

CITY COUNCIL MEETING

NO. 2008-06

MARCH 3, 2008

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 3rd day of March, 2008, at 5:00 o'clock P.M. The following individuals were present: Mayor Donny Grantham, Vice Mayor John Gamby, Councilmembers John Chizek, Rob Harvey and Don Thompson, City Manager Sandy Powell, City Clerk Donna Rust, City Attorney Adam Edmund, Chief of Police Tim Lordino, Zoning/Building Official Janet Johnson, Finance Officer Melany Hughes, and Public Works Director Milo Rust. Absent: None.

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: Gamby, Chizek, Harvey, Thompson, Grantham. The following voted Nay: None. Motion carried.

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

- 1) Minutes for City Council Meeting No. 2008-05, February 18, 2008

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	Cell Phone Service	169.27	
Arrow Building	Sheet Rock	22.40	
Assurant	Fire Dept. Insurance	116.26	
Blaine Enterprises	Water Tests Shipping	170.45	
Brownlow, Tyrel	Clothing Reimbursement	123.59	*
Business Connection	Office Supplies	40.11	
Canyon Systems	Water Repairs	79.36	
Chadron, City of	FICA through 02/21/08	4,450.61	*F
Chadron, City of	Payroll through 02/21/08	60,114.09	*C
Chadron, City of	12/07 Sales/Use Tax Collections	35,091.94	*
Chadron, City of	Transfer Utility Payment	70.60	*
Chadron, City of	Utility Refunds	230.00	
Chadron Home Center	Supplies	277.31	
Chadron Office Products	Calculator	47.49	
Chadron Plumbing	Fire Hall Bathroom Repair	1,655.50	
Chadron Record	Police Officer Ad	279.00	
Contractors Materials	Paint Remover	32.40	
Danko Emergency Equipment	Fire Dept. Equipment	225.00	
Dawes County Abstract & Title	Your Selling Team 3 rd Installment	50,000.00	
Dawes County Court	Non-Waivable Court Fees	45.00	
Farm Plan	Supplies/Repairs	230.77	
FBINAA-Nebraska Chapter	Spring Training Conference/Lordino	75.00	
Fire Engineering	Magazine Subscription	21.00	
First National Bank Omaha	Travel Expense/Supplies	1,171.10	
Galls	Holster	155.93	
Guardian	Dental Premium	257.45	*
Hach	Water Test Strips	215.35	
Hansen, Maruta	02/14-02/27/08 Janitorial Services	200.00	
Hawkins	Chlorine	886.50	
HD Waterworks	Water Repairs	32.24	
Henkens Equipment	Repairs	6.77	
Hills Materials	Asphalt Mix	928.20	
Hills Tire & Supply	Tire Repair	103.95	
Holiday Inn Kearney	Accommodations/Birnbaum/Rust	306.76	
Ideal Linen	Janitorial Supplies	172.23	
LECC	Conference/Lordino	95.00	
Librarians Book Express	Library Materials	109.50	

Metal Products	Replace Valve at Fire Hall	439.25	
Mid America Books	Library Materials	136.54	
Midland Telecom	Pagers for Fire Dept.	253.25	
Millenium Computer	Computer Repair	96.25	
Miskimins Motors	Vehicle Repair	442.32	
Nebraska DAS Central Finance	Long Distance Service	130.24	
Nebraska Dept. Of Economic Development	Your Selling Team Pmt. #7	2,976.19	
Nebraska Public Health Laboratory	Water Testing	182.00	
Nebraska Public Power District	01/08 Electric Service	981.30	
Nebraska Rural Water Assn.	Membership Dues	275.00	
Nebraska Salt & Grain	Salt for Ice Control	1,331.19	
Nebraska, State of	2008 NE State Government Directories	25.00	
NESCA Training	CPR Certification/Lawrence	15.00	
Newman Traffic Signs	Signs	80.22	
Norms	Parts/Repairs	761.71	
Northwest Pipe Fittings	Water Repair Clamp	25.59	
Olsson Associates	Airport Proj. #006-1326 Prof. Services	3,054.19	
Outlaw Printers	Ink Stamp	22.95	
Pennington County Extension	Forestry Board Workshop	30.00	*
Pennington County Sheriff	Evaluation for Police Department	300.00	
Petersen Drug	Batteries	38.97	
Qwest	01/08 Phone Service	1,004.98	
Respond First Aid Systems	First Aid Kits	219.31	
Roberts Electric	Airport Project #2006-1060	43,492.15	*R
Rust, Donna	Reimburse Duplicate Payment	450.23	
Sandhills Computer	Internet Service	29.00	
Schremmer, Scott	Clothing Reimbursement	27.54	
Shell	1/11 - 2/10/08 Gas Receipts	5,031.30	*
Source Gas	01/08 Gas Service	6,467.09	*
Sturdevants	Parts	122.72	
SWANN	02/08 Collections	53,164.70	
US Postmaster	03/08 Utility Bills Postage	448.98	*
Vantage Point Trust 401 Employee	Pension to 02/21/08	2,308.34	*C
Vantage Point Trust 401 Police	Pension to 02/21/08	1,016.38	*C
Wal Mart	Supplies	608.66	
WPCI	Random Drug Testing	99.00	

TOTAL

284,295.67

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

4) Minutes for Boards and Commissions

The minutes for the Planning Commission meeting held February 11, 2008, were presented.

5) Cemetery Annual Report for 2007

The 2007 Cemetery Report as compiled by Park Superintendent Scott Schremmer, was provided.

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

Councilmember Gamby made a motion to approve the appointments of Morgan Muller to the Planning Commission, Janet Krivacek to the Tree Board and Leah Frye to the Community Advisory Board. Councilmember Thompson seconded the motion. The following Councilmembers voted Aye: Gamby, Chizek, Harvey, Thompson, Grantham. The following voted Nay: None. Motion carried.

The City Manager stated that pursuant to the Notice to Bidders, a bid opening had been held at 2:00 o'clock P.M., on Tuesday, February 26, 2008, for a 2008 Utility Tractor. 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:

2008 UTILITY TRACTOR

<u>NAME OF BIDDER</u>	<u>MODEL</u>	<u>AMOUNT</u>
21 st Century Equipment PO Box 739 Alliance, NE 69301	John Deere 5403	\$20,188.00
Henkens Equipment 6080 Hwy 20 Chadron NE 69337	Massey Ferguson 573	\$20,940.00

After considering the bids, Councilmember Thompson introduced the following Resolution and moved for its adoption:

RESOLUTION NO. 2008-29

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 Henkens Equipment of Chadron, Nebraska 69337 for the purchase of a 2008 Utility Tractor in the sum of \$20,940.00, as filed with the City Clerk in accordance with the terms of the published notice calling for proposals on the above mentioned equipment, should be and the same hereby is accepted.

2. The Contract Documents as heretofore prepared and presented to the Council are hereby approved and the Mayor and City Clerk are hereby authorized and directed to execute said Contract Documents on behalf of the City. The Council waives all formalities or irregularities in opening, submitting and awarding of bids.

3. The City Manager is hereby authorized to expend \$20,940.00 from line item 5910.61, Motorized Equipment; in the Street Fund, for the purchase of said equipment.

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: Gamby, Chizek, Harvey, Thompson, Grantham. 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 3rd day of March, 2008.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

The time being 5:05 p.m., Mayor Grantham opened the Public Hearing to consider the Rezoning Request to rezone Block 2, Southwest 29th Subdivision, T-33-N, R-49-W of the 6th P.M., as requested by Fuller Real Estate. Those speaking in a neutral position: Zoning/Building Official Janet Johnson. Those speaking in favor: Eric Fuller. Those speaking against: None. There being no one else to testify for or against the request, Mayor Grantham closed the hearing at 5:09 p.m.

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

RESOLUTION NO. 2008-28

WHEREAS, Eric Fuller on behalf of Fuller Real Estate has requested the rezoning of a tract of property hereinafter described from existing AG Agricultural District to GI General Industrial

District, and the matter was referred to the City Planning Commission for its advice and recommendation, and the City Planning Commission, after public hearing on February 11, 2008, has reported that Commissioner Young moved to recommend to the City Council the approval of rezoning this portion from AG to GI, whereupon it was seconded by Commissioner Olson and was approved by the Commission. Therefore, the Planning Commission sent its recommendation to the City Council that the property should be rezoned from AG Agricultural to GI General Industrial, and

WHEREAS, a public hearing before the City Council was set for March 3, 2008, at 5:05 o'clock P.M., and notice of said hearing was given by publication thereof in The Chadron Record on February 20 and February 27, 2008, and the described property was posted in accordance with Section 19-905 R. R. S., 1943, as amended, now therefore:

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

1. The City Council finds and determines that a public hearing has been held on the application of Fuller Real Estate to change and rezone the property hereinafter described from AG Agricultural District to GI General Industrial District; that due notice of said hearing was given in accordance with law; that all parties in interest and citizens which have appeared have had an opportunity to be heard, and that no written protests were filed against such change pursuant to Section 19-905 R. R. S. 1943.

2. The City Council finds and determines that the following described property:

Block 2, Southwest 20th Subdivision, T-33-N, R-49-W, of the 6th P.M., Dawes, County, NE should be rezoned and it is hereby designated as GI General Industrial, and the City Zoning Map approved and adopted by the City Council on July 7, 1997, be and hereby is amended to show such zoning change.

3. The City Zoning/Building Official and the City Clerk are hereby authorized and directed to show upon said City Zoning Map such change.

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: Gamby, Chizek, Harvey, Thompson, Grantham. 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 3rd day of March, 2008.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

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

RESOLUTION NO. 2008-30

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

1. The City of Chadron, Nebraska shall enter into an Agency Agreement with the Department of Aeronautics of the State of Nebraska for Project No. M03 for the purpose of obtaining Federal assistance in the development of the Chadron Municipal Airport.

2. The Mayor of the City of Chadron is hereby authorized and directed to execute said Agency Agreement on behalf of the City of Chadron, and the City Clerk is hereby authorized and directed to attest said execution.

3. The said Agreement, referred to hereinabove, in reference to the passage of Resolution No. 2008-30, is on file in the office of the City Clerk.

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: Gamby, Chizek, Harvey, Thompson, Grantham. 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 3rd day of March, 2008.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

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

RESOLUTION NO. 2008-31

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

1) That the Surplus Personal property of the City of Chadron as shown on Exhibit "A" filed in the City Clerk's office be sold at Public Auction, after due notice of time and place of said auction as required by law, and that said property be sold to the highest bidder upon acceptance by the City Manager. Any and all bids may be accepted or rejected by the City Manager.

2) The City Council further authorizes the City Manager to discard any of the surplus personal property as she deems to be in the best interest of the City to do so.

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: Gamby, Chizek, Harvey, Thompson, Grantham. 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 3rd day of March, 2008.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

Police Chief Tim Lordino reported on several department activities and distributed the School Traffic Report for January and February, 2008.

Zoning/Building Official Janet Johnson reported on the property clean-up in the 200 block of Morehead Street.

City Manager Sandy Powell updated the Council on several issues including flood plain mapping, downtown parking, abandoned cars, and legislative bills which might have an impact on the City.

Councilmember Thompson wished the Chadron High School basketball team good luck in the District Tournament.

Councilmember Harvey commented on the new Dex phone book.

Chris Fankhauser of KSCR radio reported that phone books are recycled by Keep Chadron Beautiful and may be put in newspaper recycling.

John Axtell of KQSK radio pointed out that the books are the same as last year other than area listings are all compiled under Alliance.

Councilmember Chizek commended the Police Department for hand checking doors in the downtown area.

Mayor Grantham wished the CHS boys good luck in the basketball tournament.

Mark Hutton was in attendance and told the Council of his background and his vision for the future of the Chadron Airport.

Councilmember Harvey made a motion to enter into executive session at 5:52 p.m. to discuss negotiations. Seconded by Councilmember Thompson. The following Councilmembers voted Aye: Gamby, Chizek, Harvey, Thompson, Grantham. Voting Nay: None. Motion carried.

Councilmember Gamby made a motion to adjourn the executive session and reconvene in open session at 6:25 p.m. Seconded by Councilmember Harvey. The following Councilmembers voted Aye: Gamby, Chizek, Harvey, Thompson, Grantham. Voting Nay: None. Motion carried.

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

RESOLUTION NO. 2008-32

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

1) The City Council having reviewed a Contract for Airport Fixed Base Operator/Airport Operations Supervisor for the Chadron Municipal Airport, between the City of Chadron and A&M Aviation (14111 US Highway 385, Burlington, CO 80807), as an independent contractor to provide certain services to the City, for the term of March 3, 2008 and continue until the last day of February,

2013, the same is hereby approved and all of the terms and conditions of said Contract are hereby adopted by the City.

2) The Mayor and City Clerk are hereby authorized and directed to execute the above and foregoing Contract for Airport Fixed Base Operator/Airport Operations Supervisor for the Chadron Municipal Airport, on behalf of the City of Chadron, copies of which shall be filed with 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: Gamby, Chizek, Harvey, Thompson, Grantham. 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 3rd day of March, 2008.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

Councilmember Gamby indicated that Mr. Hutton would like to start in one week and explained the terms and conditions of the contract. George Ledbetter of the Chadron Record asked several questions of Mr. Hutton.

Councilmember Gamby moved to adjourn the meeting at 6:33 p.m. Seconded by Councilmember Chizek. The following Councilmembers voted Aye: Gamby, Chizek, Harvey, Thompson, Grantham. Voting Nay: None. Motion carried.

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 March 3, 2008 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)