Kimball City Council
Regular Meeting
June 18, 2024

A regular meeting of the Mayor and City Council was convened in open and public session at 5:04 p.m. June 18, 2024, held at the City Council Chambers, 223 S. Chestnut St. Council members present were, Ingram, Muench, Pike and Warner. Absent None. Also, present was Mayor Morrison, City Administrator Annette Brower, City Treasurer Jean Klassen, City Clerk Paula Tarango, and Attorney Matt Turman. The public was represented in the meeting.

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: Warner, Ingram, Muench, and Pike. Nay: None. Absent: None. Motion carried. Morrison acknowledged the posted Open Meetings Act.

The Pledge of Allegiance was recited.

Don Muench led the room in prayer.

Motion by Warner, seconded by Pike to approve the consent agenda items which include the minutes, claims and financials. The following votes were recorded. Aye: Warner, Pike, Muench, and Ingram. Nay: None. Absent: None. Motion carried.

Morrison opened the Public Hearing at 5:08pm on the adoption of the City of Kimball, Nebraska, Comprehensive Plan.

John Shepard with Marvin Planning conducted a brief presentation on the history of the project and overall review of such.

Stephanie McElroy added a comment to this topic.

The public was represented.

Morrison closed the public hearing at 5:16pm on the adoption of the City of Kimball, Nebraska, Comprehensive Plan.

Morrison opened the Public Hearing at 5:17pm on the adoption of a new City of Kimball Zoning Ordinance and Zoning Map.

John Shepard with Marvin Planning conducted a brief presentation on the history of the project and overall review of such.

The public was represented.

Morrison closed the public hearing at 5:22pm on the adoption of a new City of Kimball Zoning Ordinance and Zoning Map.

Motion by Warner to introduce Ordinance Number **828** **ORDINANCE 828 (ADOPTION OF UPDATED ZONING ORDINANCE) AN ORDINANCE OF THE CITY OF KIMBALL, NEBRASKA TO APPROVE AND ADOPT A ZONING ORDINANCE FOR THE CITY OF KIMBALL, NEBRASKA, WHICH ORDINANCE IS INCORPORATED FULLY HEREIN BY REFERENCE, INCLUDING THAT AREA WITHIN ONE MILE OF THE CORPORATE LIMITS.** read by title only and the statutory rule requiring 3 different days be suspended. Seconded by Pike. The following votes were recorded: Aye: Muench, Pike, Warner, and Ingram. Nay: None. Absent: None. Abstained: None. Motion carried.

Motion by Warner to introduce Ordinance Number **829** **ORDINANCE 829 (ADOPTION OF A COMPREHENSIVE PLAN) AN ORDINANCE OF THE CITY OF KIMBALL, NEBRASKA TO APPROVE AND ADOPT A COMPREHENSIVE DEVELOPMENT PLAN FOR THE CITY OF KIMBALL, NEBRASKA, WHICH PLAN IS INCORPORATED FULLY HEREIN BY REFERENCE, INCLUDING THAT AREA WITHIN ONE MILE OF THE CORPORATE LIMITS OF THE CITY OF KIMBALL.** read by title only and the statutory rule requiring 3 different days be suspended. Seconded by Pike. The following votes were recorded: Aye: Muench, Pike, Warner, and Ingram. Nay: None. Absent: None. Motion carried.

Morrison opened a discussion on the Keno request for the "All Class "Keno request – Kim Baliman – Gave an overview of the upcoming event and explained the multiple activities and itinerary that will be taking place during the event.

Motion by Ingram seconded by Muench to approve the Keno request in the amount of $2000 – Kim Baliman on behalf of "ALL CLASS" The following votes were recorded: Aye: Muench, Warner, Pike, and Ingram. Nay: None. Absent: None. Motion carried.

Street Department Supervisor Jim Shoup on behalf of Adam Vath – MC Schaff– Opened bids June 12 for concrete repair project 2 bidders submitted bids, Proposed start date September 16 and the other is 14th of October. MC Shaft recommends accepting Mark Chrisman Trucking, Inc bid for $151,626.85.

Motion by Ingram, seconded by Muench to accept the bid from Mark Chrisman Trucking, Inc bid for $151,626.85. The following votes were recorded: Aye: Muench, Ingram, Pike, and Warner. Nay: None. Absent: None. Motion carried.

Street Superintendent Jim Shoup opened a discussion on MC Shaff recommendation of award for chipseal bids. Bids came in June 07, there was only one from Topkote and the price is competitive at $4.33 SQ YARD (69,651.00).

Motion by Ingram, seconded by Pike to accept the bid for chipseal from Topkote in the amount of $69,651.00. The following votes were recorded: Aye: Muench, Ingram, Pike, and Warner. Nay: None. Absent: None. Abstained: None. Motion carried.

City Administrator Annette Brower led the Oath of Office of K-9 Police Officer. Mr. Logan Luft. He was subscribed and sworn to by Annette Brower before the City Council on June 18, 2024.

Chief Ruiz opened a discussion on the need to purchase a 2017 AWD K-9 handler charger from Riely County Police Department in Manhattan Kansas. Ruiz explained in detail about the

charger being fully equipped and the need for it due to the recent hiring of a K-9 Handler Police Officer and the growth of the department.

Motion by Muench, seconded by Warner to approve the purchase of a 2017 AWD K-9 Handler Charger from Rieley County Police Department in Manhattan KS. The following votes were recorded: Aye: Muench, Ingram, Pike, and Warner. Nay: None. Absent: None. Motion carried.

Chief Ruiz opened a discussion on approving the purchase of a 2023 Charger from ESU Pursuits for the 2024-2025 FY budget. Ruiz explained the growth and expansion of the department. There are currently a couple of applicants in the pipeline, they are awaiting the screening process. The vehicle will be ready in approximately 45 days, but the first payment would not be made until October of 2024, which would fall under the department's new budget.

Motion by Warner, seconded by Pike to approve the purchase of the 2023 Charger from ESU Pursuits for the 2024-2025 FY budget with the condition of checking the local banks for better interest rate without losing all the package benefits and pricing, the following votes were recorded. Aye: Pike, Warner, Muench, and Ingram. Nay: None. Absent: None. Abstained: None. Motion carried.

Morrison opened a discussion on the approval of the addition of a stop sign at 7th Street and High School Street.

Stephanie McElroy added a comment to this topic.

Barbara Evanson added a comment to this topic.

Austin Garner added a comment to this topic.

Adam Vath with MC Shaff – added a comment to this topic.

Motion by Ingram, seconded by Pike to add a 4-way stop at 7th Street and High School Street. The following votes were recorded: Aye: Muench, Ingram, Pike, and Warner. Nay: None. Absent: None. Motion carried.

Morrison opened discussion on the recommendation from the BPW to approve the mayor's signature on the Kimball Master Agreement for Communications Cable and Facilities in Public Rights-of-way between the City of Kimball and Viaero Fiber Fiber Networks, LLC.

Matt Turman – Viaero is going be installing a fiber network and they are asking for permission to use the right-of-way of the city to be able to put some fiber and use some poles. This is not an exclusive agreement, and it is limited in scope. The city is also entitled to receive 5% of the gross from the network that is operated.

Motion by Ingram, seconded by Muench to approve recommendation from the BPW to approve the mayor's signature on the Kimball Master Agreement for Communications Cable and Facilities in Public Rights-of-Way between the City of Kimball and Viaero Fiber Networks, LLC. The following votes were recorded: Aye: Muench, Pike, Warner, and Muench. Nay: None. Absent: None. Motion carried.

Reports –

Mayor – Has been attending numerous meetings lately, last week he attended the Air Force Cheyenne, topic of discussion was the sentinel program, Annette Brower joined, things are happening, still waiting on the missile project, after July 9th Congress should pass it again. Yesterday there was a meeting in Scottsbluff/ Landbank, this would be Gering and Kimball. Will be looking for board members to form a board, we need to continue to raise money and start using the landbank accordingly. Also attending monthly ZOOM meetings with the Cheyenne Chamber of Commerce on the sentinel project. The Dean of Journalism was recently in Kimball trying to figure out ways to help small towns, their newspaper and radio stations. Today we met with the College Department of Architecture, they have helped in the past with certain projects in Kimball, now they are interested in helping again. The more ways we can get our name out there, the better. The 7th street apartments look great. The goal is to be rented by July.

City Administrator Annette Brower – The Walter Scott foundation out of Omaha has reached out to us, we have submitted a grant letter of intent, want to start helping Kimball build a community gathering area. We are going to add to our city park program with the new ADA equipment. We have an opportunity to expand the bathrooms and make them ADA accessible. Still waiting on updates from the congressional spending grant for WWTP. Meeting with PADD this week about the affordable housing grant. Crews are busy, street, sewer, and water. Currently getting several building permits, received a zoning change request, it will be scheduled soon. The office will be closed on Juneteenth federal holiday. Community School Incident command meeting at 6:30pm today. Gering all day on Monday in meetings with the mayor regarding Economic Development Nebraska. LARM representative met with me today, great options available to the city. MIETUS duplexes are moving forward, that will be our next sewer project. Getting ready for the 4th of July party at the pool, the local radio station will be there. The pool is open and very busy. Power plant construction is scheduled in the next couple of weeks. First week of August the park equipment will be started.
Additional updates given.

Chief of Police – Jose Ruiz - Since our last City Council meeting the department has had 130 calls. 25 abatements, 19 are active. 9 have been sent over to the City Attorney. The Chief went into detail on the type of calls they have received such as domestic assault, terroristic threat, sexual assault of a minor, and several others. Traffic stop resulted in an arrest of a subject for possession of more than 3 oz of meth. 2 arrests for child abuse. Sergeant Barboza completed a tactical shield course in Greeley. There will be an explorer program meeting in Pine Bluffs this month. The Kimball Police Department hosted a less lethal course. A big thank you to transit for letting us use the space/building, it was an instructor level course many states attended such as Colorado, Kansas, South Dakota, Nebraska, and others. Mutual aid agreement with Pine Bluffs was made official. The Chief of Police addressed rumors. On our hiring update, we did have an officer that went to the academy that was let go due to academic performance. Another officer applied and made it to the entire onboarding process, they will be starting in mid-July. We received 14 resumes from many different states for the K-9 position. Two additional candidates have expressed interest. We are proud to say that we are creating an agency that officers want to work for and with. Additional updates given.

Public comment –

Austin Gardner added a comment on the topic.

Barbara Evanson - Flooding on high school street and Washington street, there is excessive flooding washes from Vista Villa and hits their building in the alley way, the waterflow has no way to get to the street. The waterflow is coming to the middle of the yard. Discussion only, no action taken.

Matt Silverman – Vista Beam internet – We received a grant to do some work in Kimball County. Any/all public service commission capital projects, for these funds and grants must be completed by the end of 2025. If an agreement can be made between Vista Beam and the City of Kimball, the engineers can start building within 4 to 8 months. The price will be the same as it is for Chapel and Oshkosh. Business internet would be up to 10 GIG connection. There is an existing fiber, right behind Kimball Fitness Center.

Motion by Ingram, seconded by to enter executive session at 6:28pm for the protection of the public interest and to prevent needless injury to the reputation of an individual, specially to discuss job performance, job duties, and potential terms of employment for City Clerk Paula Tarango. The following votes were recorded: Aye: Warner, Pike, Muench, and Ingram. Nay: None. Absent: None. Motion carried.

Motion by Pike, seconded by Ingram to come out of executive closed session at 6:59pm. The following votes were recorded: Aye: Muench, Pike, Ingram, Warner. Nay: None. Nay: None. Absent: None. Motion carried.

Motion by Ingram, seconded by Muench to approve retro-pay for City Clerk Paula Tarango dating back to April 11th of 2024. This is a follow-up to the motion made during our last City Council meeting held on June 4th, 2024 regarding job responsibilities and assigning Human Resources to the Clerk. The following votes were recorded: Aye: Muench, Ingram, and Pike. Abstained: Warner. Nay: None. Absent: None. Motion carried.

The next regular scheduled meeting will be on Tuesday, July 2nd, 2024.

There being no further business, motion by Pike, seconded by Warner, to adjourn the meeting at 7:17 p.m. The following votes were recorded: Aye: Pike, Ingram, Warner, and Muench. Absent: none. Nay: None. Motion carried.

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John Morrison, Mayor City Clerk