

CITY COUNCIL MEETING

NO. 2005-25

September 6, 2005

The Mayor and City Council of the City of Chadron, Nebraska met in regular session in the City Hall Council Chambers at 234 Main Street on the 6th day of September, 2005 at 5:00 o'clock P.M. The following individuals were present: Mayor John Gamby, Vice Mayor Jim Stokey, Councilmembers Donny Grantham and Morgan Muller, City Manager Al Vacanti, City Clerk Donna Rust, City Attorney Bevin Bump, Chief of Police Jerry Crews, Public Works Director Milo Rust, Finance Officer Dave Noble and Zoning and Building Official Janet Johnson. Absent: Councilmember Mark Douglas.

Notice of the meeting was given in advance thereof by publishing notice in The Chadron Record as shown by the affidavit of publication filed in the City Clerk's office. Notice of the meeting was simultaneously given to the Mayor and all members of the City Council and a copy of their acknowledgment of receipt of notice and the agenda is attached to the minutes and is filed in the City Clerk's office. Availability of the agenda was communicated in the advance notice and in the notice of the Mayor and City Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Mayor Gamby called the meeting to order and declared a quorum present.

The Council was informed that Bryce Landen could not attend tonight's Council Meeting and that the presentation of the Report on Economic Importance of and Economic Impacts Associated with Livestock Production in Dawes County conducted by Nebraska Public Power District, will be scheduled for the next regular Council Meeting.

Councilmember Stokey moved to approve the agenda as amended to include the omission of the report by Nebraska Public Power District on Livestock Production in Dawes County. Seconded by Councilmember Grantham. The following Councilmembers voted Aye: Gamby, Stokey, Grantham, Muller. The following voted Nay: None. Motion carried.

Councilmember Muller moved to approve the Consent Agenda, which included the following items:

- 1) Minutes for City Council Meeting No. 2005-24, August 15, 2005

The Minutes were approved as written and distributed.

- 2) Correspondence

There was no correspondence to report.

- 3) Claims

NOTE:

* Denotes Check Issued
O-Ordinance, C-Contract, S-Statute
R-Resolution, F-Federal Law, M-Motion
N/A-No Authority, D-Discount

ABC Electric	Wellfield Parts & Repair	5,095.96	
Action Communications	9/2005 Pager Service	44.92	
Alltel	8/2005 Cellular Service	472.50	*
Avaya	7/2005-8/2005 Merlin Maint.	264.96	*
Baker & Associates	Engineering-Wastewater Facility	1,440.00	
Bauerkempers	Chains	24.08	
Beguin, Bailey	Applied Utility Deposit	30.83	*
Black Elk, Ramona	Applied Utility Deposit	28.33	*
Blaine Enterprises	S&H Water Samples	180.95	
Brennan Electric	Ballast	9.15	
Brown, Phyllis	Utility Refund	22.65	*
Bump and Bump	7/2005-8/2005 Legal Services & Retainer	6,092.50	
Buskirk, Kristen Kulas	Applied Utility Deposit	33.32	*
Chadron, City of	Applied Utility Deposits	461.08	*
Chadron, City of	FICA to 8/25/2005	4,117.41	*F
Chadron, City of	Payroll to 8/25/2005	55,872.54	*C
Chadron, City of	Petty Cash Reimbursement	37.95	*
Chadron, City of	9/2005 Side Fund - Health	16,718.20	
Chadron Concrete	Concrete	55.00	
Chadron Express Lube	Tires	340.24	
Chadron Home Center	Supplies	34.21	
Chadron Plumbing	Plumbing Services-Airport Terminal	199.19	
Chadron Volunteer Fire Dept.	9/2005 Fire Pay	50.00	
Computer Catalysts	Cable & Installation	96.70	
Contractors Materials	Asphalt Pick & Caution Tape	47.00	
Crews, Gerald	9/2005 Auto Allowance	100.00	
Dvorak, Cody	Applied Utility Deposit	14.13	*
Eisenbarth Motor Company	Vehicle Repairs	690.02	
Emick, Lisa	Applied Utility Deposit	34.99	*
Farm Plan/The Mercantile	Parts & Supplies	293.81	
FedEx	S&H Water Samples	68.92	
First National Bank-Omaha	Travel & Radio	1,848.46	*
Fortis	9/2005 Fire Insurance	105.02	
Fuller Construction	Main Street Project - Est. #3	60,104.88	*R
Galls	Replacement Bulb	78.73	
Great Lakes Aviation	Travel - Fuel School	123.00	*
Guardian	9/2005 Dental Premium	280.89	
Hansen, Maruta	8/10-8/31/2005 Janitorial Svcs.	320.00	
Hencey Plumbing & Hydronics	Plumbing Supplies	220.90	
Henkens Equipment	Supplies	81.15	
Hills Tire & Supply	Flat Repair & Tube	60.95	
Ideal Linen Supply	Janitorial Supplies	156.03	

Jackson, Mick	Applied Utility Deposit	30.83	*
Jirdon Agri Chemicals	Fertilizer	2,160.90	*D
Kelly Supply Company	Solenoid Valve	349.59	
Kinder Morgan	8/2005 Gas Service	62.29	
Koza, Rick	Utility Refund	24.33	*
Lawson Products	Lubricant	117.49	
Mansfield Enterprises	Bucket Truck Rental	1,000.00	
Modern Farm	Blower Fan & Cover	67.06	
Moore, Darcy	Applied Utility Deposit	34.99	*
Municipal Supply	Manhole Rings & Pipe Fittings	1,205.42	
National Casualty	9/2005-9/2006 Liability Insurance	315.56	
NE Dept. of Environmental Quality	Certificates-Wastewater Operator	300.00	*S
NE Dept. of Health	Chemical Tests	255.00	
NE Dept. of Revenue	7/2005 Sales/Use Tax	2,340.43	*S
NE Dept. of Revenue	NE Waste Reduction Fee	25.00	*S
Nebraska DAS Communications	7/2005 Toll Usage & State Telecomm	445.47	
Nebraska Public Power District	8/2005 Electric Service	8,037.52	
Norm's Carquest Auto Parts	Parts & Supplies	414.99	
Northwest Pipe Fittings-Rapid City	Pipe Fittings	58.18	
Northwest Pipe Fittings-Scottsbluff	Pipe Fittings	85.31	
Northwest Rural Public Power	7/2005 Electric Service	12,225.37	
Panhandle Veterinary Clinic	8/2005 Animal Control Services	330.00	
PitneyBowes	4Qtr Postage Meter Rental	171.16	
Power House	Mower Parts	90.22	
Quality Tire	Tires & Valve Stem	345.50	
Qwest	8/2005 Telephone Service	967.74	
Regional Care	9/2005 Specific/Life/Select-Flex	8,510.29	
Richard's Electric	Sign Replacement - Airport	3,150.00	
SDS Construction	Sidewalk-Boog Horse Park	6,783.04	
Simon Contractors	Hot Mix	1,267.79	
Sturdevant's Auto Parts	Parts & Supplies	256.10	
SWANN	8/2005 Collections	51,715.48	
Tee Jay's Photo & Camera	Film Processing	28.00	
Tree Doc	Tree Removal & Trimming	450.00	
US Postmaster	8/2005 Utility Bills Postage	229.81	*
Vacanti, Al	Travel & Meeting Expenses	80.41	
Van Diest Supply Company	Chemicals	1,540.64	
VantagePoint Trust 401 Employee	Pension to 8/25/2005	1,926.31	*C
VantagePoint Trust 401 Police	Pension to 8/25/2005	979.01	*C
Wahlstrom Ford	2003 Dodge Repair	1,774.80	
Wal-Mart Community	Office Supplies	600.31	*
WeatherTap	1 Year WeatherTap FBO License	348.00	
Western Communications	Radio Equipment Removal & Install	1,944.50	

Western Cooperative	Fuel	93.59
Woodland Construction	Overhead Door Repair	601.65
TOTAL		270,091.63

VOID CHECK: 25426

The foregoing schedule of claims is published in accordance with Nebraska Revised Statutes 19-1102.

4) Report on Collection of Special Assessments

5) Minutes for Boards and Commissions

There were no minutes to report at this meeting.

Councilmember Stokey seconded the motion for approval of the Consent Agenda. The following Councilmembers voted Aye: Gamby, Stokey, Grantham, Muller. The following voted Nay: None. Motion carried.

Leann Quist appeared before the Council on behalf of Great Plains Cable Television. The company is in the process of acquiring Charter Communications and would like to be able to close October 1, 2005. Ms. Quist gave a background and brief overview of the company and stated that they appreciate the opportunity to be able to serve the citizens of Chadron.

The Council was informed that employment has been offered to all of the current employees with Charter Communications. The company plans to continue a similar operation as what Charter Communications has been offering in the past, and will be taking it one step at a time, in making any changes. Cable television customers will be asked to provide input as to what they would like to see offered in services. In addition, the company wishes to partner with Chadron State College.

Ms. Quist responded to comments and questions from the City Council. It was noted that customers will be able to call the local office and to speak with someone in Chadron for assistance. Calls received after normal working hours, will be handled through the call center in Blair, Nebraska. Ms. Quist assured the Council that these calls will be handled as efficiently as if they were taken in Chadron. The company does not foresee any adjustments in the rates in the immediate future.

Ms. Quist added that the company would like to accelerate the process of having the transfer of the cable company approved and asked if the Council would be in agreement with approving the transfer at its next regular meeting. City Attorney Bump advised that this should not be a problem, as long as the company is willing to continue with the same franchise agreement that the City currently has with Charter Communications.

It being the hour of 5:22 o'clock P.M., Mayor Gamby stated that, pursuant to the Notice of Public Hearing published August 31, 2005, and in compliance with the provisions of Sections 13-501 to 13-517, R.R.S. 1943, the governing body will meet at this time and place for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the proposed budget for the 2005-2006 fiscal year.

Mayor Gamby asked if there was anyone present wishing to be heard with regard to the proposed budget for Fiscal Year 2005-2006.

Cliff Hanson appeared before the Council on behalf of Nebraska Northwest Development Corporation (NNDC) to request continued financial support from the City for the 2005-2006 fiscal year. Mr. Hanson distributed a list of expenditures that were paid for the Chamber of Commerce with NNDC

funds. It was noted that Chamber of Commerce is severing its ties with NNDC and that the issues for the two organizations will be handled separately.

The following individuals were present at the meeting on behalf of the Chadron Area Chamber of Commerce: Jamey Eisenbarth, Patty Pourier, Andie Rising, Heather Pickering, Jeff Kienitz, Mimi Groves, DeeAnn Barber, Jane Ramm, and David Russell. Ron Miller and John Axtell also spoke with regard to the presentation by the Chamber of Commerce.

Members of the Chamber of Commerce presented a detailed strategic plan to the City Council. The presentation included what happened in the past; what the Chamber is like now; and its plan for the future. The Chamber of Commerce is proposing that the Board will hire one position for the next six months, who would act as the Executive Director, Business Manager. After that time, the Board would review filling other positions. The accounting would be handled by a private firm.

The Chamber of Commerce requested that the Council consider increasing its funding for the 2005-2006 fiscal year from \$4,000.00 to \$25,000.00. The Chamber stated that they intend to repay the NNDC and that they would make monthly payments to NNDC until the debt is retired. The Board was of the opinion that it would be able to save costs by reducing the staff until the spring of 2006.

The Chamber explained its plan to implement a new system, procedures and policies. The Board distributed its proposed budget. The strategic plan for the Chamber of Commerce included the following subjects: Accountability, Leadership, Marketing/Membership, Education, and Legislative and these were all explained in detail.

Considerable discussion was held with the City Council. Members of the Chamber Board responded to questions from the Council and staff. The Chamber stated that they wanted to show the City that they are taking aggressive steps to move forward and that they want to show that they will be accountable and

The Council was of the consensus that the proposed budget for the 2005-2006 fiscal year should be approved as presented, which includes \$4,000.00 to the Chamber of Commerce and \$50,000.00 to the Nebraska Northwest Development Corporation. The Council instructed staff to bring this issue back before the Council for further review and discussion, prior to any dollars being distributed to either organization. The Council agreed that although the dollars would be included in the budget, they were not authorizing any dollars to be paid from the 2005-2006 fiscal year budget for either the Chamber of Commerce or NNDC at this time.

There being no one else present wishing to be heard, Mayor Gamby closed the public hearing at 7:14 o'clock P.M.

It being the hour of 7:15 o'clock P.M., Mayor Gamby stated that, pursuant to the Notice of Public Hearing published on September 1, 2004, and in compliance with the provisions of Sections 77-1601.02, R.R.S. 1943, the governing body will meet at this time and place for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the final tax levy for the annual budget for the 2005-2006 fiscal year.

Mayor Gamby asked if there was anyone present wishing to be heard with regard to setting the final tax levy for the proposed budget for Fiscal Year 2005-2006.

There being no one present to speak for or against the final tax levy for the proposed budget for Fiscal Year 2005-2006, Mayor Gamby closed the public hearing at 7:23 o'clock P.M.

Councilmember Muller introduced the following Resolution and moved for its adoption:

RESOLUTION NO. 2005-73

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHADRON, NEBRASKA:

The City Council, having conducted a public hearing as prescribed by law, and after reviewing the comments made in regard to the total taxable valuation certified to the City by the County Assessor, and being fully advised in the premises, finds and determines that it is in the best interest of the City that there be an additional 1% (one percent) increase in the City Restricted Funds Authority, which is hereby approved.

The foregoing Resolution having been read, Councilmember Grantham seconded the motion for its passage and adoption, and after consideration thereof, the roll was called on the passage and adoption of said Resolution and the following Councilmembers voted Aye: Gamby, Stokey, Grantham, Muller. Voting Nay: None. Absent: Douglas. The passage of the Resolution having been consented to by more than a majority of the members elected to the Council was declared passed and adopted this 6th day of September, 2005.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

Councilmember Stokey introduced the following Resolution and moved for its adoption:

RESOLUTION NO. 2005-74

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHADRON, NEBRASKA:

For the orderly operation and maintenance of the revenue received by the City from any source, and the expenditures thereof, there is hereby created and established the following funds:

GENERAL FUND
CITY RESERVES FUND
QUALIFIED SINKING FUND
OPAL MUSSER - WILSON PARK RESTRICTED FUND
PUBLIC SAFETY DEBT SERVICE
GREENWOOD CEMETERY MEMORIAL
ECONOMIC DEVELOPMENT PROGRAM
COMMUNITY DEVELOPMENT PROGRAM
KENO LOTTERY
PUBLIC ALLIANCE COMMUNITY ENERGY (ACE)

DEBT SERVICE FUND
INFRASTRUCTURE IMPROVEMENTS FUND
BUSINESS IMPROVEMENT DISTRICT (BID) MAINTENANCE
STREET FUND
GRANT PROJECTS
MUNICIPAL INFRASTRUCTURE REDEVELOPMENT FUND (MIRF)
WATER FUND
WATER BOND AND WATER RESERVE
WASTEWATER FUND

That hereafter all revenues by the City from any source shall be applied to the above set out funds and expended therefrom in accordance with the annual budget approved and adopted by the City Council, in accordance with law.

The foregoing Resolution having been read, Councilmember Grantham seconded the motion for its passage and adoption, and after consideration thereof, the roll was called on the passage and adoption of said Resolution and the following Councilmembers voted Aye: Gamby, Stokey, Grantham, Muller. The following voted Nay: None. Absent: Douglas. The passage of the Resolution having been consented to by more than a majority of the members elected to the Council was declared passed and adopted this 6th day of September, 2005.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

Councilmember Stokey introduced Ordinance No. 1277

AN ORDINANCE to adopt the 2005-2006 budget statement to be termed the Annual Appropriations Bill; to appropriate sums for necessary expenses and liabilities; directing the publication of this Ordinance and prescribing the time when this Ordinance shall be in full force and effect.

The Council then considered Ordinance No. 1277 on its third reading by title. Councilmember Stokey moved to approve Ordinance No. 1277 on its third reading. Seconded by Councilmember Muller. The following Councilmembers voted Aye: Gamby, Stokey, Grantham, Muller. The following voted Nay: None. Absent: Douglas. Motion carried. Ordinance No.1277 was passed and approved on its third reading by title.

Councilmember Grantham introduced the following Resolution and moved for its adoption:

RESOLUTION NO. 2005-75

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHADRON, NEBRASKA:

That after complying with all procedures required by law, the budget presented and set forth in the budget statement approved as the Annual Appropriation Bill for the fiscal year beginning October 1, 2005 through September 30, 2006, and appropriated by the passage of Ordinance No. 1277 and the additional 1% increase, as set by Resolution No. 2005-73, the General Fund property tax request and the levy for such fiscal year is hereby set as follows:

	<u>AD VALOREM REQUEST</u>	<u>LEVY SET BY CITY</u>
General Fund (including Property Request 1% County Treasurer Collection Fee and 5% Delinquent Tax Allowance)	\$442,344.00	0.306772

The foregoing Resolution having been read, Councilmember Stokey seconded the motion for its passage and adoption, and after consideration thereof, the roll was called on the passage and adoption of said Resolution and the following Councilmembers voted Aye: Gamby, Stokey, Grantham, Muller. The following voted Nay: None. The passage of the Resolution having been consented to by more than a majority of the members elected to the Council was declared passed and adopted this 6th day of September, 2005.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

Councilmember Muller introduced the following Resolution and moved for its adoption:

RESOLUTION NO. 2005-76

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHADRON, NEBRASKA:

1. Progress Estimate No. 1 filed with the Clerk by the Special Engineer of the City, showing the amount of material furnished and work performed in the City under contract heretofore let for the construction of improvements in the construction of the Water Main Replacement Project (North Main Street and Bartlett Road), and the statements of the Special Engineer and others set out below are hereby approved; and the Council finds that the materials therein set out have been furnished and have been received by the City and work has been performed and claims therefore are hereby allowed as follows:

LITTREL CONSTRUCTION

Total Estimated Quantity Contract Amount	\$74,121.00
Total Value of Work & Materials	\$55,126.50
Less Amount Paid (Previous Estimates)	\$ 0.00
Less Retainage (10%)	\$ 5,512.60
Total Claim	\$49,613.40

2. That Littrel Construction be paid the sum of \$49,613.40 for materials furnished and work performed in the construction of the Water Main Replacement Project (North Main Street and Bartlett Road).

The foregoing Resolution having been read, Councilmember Grantham seconded the motion for its passage and adoption, and after consideration thereof, the roll was called on the passage and adoption of said Resolution and the following Councilmembers voted Aye: Gamby, Stokey, Grantham, Muller. The following voted Nay: None. Absent: Douglas. The passage of the Resolution having been consented to by more than a majority of the members elected to the Council was declared passed and adopted this 6th day of September, 2005.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

Councilmember Stokey introduced the following Resolution and moved for its adoption:

RESOLUTION NO. 2005-77

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHADRON, NEBRASKA:

That the absence of Councilmember Mark Douglas from the regular Council Meeting held September 6, 2005 is hereby excused by the Council for reason of personal business and that this Resolution shall be entered upon the journal.

The foregoing Resolution having been read, Councilmember Muller seconded the motion for its passage and adoption, and after consideration thereof, the roll was called on the passage and adoption of said Resolution and the following Councilmembers voted Aye: Gamby, Stokey, Grantham, Muller. The following voted Nay: None. The passage of the Resolution having been consented to by more than a majority of the members elected to the Council was declared passed and adopted this 6th day of

City Clerk

(S E A L)