

## CITY COUNCIL MEETING

NO. 2006-08

MARCH 20, 2006

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 20<sup>th</sup> day of March, 2006 at 5:00 o'clock P.M. The following individuals were present: Mayor John Gamby, Vice Mayor Jim Stokey, Councilmembers Donny Grantham, Morgan Muller, and Mark Douglas, City Manager Al Vacanti, City Clerk Donna Rust, City Attorney Bevin Bump, Sergeant Chuck James, Acting Chief of Police Margaret Keiper, Finance Officer Dave Noble, Public Works Director Milo Rust and Zoning and Building Official Janet Johnson. Absent: None.

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.

Councilmember Stokey moved to approve the agenda as written and distributed. Seconded by Councilmember Douglas. The following Councilmembers voted Aye: Douglas, Gamby, Stokey, Grantham, Muller. The following voted Nay: None. Motion carried.

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

1) Minutes for Special City Council Meeting No. 2006-06, March 6, 2006 and City Council Meeting No. 2006-07, March 6, 2006

The Minutes were approved as written and distributed.

2) Correspondence

There was no correspondence to distribute.

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

Action Communications	3/2006 Pager Service	44.42	
Airport Lighting Company	Lamps & Lenses	194.63	
American Public Works Assoc.	1 Year Membership	208.00	
Ammunition	Ammunition	445.00	
Arrow Building Center	Paint Supplies & Masking Tape	184.40	
Avaya	2 & 3/2006 Merlin Maintenance	264.96	
Baker & Taylor	Library Books	472.80	
Banzhaf, Shawn	Dare Supplies Reimbursement	27.36	*
Black Hills Weekly Group	2/2006 Legals & Advertisements	577.17	
Brennan Electric	Fluorescent Light Parts	39.45	
Business Connection	Ink Cartridges & Supplies	71.48	
Century Business Products	1/2006 Mita Maint. & Supplies	47.50	
Chadron, City of	Applied Utility Deposits	23.34	*
Chadron, City of	FICA to 3/09/2006	4,142.51	*F
Chadron, City of	Payroll to 3/09/2006	55,960.44	*C
Chadron Glass & Windows	Screen	15.00	
Chadron Wholesale	Supplies & Paper Towels	40.40	
Contractors Materials	14" Ductile Diamond	199.00	
Culligan Water Conditioning	3/2006 Bottled Water-Airport	18.70	
Deeter Foundry	Cover with Drop Handle	113.16	
Dell Marketing	Ink Cartridges	152.44	
Demco	Library Supplies	47.88	
Eisenbarth Motor Company	Brake Repair & Switch	285.50	
Farm Plan/The Mercantile	Parts & Supplies	161.76	
Feld Equipment, Ed. M.	Bi Pin Bulbs	48.00	
Fresh Start Convenience Stores	2/2006 Fuel Purchases	2,918.15	
Fuller Construction	Construction - New Airport Office	1,850.00	
Galls	Uniforms & Accessories	1,279.32	
Great Plains Building Center	Supplies	111.92	
Great Plains Communications	3/2006 Internet	144.90	*
Great Plains One-Call	2/2006 Locate Requests	16.81	
Grimms Pump & Industrial Supply	Gasket Kit & Fire Hose	165.24	
Haddon, Kinley	2/2006 Janitorial Services	82.40	
Hansen, Maruta	3/2-3/15/2006 Janitorial Services	200.00	
Haynes, Terri	3/2006 AP Operations Contract	900.00	
Henkens Equipment	Clear Plastic & Headgear	18.08	
Hills Materials	1" Road Base & 3/4" Chips	359.31	
Hills Tire	Tire Repair & O-Ring	32.00	
Ideal Linen Supply	Janitorial Supplies	184.58	
Ingram Library Services	Library Books	171.98	

Kinder Morgan	2/2006 Gas Service	434.68	
Larson Insurance	3 <sup>rd</sup> Qtr. Insurance	29,999.00	
Lawson Products	Stripe Paint	109.15	
Linweld	Cylinder Rental	11.70	
Mansfield Enterprises	Filters & Heater Motor Installation	175.32	
MicroMarketing	Library CD's	226.70	
MidAmerica Books	Library Books	127.97	
MidAmerica Specialties	Reading Program Supplies	191.11	
Millennium Computer Systems	Computer Cable/Plugs/Wall Plate	62.69	
Miskimins Motors, John	Spring & Labor	11.22	
Municipal Supply	Hydrant Parts	541.12	
National Automobile Dealers	1 Year Subscription - NADA	70.00	
Nebraska Public Power District	2/2006 Electric Service	924.26	
Nebraskaland Conf. of Building Officials	1 Year Membership	100.00	
New World Inn	Lodging-Sleuth & NCJIS Training	228.00	
Norm's Carquest Auto Parts	Parts & Supplies	335.41	
Northwest Pipe Fittings-Scottsbluff	Pipe Fittings	90.82	
Northwest Rural Public Power	2/2006 Electric Services	5,025.78	
Outlaw Printers	Uniforms	134.30	
Panhandle Veterinary Clinic	1 & 2/2006 Animal Control Svcs.	600.00	
Parrott and Sons, Matt	Utility Bills	548.68	
Petersen Drug	Batteries	37.94	
Powerplan/Murphy Tractor	Parts	377.45	
Presco Sales and Service	Plow Blades/Bolts/Nuts	931.93	
Pyle, Jennifer	Applied Utility Deposit	34.99	*
Quality Books	Library Books	263.53	
Quill	Binding Spirals & Book Covers	53.48	
Qwest	3/2006 Telephone Service	318.76	
Regional Books	Library Books & CD's	740.09	
RepCo Marketing	Simulator Solution	18.60	
Respond First Aid Systems	First Aid Supplies	19.37	
Richey, Debra	Applied Utility Deposit	37.52	*
Rocky Mountain Emergency Vehicles	Halogen Lamp	32.83	
Sandhills Computer Consulting	2 & 3/2006 Internet Services	78.00	
Serres, Terry	Travel Mileage Reimbursement	93.45	*
ServiceMaster Clean of Chadron	Floor & Carpet Cleaning - Airport	190.35	
Sturdevant's	Parts	26.81	
Trumble, Tony	Applied Utility Deposit	24.15	*
Ultramax	Ammunition	273.00	
VantagePoint Trust 401 Employee	Pension to 3/09/2006	2,082.19	*C
VantagePoint Trust 401 Police	Pension to 3/09/2006	905.06	*C
Wahlstrom Ford	Parts & Labor	353.37	

Wal-Mart	Library Supplies	49.38
Western Communications	3/2006 Radio & Siren Maintenance	157.00
Western Cooperative	Fuel Purchase	285.78
Western Plains	Bookstyle Calendar	4.29
WPCI	Substance Abuse Tests	247.50
<b>TOTAL</b>		<b>119,804.72</b>

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

4) Report on Collection of Special Assessments

5) Monthly Reports

6) The Council received the Minutes for the Planning Commission meeting held March 13, 2006.

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

Gary Hoffman was present at the meeting and received a plaque in recognition of over 25 years of the employment with the City of Chadron. Mr. Hoffman has worked for the Parks and Cemetery Department since August 15, 1980 and retired effective March 10, 2006. Mayor Gamby and the Council thanked Mr. Hoffman for his years of service.

James F. "Jim" Wilburn was present and requested that the Mayor proclaim the month of April 2006 as Parliamentary Emphasis Month. Mayor Gamby read and signed said proclamation.

Joy Omelanuk, Executive Director for the Chamber of Commerce was present and gave a report and update.

Darin and Temple Garman, owners of Wrecker's Roadhouse, were present at the meeting in support of their application for a Special Designated License for Fur Trade Days for July 7 and 8, 2006.

Councilmember Muller questioned if there was a written agreement with Paris Fisher for use of his property. Temple Garman stated that there was no agreement at this time. Councilmember Muller also questioned who would be responsible for the liability insurance. Ms. Garman stated that she would be communicating with Mr. Fisher and have all necessary documents in place prior to the event.

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

RESOLUTION NO. 2006-17

WHEREAS, Wrecker's Roadhouse, 164 Main Street, Chadron, NE 69337, has applied for a Special Designated License from the Nebraska Liquor Control Commission, and the City Council finds that the Special Designated License should be approved as long as said consumption of alcohol is in accordance with and pursuant to licenses granted by the Nebraska Liquor Control Commission, now therefore:

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

1. The City Council being the governing body of the City of Chadron does hereby authorize the consumption of alcoholic liquors by adults between the hours of 8:00 o'clock A.M. on Friday, July 7, 2006 and 1:00 A.M. the following morning, July 8, 2006, and 8:00 o'clock A.M. on Saturday, July 8, 2006 and 1:00 A.M. the following morning, July 9, 2006, in an outdoor area adjacent to the Wrecker's Roadhouse, which area is 100 feet in length and 50 feet in width, and located directly north of 162 Main Street, Chadron, Nebraska.

2. It is recommended that approval be granted for a Special Designated License to Wrecker's Roadhouse between the hours of 8:00 o'clock A.M. on Friday, July 7, 2006 and 1:00 A.M. the following morning, July 8, 2006, and 8:00 o'clock A.M. on Saturday, July 8, 2006 and 1:00 A.M. the following morning, July 9, 2006, in an outdoor area adjacent to the Wrecker's Roadhouse, which area is 100 feet in length and 50 feet in width, and located directly north of 162 Main Street, Chadron, Nebraska, for Fur Trade Days, pursuant to the rules and regulations of the Nebraska Liquor Control Commission and in accordance with any license issued by said Commission.

3. The City Clerk is hereby directed to send a copy of this Resolution by first class mail prepaid to the Nebraska Liquor Commission.

The foregoing Resolution having been read, Councilmember Douglas 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: Douglas, 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 20<sup>th</sup> day of March, 2006.

CITY OF CHADRON

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Mayor

ATTEST:

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City Clerk

(S E A L)

Richard Lahaye was present at the meeting in support of his application for Manager for the Fresh Start Convenience Store located at 937 West Highway 20.

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

RESOLUTION NO. 2006-18

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

1. The Council being fully advised, recommends that the Manager Application of Richard Lahaye in connection with the Class D-65910 Liquor License for the Fresh Start Convenience Store, located at 937 West Highway 20, Chadron, Dawes County, Nebraska, be approved.
2. The City Clerk is hereby directed to send a copy of this Resolution by first class mail prepaid to the Nebraska Liquor Control Commission.

The foregoing Resolution having been read, Councilmember Douglas 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: Douglas, 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 20<sup>th</sup> day of March, 2006.

CITY OF CHADRON

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Mayor

ATTEST:

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City Clerk

(S E A L)

The preliminary plat for Horseshoe Acres Subdivision was presented for Council review. The property is owned by Craig and Keri Wyatt and the Wyatt's wish to develop the property for housing. The property is located directly north of the Dawes County Fairgrounds on the north side of Beaver Valley Road. It is contiguous with the City limits to the west and with the east line of the former Augustine property, at the intersection of North Main Street and Beaver Valley Road. It is also contiguous with the City limits with Beaver Valley Road to the south. It was noted that the Wyatt's are not requesting annexation at this time.

Leroy Wyatt, stated that he is Craig's father and was present to speak in support of the plat and to answer questions. Keri Wyatt was also present in support of the plat.

Mr. Wyatt stated that they are interested in subdividing the property into 21 lots as shown. The property will have two entrances off of Beaver Valley Road. The Wyatt's are planning to gravel the road with no City maintenance. All of the lots will be three acres or more and each will have its own individual septic tank and well.

Zoning and Building Official Janet Johnson reported that the Planning Commission had reviewed the plat at its regular meeting held March 13, 2006 and had recommended approval of the plat as presented. She stated that there were concerns that she wished to bring to the Council's attention.

Wyatt's have requested that the street going through the subdivision be named Horseshoe Drive. When projecting the streets and how they would connect with the City, the streets would be continuations of North Ann Street and North Cedar Street. The Council, being the governing body responsible for naming streets, did not state any objections to naming the entire street that loops through the subdivision as Horseshoe Drive.

Zoning and Building Official Johnson also stated that Wyatt's currently do not own all of the proposed Lots 9 and 10. She added that she had requested an opinion from the City Attorney as to what steps need to be taken to assure legal transfer of this property from the current owners to the Wyatt's.

Concern was also expressed with regard to the availability of water to the Horseshoe Acres Subdivision. Building Official Johnson stated that Wyatt's have drilled two wells for water.

Public Works Director Milo Rust stated that he was very concerned with issues related to the water for the Horseshoe Acres Subdivision, including the quality of water in the area. He advised that he had talked to Vince Bartlett, who has property in the area of the proposed subdivision. Bartlett's had requested annexation due to water problems. The Public Works Director also noted that the east boundary of this plat is on the section line, which would be Ridgeview Road.

Mayor Gamby was of the opinion that the Right of Way for the continuation of Ridgeview Road should be included on this plat.

Councilmember Stokey moved to approve the preliminary plat for Horseshoe Acres Subdivision, subject to the dedication of the 33 feet Right of Way on the section line for Ridgeview Road. Seconded by Councilmember Douglas. The following Councilmembers voted Aye: Douglas, Gamby, Stokey, Grantham, Muller. The following voted Nay: None. Motion carried.

City Manager Vacanti reported that a town hall meeting for the community clothing store was held on March 9, 2006 at the Chadron High School auditorium. Brad Sutherland, executive director of the Goshen County Economic Development Board, presented information and answered questions about the store in Torrington, its early impact on the community, and the process to bring such an operation to Chadron. He encouraged the 50+ persons in attendance to get on a bus and visit the Torrington store to see first hand the operation and to learn from other retailers and residents on what their feelings are about the store. An effort is being made to coordinate a bus trip to Torrington in the next two to four weeks.

The City Manager commented on the announcement that was made earlier on this date with regard to Your Selling Team. It was announced that the company has made a decision to locate in Chadron. Mr. Vacanti thanked all those that worked together to make this project a reality. This included the Nebraska Northwest Development Corporation boardmembers, Chadron State College, the Nebraska Workforce Development, Nebraska Public Power District, and Great Plains Communication.

A letter of response to comments made by Senator Joel Johnson before the Transportation and Telecommunications Committee with regard to the Heartland Expressway was prepared and mailed by the City Manager. The letter was at the request of Senator Adrian Smith.

City Manager Vacanti also reported that on March 15, 2006, the Nebraska Attorney General's Office presented a one-day seminar on Domestic Violence. The Chadron Police Department and Justice Studies Department at Chadron State College co-hosted the presentation, which featured six primary speakers discussing various topics related to domestic violence, including medical, prosecution, law enforcement, victim advocacy, and probation issues.

Work has continued with regard to the Police Department procedures manual. The committee had recently met and updated the organization chart of the Police Department. Joe Simmons, Director of the Native American Center in Chadron, has agreed to serve on the committee and succeed Loretta Cook, who had to step aside because of other commitments.

David Wayne Walker appeared before the Council to comment on some observations he had made after the Special Council Meeting held on March 6, 2006 with members of the Oglala Sioux Tribe. Mr. Walker stated that most non-Indians are taught to keep their eyes looking directly into another's while speaking or being spoken to. In the Lakota culture, to keep staring at someone directly into their eyes is taken as a sign of confrontation. Mr. Walker added that staring is a very rude thing to do among the Lakota people. Mr. Walker stated that he wished to make the Council aware of this and hopes the Council would find it helpful in future meetings of the City Council and the Oglala Sioux Tribe.

The following individuals were present at the meeting to express their concerns with the discharge of Chief of Police Jerry Crews: Dan Garrett, Kathy Garrett, Bob Zahm, Father Ed Courtney, Brad Smith, Mike Hinman, Colleen Harvey, Terri Osborne, Rick Koza, Jeanne Mohr, and Kit Watson.

The people listed above expressed concern with the recent discharge of Chief of Police Jerry Crews. City Manager Vacanti had discharged Jerry Crews from his position, after he had been placed on a 30 day administrative leave.

Dan Garrett stated that the majority of the people present at the meeting were there in support of Jerry Crews. He added that the group would request that the Council overrule the decision of the City Manager and that Jerry Crews be allowed to return to his job as Chief of Police. The group expressed concern with the secrecy that has surrounded the termination of Mr. Crews. It was noted that since this is a personnel issue that the City can not release any information at this time.

City Attorney Bump explained the process for hiring and firing of City employees under the City Manager form of government. The City Manager is in charge of hiring and firing City employees, and the City Manager is hired by the City Council. Since Chadron is a first class city, State Statutes provide that there be a Civil Service Commission. The Commission has jurisdiction over the Police Department. Any appeal that may be filed with regard to action taken by the City Manager, is filed with the Civil Service Commission. The Commission then decides if a hearing is warranted through an investigation. If it is determined that there should be a public hearing, the facts of the case may be disclosed at that time. The Commission has the option of upholding the decision, turning it over, or altering the decision. If the person filing the appeal is not happy with the decision, an appeal can then be made to the District Court.

The Council commended the Public Works Department on the snow removal after the recent snow storm.

Councilmember Stokey moved to enter into executive session at 6:15 o'clock P.M. to discuss personnel matters. Seconded by Councilmember Grantham. The following Councilmembers voted Aye: Douglas, Gamby, Stokey, Grantham, Muller. The following voted Nay: None. Motion carried.

Councilmember Douglas moved to adjourn the executive session and reconvene in open session at 9:05 o'clock P.M. Seconded by Councilmember Grantham. The following Councilmembers voted Aye: Douglas, Gamby, Stokey, Grantham, Muller. The following voted Nay: None. Motion carried.

Councilmember Muller moved to recess the meeting at 9:06 o'clock P.M. until 3:00 o'clock P.M. on Friday, March 24, 2006. Seconded by Councilmember Grantham. The following Councilmembers voted Aye: Douglas, Gamby, Stokey, Grantham, Muller. The following voted Nay: None. Motion carried.

## CONTINUATION OF CITY COUNCIL MEETING

NO. 2006-08

MARCH 24, 2006

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 24<sup>th</sup> day of March, 2006 at 5:00 o'clock P.M. The following individuals were present: Mayor John Gamby, Vice Mayor Jim Stokey, Councilmembers Donny Grantham, Morgan Muller, and Mark Douglas, City Manager Al Vacanti, City Clerk Donna Rust, City Attorney Bevin Bump, Sergeant Chuck James, Acting Chief of Police Margaret Keiper, Finance Officer Dave Noble, Public Works Director Milo Rust and Zoning and Building Official Janet Johnson. Absent: None.

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

Councilmember Grantham stated with emotions running high at this time, everyone needs to step back and issues related to the recent discharge of Jerry Crews be discussed at a later date, and therefore moved to adjourn the meeting at 3:02 o'clock P.M. Seconded by Councilmember Muller. The following Councilmembers voted Aye: Douglas, Stokey, Grantham, Muller. The following voted Nay: Gamby. Motion carried.

CITY OF CHADRON

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(S E A L)

STATE OF NEBRASKA    )  
                                  )  
County of Dawes        ) ss  
                                  )  
City of Chadron         )

I, the undersigned City Clerk for the City of Chadron, Nebraska, hereby certify that all of the subjects included in the attached proceedings were contained in the agenda for the regular meeting of March 20, 2006 kept continually current and available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that the said minutes of the City Council of the City of Chadron were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body.

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City Clerk

(S E A L)

