

CITY COUNCIL MEETING

NO. 2007-21

AUGUST 6, 2007

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 6th day of August, 2007 at 5:00 o'clock P.M. The following individuals were present: Mayor Donny Grantham, Vice Mayor John Gamby, Councilmembers John Chizek and Rob Harvey, City Manager Sandy Powell, City Clerk Donna Rust, City Attorney Megan Failla, Police Lieutenant Rick Hickstein, Public Works Director Milo Rust and Finance Officer Melany Hughes. Absent: Councilmember Mark Douglas 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 Grantham 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 Gamby moved to approve the agenda as written and distributed. Seconded by Councilmember Chizek. The following Councilmembers voted Aye: Grantham, Gamby, Chizek, Harvey. The following voted Nay: None. Motion carried.

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

- 1) Minutes for City Council Meeting No. 2007-19, July 16, 2007; and Special Council Meeting No. 2007-20, July 30, 2007

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	Labor & Materials	1,164.51	
Advanced Rescue Technology	Subscription	12.00	
Alltel	07/07 Cell Phone Service	384.66	
Apria Healthcare	Oxygen Cylinders	65.00	
Arnold Pool Company	Pool Supplies	83.95	
Arrow Building Center	Supplies	9.87	
Assurant Employee Benefits	08/07 Fire Insurance	66.71	*
Avaya	08/07 Merlin Maintenance	132.48	*
Bank of the West	Safe Deposit Box Rent	15.00	
Bauerkempers	Repairs & Supplies	310.38	
Bluffs Sanitary Supply	Chlorine for Pool	770.50	
Brennan Electric	Repair Ball Field Lights	201.79	
Bruns Laundry	Dry Cleaning	27.30	
Cakes & Etc.	Civil Service Meetings Refreshments	14.40	
Canyon Systems	Repairs	696.39	
Chadron, City of	FICA through 7/26/07	4,637.90	*F
Chadron, City of	Payroll to 7/26/07	62,334.23	*C
Chadron, City of	08/07 Side Fund	16,232.48	*
Chadron, City of Economic Dev.	05/07 Sales/Use Tax Collections	30,841.60	*
Chadron, City of Water Dept.	City Departments Annual Water Bill	8,394.00	*
Chadron Concrete	Concrete Mix	1,980.00	
Chadron Glass & Windows	Ballfield Lights Repair	275.00	
Chadron Home Center	Supplies	628.14	
Chadron Rotary Club	Dues	108.50	
Chadron Wholesale	Supplies	136.33	
Culligan	Water Bottles	112.15	
Diamond Vogel	Traffic Paint	447.45	
Enviro	Sewer Testing	73.00	
ESRI	GeoCollector/Technical Support	10,495.13	
Farm Plan	Supplies	156.08	
Fire Engineering	Subscription	21.00	
Fireguard Inc.	Fire Dept. Supplies	560.29	*
First National Bank Omaha	Travel Expense & Supplies	419.86	*
First National Financial Services	Vehicle Insurance	197.00	
Galls	Police Equipment	30.67	

Grimms Pump & Industrial Supply	Hose for Sweeper	269.01	
Guardian	Dental Premiums	258.00	*
Hansen, Maruta	Janitorial Services	200.00	
Henkens Equipment	Repairs	16.48	
Hills Tire & Supply	Tire Repair	30.00	
Holiday Inn Kearney	Accommodations for Finance Conference	260.00	
Ideal Linen Supply	Janitorial Supplies	147.29	
International Code Council	Member Dues	100.00	
International Code Council	Book	65.50	
Lawson Products	Repairs	166.87	
Levi's Auto & Metal	Mirror for Handi Bus	10.00	
McGannon, Jim	Repairs	16.00	
Midwest Water Solutions	Supplies	1,840.74	
Moore Wallace	Police Citations	180.71	
Municipal Supply	Repairs	398.20	
Nationwide Management Services	Newsletter Subscription	250.00	
Nebraska DAS Central Finance	Long Distance Phone Service	581.76	
NE Dept. Of Environmental Quality	Renewal Fee/Hudson	150.00	
Nebraska Dept. Of Revenue	06/07 Sales/Use Tax	4,294.60	*
Nebraska Dept. Of Revenue	04/07-06/07 Swimming Pool Use Tax	563.69	*
Nebraska HHS Laboratory	Water Testing	448.00	
Nebraska Public Power District	07/07 Electric Service	1,428.64	*
Nebraska Public Power District	07/07 Electric Service	7,213.74	
Nebraskaland Tire	Tire Repair	9.87	
Norms Carquest	Repairs & Supplies	556.95	
Northwest Pipe Fittings of Rapid City	Repairs	817.07	
Old Dominion Brush	Switch	35.96	
Olsson Associates	Professional Serv. RE: Airport Fuel Tank	1,977.79	*
Outlaw Printers	Office Supplies	3.50	
Panhandle Area Development District	Your Selling Team Drawdown #7 DC	2,500.00	*
Panhandle Veterinary Clinic	07/07 Animal Boarding	327.00	
Petersen Drug	Batteries	38.97	
Quality Tire	Tire Repair	38.50	
Qwest	07/07 Phone Service	723.60	*
Qwest	07/07 Phone Service	175.62	
Regional Care	Employee Health Benefits/Select Flex	9,268.89	*
Rick's Foreign Car Service	Car Repair	298.44	
Roberts, Boyd & Shirley	Utility Refund	111.66	*
Ron's Repair Shop	Water Tank Repairs	6.15	

Shell Fleet Plus	06/10-07/10/07 Fuel Charges	4,645.28	*
Source Gas	07/07 Gas Service	3,798.48	*
Sturdevants	Repairs & Supplies	63.54	
Team Laboratory	Repairs	166.00	
Teledyne Isco Inc.	Printer Paper	92.00	
Timberline Autoplex	Car Repair	124.08	
US Postal Service	Postage	400.00	
US Postmaster	Utility Bills Postage	195.94	*
Vantage Point Trust 401 Employee	Pension to 7/26/07	2,307.52	*C
Vantage Point Trust 401 Police	Pension to 7/26/07	847.37	*C
Wahlstrom Ford	Car Repair	667.34	
Wal Mart	Supplies	323.15	*
Western Communications	Radio Maintenance	444.00	
Xerox	Monthly Copier Lease	469.36	
Your Selling Team	Drawdown #6 Grant 05-ED-016	131,885.00	*
TOTAL		324,244.01	

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 to include.

5) Fire Department Membership Update

An updated list of membership in the Chadron Volunteer Fire Department, as of June 12, 2007, was received by the Council. The Department has three new probation members: Joe Gill, Deorman Stout, and Cody Bolln. Adam Osborn and John Overstreet have resigned from the Department. With John Overstreet's resignation, Lynn Webster has replaced Mr. Overstreet in the Treasurer's position. The Fire Department currently has 47 active members.

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

Councilmember Harvey introduced Ordinance No. 1298

AN ORDINANCE to amend Section 5, entitled "Blanket Penalty" of the Municipal Code, to Increase the Penalty to an Amount Not Exceeding \$1,000.00; to repeal said section and all Ordinances and parts of Ordinances in conflict herewith; 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. 1298 on its second reading by title. Councilmember Harvey moved to approve Ordinance No. 1298 on its second reading. Seconded by Councilmember Chizek. The following Councilmembers voted Aye: Grantham, Gamby, Chizek, Harvey. The following voted Nay: None. Absent: Douglas. Ordinance No.1298 was approved on its second reading.

The third and final reading reading of Ordinance No. 1298 will be on August 20, 2007.

Councilmember Harvey introduced Ordinance No. 1299

AN ORDINANCE to amend Section 12-203 of Article 2, Sewer Use Fees of Chapter 12 entitled, "Sewers", of Ordinance No. 1000, being the Municipal Code of the City of Chadron, Nebraska; to provide sewer use fees for single family residential, multiple family and commercial and industrial units; to repeal original Section 12-203, as amended, and all Ordinances and parts of Ordinances in conflict herewith; directing the publication of this Ordinance and prescribing the time when this Ordinance shall be in full force and effect.

Councilmember Harvey moved to amend Ordinance No. 1299 to provide for a 33.33% increase in the rates for multiple family units. Seconded by Councilmember Chizek. The following Councilmembers voted Aye: Grantham, Gamby, Chizek, Harvey. The following voted Nay: None. Absent: Douglas. Motion carried.

The Council then considered Ordinance No. 1299 on its first reading by title, as amended. Councilmember Chizek moved to approve Ordinance No. 1299 on its first reading. Seconded by Councilmember Harvey. The following Councilmembers voted Aye: Grantham, Gamby, Chizek, Harvey. The following voted Nay: None. Absent: Douglas. Ordinance No.1299 was approved on its first reading.

The second reading reading of Ordinance No. 1299 will be on August 20, 2007.

Councilmember Chizek introduced Ordinance No. 1300

AN ORDINANCE to amend Section 16-104 and Section 16-105 of Article 1 Water Service of Chapter 16 entitled, "Water", of Ordinance No. 1000, being the Municipal Code of the City of Chadron, Nebraska; to amend water use fees for consumers connected to the waterworks system of the City; to repeal original Sections 16-104 and 16-105, as amended, and all Ordinances and parts of Ordinances in conflict herewith; 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. 1300 on its first reading by title. Councilmember Gamby moved to approve Ordinance No. 1300 on its first reading. Seconded by Councilmember Harvey. The following Councilmembers voted Aye: Grantham, Gamby, Chizek, Harvey. The following voted Nay: None. Absent: Douglas. Ordinance No.1300 was approved on its first reading.

The second reading reading of Ordinance No. 1300 will be on August 20, 2007.

Councilmember Gamby suggested increasing the fee at the water dock or change flowage, resulting in less water for 25 cents. The staff was instructed to research this issue and report back at a future Council Meeting.

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

RESOLUTION 2007-84

WHEREAS, the City of Chadron has the responsibility to make recommendations to the Nebraska Liquor Control Commission for Special Designated Liquor Licenses (SDLs) within the corporate limits; and

WHEREAS, on occasion, regularly scheduled council meetings prohibit timely submittals to the Nebraska Liquor Control Commission for SDLs; and

WHEREAS, the City of Chadron wishes to allow certain flexibility to SDL applicants that require a special hearing for SDLs due to unforeseen incidents; and

WHEREAS, the City Council recognizes that special Council sessions have a financial cost associated with them that should not be a burden on the general public, but on the applicant being allowed the courtesy.

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

1. The City of Chadron reserves the right to conduct special Council meetings per ordinance.
2. Special Council meetings held for the purpose of hearing Special Designated Liquor Licenses shall be subject to an additional \$200.00 administrative fee per application, payable to the City of Chadron for each Special Council meeting requested. Said fee shall be above and beyond any other fees associated with the Special Designated Liquor License and its subsequent application process.
3. The additional \$200.00 administrative fee is due upon application and is non-refundable.

The foregoing Resolution having been read, Councilmember Gamby 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, Chizek, Harvey. The following voted Nay: None. Absent: 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 6th day of August, 2007.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

Public Works Director Milo Rust reported on the change in swimming pool hours effective August 20, 2007. They have been adjusted due to unavailability of lifeguards. He also reported that the inspection of the Airport, in connection with Title 139 went well and that Terri Haynes was complimented on the condition of the Airport and the Airport being in compliance with federal regulations. It was reported that Big Bat's submitted the winning bid of \$1,500.00 for the removal of the fuel tank and appurtenances at the Airport. The work is expected to be completed within the next two weeks.

Library Director Scott Kinney reported on increased numbers of those using the library and a schedule of events.

City Manager Sandy Powell updated the Council on airport runway corrections and the status of resolving the related issues. It was reported that the committee had met to review proposals from engineering firms for the drainage study. The committee selected Leo Daly as the firm to recommend to the City Council. The engineering firm has been requested to submit a fee schedule, so the same can be reviewed by the committee prior to submitting a recommendation to the Council. A meeting has been scheduled for Wednesday, August 8, 2007, to determine if there is interest in activities for the 125th anniversary in 2010.

City Manager Powell reported that Nebraska Northwest Development Corporation is looking at policies and procedures and will be meeting on August 13, 2007. The City Manager also reported that Tim Lordino has been appointed Chief of Police.

City Manager Powell commended Margaret Keiper for her work as Interim Chief of Police, stating that Margaret did an great job of keeping the Police Department together, under some very difficult circumstances. She added that "few are as brave as she", as Margaret was willing to step in and serve as the Interim Chief and do as well as she did. Ms. Powell encouraged everyone to thank Margaret for the excellent work that she had done for the City during the past 1 ½ years. The City Council all expressed their appreciation for the job that Margaret had done as Interim Chief of Police and thanked her for her hard work.

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

RESOLUTION NO. 2007-85

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

That the absence of Councilmember Mark Douglas from the regular Council Meeting held August 6, 2007, 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 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 Councilmembers voted Aye: Chizek, Harvey, Grantham, 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 6th day of August, 2007.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

Councilmember Gamby pointed out that animal bites in the City have been on the increase and there should be concern about rabies. He said people need to be advised to be careful.

Councilmember Harvey moved to adjourn at 5:48 p.m. Seconded by Councilmember Chizek. The following Councilmembers voted Aye: Grantham, Gamby, Chizek, Harvey. 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 6, 2007 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)

