

CITY COUNCIL MEETING

NO. 2006-24

SEPTEMBER 5, 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 5th day of September, 2006 at 5:10 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, Interim Chief of Police Margaret Keiper, Public Works Director Milo Rust, Zoning/Building Official Janet Johnson, and Finance Officer Melany Hughes. Absent: 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 Douglas moved to approve the agenda as written and distributed. Seconded by Councilmember Muller. The following Councilmembers voted Aye: Muller, Douglas, Gamby, Stokey, Grantham. The following voted Nay: None. Motion carried.

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

1) Minutes for Special City Council Meeting No. 2006-20, August 21, 2006; City Council Meeting No. 2006-21, August 21, 2006; and Special City Council Meeting No. 2006-22, August 28, 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

Alltel	08/06 Cell Phone Service	170.03	
Anderson, Tess	Utility Refund	70.74	*

Arrow Building Center	Supplies	3.98	
Assurant Employee Benefits	9/2006 Fire Insurance	105.80	
B & B Printing	Work Orders	116.00	
Bauerle, Jamilah	Applied Utility Deposit	38.33	*
Black Hills Weekly	08/06 Ad	54.17	
Blaine, Bobbi	Applied Utility Deposit	28.32	*
Blaine Enterprises	Package Shipping Fees	66.58	
Brownlow, Tyrel	Reimb. for CDL License	31.25	
Canyon Systems	Gasket & Ejector Kit	113.62	
Chadron, City of	Payroll to 8/24/06	53,749.95	*C
Chadron, City of	FICA thru 8/24/06	3,995.59	*F
Chadron, City of	Refund Meter Deposits	242.63	*
Chadron, City of	Side Fund - Health	16,927.45	
Chadron, City of Economic Dev Program	6/2006 Sales/Use Tax Collections	28,489.74	*
Chadron Concrete	Sand & Cement	110.75	
Chadron Home Center	Supplies	53.23	
Chadron Medical Clinic	Physical for Fuchser	291.00	
Chadron Office Products	Typewriter	384.77	
Comp Tech Computers	Computer	499.00	
Contractors Materials	Repairs	333.60	
Dawes County Treasurer	Comtel Telcom Fees	7.92	
Family Rescue Services	Utility Refund	85.00	
Farm Plan/The Mercantile	Parts and Supplies	261.06	
First National Bank Omaha	Travel Expenses	1,103.54	*
Graphic Screen Printing	Police Shirts Screen Printing	68.00	*
Great Plains Communications	Internet Service	89.90	
Guardian, The	Dental Premiums	319.22	
Hansen, Maruta	8/17- 8/30/2006 Janitorial Services	200.00	
Hardy, Timothy	Applied Utility Deposit	29.98	*
Haynes, Terri	8/06 AP Operations Contract	900.00	*
Hencey Plumbing	Pipe & Adaptor	18.00	
Henkens Equipment	Parts & Bobcat	6,821.04	
Ideal Linen Supply	Janitorial Supplies	265.05	
J & A Traffic Products	Sign Posts	717.50	
Jirdon Agri-Chemicals	Weed Killer & Fertilizer	2,610.92	
Kaus, W. C.	Utility Refund	6.91	*
Kinder Morgan	Heating Fuel	2,106.97	*
L & A Sign & Screenprinting	Vehicle Lettering	200.00	
Lawson Products	Parts & Repairs	155.36	
Littrel Construction	Sanitary Sewer Ext Dist #61 Lomax Dr	6,981.77	*R

Littrel Construction	Water District No. 19	7,102.39	*R
Littrel Construction	Water District No. 18	4,227.80	*R
Mandelko, Lawrence	Utility Refund	19.42	*
Matthews, Jeannie	Applied Utility Deposit	24.98	*
Milburn, Jolana	Applied Utility Deposit	31.65	*
Mracek, Stacy	Utility Refund	67.76	*
National Casualty Co.	Fire Dept. ½ Liability/Dawes County	315.56	
National Waterworks	Water	1,708.53	
NE Commission on Law Enforcement	Training	125.00	*
NE Das Communications	8/06 Communications Charges	86.81	
Nebraska Dept. Of Revenue	NE Waste Reduction & Recycling Fee	25.00	
Nebraska Public Power District	8/2006 Electric Service	7,922.02	
Northwest Pipe Fittings	Repairs	20.03	
Power House	Repairs & Parts	117.54	
Quality Tire	Clean & Reinstall Brakes	70.00	
Qwest	8/06 Phone Service	804.38	*
Raben, Jordan	Applied Utility Deposit	14.96	*
Regional Care	Employee Health Benefits	8,654.68	
Regional Care	Select Flex Health Benefits	58.50	
Shaw, Becky	Applied Utility Deposit	29.15	*
State of NE HHS Laboratory	Water Testing	446.00	
Sturdevant's	Parts & Supplies	93.81	
Timberline Autoplex	Cover Kit	138.75	
Tree Doc	Tree Trimming & Removal	2,000.00	
Tri State Roofing Inc.	Balance Due on Roof Replacement	3,696.00	
US Postal Service	Postage	400.00	
US Postmaster	Utility Bills Postage	244.41	*
Vantage Point Trust 401 Employee	Pension to 8/24/2006	1,989.68	*C
Vantage Point Trust 401 Police	Pension to 8/24/2006	797.31	*C
Wahlstrom Ford	Parts	15.05	
Wal-Mart	Supplies	302.96	
Western Communications	Siren Maint.	1,560.50	
Western Cooperative	Diesel Fuel	2,975.01	
WPCI	Drug Testing	49.50	
		174,959.81	

TOTAL

Void Checks: 27680, 27752

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

4) Minutes for Boards and Commissions

The Council received an update from Don Blausey, Executive Director for the Nebraska Northwest Development Corporation (NNDC), as of September 5, 2006.

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

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

RESOLUTION NO. 2006-85

WHEREAS, CK of Chadron, Inc. located at 1250 West Tenth 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 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 8:00 o'clock A.M. on September 23, 2006 and 1:00 A.M. the following morning, September 24, 2006, at the Best Western West Hills Inn, in an outdoor area which is 100' 58" x 40' and located at 1100 West Tenth Street, Chadron, Nebraska.

2. It is recommended that approval be granted for a Special Designated License to CK of Chadron, Inc. between the hours of 8:00 o'clock A.M. on September 23, 2006 and 1:00 A.M. the following morning, September 24, 2006, at the Best Western West Hills Inn, in an outdoor area which is 100' 58" x 40' and located at 1100 West Tenth Street, Chadron, Nebraska, for a CSC Postgame/Alumni gathering, 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 Council members voted Aye: Muller, Douglas, Gamby, Stokey. The following voted Nay: None. Abstaining: Grantham. 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 5th day of September, 2006.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

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

RESOLUTION NO. 2006-86

1. The Mayor and City Council shall meet in the City Hall Council Chambers at 234 Main Street in said City, on the 2nd day of October, 2006, at 5:05 o'clock P.M., for the purpose of sitting as a Board of Equalization and levying special assessments on the lots in Business Improvement District No. 1 described as follows:

Lots 1 through 13 in Block 5;
Lots 1 through 6 and 15 through 34 in Block 4;
Lots 1 through 20 and Lot 39 in Block 3;
Lots 1 through 21 in Block 12;
Lots 1 through 34 in Block 11;
Lots 9 through 29 in Block 10;
All in the Original Town of the City of Chadron, Dawes County, Nebraska

The special assessments to be levied are for the purpose of paying all or any part of the costs of maintenance, repair and reconstruction including utility cost of any improvement or facility in the District abutting said lots, the 2006 total cost assessment to be \$4,172.33 to be imposed by assessment of benefits on a front footage basis which is in accordance with the proposed method of assessments determined by Ordinance No. 1058 creating said District, and the percentage to be assessed to each lot to equal one dollar (\$1.00) per front foot.

2. At the hearing, objections may be made to the total cost and the proposed allocation of such costs among the lots set out above in such District.

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: Muller, Douglas, Gamby, Stokey, Grantham. 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 5th day of September, 2006.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

City Manager Vacanti stated that pursuant to the terms of the Notice to Bidders, a bid opening had been held at 2:00 o'clock on July 26, 2006 for the construction of Airport Improvement Project No. 3-31-

0017-08 (Runway Safety Area Grading and Electrical) at the Chadron Municipal Airport. The Clerk further reported that the bids had been opened and tabulated as required by law and in accordance with the advertisement for bids. The tabulation was reported as follows:

AIRPORT IMPROVEMENT PROJECT NO. 3-31-0017-08
CHADRON MUNICIPAL AIRPORT

NAME OF BIDDER	AMOUNT
Fuller Construction Chadron, NE	\$165,345.20

Upon review of the recommendation of Olsson Associates, Consulting Engineers, Councilmember Grantham introduced the following Resolution and moved for its adoption:

RESOLUTION NO. 2006-78

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

1. The Mayor and Council find and determine that the bid of Fuller Construction, Chadron, Nebraska, in the amount of \$165,345.20 for the construction of Airport Improvement Project No. 3-31-0017-08 (Runway Safety Area Grading and Electrical) for the Chadron Municipal Airport as filed with the City Clerk is in accordance with the terms of the published notice calling for proposals of the above-mentioned improvements, and that the same should be and hereby is accepted and approved subject to approval by the Federal Aviation Administration and the Nebraska Department of Aeronautics, and

2. The Contract Documents as heretofore prepared and presented to the Council for said improvements are hereby approved, and the Mayor and Clerk are authorized and directed to execute said contract on behalf of the City. The Council waives all formalities or irregularities in opening, submitting and awarding of bids; all other bids for the improvements are hereby rejected. The Clerk is instructed to return all bid bonds for checks accompanying such bids of all other bidders except the next lowest bidder on said project which shall be held until the successful bidder has signed the contract and filed the performance bond.

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: Muller, Douglas, Gamby, Stokey, Grantham. 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 5th day of September, 2006.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

Councilmember Muller introduced Ordinance No. 1286

AN ORDINANCE to adopt the 2006-2007 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. 1286 on its second reading by title. Councilmember Muller moved to approve Ordinance No. 1286 on its second reading. Seconded by Councilmember Douglas. The following Councilmembers voted Aye: Muller, Douglas, Gamby, Stokey, Grantham. The following voted Nay: None. Ordinance No.1286 was passed and approved on its second reading by title.

The third and final reading of Ordinance No. 1286 will be on September 18, 2006.

The following members of the Dawes County Historical Society Museum were present to discuss the possibility of tapping into a City water main to obtain water for Museum. The members stated that after the fire in July 2006, there was discussion as to the availability of water for fire protection. The request is for unpotable water to use for fire protection and irrigation purposes. Discussion included annexation into the City limits.

Upon discussion, Councilmember Stokey moved to instruct staff to further investigate the issue of making City water available to the Dawes County Historical Society Museum. Seconded by Councilmember Grantham. Voting Aye: Muller, Douglas, Gamby, Stokey, Grantham. Voting Nay: None. Motion carried.

Councilmember Stokey moved to establish an Airport Advisory Committee and the following individuals be appointed as follows: Barton Kreider and Todd Rickenbach - One Year Term; Roger Wess and John Broome - 2 Year Terms; Terri Haynes and Rod Sandoz - 3 Year Terms; Mayor, City Manager, and Public Works Director - Indefinite Terms. Seconded by Councilmember Muller. The following Councilmembers voted Aye: Muller, Douglas, Gamby, Stokey, Grantham. The following voted Nay: None. Motion carried.

Councilmember Stokey moved to include the Fixed Base Operator for the Chadron Municipal Airport to the list of members for the Airport Advisory Committee. Seconded by Councilmember Douglas. The following Councilmembers voted Aye: Muller, Douglas, Gamby, Stokey, Grantham. The following voted Nay: None. Motion carried.

John Chizek addressed the City Council and spoke with regard to leadership in City government. Mr. Chizek referred to the City Personnel Manual and State Statutes with regard to coaching and disciplining of employees and following proper procedure. Mr. Chizek also commented on the absence of City Attorney Bevin Bump from recent Council Meetings. He also reminded the Council of the section in the City Code with regard to appointment of the City Attorney by the City Manager. Mr. Chizek encouraged the Council to vote based on facts and to make the right decisions for the future of Chadron.

Councilmember Stokey asked City Clerk Rust if she knew why City Attorney Bump was not present at this meeting. City Clerk Rust stated that the office had been informed that he would not be at the meeting due to eye surgery.

The Council discussed entering into executive session to complete the performance evaluation for City Manager Vacanti. Before a motion was made, City Manager Vacanti stated since the executive session would be about him, he wished to exercise his right to have the completion of his evaluation in open session. Councilmember Stokey questioned if City Manager Vacanti had read his performance evaluation and City Manager Vacanti responded that he had. There was no further comment by the Council with regard to the performance evaluation.

Councilmember Stokey moved to extend the Employment Contract with Al Vacanti as City Manager for a period of one year. Seconded by Councilmember Douglas.

The following individuals were present and commented with regard to the continuation of the Employment Contract with Al Vacanti as City Manager: Misty Hickstein, Jamie Hoek, John Chizek, Barb McDaniel, Janice German, Chris Fankhauser, Marguerite Vey-Miller, Rick Hickstein, Joseph Red Cloud, Merlyn Chambers, Bev Bartlett, Roger Suhr, James Wilburn, Rick Hickstein, Sheryl Chambers, Jane Dailey, Ron Miller, Betty Sanchez, and Loree MacNeill.

Councilmember Muller moved to extend the employment contract for Al Vacanti as City Manager until after the conclusion of the Civil Service Hearing regarding former Chief of Police Jerry Crews, which is to commence October 17, 2006. Motion died for lack of a second.

Mayor Gamby requested a roll call vote on the motion to renew the Employment Contract for Al Vacanti as City Manager for a one year period. Voting Aye: Gamby. Voting Nay: Muller, Douglas, Stokey, Grantham. The motion failed to pass.

Councilmember Grantham moved to adjourn at 7:50 o'clock P.M. Seconded by Councilmember Douglas. The following Councilmembers voted Aye: Muller, Douglas, Gamby, Stokey, Grantham. 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 September 5, 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)

SPECIAL CITY COUNCIL MEETING

NO. 2006-23

SEPTEMBER 5, 2006

The Mayor and City Council of the City of Chadron, Nebraska met in special session in the City Hall Council Chambers at 234 Main Street on the 5th day of September, 2006 at 4:00 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, Finance Officer Melany Hughes, Public Works Director Milo Rust, Personnel Clerk Betty Sanchez, Library Director Scott Kinney, and Interim Chief of Police Margaret Keiper. Absent: City Attorney Bevin Bump and Zoning/Building Official Janet Johnson.

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 voted Aye: Muller, Gamby, Grantham. The following voted Nay: None. Motion carried.

The Council met in workshop session to review salaries for the City employees in connection with the annual budget for the 2006-2007 fiscal year. Personnel Clerk Betty Sanchez and Finance Officer Melany Hughes informed the Council of information they had received with regard to having an independent consultant perform a comparability study of salaries and benefits. It was noted that the cost for the study would be approximately \$10,000.00. The current salary table was reviewed and discussed.

Councilmember Stokey was present at the meeting at 4:24 o'clock P.M.

Councilmember Douglas was present at the meeting at 4:48 o'clock P.M.

After discussion, the Council was of the consensus that the salaries for City employees should be increased effective October 1, 2006, by 3 ½% calculated on the base salary for each position. The Council was also in agreement that the dollars remain in the respective budgets for salaries as proposed for the 2006-2007 fiscal year. Upon completion of an independent comparability study of salaries and benefits, salaries would be adjusted accordingly.

Councilmember Douglas moved to adjourn the meeting at 5:04 o'clock P.M. Seconded by Councilmember Grantham. The following voted Aye: Muller, Douglas, Gamby, Stokey, Grantham. 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 September 5, 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)

