

CITY COUNCIL MEETING

NO. 2006-28

OCTOBER 16, 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 16th day of October, 2006 at 5:00 o'clock P.M. The following individuals were present: Mayor John Gamby, Councilmembers Donny Grantham, Mark Douglas and Morgan Muller, City Clerk Donna Rust, City Attorney Bevin Bump, Interim Chief of Police Margaret Keiper, Public Works Director Milo Rust, Zoning/Building Official Janet Johnson, and Finance Officer Melany Hughes. Absent: Vice Mayor Jim Stokey.

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: Grantham, Muller, Douglas, Gamby. The following voted Nay: None. Absent: Stokey. Motion carried.

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

1) Minutes for City Council Meeting No. 2006-26, October 2, 2006, and the Emergency City Council Meeting No. 2006-27, October 12, 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	Tape, Repairs and Labor	79.39
American Red Cross	2006 Swimming Lessons	168.00
Apria	Oxygen Cylinders	33.60

Bauerkempers	Parts	2.00	
Big Bats	Fuel	2,019.70	
Black Hills Weekly Group	Ads	57.15	
Bosselman Energy Inc.	Fuel	1,705.73	
Business Connections	Office Supplies	21.72	
Chadron, City of	FICA thru 10/05 /06	3,786.03	*F
Chadron, City of	Payroll to 10/5/06	51,079.52	*C
Chadron Concrete	Cement	240.00	
Chadron Home Center	Supplies	75.54	
Chadron Record	Ad for Police Sergeant	195.00	*
Chadron State College	Sales Tax Seminar	30.00	
Crews, Jerry	Settlement	30,000.00	
Culligan	Bottled Water	35.45	
Diamond Vogel	Parts	49.02	
Farm Plan/The Mercantile	Parts and Supplies	223.38	
Fire Engineering Magazine	Subscription	29.95	
Fremont Bank	Annual Fees	450.00	
GA Industries	Repairs	452.22	
Gould, Pat	Firefighters Annual Convention	2,200.00	*
Great Plains Communication	Supplies	89.90	
Great Plains One-Call Services	Locate Requests	56.13	
Guardian, The	Dental Premiums	327.68	*
Hansen, Maruta	9/28-10/11/2006 Janitorial Services	200.00	
Hawkins Water Treatment	Chlorine	790.73	
Haynes, Terri	10/06 AP Operations Contract	900.00	
Henkens Equipment	Repairs	4.65	
Ideal Linen Supply	Janitorial Supplies	195.46	
League of NE Municipalities (Utilities)	Membership Dues	974.00	
League of NE Municipalities (Clerk)	Membership Dues	4,578.00	
Linweld Inc.	Argon Cylinders	12.25	
Midland Bi-Fold Doors	Cable Sheave	37.00	
Murphy Tractor & Equipment Co.	Repairs	6,857.11	
National Arbor Day Foundation	Membership Dues	15.00	
Nebraska Dept. Of Aeronautics	Qrtly. NDB Maint.	375.00	
Nebraska Public Power District	10/2006 Electric Service	5,101.61	
Nebraska Rural Water Assn.	Fall Conference	75.00	*
Nebraska, State of Credentialing Div.	Water Operator Certificate/Milo Rust	94.00	*
Nebraska, State of Credentialing Div.	Water Operator Cert./Steve Boeselager	94.00	*
Norms Carquest	Parts	17.58	
Northwest Pipe Fittings in Scottsbluff	Repairs	642.95	
Northwest Rural Public Power Dist	September Electric Service	7,297.45	
Old Dominion Brush	Sweeper Parts	505.89	
Outlaw Printers	Copies	28.00	

Petersen Drug	Batteries	25.98	
Petersen, Herb	Frisbee Golf Nets	1,400.00	
Quality Tire	Tire Repair	69.00	
Quill	Office Supplies	180.65	
Qwest	October Telephone Service	314.87	
Rust, Milo	Travel Expense	104.58	*
Simon Contractors	Hot Mix	613.80	
Smith, King & Freudenberg	Legal Services	701.84	
Star Herald	Ads	70.20	
Sturdevant's	Parts & Supplies	78.50	
US Postal Service	Postage	400.00	
Vantage Point Trust 401 Employee	Pension to 10/05/2006	1,875.87	*C
Vantage Point Trust 401 Police	Pension to 10/05/2006	821.56	*C
Vigil, Rudy	Fire Dept. Floor Repair	1,180.00	
Wait, McWha & Harvat	Legal Services	13,633.55	
Zerox Corporation	Lease and Copies	702.07	
TOTAL		144,375.26	
Void Checks: 27709			

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

4) Minutes for Boards and Commissions

There were no minutes distributed to the Council for this meeting.

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

Sharon Rickenbach, Kate Anderson, and Susan Hucke, appeared before the Council on behalf of Chadron Business and Professional Women to request that the Mayor proclaim October 16-20, 2006, as National Business and Professional Women's Week. After reading the proclamation, Mayor Gamby signed said proclamation.

The Council reviewed informal quotes received for the purchase of a used 4x4 four-wheel drive pickup for the Chadron Police Department.

Interim Chief of Police Keiper recommended purchase of a 2001 Ford from Wahlstrom Ford, stating that the pickup would meet the needs of the department and is within the operating budget.

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

RESOLUTION NO. 2006-105

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

1. The Mayor and Council find and determine that the quote of Wahlstrom Ford, Inc. Chadron, Nebraska for the purchase of one (1) used 2001 Ford, F-150 Supercrew 4x4 XLT pickup truck, in the sum of \$13,000.00 for the Police Department, as filed with the City Clerk, should be and the same hereby is accepted.

2. An expenditure of \$13,000.00 from line item 5910.13, Qualified Sinking Fund, is hereby authorized for the purchase of said equipment.

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: Grantham, Muller, Douglas, Gamby. The following voted Nay: None. Absent: Stokey. 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 16th day of October, 2006.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

The time being 5:06 p.m., Mayor Gamby opened the public hearing to consider an application for a Retail Class A, Beer, On Sale Only, Liquor License for Nhi Hy dba West 20 China House. Mayor Gamby asked if there was anyone present that wished to speak in favor of the liquor license application.

The owner of the business, Nhi Hy, was present at the meeting in support of the application. It was noted that there would be no change in the operations of the restaurant.

Mayor Gamby asked if there was anyone present that wished to speak against the liquor license application. There being none, the Mayor closed the public hearing at 5:09 p.m.

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

RESOLUTION NO. 2006-106

WHEREAS , the application of Nhi Hy dba "West 20 China House" was submitted to the Nebraska Liquor Control Commission as per Section 53-131 of the Liquor Control Act for the issuance of a "Retail Class A, Beer, On Sale Only, Liquor License, to be located on Lot 5, Block 1, Haag's Highway 20 Addition to the City of Chadron, Dawes County, Nebraska, also described as 1240 West Highway 20, and

WHEREAS, said application was submitted to the City Council for examination and hearing in accordance with the Liquor Control Act and the Municipal Code and notice was published on October 4, 2006, and notice was given to the applicant, and hearing was held on October 16, 2006, before the City Council, of the City of Chadron, Nebraska.

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

1. Notice of the hearing on said application was duly published and given to the applicant, and the City Council having heard all of the evidence, witnesses, and arguments presented to it, being fully advised in the premises, approves the "Retail Class A, Beer, On Sale Only, Liquor License" application of Nhi Hy dba "West 20 China House" located at 1240 West Highway 20.

2. The cost of the published notice in this matter is \$15.30.

3. The City Clerk is hereby directed to send a copy of the Resolution by first class mail postage prepaid to the Nebraska Liquor Control 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: Grantham, Muller, Douglas, Gamby. Voting Nay: None. Absent: Stokey. 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 16th day of October, 2006.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

Joy Omelanuk, Executive Director of the Chadron Area Chamber of Commerce, presented a report and update of Chamber activities. Moonlight madness will be held on October 27, 2006, but there will be no Ugly Pickup contest. This had not been a Chamber-sponsored event in the past. George Ledbetter of the Chadron Record reported that it was hard to find pickups. If there are volunteers, the activity may be attempted in the future. The next Good Morning Chadron presentation will be October 19, 2006, at the Mari Sandoz Center. The topic will be Emergency Management for the Chadron area. A fund-raising event, New Year's Eve (Almost) Ball will be held at the Chadron Art Center on Saturday, December 30, 2006.

Don Blausey, Executive Director, Nebraska Northwest Development Corporation, reported on the organization's activities. The report included: a survey to be conducted by local businesses, community members and college students to address why residents shop out of town; a report on loan inquiries from prospective businesses, updating the NNDC website; an update regarding the NNDC Director position; and creation of a multiple listing service with area real estate agents. Mr. Bausey informed the Council that he will also be attending a meeting in Scottsbluff on October 17, 2006 to discuss a new loan program being developed in Nebraska called the Nebraska Community Capital Fund. He also informed the Council that the Nebraska Department of Roads will host a surface transportation meeting in Chadron on October 18, 2006, to discuss highways in this area.

In response to a letter from Harold Krueger, Chief Executive Officer for the Chadron Community Hospital, regarding utility easements, discussion was held on the request. Zoning/Building Official Janet Johnson explained the location of the easements by referencing a map. The process will involve vacating two easements and

reestablishing another. The changes to these easements will need to be filed at the Dawes County Courthouse. West Hills Terrace will be widened to 32 feet, Centennial Drive will be paved with concrete to meet City codes. A plan has been developed with Nebraska Public Power District's representative Terry Johnson to install street lights. NPPD will take care of wiring, lights, poles and transformers. The hospital will pay for conduit, boxes and labor and the City will pay for trenching.

Public Works Director Milo Rust explained to the Council that historically the city has paid the difference in costs for paving of streets more than 32 feet in width. If a street is widened to 40 feet, the City would pay the eight foot difference. An estimated cost of paving this eight foot strip for all of Centennial Drive and West Hills Terrace, based upon the estimate of concrete for Cedar Buttes Drive, is \$37,000.00. Councilmember Muller moved to support the construction of 40-foot streets for Centennial Drive and West Hills Terrace with the City paying the cost for width more than 32 feet. Seconded by Councilmember Grantham. The following Councilmembers voted Aye: Grantham, Muller, Douglas, Gamby. The following voted Nay: None. Absent: Stokey. Motion carried.

No other action was taken by the Council regarding easements for construction of the new hospital. The issue will be addressed at a future meeting.

Councilmember Muller moved to postpone discussion on wastewater treatment facility options to allow Vice Mayor Stokey an opportunity to provide input. Councilmember Douglas seconded the motion. The following Councilmembers voted Aye: Grantham, Muller, Douglas, Gamby. The following voted Nay: None. Absent: Stokey. Motion carried.

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

RESOLUTION NO. 2006-107

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

1. Progress Estimate No. 2 filed with the Clerk, showing the amount of material furnished and work performed in the City under contract heretofore let for the construction of Cedar Buttes Drive, Paving District No. 123; 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:

FULLER CONSTRUCTION

Total Estimated Quantity Contract Amount	\$156,696.00
Total Value of Work and Materials Completed	\$152,256.50
Less Amount Paid Previous Estimates	\$ 63,954.90
Less Retainage (10%)	\$ 15,225.65
Total Amount Due Contractor	\$ 73,075.95

2. That Fuller Construction be paid the sum of \$73,075.95 for materials furnished and work performed in the construction of Cedar Buttes Drive, Paving District No. 123.

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: Grantham, Muller, Douglas, Gamby. Voting Nay: None. Absent: Stokey. 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 16th day of October, 2006.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

The Council entered into discussion regarding the appointment of an interim City Manager. Councilmember Douglas stated that he felt someone is needed to help with day-to-day activities. Councilmember Grantham questioned the current situation with City Clerk Donna Rust acting in the temporary position of City Manager and being supervisor of Public Works Director Milo Rust. Donna Rust was instructed to contact the League of Nebraska Municipalities to determine if a conflict of interest was present and to report back to the Council at the next regular meeting.

City Clerk Donna Rust updated the Council on several issues being addressed by City staff. She reported that the process for distributing notice for the City Manager position has started. City staff has also started gathering information to begin the process for filling the Chief of Police position. The Council was informed that the Chadron Municipal Airport is close to being in non-compliance with the Safe Drinking Water requirements. Testing of the water from the well at the Airport indicates a nitrate problem. In the interim, the City is providing bottled water for consumption at the airport. Ms. Rust informed the Council that the Airport Advisory Committee met last week to consider proposals for a Fixed Base Operator at the Airport and to discuss the fuel farm and various issues relating to the Airport. She also distributed information to the Council in regard to the Annual Surface Transportation Program Meetings, one of which is planned for October 18, 2006 at the Best Western West Hills Inn.

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

RESOLUTION NO. 2006-108

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

That the absence of Vice Mayor Jim Stokey from the regular Council Meeting held October 16, 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 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: Grantham, Muller, Douglas, Gamby. 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 16th day of October, 2006.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

Councilmember Grantham moved to adjourn the meeting at 6:00 o'clock p.m. Seconded by Councilmember Douglas. The following Councilmembers voted Aye: Grantham, Muller, Douglas, Gamby. The following voted Nay: None. Absent: Stokey. 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 October 16, 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)

