

Kimball City Council
Regular Meeting
February 7, 2023

A regular meeting of the Mayor and City Council was convened in open and public session at 5:00 p.m. on February 7, 2023, held at the City Council Chambers, 223 S. Chestnut St. Council members Muench, Ingram, Pike, and Warner were present. Also, present was Mayor Morrison, City Administrator Brower, City Treasurer Klassen, and City Clerk Barnwell. 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.

Morrison called the meeting to order at 5:00 p.m. On roll call the following votes were recorded. Aye: Muench, Ingram, Pike, and Warner. Nay: None. Absent: None. Motion carried. The Pledge of Allegiance was recited. Mayor Morrison led the room in prayer. Morrison acknowledged the posted Open Meetings Act.

Morrison opened the public hearing at 5:02 p.m. for the application for Rezoning located at Ideal Addition Lot 1 A, Kimball (315 Road 43E) from I-1 Light Industrial District to C-4 Commercial Services District. There were public comments. Morrison closed the public hearing at 5:03 p.m.

Morrison opened the public hearing at 5:04 p.m. for the application for Rezoning located at Clarkson Addition Block 1 Lot 13, Kimball (309 S. Webster) from R-1 Single Family Residential District to C-1 Central Business District. No public comments were made. Morrison closed the public hearing at 5:04 p.m.

Morrison opened the public hearing at 5:04 p.m. for the application for Conditional Use Permit for a Child Care located at Hilcrest 5th Addition Block 1 Lot 1A, Kimball (1200 E. Sixth Street). Angie Luppen with Upside Down Childcare was present. Morrison closed the public hearing at 5:05 p.m.

Morrison opened discussion on recommendation from Planning Commission to approve the application for Rezoning located at Ideal Addition Lot 1A, Kimball (315 Road 43E) from I-1 Light Industrial District to C-4 Commercial Services District. After discussion, motion by Pike and seconded by Ingram to approve the recommendation from Planning Commission to approve the application for Rezoning located at Ideal Addition Lot 1A, Kimball (315 Road 43E) from I-1 Light Industrial District to C-4 Commercial Services District. On roll call the following votes were recorded. Aye: Muench, Ingram, Pike, and Warner. Nay: None. Absent: None. Motion carried.

Morrison opened discussion on recommendation from Planning Commission to approve the application for Rezoning located at Clarkson Addition Block 1 Lot 13, Kimball (309 S. Webster) from R-1 Single Family Residential District to C-1 Central Business District. After discussion,

motion by Warner and seconded by Pike to approve the recommendation from Planning Commission to approve the application for Rezoning located at Clarkson Addition Block 1 Lot 13, Kimball (309 S. Webster) from R-1 Single Family Residential District to C-1 Central Business District. On roll call the following votes were recorded. Aye: Muench, Ingram, Pike, and Warner. Nay: None. Absent: None. Motion carried.

Morrison opened discussion on recommendation from the Planning Commission to approve the application for Conditional Use Permit for a Child Care located at Hilcrest 5th Addition Block 1 Lot 1A, Kimball (1200 E. Sixth Street). After discussion, motion by Ingram and seconded by Warner to approve the application for Conditional Use Permit for a Child Care located at Hilcrest 5th Addition Block 1 Lot 1A, Kimball (1200 E. Sixth Street). On roll call the following votes were recorded. Aye: Muench, Ingram, Pike, and Warner. Nay: None. Absent: None. Motion carried.

Morrison opened discussion on recommendation from the Loan Advisory Committee to approve the Business Improvement Grant for Flower Haven & Gifts. After discussion, motion by Pike and seconded by Muench to approve the recommendation from the Loan Advisory Committee to approve the Business Improvement Grant for Flower Haven & Gifts for \$6,400.00. On roll call the following votes were recorded. Aye: Muench, Ingram, Pike, and Warner. Nay: None. Absent: None. Motion carried.

Morrison opened the floor to Jordan Dietrich with Twin Cities Development to speak on the Rural Housing Workforce Housing Grant Fund. Mr. Dietrich updated the board on the past grant fund and stated that a new one is opened with a deadline of March 23, 2023. He wanted to inform the City of Kimball to see if they wanted to contribute. Council will revisit at next meeting.

Morrison opened the floor to Janelle Visser with PPHD to discuss adding a bike lane and making 6th street a designated walking, biking, and rolling (wheelchairs and strollers) route. She went over the proposal and stated that funding through PPDH would be available for painting the crosswalks, pedestrian crossing signage, and painting the bike lane were among the few. She also stated that state and federal grants would include the sidewalks. After discussion, motion by Pike and seconded by Muench to move forward with engineers and the streets department adding a bike lane and making 6th street a designated walking, biking, and rolling (wheelchairs and strollers) route. On roll call the following votes were recorded. Aye: Muench, Ingram, Pike, and Warner. Nay: None. Absent: None. Motion carried.

Morrison opened discussion for consideration on adding a crosswalk on 6th Street at Maple which was a request from Upside Down Childcare. After discussion, motion by Ingram and seconded by Muench to approve adding a crosswalk on 6th Street at Maple which was a request from Upside Down Childcare. On roll call the following votes were recorded. Aye: Muench, Ingram, Pike, and Warner. Nay: None. Absent: None. Motion carried.

Morrison opened the floor to Amber Sweetland for the Kimball Public Library Annual Report. Mrs. Sweetland stated that the library received \$52,000.00 in grant funding for the past fiscal year.

Morrison opened discussion on the request from the Street Department for approval to place signs in Gotte Park. Streets superintendent Shoup stated that a sign on light pole by the horseshoe pit was requested for the donations to the horseshoe pit. He also stated that a sign on the wall of the park shop/bathroom rooming was requested for the acknowledgement that John Heidemann and himself received from South Platte Natural Resources District. Motion by Muench and seconded by Pike to approve the request from the Street Department for approval

to place signs in Gotte Park. On roll call the following votes were recorded. Aye: Muench, Ingram, Pike, and Warner. Nay: None. Absent: None. Motion carried.

Morrison opened the floor to Micah Neil with Zelle for the City of Kimball Employee Handbook revisions and updates. Micah was available to answer questions from the board. After discussion, the board directed Zelle to revise the actual holiday date pay for full time employees and to revise the drug testing policy on positive results. Mr. Neil stated he would have the revisions plus the compensation study available at the next council meeting.

Morrison opened discussion for approval on recommendation from the Community Redevelopment Authority for the signature of the CRA Chairperson on the letter to landowners for option to acquire property. City Administrator Brower stated that the letter would allow the land attorney to reach out to landowners for City to have first option to purchase. Suzanne Brodine with Olsson was present and stated that no funds were to be expended and that the letter is to secure and lock in a price. The City is not obligated to buy but secures first option. After discussion, motion by Pike and seconded by Muench to approve the recommendation from the Community Redevelopment Authority for the signature of the CRA Chairperson on the letter to landowners for option to acquire property. On roll call the following votes were recorded. Aye: Muench, Ingram, and Pike. Abstain: Warner. Nay: None. Absent: None. Motion carried.

Morrison opened discussion to approve membership for the City of Kimball with LIGHT (League Insurance Government Health Team). Motion by Ingram and seconded by Warner to approve membership for the City of Kimball with LIGHT (League Insurance Government Health Team). On roll call the following votes were recorded. Aye: Muench, Ingram, Pike, and Warner. Nay: None. Absent: None. Motion carried.

Morrison opened discussion to approve Interlocal Agreement for the City of Kimball with LIGHT LIGHT (League Insurance Government Health Team). Motion by Warner and seconded by Ingram to approve the Interlocal Agreement for the City of Kimball with LIGHT LIGHT (League Insurance Government Health Team). On roll call the following votes were recorded. Aye: Muench, Ingram, Pike, and Warner. Nay: None. Absent: None. Motion carried.

Morrison opened discussion and approval on a date for special election for LB840 – Sales and Use Tax. City Administrator Brower stated that the current LB840 will expire in September 2023. She told the board that the upcoming dates are May 9, June 13, and July 11. The council decided that they only wanted one special election. After discussion, motion by Warner and seconded by Muench to approve June 13 as the date for special election for LB840 – Sales and Use Tax. On roll call the following votes were recorded. Aye: Muench, Ingram, Pike, and Warner. Nay: None. Absent: None. Motion carried.

Morrison opened for approval of Mayor's Appointment of John Moritz to the Housing Agency & Fair Housing Commission. Motion by Ingram and seconded by Muench to approve Mayor's Appointment of John Moritz to the Housing Agency & Fair Housing Commission. On roll call the following votes were recorded. Aye: Muench, Ingram, Pike, and Warner. Nay: None. Absent: None. Motion carried.

Morrison opened the floor on Legislative Actions from Suzanne Brodine with Olsson. Suzanne updated that the Legislation would keep investments in Kimball. The legislation would provide twenty-six million dollars to Kimball. City Administrator Brower stated that the committee hearing is February 23rd at 1:00 pm. She said that the public was allowed to make comments online and could send letters of support.

Morrison opened for approval for Ordinance No. 813. An ordinance that would allow penalties for underage smoking and vaping. City Administrator Brower stated this was requested by the schools. Morrison asked for a motion to introduce ordinance number 813, read by title only and that the statutory rule requiring reading on three different days be suspended. Motion by Muench and seconded by Ingram to introduce ordinance number 813, read by title only and that the statutory rule requiring reading on three different days be suspended. On roll call the following votes were recorded. Aye: Muench, Ingram, Pike, and Warner. Nay: None. Absent: None. Motion carried.

City of Kimball Ordinance No. 813. An ordinance of the City of Kimball, Kimball County, Nebraska to amend Title XIII General Offenses, Chapter 133, Sections 133.25 of the municipal code of the City of Kimball; repealing all ordinances in conflict herewith; providing for publication in pamphlet form; and providing for an effective date hereof.

Motion by Muench and seconded by Ingram for passage and approval on Ordinance No. 813. On roll call the following votes were recorded. Aye: Muench, Ingram, Pike, and Warner. Nay: None. Absent: None. Motion carried.

Morrison opened for approval on Resolution 2023-02 for Membership in the League Insurance Government Health Team. Motion by Warner and seconded by Pike to approve Resolution 2023-02 for Membership in the League Insurance Government Health Team. On roll call the following votes were recorded. Aye: Muench, Ingram, Pike, and Warner. Nay: None. Absent: None. Motion carried.

The City Council reviewed the following items under the consent agenda: (1) Minutes from December 20, 2022. Warner motioned and seconded by Muench to approve consent agenda items as presented. On roll call the following votes were recorded. Aye: Muench, Ingram, Pike, and Warner. Nay: None. Absent: None. Motion carried.

Mayor Morrison updated that there were numerous projects happening. He and City Administrator Brower would be leaving to go to Vanderburg for the Air Force and that the staff was all doing a good job.

City Administrator Brower updated that Melinda Pearson was in Lincoln for Economic Development; the Racing & Gaming Commission was meeting on February 10 in Grand Island. She reminded the public of the STAR meeting on February 9 for Northrup Grumman; stated that Kimball's radio station 104.3 KIMB was live and open for business and the new marketplace was anticipating opening in March. The Power Generation Bid Process is moving forward; the comprehension plant study will be doing the kickoff meetings next week.

Police Chief Bremer updated that it's been a busy month; working with Olsson on grants for the Police Department; and training two new police officers.

The next regular schedule meeting will be February 21, 2023, at 5:00 p.m.

Mayor Morrison opened the floor for any public comments. No public comments were made.

Morrison opened at 6:33 p.m. to go into Executive Closed session for the protection of the public interest regarding pending claims and imminent litigation involving Hometown Hardware. Inc. Motion by Pike and seconded by Muench to go into Executive Closed session for the protection of the public interest regarding pending claims and imminent litigation involving Hometown Hardware. On roll call the following votes were recorded. Aye: Muench, Ingram, Pike, and Warner. Nay: None. Absent: None. Motion carried.

Motion by Warner and seconded by Pike to move out of Executive Closed Session at 7:18 p.m.

Ingram motioned and seconded by Pike to adjourn the meeting at 7:18 p.m. On roll call the following votes were recorded. Aye: Muench, Ingram, Pike, and Warner. Nay: None. Absent: None. Motion carried.

John Morrison, Mayor

Kim Barnwell, City Clerk