF) requires the City to commit a 20% match of \$60,000 in exchange for a grant of \$300,000. The City can then loan that full amount to the hospital for payback within 10 years. Once monies are received back to the City, it can be loaned back out again to other businesses for the life of the fund. Motion made by Ingram and seconded by Bright to allow City Treasurer to meet with hospital staff to pursue grant opportunities.

Discussion held on changes to the Business Infrastructure Grant for Cupcakes & Ink, Kimball Bakery for fire suppression system in the amount of \$2586. Motion by Ingram and seconded by Bright to approve the grant in the amount of \$2586. On roll call the following votes were recorded. Aye: Bright, Ingram, and Pike. Nay: None. Absent: None. Motion carried.

Prunty opened discussion on approval of Business Infrastructure Grant for The Remembrance Rug Project for heating and plumbing \$2541.70. Schlake advised the grant was not approved by LB840 due to not meeting the definition of a business under the program. Motion made by Bright to deny the grant, seconded by Pike. On roll call the following votes were recorded. Aye: Bright, Ingram, and Pike. Nay: None. Absent: None. Motion carried.

Prunty opened discussion on approval of Business Facade Grant for signage for B & B Water Well Service in the amount of \$5037.33. After discussion, Bright moved and seconded by Pike to approve the grant in the amount of \$5037.33. On roll call the following votes were recorded. Aye: Bright, Ingram, and Pike. Nay: None. Absent: None. Motion carried.

Prunty opened public hearing at 7:07 for the request to rezone 12.974 acres in NW ¼ 33-15-55 Tract 1A Parcel #530019132 and 10.460 acres in NW ¼ 33-15-55 Tract 2A Parcel #530019140 in the City of Kimball formerly known as the Ridgewood MHP from R-4 Residential Mobile Home Park to C-4 Commercial Services District. Sonny Porter introduced the plan for development on the property to include a fueling station, RV and Truck parking on the South portion and a retail business with shooting range on the North portion. Several local residents spoke regarding their concerns on the project as it pertains to the truck parking. Concerns included traffic, noise, litter, 24hr lighting, fuel odors and the unknown affects on nearby residential property values. Other residents spoke in favor of the project and its impact on the local economy and allowing for growth in the community.

Prunty closed the public hearing at 8:29 p.m. Prunty asked for Council input, Pike advised they are not ready to take any action on rezoning at this time requesting more information on the South side of the project. Pike suggested that alternatives be looked

at on the North side of the project. Legal Counsel advised that Council has the option to require certain factors over and above current zoning requirements through a redevelopment agreement. This would be a rezone that is conditioned upon the applicant complying with all the requirements prior to approval. Counsel further advised to work with the applicant moving forward and current options are to deny, table or advise Staff to discuss options with owners and bring it back to Council. After further discussions, Bright requested that all surrounding owners be advised again of next meeting. Legal Counsel advised that once tabled, the public hearing readings process will begin all over again only once changes are approved by Council. Staff advised that all notifications will begin again with certified letters and publications. Motion made by Ingram and seconded by Pike to table the issue until parties and staff meet to discuss amicable solutions. On roll call the following votes were recorded. Aye: Bright, Ingram, and Pike. Nay: None. Absent: None. Motion carried.

Prunty opened discussion on the Mayor's appointment of Darcee Wheeland to the Cemetery Board. Moved by Bright and seconded by Pike to approve appointment. On roll call the following votes were recorded. Aye: Bright, Ingram, and Pike. Nay: None. Absent: None. Motion carried.

Prunty opened discussion on the Mayor's appointment of Robert Snyder to the Cemetery Board. Moved by Bright and seconded by Pike to approve appointment. On roll call the following votes were recorded. Aye: Bright, Ingram, and Pike. Nay: None. Absent: None. Motion carried.

Prunty invited Josh Enevoldsen with Kimball Insurance to speak to Council. Josh presented the City with a Safety Dividend Check from EMC insurance in the amount of \$51,940.35.

Prunty opened discussion on the removal of barricades from the 4th Street entrance at Gotte Park. After discussions on safety issues and initial reasons for the closure, no motions made; no action taken.

Prunty opened discussion on Resolution 2021-03 Code of Conduct Policy for Elected Officials. After further discussions, Pike moved and seconded by Ingram to pass resolution 2021-03 with the stipulation that a similar code of conduct be drafted for all Board and Committee members within the City. On roll call the following votes were recorded. Aye: Bright, Ingram, and Pike. Nay: None. Absent: None. Motion carried.

Prunty opened for discussion on the revitalization of the Community Gardens located in the empty City lots at High School and 7th Street. Discussion held on State requirements per the Nebraska Community Gardens Act and the need for an organization to take on the legal liability insurance responsibilities. Discussion was also held on keeping the option available for the sale of this City property in the near future for potential

development with discussion to be taken by the Community Redevelopment Agency. After discussions, motion by Ingram and seconded by Bright to allow Counsel to draft basic agreement as needed for any interested organization to manage the Community Gardens. On roll call the following votes were recorded. Aye: Bright, Ingram, and Pike. Nay: None. Absent: None. Motion carried.

Prunty opened discussion on approval of Resolution 2021-05 Closing Hwy 30 from Washington to Chestnut on May 7, 2021 from 6:00 p.m. to 7:00 p.m. for the Kimball High School Senior Graduation Parade. Motion by Bright and second by Ingram to pass Resolution 2021-05. On roll call the following votes were recorded. Aye: Bright, Ingram, and Pike. Nay: None. Absent: None. Motion carried.

Prunty opened discussion on Ordinance #789 Street Parking of RV, Boats and Trailers during Winter months. After discussions and public input, Pike moved and seconded by Bright to approve the first reading of Ordinance #789 with changes to the dates to April 1st until October 1st. On roll call the following votes were recorded. Aye: Bright, Ingram, and Pike. Nay: None. Absent: None. Motion carried.

Prunty opened discussion on Ordinance #791 Establishing Fire Fees and Fee Schedule. Discussion held on where fees would be distributed and advised that all funds would be revenue back to the Fire Dept. equipment fund. Moved by Ingram and seconded by Bright to waive the three readings of Ordinance #791. On roll call the following votes were recorded. Aye: Bright, Ingram, and Pike. Nay: None. Absent: None. Motion carried.

Motion by Ingram and seconded by Bright to approve Ordinance #791 Establishing Fire Fees and Fee Schedule. On roll call the following votes were recorded. Aye: Bright, Ingram, and Pike. Nay: None. Absent: None. Motion carried.

ORDINANCE NO. 791

AN ORDINANCE OF THE CITY OF KIMBALL, KIMBALL COUNTY, NEBRASKA, AUTHORIZING FIRE PROTECTION DISTRICTS AND DEPARTMENTS ACTING WITHIN THE CITY OF KIMBALL, NEBRASKA TO CHARGE REASONABLE FEES FOR THEIR SERVICES; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

/s/Keith Prunty

Attest: Annette Brower

Prunty opened discussion on bid proposal from BakerTilly Recruitment Services for the City Administrator position vacancy. After discussions, Ingram moved and seconded by Pike to approve the bid and hire BakerTilly Recruitment services. On roll call the

following votes were recorded. Aye: Ingram, and Pike. Nay: Bright. Absent: None. Motion carried.

The City Council reviewed the following items under the consent agenda: (1) Minutes from March 16, 2021 regular meeting, March 15, 2021 joint meeting with County Commissioners and special joint meeting with Board of Public Works on March 24, 2021 (2) Claims; (3) Financial Statements; (4) MOU with County Transit approved by the Economic Development Committee. Bright moved to approve consent agenda items with the exception of the MOU agreement stating the funds should be used for grants. Motion died for lack of second. Ingram moved and seconded by Pike to approve consent agenda items as presented. On roll call the following votes were recorded. Aye: Ingram, and Pike. Nay: Bright. Absent: None. Motion carried.

Next regular meeting will be held May 18, 2021 at 6:00 p.m.

Mayor Prunty opened the floor for any public comments. No comments received.

There being no further business, Ingram moved and seconded by Pike to adjourn the meeting at 9:24 p.m. On roll call the following votes were recorded. Aye: Bright, Ingram, and Pike. Nay: None. Absent: None. Motion carried.

Keith B. Prunty, Mayor

Annette Brower, City Clerk