Kimball City Council
Regular Meeting
July 16, 2024

A regular meeting of the Mayor and City Council was convened in open and public session at 5:00 p.m. July 16, 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 5:04 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.

Board member Muench lead the room in prayer.

Motion by Pike, seconded by Warner to approve the consent agenda items as one. The following votes were recorded: Aye: Muench, Ingram, Pike, and Warner. Nay: None. Absent: None. Motion carried.

Morrison opened a public hearing at **5:05pm** to receive public comments regarding a request from Mike Downey to Rezone a parcel of land from Rural Residential to C5 Heavy Commercial, with the following legal description:

28 15 55 PART OF THE SW 1/4 SOUTH OF THE UPRR 28-15-55 (CONTAINING) 2.591 ACRES. Parcel ID# 530017326; 229 Kearney Street, Kimball, NE 69145.

Michelle Hinker added a comment to this topic.

Attorney Matt Turman explained the process in detail regarding the steps that must be taken such as building permits and others when opening up any business. The City may not be able to prevent the use but can still put conditions on it. Turman also went into detail on the layout of the parcel, neighbor properties and answered general questions from the public.

Matt Bright added a comment to this topic.

Morrison closed the public hearing at **5:12pm** on receiving public comments regarding a request from Mike Downey to Rezone a parcel of land from Rural Residential to C5 Heavy Commercial, with the following legal description:

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The public was represented.

Morrison chose to move up the agenda item to discuss and consider action on Administrative Contract. (Annette Brower)

Motion by Warner, seconded by Pike to enter executive closed session 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, job contract, and potential terms of employment for City Administrator Annette Brower. The following votes were recorded: Aye; Muench, Ingram, Pike, and Warner. Nay: None. Motion carried.

Motion by Warner, seconded by Muench to come out of executive closed session, the following votes were recorded: Aye: Muench, Ingram, Pike, Warner. Nay: None. Motion carried.

Motion by Pike, seconded by Warner to approve the City Administrator contract as presented. The following votes were recorded: Aye: Muench, Pike and Warner. Nay: Ingram. Absent: None. Motion carried.

Morrison opened a discussion on approving the application for rezoning from Mike Downey to Rezone a parcel of land from Rural Residential to C5 Heavy Commercial, with the following legal description:

28 15 55 PART OF THE SW 1/4 SOUTH OF THE UPRR 28-15-55 (CONTAINING) 2.591 ACRES. Parcel ID# 530017326; **229 Kearney Street, Kimball, NE 69145.**

Board member Muench asked for clarification on this rezoning with the purpose of protecting the citizens that live in that area. The storage unit is a good option, but we need to be cautious on the stipulations and or conditions placed for such.

Matt explained in detail the specifications of the rezoning, Turman stated that there are other options for commercial rezonings where the specifications are not as broad. The next option might be C2 would be the least intrusive. Brower added comments on options and what this code would allow on commercial property. Due to the concern of the public and board members, the recommendation is to send it back to Planning Commission for consideration on rezoning to a different code.

Mike Downey – The Seller of the above-mentioned property - The plan is to sell it, the buyer is planning on a storage unit facility, they will start with 20 units and gradually work towards 40.

Lexie Haug – Potential buyer for the property added a comment to this topic.

Motion by Muench, seconded by Pike to send the request from Mike Downey to Rezone a parcel of land from Rural Residential to C5 Heavy Commercial, with the following legal description:
28 15 55 PART OF THE SW 1/4 SOUTH OF THE UPRR 28-15-55 (CONTAINING) 2.591 ACRES. Parcel ID# 530017326; 229 Kearney Street, Kimball, NE 69145.
to be changed from C5 to C2. The following votes were recorded: Aye: Muench, Ingram, Pike and Warner. Nay: None. Absent: None. Motion carried.

Morrison opened a discussion on approving Resolution 2024-04 Authorizing the Chief Elected Official to sign an application for RCRP Funds. City Administrator Annette Brower explained that this is for the grant that was discussed during the previous City Council meeting, the deadline to get this finalized is in 6 days, we need to authorize the mayor's signature on the grant itself, this is the grant that would allow the City of Kimball to purchase dilapidated properties with the purpose of refurbishing them.

Motion by Ingram, seconded by Pike to approve Resolution 2024-04 Authorizing the Chief Elected Official to sign an application for RCRP Funds. The following votes were recorded: Aye: Muench, Ingram, Pike, and Warner. Nay: None. Absent: None. Motion carried.

Motion by Ingram, seconded by Warner to approve the minimum bid of $100 (One hundred dollars) and specifics for the surplus sale of the playground equipment at City Park with the condition that the winning bidder disassembles the equipment and picks it up within 30 days of purchase. The following votes were recorded: Aye: Muench, Warner, Ingram, and Pike. Nay: None. Motion carried.

Morrison missed an agenda item, acknowledged the error and returned to address it as follows:

Morrison opened a discussion on approving the recommendation from Planning Commission on Development Agreement between City of Kimball and Wesely & Anna Mietus for extension of services for the Mietus duplex subdivision.

Motion by Warner, seconded by Pike to approve the recommendation from Planning Commission on Development Agreement between City of Kimball and Wesely & Anna Mietus for extension of services for the Mietus duplex subdivision. The following votes were recorded: Aye: Muench, Ingram, Pike, and Warner. Nay: None. Motion carried.

Motion by Ingram, seconded by Muench to approve the bid for the cameras at the City Pool by Alarm Security Technicians. The following votes were recorded. Aye: Muench, Ingram, Pike, and Warner. Nay: None. Motion carried.

Morrision opened discussion on approving the Accounts Receivables job description. Per Brower, the responsibilities and duties have changed, and the information has to be updated accordingly as well as compensation.

Motion by Warner, seconded by Pike to approve the Accounts Receivables job description, the following votes were recorded: Aye: Muench, Ingram, Pike, and Warner. Nay: None. Absent: None. Motion carried.

Morrison opened a discussion on reinstating or authorizing a new business façade grant program. Per City Administrator Brower, this is preliminary conversation and would like to get that started prior/during budget. A couple of businesses have reached out regarding the topic. Board member Warner agreed that it is worth at least starting the discussion. (Discussion only, no action taken).

Morrison opened a discussion on approving Ordinance#830 updating the City Code related to unsafe buildings and property maintenance.

Matt Turman – City Attorney – Our current city codes are outdated and do not allow us to take any action on the above mentioned. Our nuisance code is okay but also needs updated, what

this Ordinance will do is mesh the two together. There will be two aspects to such. Turman explained further regarding the specifications, and processes.

Per board member Pike, this is long overdue.

Per board member Warner – the intention of the Ordinance is understood but the vague wording might be something to look at.

Mark Mietus – Added a comment to this topic.

Julia Gehrig – Added a comment to this topic.

Ann Warner – Added a comment to this topic.

Kathy Porter – Added a comment to this topic.

Board members participated by asking additional questions and making comments.

The public was represented.

Motion by Warner, seconded by Ingram to approve Ordinance #830 updating the City Code related to unsafe buildings and property maintenance. The following votes were recorded: Aye: Muench, Ingram, Pike, and Warner. Nay: None. Absent: None. Motion carried.

Motion by Ingram, seconded by Warner to accept the resignation from board member Don Muench due to moving out of town for a job opportunity. The following votes were recorded: Aye: Muench, Ingram, Pike, and Warner. Nay: None. Motion carried.

Reports –

Mayor – Business as usual, the 7th street apartments are still on schedule. Thanks to board member Muench for being a part of Council and for what he did for the city. Anyone that is interested in joining a board, please contact us. The Planning Commission, Cemetery, BPW, and Council have openings currently.

City Administrator Annette Brower – The power generation project is moving forward; they are in the permitting process through NDEE. We are finalizing the construction on the sewer of the 7th street apartments; a news release was sent to the media regarding the additional delay, we are getting close to finishing up that project soon. Paining on Chestnut up to Interstate area has been refreshed, due to the weather, we continue to fight weeds in the right of way, crews are working on it every day. Since we were turned down for the main grant for the Wastewater Treatment Plant, we are exploring different avenues to see if we can apply for additional funding for that project. Jean Klassen (City Treasurer) is working with superintendents to get started on budget conversations and planning. BPW will be meeting on the 14th of August and not the regular meeting scheduled. Paula Tarango and I met with LARM regarding our policies and to ensure that the city is protected from personnel to buildings and our safety. Another LARM representative met with William Hinton, and visited all our buildings and properties that we own with the purpose of working on inventory. Additional updates provided.

The next regular scheduled meeting will be on Tuesday, August 6, 2024 at 5:00pm

There being no further business, motion by Pike, seconded by Ingram, to adjourn the meeting at 6:26 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