

## CITY COUNCIL MEETING

NO. 2007-27

NOVEMBER 5, 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 5<sup>th</sup> day of November, 2007 at 5:00 o'clock P.M. The following individuals were present: Mayor Donny Grantham, Vice Mayor John Gamby, Councilmember Mark Douglas, City Manager Sandy Powell, City Clerk Donna Rust, City Attorney Megan Failla, Chief of Police Tim Lordino, Zoning/Building Official Janet Johnson, Finance Officer Melany Hughes, and CSC Intern Tom Jacobs. Absent: Councilmembers John Chizek and Rob Harvey, and Public Works Director Milo Rust.

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 Douglas. The following Councilmembers voted Aye: Douglas, Grantham, Gamby. The following voted Nay: None. Absent: Chizek, Harvey. Motion carried.

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

- 1) Minutes for City Council Meeting No. 2007-26, October 15, 2007

The Minutes were approved as written and distributed.

- 2) Correspondence

A letter was received from Brenda Johnson, Executive Director of Nebraska Northwest Development Corporation, advising that the US Department of Agriculture has awarded \$250,000 of Intermediary Relending Program Funds to the corporation to be used for economic

development in Dawes, Sheridan and Sioux counties. Also received was a letter from the Nebraska Department of Environmental Quality advising that the City's Wellhead Protection Plan has been approved.

### 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

Accouter Rental & Sales	Tire Repair	31.72	
Alltel	09/07 Cell Phone Service	169.75	
Arrow Building Center	Repairs	11.45	
Associated Supply Company	Drain Valve for Pool	39.31	
Assurant	Fire Dept. Insurance	207.98	
Avaya	11/07 Merlin Maintenance	132.48	
Bauerkempers	Repairs	19.92	
Best Western West Hills Inn	Library Author Lodging	127.50	
Blaine Enterprises	Water Sample Shipping	98.04	
Cakes & Etc.	Cake for Bevin Bump Retirement Party	50.00	
Chadron, City of	FICA through 10/18/07	4,755.18	*F
Chadron, City of	FICA through 11/01/07	4,540.47	*F
Chadron, City of	Payroll to 10/18/07	63,971.38	*C
Chadron, City of	Payroll to 11/01/07	61,164.92	*C
Chadron, City of	10/07 Side Fund	17,145.70	*
Chadron, City of Economic Development	8/07 Sales/Use Tax Collections	35,187.82	*
Chadron Glass	Door Repair	50.00	
Chadron Home Center	Supplies & Repairs	332.99	
Chadron Volunteer Fire Dept.	Annual Conference Expense	2,000.00	*
Chadron Wholesale	Janitorial Supplies	18.00	
Contractors Materials	Street Repairs	405.74	
Culligan	Airport Water Bottles	51.50	
Dawes County Court	Non-Waivable Court Fees	28.00	
Daylight Donut Bakery	Donuts for WING Meeting	20.76	
Enviro Service	Waste Water Testing	73.00	
Farm Plan	Supplies	802.37	
Fed Ex	Package Shipping	85.32	
First National Bank Omaha	Travel Expense/Supplies	2,265.56	*

First National Financial Services	Employers Mutual Insurance	25,518.00	
Guardian	11/07 Dental Premium	284.36	*
Hansen, Maruta	10/11 - 10/24/07 Janitorial Services	200.00	
Haynes, Terri	10/07 Airport Operations Contract	900.00	*
Haynes, Terri	Travel Reimbursement	42.67	
Hills Materials Company	Road Base	4,171.98	
Hills Tire & Supply	Tire Repair	42.90	
Ideal Linen Supply	Janitorial Supplies	306.04	
Keep Chadron Beautiful	Golden Goat Recycling Machine	9,000.00	
Lawson Products	Paint/Repairs	291.69	
Lien, Pete & Sons	Sand	224.92	
Midwest Mailing Solutions	Postage Meter	5,235.00	
Miskimins Motors	Repairs	28.75	
Municipal Supply	Water Repairs	2,354.79	
Nebraska DAS	Long Distance Service	565.84	
Nebraska DHHS Division of Public Health	Water Operator Renewal License	94.00	
Nebraska Health & Human Services	Wastewater Course/Hudson	294.00	
Nebraska Public Health Environmental Lab.	Water Testing	64.00	
Nebraska Public Power District	10/07 Electric Service	359.16	*
Nebraska Public Power District	10/07 Electric Service	6,447.37	
Nebraskaland Tire	Tire Repair	62.35	
Norms Carquest	Parts & Repairs	598.01	
Northwest Pipe Fittings of Rapid City	Repairs	3,683.69	
Northwest Pipe Fittings of Scottsbluff	Repairs	358.27	
Olsson Associates	Service for Airport Projects	7,408.73	
OMB's Express	Police Supplies	477.48	
Outlaw Printers	Oversize Copies/Letterhead/Envelopes	362.50	
Panhandle Veterinary Clinic	August/September Animal Boarding	789.00	
Partitions Systems Inc.	Door Latch	42.00	
Power Plan	Repairs	59.72	
Quality Tire	Tires/Tire Repair	385.32	
Qwest	Phone Service	899.99	*
Regional Care	10/07 Emp. Health Benefits/Select Flex	10,137.66	*
Rust, Milo	Travel Expense Reimbursement	11.18	
Shell Fleet Plus	Fuel Charges 9/12-10/08/07	4,170.51	*
Source Gas	10/07 Gas Service	233.78	*
SPX Process Equipment	Water Repairs	190.33	
Star Herald	Police Dept. Subscription	126.50	
Sturdevants	Parts	261.62	

SWANN	10/07 Collections	33,597.31	
United States Postmaster	11/07 Utility Bills Postage	453.56	*
Vantage Point Trust 401 Employee	Pension to 10/18/07	2,448.27	*C
Vantage Point Trust 401 Employee	Pension to 11/01/07	2,424.65	*C
Vantage Point Trust 401 Police	Pension to 10/18/07	1,133.91	*C
Vantage Point Trust 401 Police	Pension to 11/01/07	978.06	*C
Wahlstrom Ford	Vehicle Repair	165.18	
Wal Mart	Supplies	746.13	*
West 2 <sup>nd</sup> Appliance	Cell Phone/Holster	19.98	
Western Communications	Siren Maintenance	222.00	
WMS Aquatics	Float/Rescue Tube	230.89	
WPCI	Random Employee Drug Testing	347.00	
Xerox Capital	Copier Lease & Paper	1,571.36	

**TOTAL** **324,809.27**

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.

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

Mayor Grantham proclaimed November 15, 2007, as America Recycles Day in Chadron. Susan Hucke, Morgan Muller and Virginia Emly were present to accept the proclamation.

Mayor Grantham read a proclamation welcoming home members of the military who have been serving in the Middle East. Shawn Banzhaff was present as a representative to accept the proclamation.

Ron Moore, representing Panhandle Resource Conservation & Development Inc., was present and provided the Council with information regarding RC&D.

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

#### RESOLUTION NO. 2007-111

WHEREAS, Charley's Liquor, 802 West Third Street, Chadron, NE 69337, has applied for a Special Designated License from the Nebraska Liquor Control Commission, and the City Council finds that a Special Designated License should be approved as 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 5:00 o'clock P.M. on December 21, 2007 and 1:00 o'clock A.M. the following morning, December 22, 2007, at Chadron Art Center, located at 371 King St., Chadron, NE 69337, in an area of the building which is 100 feet in length and 50 feet in width.

2. It is recommended that approval be granted for a Special Designated License to Charley's Liquor, to conduct an wedding reception between the hours of 5:00 o'clock P.M. on December 21, 2007 and 1:00 o'clock A.M. the following morning, December 22, 2007, at Chadron Arts Center, located at 371 King St., Chadron, NE 69337, in an area of the building which is 100 feet in length and 50 feet in width, 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 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: Douglas, Grantham, Gamby The following voted Nay: None. Absent: Chizek, Harvey. 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 5<sup>th</sup> day of November, 2007.

CITY OF CHADRON

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Mayor

ATTEST:

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City Clerk

(S E A L)

The Clerk reported that pursuant to the terms of the Notice to Bidders, a bid opening had been held at 10:00 o'clock a.m. on October 30, 2007 for the electrical work for the Airport Fuel System 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 - ELECTRICAL  
CHADRON MUNICIPAL AIRPORT

NAME OF BIDDER	AMOUNT
Scott Roberts Electric, Inc Chadron, NE	\$45,098.96

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

RESOLUTION NO. 2007-112

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 Scott Roberts Electric, Inc., Chadron, Nebraska, in the amount of \$45,098.96 for the electrical work for the Airport Fuel System at 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 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: Douglas, Grantham, Gamby. The following voted Nay: None. Absent: Chizek, Harvey. 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 5<sup>th</sup> day of November, 2007.

CITY OF CHADRON

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Mayor

ATTEST:

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City Clerk

(S E A L)

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

RESOLUTION NO. 2007-113

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

The City Council having reviewed an Engineering Agreement between Baker & Associates, Inc., referred to as Consultant, and the City of Chadron for engineering services to finalize the design and to complete the construction of the mechanical wastewater treatment facility, does hereby accept and approve such Agreement in its entirety and does hereby authorize and direct the Mayor and City Clerk to execute the Agreement on behalf of the City of Chadron.

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: Douglas, Grantham, Gamby. Voting Nay: None. Absent: Chizek, Harvey. 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 November, 2007.

CITY OF CHADRON

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Mayor

ATTEST:

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City Clerk

(S E A L)

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

RESOLUTION NO. 2007-114

WHEREAS, Nebraska State Statutes allow for liens to be placed on properties where a delinquency of certain payments and assessments exist; and

WHEREAS, the property at 736 West 10<sup>th</sup> Street is both delinquent in utility payments and Paving District special assessments; and

WHEREAS, Section 16-682, R.R.S. 1943 provides for the collection of utility bills which are delinquent and, pursuant thereto, Section 16-113 of the Municipal Code of the City of Chadron provides that when water rent, when delinquent, shall be a lien against the premises or real estate upon, or for which the same is used or supplied and such delinquent water rental remains unpaid after three months after which it became due, may by Resolution of the City Council be assessed against said real estate after a special assessment which shall be certified by the City Clerk to the County Clerk of Dawes County to be placed on the tax rolls for collection; and

WHEREAS, The Council finds and determines that three or more installments of special assessments in Paving District No. 115 levied and assessed by Resolution of the City Council, upon the following described property: Lot 2, Southwest Sixth Subdivision of the City of Chadron, Dawes County, Nebraska, are delinquent and unpaid, and the names of record title owner are: David G. Baker and Cynthia K. Baker, husband and wife.

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

1. That the following delinquent water rental and sewer charges in the amount of \$277.73 be assessed against the real estate as a special assessment which shall be certified by the City Clerk to the County Clerk of Dawes County to be placed on the tax rolls for collection subject to the same penalty and to be collected in like manner as other City taxes, all as provided in Section 16-682, R.R.S. 1943.

2. As provided by Section 16-622, R.R.S. 1943, the Council does hereby declare and provide that all Paving District special assessment installments on such delinquent property are due and delinquent. The total sum of the delinquent assessment for Paving District No. 115 as of November 5, 2007 is \$12,222.60.

3. As further provided by Section 16-622, R.R.S. 1943, a copy of this resolution shall be published one time, each week, for not less than 20 days in The Chadron Record, a legal newspaper of general circulation published in the City, and since all Paving District special assessment installments shall be deemed to be delinquent, the City shall proceed to enforce and collect the total amount due together with delinquent interest thereon.

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: Douglas, Grantham, Gamby. The following voted Nay: None. Absent: Chizek, Harvey. 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 5<sup>th</sup> day of November, 2007.

CITY OF CHADRON

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Mayor

ATTEST:

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City Clerk

(S E A L)

Police Chief Tim Lordino informed the Council of the debriefing that was held with City staff and other entities, after the incident with the robbery suspects. He also told of the communications system upgrade. He commended Tony Serbousek, Communications Supervisor, for his hard work during the upgrade.

City Manager Sandy Powell reported that the City is currently advertising for two police officers with November 26, 2007, being the deadline. She also indicated that there were lots of projects which will be going on through the holidays. City Manager Powell and Chief of Police Tim Lordino thanked the Council for their support and assistance and stated that it was appreciated.

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

RESOLUTION NO. 2007-115

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

That the absence of Councilmembers John Chizek and Rob Harvey from the regular City Council Meeting held November 5, 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 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: Douglas, 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 5<sup>th</sup> day of November, 2007.

CITY OF CHADRON

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Mayor

ATTEST:

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City Clerk

(S E A L)

Councilmember Gamby commented on the Veteran's Day events and stated that he was looking forward to the same.

Mayor Grantham thanked the City Manager and Police Chief for their excellent work and their efforts in communicating with the members of the Council.

Councilmember Gamby moved to enter into executive session at 5:34 o'clock P.M. for the purpose of discussing negotiation of the revised terms and conditions of the existing assignment of LB840 Grant Funds dated November 22, 2006, for Your Selling Team, Inc. Seconded by Councilmember Douglas. The following Councilmembers voted Aye: Douglas, Grantham, Gamby. The following voted Nay: None. Absent: Chizek, Harvey. Motion carried.

Councilmember Gamby moved to adjourn the executive session and reconvene in open session at 5:50 o'clock P.M. Seconded by Councilmember Douglas. The following Councilmembers voted Aye: Douglas, Grantham, Gamby. The following voted Nay: None. Absent: Chizek, Harvey. Motion carried.

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

RESOLUTION NO. 2007-116

WHEREAS the Chadron City Council has approved an Assignment of LB840 Grant Funds dated November 22, 2006 for Your Selling Team, Inc., a Nebraska Corporation, and

WHEREAS the Chadron City Council does wish to revise certain terms and conditions of the existing Assignment of LB840 Grant Funds dated November 22, 2006.

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

1. The City Council hereby approves the Assignment of LB840 Grant Funds dated November 5, 2007, which provides for a revision in the terms and conditions of the existing Assignment of LB840 Grant Funds dated November 22, 2006, and hereby included as Exhibit A.
2. The City Council further understands that said Amended Assignment of LB840 Grant Funds dated November 5, 2007 authorizes the remaining grant funds to be paid by the City, through the escrow agent to a new Assignee, First National Bank of North Platte, and that the revised Assignment of LB840 Grant Funds dated November 5, 2007 provides for relinquishing the City's second secured interest for a third secured interest in the assigned funds.

3. The Mayor of the City of Chadron is hereby authorized and directed to execute said Assignment of LB840 Grant Funds dated November 5, 2007 on behalf of the City of Chadron, and the City Clerk is hereby authorized and directed to attest said execution.

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: Douglas, Grantham, Gamby. The following voted Nay: None. Absent: Chizek, Harvey. 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 5<sup>th</sup> day of November, 2007.

CITY OF CHADRON

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Mayor

ATTEST:

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City Clerk

(S E A L)

Councilmember Gamby moved to adjourn at 5:52 o'clock p.m. Seconded by Councilmember Douglas. The following Councilmembers voted Aye: Douglas, Grantham, Gamby. The following voted Nay: None. Absent: Chizek, Harvey. Motion carried.

CITY OF CHADRON

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Mayor

ATTEST:

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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 November 5, 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.

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City Clerk

(S E A L)



