

CITY COUNCIL MEETING

NO. 2007-25

OCTOBER 1, 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 1st day of October, 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 Clerk Donna Rust, City Attorney Megan Failla, Chief of Police Tim Lordino, Public Works Director Milo Rust, Zoning/Building Official Janet Johnson and Finance Officer Melany Hughes. Absent: Councilmember Mark Douglas and City Manager Sandy Powell.

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

- 1) Minutes for City Council Meeting No. 2007-24, September 17, 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

Alltel	09/07 Cell Phone Service	169.90	
Chadron, City of	FICA through 09/20/07	4,634.23	*F
Chadron, City of	Payroll to 09/20/07	62,352.09	*C
Chadron, City of	Refund Meter Deposits	425.03	*
Chadron, City of Economical Dev.	Sales/Use Tax Collections	32,407.36	*
Chadron Glass	Install Front Door/City Hall	3,000.00	*
Chadron Home Center	Supplies	33.66	*
Chadron Wholesale	Janitorial Supplies	39.19	
Culligan	Airport Water Bottles	47.25	
Drummond American Corp.	Street Shop Supplies	205.29	
Employers Mutual Casualty	Workers Comp. Reimbursement	83.81	
Farm Plan	Supplies	140.73	
Farm Plan	Supplies	56.99	*
Ferber Engineering	GIS Tech Training	1,952.29	*
Fiester, Daniel	Utility Refund	77.05	*
First National Bank Omaha	Travel Expense/Supplies	2,429.10	*
Hansen, Maruta	9/13-9/26/07 Janitorial Services	200.00	
HD Waterworks	Water Repairs	63.56	
Hills Tire & Supply	Tire Repair	60.00	
Ideal Linen Supply	Janitorial Supplies	11.17	
Ingram Library Services	Library Materials	23.25	*
J & G Enterprises	Wood Chips	450.00	*
Kutschara, Shauna	Police Uniform Altering	33.76	
LA Sign	Screenprinting Police Car	45.00	*
Lowry, Joe	Applied Utility Deposit	34.16	*
Molitor, Mikenzi	Applied Utility Deposit	37.50	*
Municipal Supply	Water Dept. Repairs	937.04	
Nebraska DAS	Long Distance Service	570.69	
Nebraska Dept. Of Health Laboratories	Water Testing	551.00	*
Nebraska Public Health Env. Laboratory	Water Testing	8.00	
Nebraska Public Power District	09/07 Electric Service	428.90	
Nebraska Statewide Arboretum	Landscape Workshop	105.00	*
NSAWWA	2007 Fall Conference Registration	70.00	
Old Dominion Brush	Street Dept. Materials	1,858.48	
OMB's Express Police Supply	Police Supplies	410.70	

Outlaw Printers	Envelopes/Uniform Embroidery	174.34	*
Outlaw Printers	Business Cards/Chief of Police	81.00	
Petersen Drug	Supplies	12.58	
Quality Tire	Tires/Repair	746.95	
Qwest	09/07 Phone Service	900.04	
Sandhills Computer	09/07 Internet Service	79.40	
Shell Fleet Plus	8/10 - 9/11 Fuel Purchases	4,332.55	*
Source Gas	09/07 Gas Service	2,465.28	*
South Dakota LTAP	Road Conference Registration	70.00	*
Sturdevants	Repairs & Supplies	68.60	
Tri-State Roofing	Roof Repairs	39,986.30	*
US Postmaster	Utility Bills Postage	195.94	*
Vantage Point Trust 401 Employee	Pension to 09/20/07	2,217.11	*C
Vantage Point Trust 401 Police	Pension to 09/20/07	965.23	*C
Wahlstrom Ford	Car Repair	569.20	*
Wal Mart	Supplies	2,070.51	*
Webb, Pat	Applied Utility Deposit	23.31	*
Western Communications	Radio Maintenance/Radios	222.00	
Woodland Construction/Colleen Patterson	Utility Refund	16.29	*

TOTAL 169,148.81

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 distribute to the Council for this meeting.

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

It was reported that Mayor Grantham had signed a proclamation declaring Friday, September 28, 2007, as Bevin B. Bump Day in recognition of Bevin's 53 years of service as City Attorney. The proclamation read as follows:

OFFICE OF THE MAYOR
CITY OF CHADRON

PROCLAMATION

WHEREAS: Bevin B. Bump has faithfully served the City of Chadron, Nebraska as City Attorney from December 1953 through November 2006, completing 53 years of service; and

WHEREAS: Bevin B. Bump has contributed significantly to the City of Chadron and has had a profound influence upon the development of Chadron during his tenure; and

WHEREAS: The City Council and City employees wish to publicly recognize and acknowledge the contributions made to the City of Chadron by Bevin B. Bump and would like to thank him for providing 53 years of public assistance and dedicated service to the citizens of Chadron; and

WHEREAS: The City of Chadron extends its best wishes for good health, success, and prosperity for many years to come.

NOW, THEREFORE, I, Donald C. Grantham, Mayor of the City of Chadron, do hereby proclaim September 28, 2007, as

BEVIN B. BUMP DAY

in the City of Chadron in recognition of Bevin's service to the City of Chadron, and urge all citizens to take due notice of the observance.

DATED this 28th day of September, 2007.

CITY OF CHADRON

/s/ Donald C. Grantham
Mayor

Linda Teahon, Brenda Bump and several candidates participants of the Miss Chadron/Miss Nebraska Northwest Pageant were present to request that the Mayor proclaim October 20, 2007 as Miss Chadron/Miss Northwest Scholarship Pageant Day. After the proclamation was read, Mayor Gamby signed said proclamation.

Mayor Grantham proclaimed Saturday, October 20, 2007, as Miss Chadron/Miss Northwest Scholarship Pageant Day,

Ann Beseke was present on behalf of Family Rescue Services to request that Mayor Grantham proclaim the month of October as Domestic Violence Awareness Month. Said proclamation was declared by the Mayor.

Councilmember Chizek introduced Ordinance No. 1304

AN ORDINANCE to amend Article 3, Annexations, of Chapter 1, entitled Additions, City Limits, of Ordinance No. 1000, being the Municipal Code of the City of Chadron, Nebraska; to enact Section 1-303, which annexes to the City continuous or adjacent lands and highway which is urban or suburban in character, which contains 2.75 acres of land deeded to James L. Ray and Betty L. Ray, husband and wife as joint tenants with rights to survivorship, and not as tenants in common; prescribing the time when this Ordinance shall be in full force and effect; and ordering the publication of this ordinance in pamphlet form.

The Council then considered Ordinance No. 1304 on its second reading by title. Councilmember Chizek moved to approve Ordinance No. 1304 on its second reading. Seconded by Councilmember Gamby. The following Councilmembers voted Aye: Grantham, Gamby, Chizek, Harvey. The following voted Nay: None. Absent: Douglas. Ordinance No. 1304 was approved on its second reading.

The third and final reading of Ordinance No. 1304 will be on October 15, 2007.

Councilmember Harvey introduced Ordinance No. 1305

AN ORDINANCE to vacate South Park Addition to the City of Chadron, Dawes County, Nebraska and subsequent streets and easements lying therein; prescribing the time when this Ordinance shall be in full force and effect; and ordering the publication of this ordinance in pamphlet form.

The Council then considered Ordinance No. 1305 on its second reading by title. Councilmember Harvey moved to approve Ordinance No. 1305 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. 1305 was approved on its second reading.

The third and final reading of Ordinance No. 1305 will be on October 15, 2007.

Councilmember Harvey introduced Ordinance No. 1306

AN ORDINANCE to amend Chapter 11, Article 2, adding Section 11-206 entitled "False Reporting," of the Municipal Code of the City of Chadron, Nebraska; to repeal 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. 1306 on its second reading by title. Councilmember Harvey moved to approve Ordinance No. 1306 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. 1306 was approved on its second reading.

The third and final reading of Ordinance No. 1306 will be on October 15, 2007.

Chief Tim Lordino and City Attorney Megan Failla reported on Ordinance No. 1306, prior to the roll call vote on the second reading of the ordinance. Chief Lordino stated that the ordinance was proposed because of individuals abusing Police and Fire Services, by intentionally and knowingly giving false information to Emergency Services personnel. It is not the intent of the ordinance to discourage people from calling for assistance, when they are in need emergency services. Attorney Failla stated that the ordinance not only applies to reporting with regard to emergency services, but also to other areas where there may be intentional false reporting involved.

Public Works Director Milo Rust reported that a bid opening was held on Wednesday, September 26, 2007 for the construction phase of the Airport Fuel System project at the Chadron Municipal Airport. The original engineer's estimate from Olsson Associates was \$39,400.00. The City budgeted \$71,000.00 for the 2007-2008 fiscal year to cover the engineer's costs and any additional that might be needed due to inflation and any miscalculations in the engineer's estimate. The amount budgeted was based on the engineer's preliminary estimate of \$39,400.00. The City received one bid from Fuller Construction in the amount of \$140,000.00. The engineer then submitted a new estimate in the amount of \$100,119.00. This was only after the engineer was made aware of the bid amount of \$140,000.00. Since the bid was so far over the preliminary engineer's estimate, the staff is recommending that the bid be rejected.

If the Council is in agreement with rejecting the bid from Fuller Construction, Public Works Director Rust stated that the staff will be looking at different options as to how to complete the project within the dollars that have been budgeted. The project will be reviewed and a determination made as to whether the Public Works Department could complete a portion of the project and rebid other parts of the project. Public Works Director Rust advised that this agenda item will be brought back before the Council at a later date.

The City Clerk stated that pursuant to the terms of the Notice to Bidders, a bid opening had been held at 2:00 o'clock P.M. on September 26, 2007 for the Airport Fuel System - Construction Project 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 FUEL SYSTEM - CONSTRUCTION PROJECT

NAME OF BIDDER	AMOUNT
Fuller Construction Chadron, NE	\$140,000.00
Alternate A Deduct:	\$ 3,000.00

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

RESOLUTION NO. 2007-104

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

The Mayor and Council find and determine that the bid of Fuller Construction of Chadron, Nebraska for the Airport Fuel System - Construction Project at the Chadron Municipal Airport in the sum of \$140,000.00, as filed with the City Clerk, should be and the same hereby is rejected.

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, 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 1st day of October, 2007.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

Zoning/Building Official Janet Johnson reported on the meetings with Dawes County regarding the Wellhead Protection Area.

Library Director Scott Kinney updated the Council regarding activities at the library and shared fiscal year-end statistics.

Police Chief Tim Lordino reported that Homecoming weekend went well. The new police car had arrived and the car was parked in the City parking lot for viewing by the Councilmembers after the Council Meeting. Chief Lordino also informed the Council that two Chadron State College girls found a wallet with money, and turned it in to the Police Department. He also reported on the new communications system.

City Clerk Rust advised noted that a copy of the City Manager Performance Evaluation form was included in the Council's packets. City Manager Powell's employment contract provides for a performance evaluation after six months of employment. City Manager Powell will have completed six months on October 2, 2007. The Council was advised that the City Manager's evaluation will be included on the agenda for the October 15, 2007 Council Meeting.

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

RESOLUTION NO. 2007-105

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 October 1, 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 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, 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 1st day of October, 2007.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

Councilmember Harvey moved to adjourn at 5:37 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 October 1, 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)

