

CITY COUNCIL MEETING

NO. 2006-19

AUGUST 7, 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 7th day of August, 2006 at 5:00 o'clock P.M. The following individuals were present: Mayor John Gamby, Councilmembers Donny Grantham and Morgan Muller, City Manager Al Vacanti, City Clerk Donna Rust, Interim Chief of Police Margaret Keiper, Public Works Director Milo Rust, Zoning/Building Official Janet Johnson, Finance Officer Melany Hughes. Absent: Vice Mayor Jim Stokey, Councilmember Mark Douglas, and City Attorney Bevin Bump.

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 Mayor also read the following before continuing with the meeting: "As required by Section 84-1412, subsection of the Nebraska Statutes, notice is hereby given that a copy of the Open Meetings Act is posted for your examination on the wall inside the door to these City Council Chambers."

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

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

- 1) Minutes for City Council Meeting No. 2006-17, July 24, 2006

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 | Starter, Fuses, Clamps, etc. | 2,774.58 | |
| Action Communications | Parks Internet | 100.02 | |
| Alltel | Cell Phone Service | 457.09 | * |

| | | | |
|--------------------------------|------------------------------------|-----------|----|
| American Red Cross | Swimming Lessons | 216.00 | |
| Arrow Building Center | Plywood, Tape | 131.15 | |
| Assurant Employee Benefits | 8/06 Fire Insurance | 109.48 | * |
| Bank of the West | Safe Deposit Box Rent | 15.00 | |
| Bauerkempers | Mower Repair | 22.84 | |
| Black Hills Weekly | 7/2006 Ad | 202.46 | |
| Blaine Enterprises | Package Shipping | 235.20 | |
| Brodrick, Cindy | Travel Expense | 315.47 | * |
| Bruns Coin Laundry | Laundry Services | 64.75 | |
| Bump & Bump | 07/2006 Legal Services & Retainer | 2,400.00 | |
| Business Connection | Office Supplies | 151.57 | |
| Chadron, City of | 5/2006 LB840 Use/Sales-Econ. Dev. | 27,809.70 | *O |
| Chadron, City of | Payroll to 7/27/06 | 56,872.32 | *C |
| Chadron, City of | FICA | 4,235.92 | *F |
| Chadron, City of | Refund Meter Deposits | 200.00 | * |
| Chadron Concrete & Block | Cement, River Rock | 310.00 | |
| Chadron Glass | Plexi Glass | 7.98 | |
| Chadron Home Center | Supplies | 71.96 | |
| Chadron Volunteer Fire Dept | Fire Dept. Pay | 50.00 | |
| Chadron Wholesale | Supplies | 22.08 | |
| Coe Engineering | 07/2006 Engineering | 597.00 | |
| Contractors Materials Inc. | Paint & Parts | 472.15 | |
| Culligan Water | 7/2006 Bottled Water - Airport | 28.70 | |
| Diamond Vogel Paints | Traffic Paint | 377.10 | |
| Farm Plan/The Mercantile | Parts and Supplies | 112.22 | |
| First National Bank Omaha | Travel Expenses | 1,512.98 | * |
| Fresh Start | Fuel | 4,377.38 | |
| Fuller Construction | Roller Packer Rental | 200.00 | |
| Galls | Parts & Supplies | 269.00 | |
| Great Plains Building Center | Steel Beams | 257.87 | |
| Great Plains Communications | 7/2006 Internet | 89.90 | |
| Great Plains One-Call Services | Locate Requests | 54.65 | |
| Hansen, Maruta | 7/20-8/02/2006 Janitorial Services | 200.00 | |
| Haps Lock & Key | Keys For Changed Locks | 143.00 | |
| Hardy, Bob | Applied Utility Deposit | 30.00 | * |
| Hawkins Water Treatment | Chlorine & Copper Sulfate | 1,516.50 | |
| Hughes Waterworks | Water Repairs | 127.12 | |
| Ideal Linen Supply | Janitorial Supplies | 70.89 | |
| Kinder Morgan | 7/2006 Gas Service | 2,584.13 | * |
| Kriz-Davis Co. | Street Light Poles & Block | 1,101.46 | |
| Municipal Supply Inc. | Supplies | 50.00 | |

| | | | |
|---------------------------------|------------------------------------|-------------------|----|
| Nebraska DAS Comm. | 7/2006 Toll Usage & State Telecom. | 558.48 | * |
| Nebraska Dept. of Aeronautics | Qrtly Maintenance | 375.00 | |
| Nebraska HHS Laboratory | Water Testing | 64.00 | |
| Nebraska Liquor Control Com. | Law Books | 12.00 | |
| Nebraska Public Power District | 7/2006 Electric Service | 8,576.33 | |
| Novasio, Tonya | Utility Refund | 8.52 | * |
| Old Dominion Brush | Sweeper Parts | 553.29 | |
| Panhandle Veterinary Clinic | 7/2006 Animal Control Services | 557.00 | |
| Pappas, Cassie | Utility Refund | 78.27 | * |
| Pests Go | Insect Spraying | 30.00 | |
| Petersen Drug | Supplies | 105.48 | |
| Pickett, Brent & Jean | Applied Utility Deposit | 30.00 | * |
| Power House | Repairs & Supplies | 336.24 | |
| Quality Tire | Tire Repair | 261.00 | |
| Qwest | 7/2006 Telephone Service | 941.96 | * |
| Robert's Electric | Materials & Labor | 36.02 | |
| Rust, Donna | Employee Retirement Plan Refund | 393.54 | * |
| Rust, Milo | Uniform Allowance | 125.00 | |
| Simon Contractors | Hot Mix | 2,091.60 | |
| SWANN | 7/2006 Collections | 58,612.58 | * |
| Sturdevant's | Parts & Supplies | 35.25 | |
| Talley Communications | Protectors | 631.96 | |
| Timberline Autoplex | Oil Change | 25.41 | |
| TTG Enterprises | Water Dept. Repairs | 3,400.00 | |
| US Postal Service | 7/2006 Utility Bills | 173.94 | * |
| Vacanti, Al | Reimb. for Computer Software | 49.00 | |
| VantagePoint Trust 401 Employee | Pension to 7/27/2006 | 1,915.64 | *C |
| VantagePoint Trust 401 Police | Pension to 7/27/2006 | 786.93 | *C |
| Wal-Mart | Supplies | 541.18 | * |
| Western Communications | Siren Maint. | 222.00 | |
| Western Cooperative | Parts & Fuel | 256.30 | |
| Xerox | Supplies and Lease | 1,139.08 | |
| | | 193,870.62 | |

Void Checks:

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

4) Monthly Reports

5) Minutes for Boards and Commissions

The Council received a copy of the minutes for the Planning Commission meeting held July 17, 2006; the minutes for the Housing Authority Meeting held June 19, 2006; and an update from the Nebraska Northwest Development Corporation.

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

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

RESOLUTION NO. 2006-74

WHEREAS, JEDI Enterprises, Ltd., dba Over Draft Lounge, License # C-66944, Chadron, NE, 69337, has applied for a Special Designated License from the Nebraska Liquor Control Commission, and the City Council finds that a Special Designated License should be approved so 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 6:00 o'clock P.M. on September 2, 2006, to 12:30 o'clock A.M. the following morning, at the Vetter 4-H Building, which area is 50 feet in length and 50 feet in width, located at the Dawes County Fairgrounds, Chadron, Nebraska, for a wedding reception and dance.

2. It is recommended that approval be granted for a Special Designated License to JEDI Enterprises, Ltd., dba Over Draft Lounge, License #C-66944, Chadron, NE 69337, between the hours of 6:00 o'clock P.M. on September 2, 2006, to 12:30 o'clock A.M. the following morning, at the Vetter 4-H Building, which area is 50 feet in length by 50 feet in width, located at the Dawes County Fairgrounds, Chadron, Nebraska, for a wedding reception and dance 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 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, Grantham, Muller. The following voted Nay: None. Absent: Stokey, 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 7th day of August, 2006.

CITY OF CHADRON

ATTEST:

Mayor

City Clerk

(S E A L)

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

RESOLUTION NO. 2006-75

WHEREAS, DRW Enterprises, dba Charley's Liquor, License # CK-61780, Chadron, NE, 69337, has applied for a Special Designated License from the Nebraska Liquor Control Commission, and the City Council finds that a Special Designated License should be approved so 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 5:00 o'clock P.M. on September 16, 2006, to 1:00 o'clock A.M. the following morning, at the Chadron Art Center, which area is 100 feet in length and 50 feet in width, located at 371 King Street, Chadron, Nebraska, for a wedding reception.

2. It is recommended that approval be granted for a Special Designated License to DRW Enterprises, dba Charley's Liquor, License #CK-61780, Chadron, NE 69337, between the hours of 5:00 o'clock P.M. on September 16, 2006, to 1:00 o'clock A.M. the following morning, at the Chadron Art Center, which area is 100 feet in length by 50 feet in width, located at 371 King Street, Chadron, Nebraska, for a wedding reception 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 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, Grantham, Muller. The following voting Nay: None. Absent: Stokey, 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 7th day of August, 2006.

CITY OF CHADRON

ATTEST:

Mayor

City Clerk

(S E A L)

Mayor Gamby opened the public hearing scheduled for this date and time for the purpose of considering a rezoning request submitted by Craig and Keri Wyatt. The request is to rezone Lots 1 -21, of the Horseshoe Acre Subdivision from Agricultural to Rural Residential. Craig Wyatt was present to speak in support of the rezoning request. Don Blausey was present and expressed his concerns with regard to the availability and quality of water for the new subdivision.

It was noted that the Planning Commission held a public hearing with regard to this rezoning request and at the conclusion of the hearing was not able to make a recommendation with regard to the request. It

was also noted that since there was no recommendation from the Planning Commission, that a super majority vote (4 votes) would be required by the Council.

Mayor Gamby closed the public hearing at 5:38 o'clock P.M.

Councilmember Muller moved to postpone Resolution No. 2006-76, which is for the rezoning of Lots 1 -21, Horseshoe Acres Subdivision, until the next regular City Council Meeting, since there are only three members of the City Council present at this meeting and a super majority vote is required. Seconded by Councilmember Grantham. The following voted Aye: Gamby, Grantham, Muller. The following voted Nay: None. Motion carried.

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

RESOLUTION NO. 2006-77

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

The City Council having reviewed the Grant Agreement Part I-Offer from the United States Department of Transportation, Federal Aviation Administration, dated August 3, 2006, re: Chadron Municipal Airport, Project No. 3-31-0017-08-2006, does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the Offer and does hereby accept the Offer, and by such acceptance, agrees to comply with all of the terms and conditions of the Offer and in the Project Application, and the Mayor and City Clerk are hereby authorized and directed to execute said Grant Agreement on behalf of the City of Chadron.

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, Grantham, Muller. Voting Nay: None. Absent: Stokey, 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 7th day of August, 2006.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

Councilmember Muller moved to postpone Resolution No. 2006-78, which Resolution is for the award of bid for the Airport Improvement Project, until after negotiations with Fuller Construction have been completed. Seconded by Councilmember Grantham. The following voted Aye: Gamby, Grantham, Muller. The following voted Nay: None. Motion carried.

City Manager Vacanti gave the City Manager's report.

Mayor Gamby signed a proclamation for Chadron Community Spirit Day.

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

RESOLUTION NO. 2006-79

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

That the absences of Vice Mayor Jim Stokey and Councilmember Mark Douglas from the regular Council Meeting held August 7, 2006, 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 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, 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 7th day of August, 2006.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

Councilmember Grantham moved to adjourn at 6:00 o'clock P.M. Seconded by Councilmember Muller. The following Councilmembers voted Aye: Gamby, Grantham, Muller. The following voted Nay: None. 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 August 7, 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.

City Clerk

(S E A L)