

## CITY COUNCIL MEETING

NO. 2006-31

DECEMBER 4, 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 4<sup>th</sup> day of December, 2006 at 5:00 o'clock P.M. The following individuals were present: Mayor John Gamby, Vice Mayor Jim Stokey, Councilmembers Donny Grantham, and Mark Douglas, Interim City Manager Donna Rust, Acting City Clerk Elizabeth Sanchez, Interim Chief of Police Margaret Keiper, Public Works Director Milo Rust, Zoning/Building Official Janet Johnson, and Finance Officer Melany Hughes. Absent: Councilmember Morgan Muller.

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

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

- 1) Minutes for City Council Meeting No. 2006-30, November 20, 2006

The Minutes were approved as written and distributed.

- 2) Correspondence

There was no correspondence

- 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	11/06 Cell Phone Service	435.34	*
Assurant	12/06 Fire Insurance	119.60	*
Big Bats	10/31-11/15/06 Fuel	1,633.76	*
Black Hills Weekly Group	Ads	273.42	
Bruns Coin Laundry	Patch Sewing	19.25	
Chadron, City of	Economic Development Program	28,407.89	*
Chadron, City of	Payroll to 11/30/06	51,555.44	*C
Chadron, City of	Refund Meter Deposits	210.29	*
Chadron, City of	11/06 Side Fund	16,079.21	*C
Chadron, City of	FICA through 11/16/06	3,947.02	*F
Chadron, City of	FICA through 11/30/06	3,889.61	*F
Chadron Home Center	Supplies	120.99	
Chadron Public Library Foundation	Water Refund	16.60	*
Chadron Record	Ad	265.00	*
Chadron Record	Subscription	36.00	
Chadron Wholesale	Supplies	25.50	
Contractors Materials	Parts	35.40	
Dennis Sales	Supplies	97.67	
Display Sales	Replacement Bulbs	318.00	
Fackrell, Ashley	Applied Water Deposit	25.82	*
Farm Plan/The Mercantile	Parts and Supplies	198.77	
First National Bank Omaha	Travel Expense	2,554.76	*
Fuller Construction	Progress Estimate E. Niobrara	4,832.87	R
Fuller Construction	Progress Estmiate Cedar Buttes	30,134.61	R
Guardian	12/06 Dental Premiums	296.46	*C
Hansen, Maruta	11/16-11/30/2006 Janitorial Services	200.00	
Hawkins Inc.	Parts	818.02	
Heberlee, Rick	Applied Water Deposit	3.89	*
Henkens Equipment	Repairs	129.49	
Hills Materials	Gravel & Concrete	3,490.03	
Ideal Linen Supply	Janitorial Supplies	218.77	
Kinder Morgan	11/06 Heating Fuel	2,160.69	*
Larson Insurance Agency	Auto Insurance	113.00	
Lawson Products	Tools	48.94	
Linweld	Argon Cylinders	142.76	

Manna Systems & Consulting	Car Mount	1,806.86	
Midwest Radar & Equipment	Parts	100.00	
Millenium Computer Systems	Supplies	29.95	
Municipal Supply	Parts	747.81	
NAA	Membership Certification & Dues	110.00	
Nebraska DAS Communications	11/2006 Long Distance Service	546.26	
Nebraska HHS Laboratory	Water Tests	336.00	
Nebraska HHSR&L Credentialing Div.	Recertification/Hudson	188.00	*
Nebraska Public Power District	11/2006 Electric Service	5,514.05	
Norms Carquest	Parts	108.94	
Northwest Pipe Fittings in Rapid City	Repairs	4,545.47	
Panhandle Veterinary Clinic	November Pet Boarding	312.00	
Pests Go	Insect Spraying	390.00	
Quality Tire	Tire Repair	40.00	
Quill	Office Supplies	112.44	
Qwest	11/06 Telephone Service	858.09	*
Rapid City Journal	Library Subscription	180.00	*
Rath, Jim	Applied Water Deposit	30.00	*
Regional Care	12/06 Select Flex/Emp. Health Ben.	9,098.31	*C
Rust, Milo	Travel Reimbursement	307.40	
Sturdevant's	Parts	1,660.82	
Supplemental Supply	Parts	37.22	
Swallow, Genevieve	Water Refund	40.00	*
SWAN	11/06 Payment	54,282.48	
University of Nebraska	Pesticide Training & Materials	115.68	
US Postmaster	12/06 Utility Bills	174.39	*
Vantage Point Trust 401 Employee	Pension to 11/16/06	1,946.55	*C
Vantage Point Trust 401 Employee	Pension to 11/30/06	1,972.88	*C
Vantage Point Trust 401 Police	Pension to 11/16/06	853.35	*C
Vantage Point Trust 401 Police	Pension to 11/30/06	893.98	*C
Wal Mart	Supplies	619.19	*
Watt, Jeff	Reimbursement for Uniform	37.44	
Westco	Filter & Dyed Diesel	1,643.84	
Western Communications	Radio Maintenance & Service	222.00	
WPCI	2007 Random Pool Mgmt.	200.00	*
WPCI	Substance Abuse Testing	121.50	
<b>TOTAL</b>		<b>243,037.77</b>	

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

#### 4) Monthly Reports

The Monthly Treasurer's Report for the month of October 2006 was included.

#### 5) Minutes for Boards and Commissions

There were no minutes to distribute to the Council.

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

Acting Clerk Sanchez read the results of the General Election as certified by Dawes County Clerk Cheryl Feist. John Gamby was re-elected to serve a four-year term, and John Chizek and Rob Harvey were elected to four-year terms. The Clerk distributed the Certificates of Election to the newly elected Councilmembers as prepared by the Dawes County Clerk.

Acting City Clerk Sanchez administered the Oath of Office to newly elected and re-elected Councilmembers John Chizek, Rob Harvey and John Gamby.

The procedure to select the President and Vice President for the new Council was considered. James Wilburn, MA, CPP-T, was present to assist with proper protocol.

Councilmember Chizek moved to conduct an open election. Councilmember Gamby seconded the motion. Voting Aye: Gamby, Douglas, Chizek, Grantham. Voting Nay: Harvey. Motion carried.

Councilmember Gamby stated that he would be willing to serve another term as Mayor of the Council. Councilmember Grantham also expressed an interest in serving as Mayor of the Council.

Councilmember Harvey nominated Councilmember Grantham for President/Mayor. There were no other nominations. The following Councilmembers voted Aye: Gamby, Douglas, Harvey, Grantham. Nay: Chizek. Donny Grantham, receiving a majority of the votes cast, was elected to serve as President/Mayor of the Council for a two-year term.

Councilmember Chizek nominated John Gamby for Vice Mayor. Councilmember Grantham nominated Mark Douglas. There being no other nominations, a vote was taken. The following Councilmembers voted for John Gamby: Gamby, Douglas, Harvey, Grantham. Councilmember Grantham voted for Mark Douglas. John Gamby, receiving the majority of the votes cast, was elected Vice Mayor of the Council for a two-year term.

Retiring Councilmembers Jim Stokey and Morgan Muller were recognized for their years of service to the City of Chadron by serving on the City Council. Both were awarded plaques.

Don Blausey, Nebraska Northwest Development Corporation, presented a report on Corporation activities and introduced the new Executive Director, Brenda Johnson.

Mayor Grantham introduced Ordinance No. 1289 for a second reading.

AN ORDINANCE

to amend Section 3-104 of Article 1, Alcoholic Liquors, of Chapter 3, entitled "Business Regulations" of Ordinance No. 1000, being the Municipal Code of the City of Chadron, Nebraska; to provide for the sale of beer and wine between the hours of 8:00 a.m. and 12:00 noon, and the sale of alcoholic liquors, including beer between the hours of 12:00 noon and 12:00 midnight on any Sunday which falls on Christmas Eve and any Sunday which falls on New Years' Eve; to repeal original Section 3-104, as amended, and all Ordinances and parts of Ordinances in conflict herewith; directing the publication of the Ordinance prescribing the time when this Ordinance shall be in full force and effect.

The Council then considered Ordinance No. 1289 on its second reading by title. Councilmember Douglas moved to approve Ordinance No. 1289 on its second reading. Seconded by Councilmember Harvey. The following Councilmembers voted Aye: Grantham, Douglas. The following voted Nay: Gamby, Chizek, Harvey. Ordinance No.1289 was defeated on the second reading.

Tom Gallaway, President of Your Selling Team (YST), was present to update the Council on the progress of the YST building site, and to discuss the creation of water and paving districts at the YST site. Considerable discussion was held by the Council in regard to this issue. Public Works Director Milo Rust, Zoning/Building Official Janet Johnson, Jim Stokey, and Planning Commission Chairman Don Thompson also addressed the Council in regard to this issue.

Tom Gallaway requested an amendment to the performance agreement between the City of Chadron and Your Selling Team.

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

RESOLUTION NO. 2006-122

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

1. The City Council having reviewed an Amendment to a document entitled PERFORMANCE AGREEMENT, dated May 1, 2006, between Your Selling Team, Inc., a Nebraska corporation by Tom Gallaway, its President. Said Amendment extends Your Selling Team, Inc. completion date of the infrastructure and facility to July1, 2007 which amends Item No. 5 of the original agreement.

2. The Council being fully advised in the premises hereby approves the same and directs the Mayor and City Clerk to execute said Amendment to the Performance Agreement between Your Selling Team, Inc., and the City of Chadron.

3. An executed copy of such Performance Agreement shall be filed in the Office of the City Clerk.

The foregoing Resolution having been read, Councilmember Chizek 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, Gamby,

Douglas, Chizek, Harvey. 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 4<sup>th</sup> day of December, 2006.

CITY OF CHADRON

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Mayor

ATTEST:

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Acting City Clerk

(S E A L)

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

RESOLUTION NO. 2006-123

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

1. Progress Estimate No. 3, final, filed with the Clerk, showing the amount of material furnished and work performed in the City under contract heretofore let for the construction of the East Niobrara Street Repair Project; 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	\$41,419.25
Sum of all Change Orders	\$ 1,015.00
Total Value of Work and Materials Completed	\$48,328.75
Less Amount Paid Previous Estimates	\$43,495.88
Less Retainage (10%)	\$ 0.00
Total Amount Due Contractor	\$ 4,832.87

2. That Fuller Construction be paid the sum of \$4,832.87 for materials furnished and work performed in the construction of the East Niobrara Avenue Street Repair Project.

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, Gamby, Douglas, Chizek, Harvey. Voting 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 4<sup>th</sup> day of December, 2006.

CITY OF CHADRON

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Mayor

ATTEST:

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Acting City Clerk

(S E A L)

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

RESOLUTION NO. 2006-124

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

1. Progress Estimate No. 3 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 COMPLETED AND STORED	\$168,854.00
RETAINAGE:	
A. 1.00% OF COMPLETED WORK	\$1,688.54
B. 0.00% OF MATERIAL STORED	
TOTAL RETAINAGE	\$ 0.00

TOTAL COMPLETED & STORED LESS RETAINAGE:	\$167,165.46
LESS PREVIOUS PAYMENT APPLICATIONS:	\$137,030.85
<b>PAYMENT DUE CONTRACTOR:</b>	<b>\$30,134.61</b>
BALANCE TO COMPLETION:	\$0.00
<b>TOTAL AMOUNT DUE CONTRACTOR</b>	<b>\$30,134.61</b>

2. That Fuller Construction be paid the sum of \$30,134.61 for materials furnished and work performed in the construction of Cedar Buttes Drive, Paving District No. 123.

The foregoing Resolution having been read, Councilmember Harvey 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: Grantham, Gamby, Douglas, Chizek, Harvey. Voting 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 4<sup>th</sup> day of December, 2006.

CITY OF CHADRON

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Mayor

ATTEST:

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

(S E A L)

Interim City Manager Donna Rust gave her report regarding city activities. She informed the Council that Bevin Bump had resigned his position as city attorney. She stated that a reception is being planned to honor Attorney Bump for his years of service to the City. Interim City Manager Rust informed the Council that she had appointed the firm of Waite, McWha and Harvat, from North Platte, Nebraska, to represent the City on an interim basis, with Megan Failla handling the day-to-day activities, including the STOP program.

Councilmember Gamby made a motion to accept the proposed 2007 Council meeting dates as presented by Interim City Manager Donna Rust. Motion seconded by Councilmember Douglas. Voting Aye: Grantham, Gamby, Douglas, Chizek, Harvey. Voting Nay: None. Motion carried.

City Council orientation dates were discussed. It was determined that a date should be set after the hiring of a new City Manager.

Councilmember Douglas and Councilmember Grantham thanked Your Selling Team and offered encouragement in regard to construction of their new building. Councilmember Gamby and Councilmember Chizek thanked the public for their votes and support. Mayor Grantham expressed appreciation to former Councilmembers Jim Stokey and Morgan Muller.

Councilmember Harvey moved to adjourn into executive session at 6:17 p.m. Seconded by Councilmember Douglas. Voting Aye: Grantham, Gamby, Douglas, Chizek, Harvey. Voting Nay: None. Motion carried.

Councilmember Gamby moved to adjourn out of executive session at 6:46 p.m. Seconded by Councilmember Douglas. Voting Aye: Grantham, Gamby, Douglas, Chizek, Harvey. Voting Nay: None. Motion carried.

Councilmember Douglas moved to schedule a special meeting at 5:00 p.m. on December 11, 2006, for the purpose of discussing City Manager applications. Seconded by Councilmember Harvey. Voting Aye: Grantham, Gamby, Douglas, Chizek, Harvey. Voting Nay: None. Motion carried.

Councilmember Harvey moved to adjourn the meeting at 6:50 o'clock p.m. Seconded by Councilmember Gamby. The following Councilmembers voted Aye: Grantham, Gamby, Douglas, Chizek, Harvey. Voting Nay: None. Motion carried.

CITY OF CHADRON

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Mayor

ATTEST:

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Acting City Clerk

(S E A L)

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

I, the undersigned Acting 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 December 4, 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.

(S E A L)

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Acting City Clerk



