

Kimball City Council
Regular Meeting
October 15, 2019

A regular meeting of the Mayor and City Council was convened in open and public session at 6:00 p.m. on October 15, 2019 in the City Council Chambers. Mayor Prunty and Council members Bright, Warner, Shields and Baliman were present. Also present were Water Superintendent Sisk, Chief Bremer, Special Projects Coordinator Sapp, City Administrator Dean, City Treasurer Brower and City Clerk Terrill. 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 vote, the following votes were recorded on the electronic voting board. Aye: Baliman, Warner, Bright and Shields. Nay: None. Absent: None. Motion carried.

The Pledge of Allegiance was recited. Prunty acknowledged the posted Open Meetings Act poster.

Prunty opened discussion to consider the Business Façade Improvement Grant for the Décor Store. Sapp advised Council that this was for the signage on the front of the building. Baliman moved and seconded by Shields to approve the Business Façade Improvement Grant for the Décor Store for \$594.30. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Baliman, Warner, Bright and Shields. Nay: None. Absent: None. Motion carried.

Prunty opened discussion to consider the Business Infrastructure Improvement Grant for Frank Parts (NAPA). Sapp advised Council this grant is to replace the HVAC system. Sapp went on to say that there is a cap of \$10,000 on the grant so that is all that is allowed. Baliman moved and seconded by Bright to approve the Business Infrastructure Improvement Grant for Frank Parts (NAPA) in the amount of \$10,000. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Baliman, Warner, Bright and Shields. Nay: None. Absent: None. Motion carried.

Prunty opened discussion to consider the New Business Incentive Program Application for Karen's Kitchen, Karen Hewitt. Sapp advised Council that this program allows \$500 monthly for six months and that the Citizen's Advisory Committee approved to begin the monthly payments after the opening of the restaurant. Sapp went on to say that the \$500 can be used towards mortgage or utilities. Sapp added that the applicant will have to sign an agreement that if the business were to close before the two-year mark that the applicant will have to pay back the \$3000. Discussion held the date payments should start, the promissory note and whether the money should be used for the mortgage or the utilities. After discussion, Warner moved and seconded by Baliman to approve the New Business Incentive Program Application for Karen's Kitchen up to \$500 a month to begin December 1, 2019 to go towards utilities

and/or rent (mortgage) subject to the concurrence of the Citizen's Advisory Committee. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Baliman, Warner, Bright and Shields. Nay: None. Absent: None. Motion carried.

Prunty opened discussion to consider requiring multiple bids for project's over \$10,000 on economic development grants. Sapp advised Council that the Citizen's Advisory Committee recommended approval to require at least two bids from contractors on projects that cost more than \$10,000. After discussion, Bright moved and seconded by Baliman to approve the recommendation to require multiple contractor bids on economic development program projects over \$10,000. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Baliman, Bright and Shields. Nay: Warner. Absent: None. Motion carried.

Prunty opened discussion to consider Keno fund allocations. Prunty advised Council that the ordinance will allocate 75% to parks and the pool. Prunty went on to say that the ordinance will have three readings. Discussion held on how long and how much funds will be used for park improvements. Hadenfeldt advised Council that the current ordinance allocates 75% of Keno funds to be used for the underpass project and the new ordinance will change the allocations to the parks and the pool. Baliman moved and seconded by Shields to approve the first reading of Ordinance 774 by title only. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Baliman, Warner, Bright and Shields. Nay: None. Absent: None. Motion carried.

ORDINANCE NO. 774

AN ORDINANCE OF THE CITY OF KIMBALL, NEBRASKA, AMENDING §114.02 OF THE CODE OF KIMBALL TO DEFINE AND SET FORTH THE ALLOCATION OF THE NET PROCEEDS FROM THE CITY LOTTERY, OTHERWISE KNOWN AS KENO, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

Prunty opened discussion to consider selling the digger derrick on surplus. Dean advised Council that he has decided to remove this discussion item and to find a use for the digger truck within the city. No action.

Prunty opened discussion to ratify the changes and Mayor's signature on Resolution 2019-06, amended due to clerical error. Hadenfeldt advised Council that the property tax requested was correct but that the fractional amount of the levy was not correct due to clerical error. Hadenfeldt went on to say that the corrected resolution has been sent to the County as required by statute, but the Council needs to ratify the change and approve the Mayor's signature. Baliman moved and seconded by Bright to ratify the change and approve the Mayor's signature on Resolution 2019-06. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Baliman, Warner, Bright and Shields. Nay: None. Absent: None. Motion carried.

RESOLUTION NO. 2019-06

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 2019-2020 property tax request be set at \$480,558.00 (\$0.421098 per \$100 valuation) for the City's General Fund.

(These levies include only the City of Kimball.)

2. The City Council determines that it is necessary to exceed the allowable growth for restricted funds for the 2019-2020 FY by an additional 1% as permitted by Neb. Rev. Stat. §13-519 and as approved by at least 75% of the Council.
3. A copy of this resolution be certified and forwarded to the Kimball County Clerk prior to October 13, 2019.

PASSED AND APPROVED THIS 17TH DAY OF SEPTEMBER, 2019.

/s/Keith Prunty, Mayor

ATTEST:

/s/Katherine Terrill, City Clerk

Prunty opened discussion to consider rules for Gotte Park. Dean advised Council that there are currently rules in place for the parks, but he could not find a resolution listing those rules. Dean went on to say that he thought it would be best to have the rules listed in a resolution. Dean added that the only change is to allow camping in the parks. After discussion, Baliman moved and seconded by Shields to approve Resolution 2019-08, establishing rules in the parks, with the amendment to number 9 to read "Do not attach anything to trees or structures without City approval". On roll call vote, the following votes were recorded on the electronic voting board. Aye: Baliman, Warner, Bright and Shields. Nay: None. Absent: None. Motion carried.

RESOLUTION 2019-08

A RESOLUTION OF THE CITY OF KIMBALL, NEBRASKA, ESTABLISHING RULES FOR CITY PARKS.

WHEREAS, The Kimball City Council has decided to adopt rules for using Gotte Park, City Park and all other park facilities.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kimball, Nebraska that the following rules are adopted for using Gotte Park, City Park and any other park facilities within the City of Kimball:

1. Dogs and pets must be on a leash.
2. Pet waste must be picked up and disposed in trash cans or dumpsters.
3. No alcoholic beverages may be possessed or consumed without a permit from the Kimball City Council.
4. No littering. Use trash cans and dumpsters or pack it out.
5. No weapons, firearms, or fireworks.
6. Overnight camping is limited to one 24-hour period in any month and only in marked and designated areas
7. Motorized vehicles allowed only on roads and in parking areas.
8. Speed limit in Gotte Park is 10 mph.
9. Do not attach anything to trees or structures without City approval.
10. Removal or damage to plants or structures is prohibited.
11. Fires and coals are allowed in grills only. Grills must be least 12 inches off the ground.
12. Thoroughly extinguish all charcoals, dispose of properly or pack it out.

AND, BE IT FUTHER RESOLVED that any violation of this resolution for which no other penalty is prescribed shall be punishable as set forth in§ 10.99 of the City of Kimball Code of Ordinances.

This Resolution shall become effective upon its passage and approval.

Passed and approved on October 15, 2019.

/s/Keith B. Prunty, Mayor

ATTEST:

/s/Katherine Terrill, City Clerk

Prunty opened discussion to consider \$100 bid from Rich Patterson and Dawn Moesier to purchase the Kimball Event Center and Fitness Center. Prunty advised that the purchaser wants to run it as a like business. Baliman stated that she spoke to several people and they all think it is a great idea and that the public is ready for this. Baliman went on to say that the City has wanted this to happen for a long time. She went on to say that it is a good thing for the community as it will continue to run as an Event Center. Christina Culek, Kimball resident, asked Council if the bid was open for less than \$10,000.

Hadenfeldt stated there is no bid. Sapp advised Council that if she had anyone ask about purchasing the Event Center, she has told the \$10,000 as according to the resolution. Hadenfeldt said that Council would have to have a new resolution. Culek stated that most people thought that the price was \$10,000. Warner stated that when the City did not receive a bid for the \$10,000 it was left open to accept any bid. Hadenfeldt stated that he did not think that the current resolution says that. Rich Patterson stated that he offered \$10,000 four years ago but got upset when he was told that it would have to go to bid. Hadenfeldt stated that the ordinance still states that it we need a sealed bid or public auction to sell real estate, but state statute changed last year saying that we don't have to do that anymore. Hadenfeldt went on to say that Council would have to either repeal or rewrite the current ordinance. Several discussions were held on if all of the equipment in the building is included in the sale, drafting an agreement, drafting the ordinance, calling a special meeting to have the agreement done before Christmas, and Patterson returning the fitness center to the City at a later date if he decides he no longer wants it. Council decided they wanted to have a special meeting. Hadenfeldt said that the proper steps would need to be taken before scheduling the meeting. After further discussion, Prunty stated that special meeting would be held on October 28, 2019 at 6:00 p.m.

Prunty opened discussion to consider the agreement with the Longhorn Building and Shane Hays. Discussion held on the agreement and that it would benefit downtown to rehabilitate the building and also provide living and office space. After discussion, Warner moved and seconded by Shields to accept the Longhorn Agreement with Shane Hays. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Baliman, Warner, and Shields. Nay: Bright. Absent: None. Motion carried.

Prunty called for a motion to read Ordinance No. 773 by title only. Baliman moved and seconded by Shields to read Ordinance 773 by title only. Prunty read Ordinance 773. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Baliman, Warner, and Shields. Nay: Bright. Absent: None. Motion carried.

ORDINANCE NO. 773

AN ORDINANCE AUTHORIZING THE SALE OF CITY-OWNED REAL ESTATE IN THE CITY OF KIMBALL, NEBRASKA, DESCRIBED THE SOUTH 9 FEET OF LOT 2 AND ALL OF LOTS 3, 4, AND 5, BLOCK 1, ANTELOPEVILLE ADDITION TO THE CITY OF KIMBALL, KIMBALL COUNTY, NEBRASKA.

Warner moved and seconded by Baliman to approve Ordinance 773. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Baliman, Warner, and Shields. Nay: Bright. Absent: None. Motion carried.

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

1. Minutes from the regular City Council meeting September 17, 2019;
2. Claims;
3. Financial Statements.

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

Administrator report: Dean advised he attended the League Conference and legislation is holding a hearing on the Mayor's abatement suggestion. Dean went on to say that landscaper for the underpass project will build a retaining wall around the pole on the south east corner at his expense. Dean also advised Council that the City was contacted by the State of Nebraska regarding the remaining \$153,000 CDBG advising the City that they either need to use it or return it to the state. Dean said that they are working with PADD to find ways to keep the money in the region. Dean went through Kimball LB840 history with the Council.

Mayor's report: Prunty advised Council that he is trying to get permission from UPRR to have a mural painted on the underpass.

The next regular meeting will be November 19, 2019 at 6:00 p.m. There being no further business, Warner moved and seconded by Bright to adjourn the meeting at 7:18 p.m. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Baliman, Bright, Warner, and Shields. Nay: None. Absent: None. Motion carried.

Keith B. Prunty, Mayor

Katherine Terrill, City Clerk