

Kimball City Council  
Regular Meeting  
February 19, 2019

A special meeting of the Mayor and City Council was convened in open and public session at 6:00 p.m. on February 19, 2019 in the City Council Chambers. Mayor Prunty and Council members Bright, Warner and Baliman were present. Council member Shields was absent. Also present were Water Superintendent Sisk, Electric Superintendent Hinton, City Administrator Dean, 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 6:02 a.m. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Bright and Baliman. Nay: None. Absent: Shields. Motion carried. The Pledge of Allegiance was recited.

Prunty acknowledged the posted Open Meetings Act poster.

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

Prunty opened the public hearing for the One & Six Year Street Plan at 6:04 p.m. Streets Superintendent Shoup presented the Council with an overview of the Plan. Dean pointed out that the additional \$70,000 for the On-Call Construction Engineering Services Task Order Agreement for the Underpass Project. Shoup stated that he would make those changes. There being no questions or comments, Prunty closed the public hearing at 6:08 p.m.

Prunty opened the public hearing to consider increasing fees for zoning applications, variance requests and special/conditional use permits at 6:09 p.m. Dean explained the proposed fee changes to the Council. There being no questions or comments, Prunty closed the public hearing at 6:10 p.m.

Prunty opened the public hearing to consider the request to rezone rezone the Original Kimball Addition, Block 8, Lots 10, 11, and 12; Original Kimball Addition Vacated Park Street from East Right of Way Line of HWY 71 to the West Right of Way Line of Walnut Street. 407 & 407 ½ N. Chestnut Street, Kimball, NE 69145 from Single Family Residential (R-1) to Light Commercial (C-2) at 6:11 p.m. Prunty advised the Council that the Planning Commission recommended approval to the Council. There being no questions or comments, Prunty closed the public hearing at 6:13 p.m.

Prunty opened discussion to consider the recommendation for approval from the Planning Commission to raise the fees associated with zoning application, variance requests and conditional/special use

permits to the actual cost plus the \$100.00 filing with a required \$250.00 deposit of which any excess will be refunded. Bright asked if \$250.00 would cover the cost to process the applications. Dean stated that it would in most cases.

Prunty opened discussion to consider the recommendation from the Planning Commission to approve rezoning 407 & 407 ½ N. Chestnut St. from Single Family Residential (R-1) to Light Commercial (C-2).

There being no questions or comments, Prunty opened discussion to approve the Mayor's signature on the On-Call Construction Engineering Services Task Order Agreement for the Underpass Project. Dean advised the Council that the actual cost for this could possibly be less but at this point there isn't really much that can be done.

Prunty opened discussion on the Sample Property Maintenance Code. Dean advised that the example in the packet is from Chadron. Dean stated that the City did adopt the International Building Code several years ago but that is mainly for new buildings. Dean asked Council if they would like for him to move forward with a property maintenance code or just forget about it. Discussion was held on what would need to be done in order to adopt a maintenance code. Hadenfeldt suggested Council review the sample code extensively and discuss it at the next meeting.

Prunty opened discussion to consider action on the surplus property list. Baliman moved and seconded by Bright to approve the surplus property list. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Bright and Baliman. Nay: None. Absent: Shields. Motion carried.

Prunty opened discussion to consider accepting a piece of property for walking trail access using Kimball Area Foundation Funds. Warner asked if the property would be used for a parking lot. Dean stated that it would be an access point. Warner moved and seconded by Baliman to consider accepting the piece of property for the walking trail if the Kimball Area Foundation makes the purchase. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Bright and Baliman. Nay: None. Absent: Shields. Motion carried.

Prunty opened discussion to consider agenda request from Julia Magee to change Ordinance 94.50 and 94.53. Magee advised Council that last month she had to walk from the hospital to the downtown area and there was only one resident that had removed the snow from their sidewalk. Magee went on to say that the City needs to focus on sidewalks instead of the walking trail.

Prunty opened discussion to consider \$5,000 demolition grant for Randy and Sandy Harmon. Dean advised the property would have to have an asbestos inspection before demolition. Dean said that cost would be \$400 - \$500. Hadenfeldt stated that the grant requires two bids be submitted with the application.

Prunty introduced Resolution 2019-02. Baliman moved and seconded by Bright to approve Resolution 2019-02. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Bright and Baliman. Nay: None. Absent: Shields. Motion carried.

## RESOLUTION 2019-02

WHEREAS, the City of Kimball, Nebraska, has conducted a public hearing in accordance with the requirements of the Board of Public Roads Classifications and Standards,

NOW, therefore, be it resolved by the Mayor and City Council that the one and six-year street plans are unanimously accepted as presented at the public hearing.

Dated this, 19<sup>th</sup> day of February 2019.

/s/ Keith B. Prunty, Mayor

ATTEST:

/s/ Katherine Terrill, City Clerk

Prunty introduced Resolution 2019-03. Bright moved and seconded by Baliman to approve Resolution 2019-03. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Bright and Baliman. Nay: None. Absent: Shields. Motion carried.

## RESOLUTION 2019-03

### A RESOLUTION ESTABLISHING A FEE SCHEDULE FOR ZONING APPLICATIONS AND COSTS

WHEREAS, the City of Kimball, Nebraska, is establishing a fee schedule for zoning applications and costs,

WHEREAS, the governing body of the City of Kimball desires to establish application fees and charges for matters relating to zoning, including applications for conditional use permits and requests for variance; and,

WHEREAS, the governing body of the City of Kimball as reported a recommendation from the City's Planning Commission,

NOW, THEREFORE, BE IT RESOLVED BY the governing body of the City of Kimball, Nebraska, the following fees and charges are hereby established as shown:

1. **Applications for re-zoning: \$100.00 filing fee, publication fee (actual cost), postage incurred by city for owner notifications via certified mail;**
2. **Conditional Use Permit: \$100.00 filing fee, publication fee (actual cost), postage incurred by city for owner notifications via certified mail;**
3. **Applications for variance request: \$100.00 filing fee, publication fee (actual cost), postage incurred by city for owner notifications via certified mail.**

BE IT FURTHER RESOLVED that any resolution passed, approved and adopted prior to the passage and approval of this Resolution in conflict with its provisions is repealed.

BE IT FURTHER RESOLVED that this Resolution shall take effect and be in full force from and after its passage and approval as required by law.

PASSED, APPROVED AND THIS 19th DAY OF February, 2019.

/s/ Keith B. Prunty, Mayor

ATTEST:

/s/ Katherine Terrill, City Clerk

Prunty introduced Resolution 2019-04. Warner moved and seconded by Baliman to approve Resolution 2019-04. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Bright and Baliman. Nay: None. Absent: Shields. Motion carried.

Baliman moved and seconded by Warner to introduce Ordinance #769 by title only. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Bright and Baliman. Nay: None. Absent: Shields. Motion carried.

Prunty introduced Ordinance #769 by title only. Baliman moved and seconded by Warner to approve Ordinance #769. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Bright and Baliman. Nay: None. Absent: Shields. Motion carried.

### **ORDINANCE NO. 769**

AN ORDINANCE AMENDING THE ZONING CERTAIN PARCELS FROM SINGLE-RESIDENTIAL DISTRICT (R-1) TO LIGHT COMMERCIAL DISTRICT (C-2) PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE AND PUBLICATION IN PAMPHLET FORM.

Baliman moved and seconded by Bright to introduce Ordinance #770 by title only. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Bright and Baliman. Nay: None. Absent: Shields. Motion carried.

Prunty introduced Ordinance #770 by title only. Baliman moved and seconded by Bright to approve Ordinance #770. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Bright and Baliman. Nay: None. Absent: Shields. Motion carried.

**ORDINANCE NO. 770**

**AN ORDINANCE OF THE CITY OF KIMBALL, NEBRASKA, AMENDING §111.48 OF THE CODE OF KIMBALL TO EXTEND THE HOURS OF SALE FOR ALCOHOLIC LIQUOR WITHIN THE CITY, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

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

1. Minutes from the January 15, 2019 regular City Council meeting and the January 24, 2019 special meeting;
2. Claims;
3. Financial Statements;
4. Ratify Kimball Volunteer Fire Department members.

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

Administrator Report: Dean advised Council that the City received \$5,276.00 from ACE. Dean added that the City has received \$56,013. Dean advised Council that he submitted a grant to help with the cost of the asbestos removal from the Longhorn building. Dean went on to say that he will have to submit a letter stating that the building is not on the historical building list.

Mayor's Report: Prunty advised Council that he has been working on abatements. Prunty also stated that there will be a meeting with the public soon to discuss the park improvements.

Discussion was held on the next meeting, Council decided to move the March meeting to Thursday March 14, 2019 at 6:00 p.m. There being no further business, Warner moved and seconded by Bright to adjourn the meeting at 6:54 p.m. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Warner, Bright and Baliman. Nay: None. Absent: Shields. Motion carried.

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Keith B. Prunty, Mayor

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Katherine Terrill, City Clerk