

Kimball City Council  
Regular Meeting  
January 4, 2022

A regular meeting of the Mayor and City Council was convened in open and public session at 6:00 p.m. on January 4, 2022, 2021 held at the Kimball County Transit building, 233 S. Chestnut St. Council members Pike, Bright, Ingram and Warner were present. Also, present was Mayor Prunty, City Administrator Brower, City Attorney Turman, City Clerk Barnwell, and City Treasurer Klassen. 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, Pike and Warner. Nay: None. Absent: None. Motion carried. The Pledge of Allegiance was recited. Prunty acknowledged the posted Open Meetings Act.

Prunty opened with the update from Mike Montross with Canterbury Park via zoom. Mike updated the council members on the status of Racing & Gaming Commission. He stated that *no new racetracks have been approved nor have any current racetracks been approved for a gaming license*. The first priority will be to complete the rules and regulations and put them in place per the Racing and Gaming Commission. There are no 2022 meetings scheduled as of today and no dates have been established to submit applications. Mike concluded that this is now a waiting process for all to be approved from the appropriate governmental agencies in order to move forward.

Prunty opened discussion for approval on the Mayor's appointment of Joseph Leitz as Police Officer. Bright motioned and seconded by Pike to approve the Mayor's appointment of Joseph Leitz as Police Officer. On roll call the following votes were recorded. Aye: Bright, Ingram, Warner, and Pike. Nay: None. Absent: None. Motion carried.

City Clerk Barnwell conducted the swearing in of Police Officer Joseph Leitz.

Prunty opened discussion to approve the recommendation from Planning Commission to approve the plat for the Rook RV Parcel #530019140 and Parcel #530019159. Bright motioned and seconded by Warner to approve the recommendation from Planning Commission to approve the plat for the Rook RV Parcel #530019140 and Parcel #530019159. On roll call the following votes were recorded. Aye: Bright, Ingram, Warner, and Pike. Nay: None. Absent: None. Motion carried.

Prunty opened discussion to approve the recommendation from Planning Commission to approve the Conditional Use Permit for an Automotive Sales/Classic Car Dealership at 715 W. 2<sup>nd</sup> Street, Kimball, NE 69145. Ingram motioned and seconded by Bright to approve the recommendation from Planning Commission to approve the Conditional Use Permit for an Automotive Sales/Classic Car Dealership at 715 W. 2<sup>nd</sup> Street, Kimball, NE 69145. On roll call the following votes were recorded. Aye: Bright, Ingram, Warner, and Pike. Nay: None. Absent: None. Motion carried.

Prunty opened discussion to approve the recommendation from Planning Commission to approve the Conditional Use Permit for a Service and Sales of Vehicles business at 703 E. 3<sup>rd</sup> Street, Kimball, NE 69145. Ingram motioned and seconded by Pike to approve the recommendation from Planning Commission to approve the Conditional Use Permit for a Service and Sales of Vehicles business at 703 E. 3<sup>rd</sup> Street, Kimball, NE 69145. On roll call the following votes were recorded. Aye: Bright, Ingram, Warner, and Pike. Nay: None. Absent: None. Motion carried.

Prunty opened discussion for approval on Ordinance #800, an amendment to C-4 zoning to allow for games of chance and racetrack. Prunty requesting Ordinance #800 be suspended on the 3 different readings and be passed and approved on the second reading. Warner motioned and seconded by Ingram that Ordinance #800 be suspended on the 3 different readings and be passed and approved on the second reading. On roll call the following votes were recorded. Aye: Bright, Ingram, Warner, and Pike. Nay: None. Absent: None. Motion carried.

Prunty opened discussion for approval on Ordinance #800 amending the C-4 zoning to allow for games of chance and racetrack. Warner motioned and seconded by Pike that Ordinance #800 be approved. On roll call the following votes were recorded. Aye: Bright, Ingram, Warner, and Pike. Nay: None. Absent: None. Motion carried.

#### **ORDINANCE NO. 800**

**AN ORDINANCE OF THE CITY OF KIMBALL, KIMBALL COUNTY, NEBRASKA, TO AMEND ARTICLE 3 "ZONING DISTRICT REGULATIONS" SECTION 11-312.2 OF THE CITY OF KIMBALL ZONING ORDINANCE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

Prunty opened discussion for approval on Ordinance #801, relating to gambling only within licensed racetrack establishments only. Prunty requested Ordinance #801 be suspended on the 3 different readings and be passed and approved on the second reading. Ingram motioned and seconded by Warner that Ordinance #801 be suspended on the 3 different readings and be passed and approved on the second reading. On roll call the following votes were recorded. Aye: Bright, Ingram, Warner, and Pike. Nay: None. Absent: None. Motion carried.

Prunty opened discussion for approval on Ordinance #801 relating to gambling only within licensed racetrack establishments only. Ingram motioned and seconded by Bright that Ordinance #801 be approved. On roll call the following votes were recorded. Aye: Bright, Ingram, Warner, and Pike. Nay: None. Absent: None. Motion carried.

**ORDINANCE NO. 801**

**AN ORDINANCE RELATING TO gambling and such operations within licensed racetracks; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.**

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF KIMBALL, NEBRASKA.**

Prunty opened discussion for approval on recommendation from Loan Advisory to approve the Business Improvement Grant for George Risk Industries, Inc. for exterior lighting. Bright motioned and seconded by Pike to approve the recommendation from Loan Advisory to approve the Business Improvement Grant for George Risk Industries, Inc. for \$647.25. On roll call the following votes were recorded. Aye: Bright, Ingram, Warner, and Pike. Nay: None. Absent: None. Motion carried.

Prunty opened discussion for approval on recommendation from Loan Advisory to approve the Business Improvement Grant for Dino's Pet Spa & Muench Electric for building renovation expenses. Warner motioned and seconded by Bright to approve the recommendation from Loan Advisory to approve the Business Improvement Grant for Dino's Pet Spa & Muench Electric for \$10,000.00. On roll call the following votes were recorded. Aye: Bright, Ingram, Warner, and Pike. Nay: None. Absent: None. Motion carried.

Prunty opened discussion for approval on recommendation from Loan Advisory to approve the Business Improvement Grant for Woody's Liquor & Sporting Goods for cooler HVAC system. Ingram motioned and seconded by Bright to approve the recommendation from Loan Advisory to approve the Business Improvement Grant for Woody's Liquor & Sporting Goods for \$1,567.75. On roll call the following votes were recorded. Aye: Bright, Ingram, Warner, and Pike. Nay: None. Absent: None. Motion carried.

Prunty opened discussion for approval on recommendation from Loan Advisory to approve the Business Improvement Grant for Kimball State Bank for signage. Pike motioned and seconded by Bright to approve the recommendations from Loan Advisory to approve the Business Improvement Grant for Kimball State Bank for \$1,198.56. On roll call the following votes were recorded. Aye: Bright, Ingram, Warner, and Pike. Nay: None. Absent: None. Motion carried.

Prunty opened discussion for approval on recommendation from Loan Advisory to approve the Business Improvement Grant for Karen's Kitchen for replacing the kitchen floor. Bright motioned and seconded by Warner to approve the recommendations from Loan Advisory to approve the Business Improvement Grant for Karen's Kitchen for \$1,068.75. On roll call the following votes were recorded. Aye: Bright, Ingram, Warner, and Pike. Nay: None. Absent: None. Motion carried.

Prunty opened discussion for approval on recommendation from Loan Advisory to approve the Business Improvement Grant for Ondori Ramen for improvements on interior infrastructure. Warner motioned and seconded by Pike to approve the recommendation from Loan Advisory to approve the Business Improvement Grant for Ondori Ramen for \$10,000.00. On roll call the following votes were recorded. Aye: Bright, Ingram, Warner, and Pike. Nay: None. Absent: None. Motion carried.

Prunty opened discussion on approval for the dispersal of the CDBG funds to liquidate the account to the utilities account for reimbursement of the water loop project. Bright moved and seconded by Warner to approve the dispersal of the CDBG funds to liquidate the account to the Utilities account for reimbursement of the water loop project. On roll call the following votes were recorded. Aye: Bright, Ingram, Warner, and Pike. Nay: None. Absent: None. Motion carried.

Prunty opened discussion to direct staff to begin process on the Annexation Request on Parcel #530162191 owned by James and Ann Warner. Pike motioned and seconded by Ingram to direct staff to begin process on the Annexation Request on Parcel #530162191 owned by James and Ann Warner. On roll call the following votes were recorded. Aye: Bright, Ingram, and Pike. Warner abstained from voting. Nay: None. Absent: None. Motion carried.

Prunty opened discussion to direct staff to begin process on the Annexing into the City Limits, Property owned by the City of Kimball, Parcel #530018985 – Janicek Dam/Walking Trail Park. Ingram motioned and seconded by Warner to direct staff to begin process on the Annexing into the City Limits, Property owned by the City of Kimball, Parcel #530018985 – Janicek Dam/Walking Trail Park. On roll call the following votes were recorded. Aye: Bright, Ingram, Warner, and Pike. Nay: None. Absent: None. Motion carried.

The City Council reviewed the following items under the consent agenda: (1) Minutes from December 7, 2021 (2) Claims; (3) Financial Statements. Pike moved seconded by Warner to approve consent agenda items as presented. On roll call the following votes were recorded. Aye: Bright, Ingram, Pike and Warner. Nay: None. Absent: None. Motion carried.

Mayor Prunty did not have any updates for the committee.

City Administrator Brower updated that the electric department was moving forward on the Automatic Meter Reading process. She is waiting on updates to integrate the system into the City's billing system and go forward with installing more meters. Brower also congratulated AJ Roberts, Wastewater Treatment Plant Operator for passing the WWTP Operator license level 2 examination.

The next regular schedule meeting will be January 18, 2022, at 6:00 p.m.

Mayor Prunty opened the floor for any public comments. There being no further business, Pike moved and seconded by Ingram to adjourn the meeting at 6:32 p.m. On roll call the following votes were recorded. Aye: Bright, Ingram, Warner, and Pike. Nay: None. Absent: None. Motion carried.

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Keith B. Prunty, Mayor

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Kim Barnwell, City Clerk