

CITY COUNCIL MEETING

**Corrected 05/05/2008**

NO. 2008-09

APRIL 21, 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 21<sup>st</sup> day of April, 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 Megan Failla, Chief of Police Tim Lordino, Public Works Director Milo Rust, Zoning/Building Official Janet Johnson and Finance Officer Melany Hughes. 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: Grantham, Gamby, Chizek, Harvey, Thompson. 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. 2008-08, April 7, 2008

The Minutes were approved as written and distributed.

- 2) Correspondence

A written report for the Chamber of Commerce was distributed to the Council.

- 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

Advancing Technology	Library Server Maintenance	565.00	
Apria Healthcare	Oxygen Cylinders	61.60	
Arner, Chad	Advertising/Services for Auction	521.70	
AT Conference	Phone Conference	7.31	
Baker & Taylor Entertainment	Library Materials	802.30	
Black Hills Weekly	03/08 Ads	586.40	
Business Connection	Office Supplies	322.04	
Century Business Products	Library Copier Service	56.25	
Chadron, City of	Electronic Withdrawal for Payroll	15,555.17	*C
Chadron, City of	FICA through 04/17/08	4,542.17	*F
Chadron, City of	Payroll through 04/17/08	45,748.72	*C
Chadron, City of	Petty Cash Reimbursement	40.83	*
Chadron, City of	Transfer Utility Payments	70.60	*
Chadron Community Hospital	LB840 Funds Distribution	75,101.48	
Chadron Concrete	Cement	106.00	
Chadron Express Lube	Oil Change	29.40	
Chadron Wholesale	Supplies	66.28	
Culligan	Bottled Water/Airport	16.30	
Dell Marketing	Library Supplies/Computer	1,488.59	
Demco	Library Supplies	430.58	
Ebsco	Library Materials	24.00	
Edmund, Adam	03/08 Legal Fees	1,621.08	
Enviro	Waste Water Testing	73.00	
Express Police Supply	Police Uniforms	2,340.98	
Failla Law Office	03/08 Legal Fees	400.00	
Feld Equipment	Repairs/Fire Dept.	221.90	
Galls	Police Uniforms/Supplies	182.99	
Great Plains Communications	Internet Charges	64.95	
Great Plains One Call Services	Locate Requests	38.67	
Hansen, Maruta	03/27-04/16/08 Janitorial Services	300.00	
HD Waterworks	Parts/Water Dept.	997.07	
Hutton, Mark	04/08 Operations Contract	3,300.00	C
Ideal Linen	Janitorial Supplies	173.56	

Ingram Library Services	Library Materials	135.99	
Internal Revenue Service	1 <sup>st</sup> Quarter Federal Excise Tax	84.31	
Jack's Uniforms	Police Department Uniforms	165.68	
Junior Library Guild	Library Materials	600.00	
Kirkham, Michael & Associates	Chadron Airport Project 3-31-0017-05	34,244.90	
League of Nebraska Municipalities	Water Operator's Workshop	140.00	
Linweld	Argon Cylinders	14.48	
MES	Fire Department Supplies	114.85	
Midwest Tape	Library Materials	489.54	
Municipal Supply	Pump Control Valve Booster	7,333.41	
Nebraska Dept. Of Aeronautics	Quarterly Maintenance	375.00	
Nebraska Dept. Of Economic Development	Your Selling Team Payment #8	2,976.19	
Nebraska Dept. Of Revenue	03/08 Sales/Use Tax	4,514.34	
Nebraska Public Power District	03/08 Electric Service	920.92	
Newman Traffic Signs	Signs	868.40	
Northwest Pipe Fittings of Rapid City	Connectors/Gaskets	36.81	
Northwest Rural Public Power District	Electric Service	7,267.83	
Outlaw Printers	Embroidery/Copies/Bicycle Licenses	299.65	
Petersen Drug	Projector Cable/DVD's	41.98	
Power Plan	Parts/Street Dept.	1,930.80	
Quality Tire	Tire for Street Sweeper	439.00	
Quill	Office Supplies	83.76	
Qwest	03/08 Phone Service	318.45	
Robert's Electric	Transformer/Labor for Airport Project	1,133.39	*
Sandhills Computer	Internet Service	29.00	
Shell	03/11-04/10 Fuel Purchases	4,588.72	
Showcases	Library Supplies	271.19	
Vantage Point Trust 401 Employee	Pension to 04/17/08	2,328.42	*C
Vantage Point Trust 401 Police	Pension to 04/17/08	1,065.53	*C
Western Communications	Siren Maintenance	110.00	
Western Nebraska Community College	Fire Department Courses	1,762.50	
WPCI	Drug Testing	273.00	

**TOTAL** **230,814.96**

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

Mayor Grantham proclaimed April 25, 2008 as Arbor Day. Scott Schremmer, Parks and Cemetery Superintendent informed the Council of the Arbor Day Program on April 22, 2008, at 9 a.m. in Finnegan Park.

Due to unforeseen circumstances, the agenda item to introduce a new police officer and administer the Oath of Service was not necessary.

Inez Buck representing EMC Insurance Co., presented the City with insurance dividend checks in the amount of \$904.22 and \$12,704.38.

Susan Huckle of Keep Chadron Beautiful reported on several activities including Earth Day, various Community-Wide Cleanup efforts, and vandalism to the Golden Goat aluminum recycling machine.

Brenda Johnson, Executive Director for Nebraska Northwest Development Corporation, gave a report and update of NNDC activities.

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

#### RESOLUTION NO. 2008-42

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

1. The Council being fully advised, recommends that the Manager Application of Steven Ledgerwood in connection with the Class D-25521 Liquor License for BARMAC, Inc., dba Highway Express 1., located at 548 East Third Street, Chadron, Dawes County, Nebraska, be approved.

2. The City Clerk is hereby directed to send a copy of this Resolution by first class mail prepaid to the Nebraska Liquor Control Commission.

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, Thompson. 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 21<sup>st</sup> day of April, 2008.

CITY OF CHADRON

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Mayor

ATTEST:

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City Clerk

(S E A L)

Councilmember Chizek introduced Ordinance No. 1311

AN ORDINANCE to amend Chapter 15, "Traffic Regulations," Article 3, "Parking," of Ordinance No. 1000, being the Municipal Code of the City of Chadron, Nebraska, to add Sections 15-323 "Snow Emergency Routes; "Definitions," Sections 15-324 "Establishment of Snow Emergency Routes," Sections 15-325 "Emergency Declarations by City Manager or Public Works Director," Sections 15-326 "Provisions Temporarily Effective Take Precedence," Sections 15-327 "Prohibition of Parking on Snow Emergency Routes," Sections 15-328 "Operation of Vehicles on Snow Emergency Routes," Sections 15-329 "Removal of Parked, Stalled or Stuck Vehicles," Sections 15-330 "Obstruction of View of Drivers"; 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. 1311 on its third and final reading by title. Councilmember Chizek moved to approve Ordinance No. 1311 on its third and final reading. Seconded by Councilmember Gamby. Councilmember Thompson stated that he still had the same concerns that he had expressed at a previous Council meeting. The following Councilmembers voted Aye: Grantham, Gamby, Chizek, Harvey. The following voted Nay: Thompson. Motion carried.

Mayor Grantham then stated that Ordinance No. 1311 has been read by title three times. The Ordinance has been approved on each reading and the votes thereon have been recorded. The question is "Shall Ordinance No. 1311 of the City of Chadron, Nebraska finally pass?". The following Councilmembers voted Aye: Grantham, Gamby, Chizek, Harvey. The following voted Nay: Thompson. Ordinance No. 1311 was approved and adopted.

Councilmember Chizek moved for the adoption of the following Resolution:

RESOLUTION NO. 2008-43

WHEREAS, the City Council deems it advisable to prohibit parking of motor vehicles on certain streets within the City of Chadron during certain hours of the day for the purposes of snow removal and street cleaning; and

WHEREAS, certain areas of no parking were established by resolution January 4, 1960 to accommodate this need; and

WHEREAS, certain no parking areas are now deemed unnecessary;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Chadron, Dawes County, Nebraska:

1. It is hereby declared unlawful for any person to park a motor vehicle, or to leave any motor vehicle parked, on Main Street between Second Street and Third Street and on all of Third Street during the hours between 2:00 o'clock a.m. and 6:00 o'clock a.m.
2. All Resolutions and parts of Resolutions in conflict herewith be and the same are hereby repealed.

The foregoing resolution having been read, Councilmember Grantham seconded the motion for its passage and adoption. Considerable discussion was held.

Upon discussion, Councilmember Gamby moved to amend Resolution No. 2008-43 to eliminate said parking restrictions in said resolution and to repeal the resolution dated January 4, 1960, which resolution prohibits parking on certain streets during the hours between 2:00 o'clock a.m. and 6:00 a.m. Seconded by Councilmember Harvey. The following Councilmembers voted Aye: Grantham, Gamby, Chizek, Harvey, Thompson. Voting Nay: None. Motion carried.

A roll call vote was then taken on the passage and adoption of Resolution No. 2008-43 as amended. The following Councilmembers voted Aye: Grantham, Gamby, Chizek, Harvey, Thompson. The following voted Nay: None. A majority of all members elected to the Council having voted in favor of the passage and adoption of said resolution, the same was by the Mayor declared as passed and adopted this 21<sup>st</sup> day of April, 2008.

CITY OF CHADRON

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Mayor

ATTEST:

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City Clerk

(S E A L)

Councilmember Chizek moved for the adoption of the following Resolution:

RESOLUTION NO. 2008-44

WHEREAS, the City Council deems it advisable to prohibit parking during snow events to allow the safe removal of snow and/or ice by City staff; and

WHEREAS, the City Council feels that this snow removal area should be limited in scope;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Chadron, Dawes County, Nebraska:

That the City of Chadron, Dawes County, Nebraska does hereby adopt a snow emergency area as designated by the snow emergency map attached as Exhibit "A."

The foregoing resolution having been read, Councilmember Thompson seconded the motion for its passage and adoption.

Upon discussion, Councilmember Thompson moved to eliminate the 100 and 200 Blocks of Bordeaux Street from the snow emergency map. Seconded by Councilmember Gamby. The following Councilmembers voting Aye: Grantham, Gamby, Harvey, Thompson. The following voted Nay: Chizek. Motion carried.

Upon further discussion, Councilmember Chizek moved to eliminate Second Street between Mears and Morehead Street from the snow emergency map. Seconded by Councilmember Thompson. The following Councilmembers voted Aye: Gamby, Chizek, Thompson. The following voted Nay: Grantham, Harvey. Motion carried.

A roll call vote was then taken on the passage and adoption of Resolution No. 2008-44 as amended. The following Councilmembers voted Aye: Grantham, Gamby, Chizek, Harvey, Thompson. The following voted Nay: None. A majority of all members elected to the Council having voted in favor of the passage and adoption of said resolution, the same was by the Mayor declared as passed and adopted this 21<sup>st</sup> day of April, 2008.

CITY OF CHADRON

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Mayor

ATTEST:

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City Clerk

(S E A L)

Mark Hutton, FBO at the Chadron Municipal Airport, gave a report of Airport activities in March.

Councilmember Thompson introduced Ordinance No. 1312

AN ORDINANCE

to amend Chapter 7, "Fire Department and Fire Regulations", Adding Article 5 "Fireworks", Adding Sections 501 "Definitions"; 502 "Generally"; 503 "Unlawful Discharge"; "Special Permit"; 504 "Public Displays"; 505 "Weather Hazard"; 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. 1312 on its second reading by title.

Councilmember Gamby moved to amend Ordinance No. 1312 to include language that the City Council be authorized to reserve the power to extend the dates of discharge of fireworks due to inclement weather. Seconded by Councilmember Chizek. The following Councilmembers voted Aye: Grantham, Gamby, Chizek, Harvey, Thompson. The following voted Nay: None. Motion carried.

Councilmember Thompson moved to approve Ordinance No. 1312 on its second reading as amended. Seconded by Councilmember Chizek. The following Councilmembers voted Aye: Grantham, Gamby, Chizek, Harvey, Thompson. The following voted Nay: None. Ordinance No.1312 was approved on its second reading.

The third and final reading of Ordinance No. 1312 is scheduled for May 5, 2008.

Councilmember Gamby moved to accept the Swimming Pool fees and hours for the 2008 season as presented. Seconded by Councilmember Thompson. The following Councilmembers voted Aye: Grantham, Gamby, Chizek, Harvey, Thompson. The following voted Nay: None. Motion carried.

City Manager Sandy Powell reported on the City auction which was held April 19, and thanked the Council for all of their support.

Councilmembers stated that they appreciate public comment on issues facing the Council.

Councilmember Chizek moved to adjourn the meeting at 6:20 p.m. Seconded by Councilmember Gamby. The following Councilmembers voted Aye: Grantham, Gamby, Chizek, Harvey, Thompson. Voting Nay: None. Motion carried.

CITY OF CHADRON

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Mayor

ATTEST:

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City Clerk

(S E A L)

STATE OF NEBRASKA )  
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County of Dawes ) ss  
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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 April 21, 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.

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City Clerk

(S E A L)