

CITY COUNCIL MEETING

NO. 2010-05

MARCH 1, 2010

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 March, 2010, 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 Steve Duncan, City Manager Sandy Powell, City Clerk Donna Rust, City Attorney Adam Edmund, Police Lieutenant Rick Hickstein, Public Works Director Milo Rust, and Zoning/Building Official Janet Johnson. Absent: Finance Officer Melany Hughes and Police Chief Tim Lordino.

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 also given in advance 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 Harvey moved to approve the agenda as written and distributed. Seconded by Councilmember Gamby. The following Councilmembers voted Aye: Gamby, Chizek, Harvey, Duncan, Grantham. 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. 2010-04, February 15, 2010

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
 T-Transfers/Pass Through
 E-Electronic Checks

Afternooners	Meals at Law Enforcement Trng./Fuchser	61.64	
Arrow Building Center	Tarps for Fire Dept.	31.98	
Berger, Theresa	Travel Reimbursement	8.45	
Brennan Electric	Repair Flag Pole Rope at Flag Plaza	54.00	
Bruns Coin Laundry	Uniform Cleaning for Police Dept.	20.50	
Chadron, City of	2/16/10 Electronic Withdrawal for Payroll		*C/E
		31,451.59	
Chadron, City of	3/10 Dental Side Fund	162.50	
Chadron, City of	FICA through 2/16/10	4,819.48	*F
Chadron, City of	Payroll through 2/16/10	33,897.57	*C
Chadron, City of	3/10 Health Side Fund	26,997.73	
Chadron, City of	Utility Refund	220.00	
Chadron Wholesale	Janitorial Supplies for Wastewater Dept.	41.81	
Culligan	Bottled Water/Dispenser Rent for Airport		
		98.00	
Culligan	Yearly Water Softener Rent for Fire Dept.		
		129.00	
Danko Emergency Equipment	Battery for Fire Dept.	135.72	
Davis Instruments	Chart Paper for Water Dept.	79.95	
Decatur Electronics	Radar Trailer for Police Dept.	7,153.00	T
Enviro Service	Wastewater Sample Testing	62.00	
Farm Plan	Supplies/Repairs for Various Depts.	327.97	
First National Bank NP	2/16/10 H.S.A. Employer Contribution	140.00	*
First National Bank Omaha	Travel Expense/Supplies	843.55	
Galls	Uniforms for Police Dept.	139.97	
Halsen Products	Supplies for Street Dept.	107.55	
Hansen, Maruta	2/11-2/24/10 Janitorial Services	200.00	
Hawkins	Chlorine for Water Dept.	1,227.29	
Henkens Equipment	Shovel for Water Dept.	23.20	
Holiday Inn-Kearney	Rooms for Asphalt Con.-M. Rust/Birnbaum		
		327.19	
Ideal Linen	Janitorial Supplies for Various Depts.	234.66	
Johnson, Jerry	Utility Refund	65.67	
Law Enforcement Coordination	LECC Conference Registration/Lordino	95.00	
Madison National Life	3/10 Dental Premium	146.75	

Mansfield Enterprises	Replace Thermostats at Police Dept.	450.00	
Metal Products Company	Ice Machine Repair at Fire Dept.	75.00	
Municipal Supply	Supplies/Repairs for Water Dept.	323.20	
Murd's Pit Stop	Tire Repair for City Hall Vehicle	12.50	
NE Dept. of Health & Human Serv.	2010 Swimming Pool Permit	40.00	
Nebraska Dept. of Aeronautics	Fuel Loan/Monthly NDB Maintenance	685.00	*E
Nebraska Dept. of Agriculture	Pesticide Applicator's License/Schremmer	90.00	
Nebraska Dept. of Revenue	1/10 Sales/Use Tax	5,894.50	*E
Nebraska Dept. of Revenue	2010-2012 Lottery License Renewal Fee	100.00	
Nebraska Public Health Laboratory	Water Sample Testing for Various Depts.	104.00	
Nebraska Public Power District	02/10 Electric Service for Various Depts.	1,152.12	
Norms Carquest	Parts for Fire Dept.	39.60	
Northwest Pipe Fittings	Parts for Parks Dept.	19.92	
Northwest Rural Public Power	Rural Electric Service	13,243.54	
Notary Public Underwriters	Notary Package Renewal/Bartlett	111.00	
Pennington Extension Rev. Fund	Tree Workshop Reg. Schremmer/Trimble	20.00	
Petty Cash	Petty Cash Reimbursement	35.50	
Quality Tire	Tire Repair for Police Dept.	44.95	
Quill	Office Supplies for City Hall	66.16	
Qwest	Phone Service for Various Depts.	927.29	
Regier Custom Design	Install Locks on Front Desk Doors	90.00	
Regional Care	3/10 Emp. Health Benefits/Select Flex	11,788.56	
Roberts Electric	UPS Charges	197.25	
Ron's Repair	Repairs for Parks Dept.	51.15	
Schaffer, Dallas	Manuals for Chadron EMT Class	300.00	
Shell	1/12/10-2/08/10 Fuel Charges	3,522.51	
Smart Apple Media	Library Materials	76.80	
Source Gas	Gas Service for Various Depts.	3,447.15	
Super Circuits	Car Camera for Police Dept.	1,057.63	
US Postmaster	3/10 Utility Bills Postage	453.74	*
USA Bluebook	Supplies for Wastewater Dept.	3,003.28	
Vantage Point Trust 401 Employee	Pension through 2/16/10		*C
		2,515.03	
Vantage Point Trust 401 Police	Pension through 2/16/10	1,198.45	*C

Wal-Mart	Supplies for Various Depts.	485.44
West River International	2011 Intl. Truck for Fire Dept.	88,641.10
Western Communications	Radio Maintenance for Police Dept.	222.00
White River Feed & Trailers	Magnesium Chloride for Street Dept.	799.50
TOTAL		250,587.59

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 Problem Resolution Team meeting held January 27, 2010, were distributed.

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

Mayor Grantham proclaimed the month of March as Professional Social Work Month.

Scott Schremmer, Parks/Cemetery Superintendent, introduced Doug Galles, a new employee in the department.

Rossella Tesch, Library Director, was in attendance and requested a Letter of Support for American Recovery and Reinvestment Act Federal Stimulus Funds for New Computers and Upgraded Broadband Access for the Chadron Public Library. Councilmember Gamby moved to support the application. Seconded by Councilmember Harvey with the following Councilmembers voting Aye: Gamby, Chizek, Harvey, Duncan, Grantham. Voting Nay: None. Motion carried.

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

RESOLUTION NO. 2010-14

WHEREAS, CK of Chadron, Inc., License #C44150, Chadron, NE, 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 so 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 4:30 p.m. and 10:00 p.m. on Friday, March 19, 2010, at the Chadron Arts Center, which building is 40' x 96', and located at Fourth and King Streets, Chadron, Nebraska.

2. It is recommended that approval be granted for a Special Designated License to CK of Chadron, Inc., License C#44150, Chadron, NE, between the hours of 4:30 p.m. and 10:00 p.m. on Friday, March 19, 2010, at the Chadron Arts Center, which building is 40' x 96', and located at Fourth and King Streets, Chadron, Nebraska for a fund raiser, 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: Gamby, Chizek, Harvey, Duncan. The following voted Nay: None. Abstain: Grantham. 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 March, 2010.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

The Council considered Ordinance No. 1334 on its first reading:

AN ORDINANCE for Adoption of the Revised Municipal Code, 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 second reading of Ordinance No. 1334 will be on March 15, 2010.

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

RESOLUTION NO. 2010-15

WHEREAS, in 2006, Your Selling Team (YST) applied for and received a Community Development Block Grant (CDBG) through the Nebraska Department of Economic Development and applied for and received LB840 Economic Development funds from the City of Chadron; and

WHEREAS, the funding for both programs required the employment of fifty (50) full-time employees by March 1, 2009 and since the company was not able to meet this deadline, the City Council had granted a one year extension until March 1, 2010; and

WHEREAS, the owner of Your Selling Team has advised that due to current challenging economic conditions, the company is still not able to meet this requirement.

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

After due consideration and being fully advised in the premises, the Council does hereby grant Your Selling Team (YST) additional time in order to meet the requirement of employing fifty (50) full-time employees as required by the Community Development Block Grant and the LB840 Economic Development programs and that an additional extension be granted until March 1, 2011.

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, Duncan, 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 1st day of March, 2010.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

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

RESOLUTION NO. 2010-17

WHEREAS, the City Council of the City of Chadron finds that certain traffic regulations should be adopted for the control of certain intersections.

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

1. That all vehicles traveling in a northerly or southerly direction on Main Street or easterly or westerly on Sixth Street shall be required to stop at the intersection of Sixth Street with Main Street and that regulation stop signs be placed at the intersection of Sixth and Main Street and that the same be maintained so as to regulate said traffic.
2. That this Resolution in no way derogates any other Resolution or Ordinance of the City of Chadron pertaining to motor vehicles or traffic regulations, but is to be considered supplemental thereto.
3. That this Resolution shall be effective from and after date of its passage and approval.
4. That it shall be unlawful for any person to violate the provisions of this Resolution and those persons so violating the provisions hereof shall be subject to the penalty provisions of the Ordinance governing traffic control and parking regulations which are in current force and effect.

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, Duncan, Grantham. The following voted Nay: 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 1st day of March, 2010.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

Revised 03/01/2010

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

RESOLUTION NO. 2010-16

WHEREAS, certain properties within the City of Chadron, Nebraska, were previously occupied by persons that did not pay the total amount due the City of Chadron for City utilities; and

WHEREAS, these utility bills have been delinquent for more than three (3) months; 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, notices have previously been sent to the owners of the properties previously occupied by persons not paying the utility bills in accordance with State Law.

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

That the following delinquent water rentals 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, **along with any filing and release fees imposed by the Dawes County Clerk's office:**

Bob Ferguson	330 North Pine Street	\$ 44.63
Bob Ferguson	330 North Pine Street	\$ 75.22
Bob Ferguson	350 North Pine Street	\$ 95.00
Bob Ferguson	250 Cedar Street	\$ 47.92

and that proceeds of such special levy be paid over to the City when collected.

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, Duncan, Grantham. The following voted Nay: 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 1st day of March, 2010.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

Councilmember Gamby moved to request that the NE Department of Roads conduct a safety feasibility study to address traffic flow issues at the intersection of Hwy US-385 and Hwy US-20. Seconded by Councilmember Duncan. The following Councilmembers voted Aye: Gamby, Chizek, Harvey, Duncan, Grantham. Voting Nay: None. Motion carried.

Public Works Director Milo Rust reported that HHS is doing some review on the City water system and may have recommendations. Work is progressing on the wastewater treatment plant and the process is stabilizing.

Police Lieutenant Rick Hickstein reported that the traffic speed trailer is here and will be operational in a month.

City Manager Sandy Powell reported on the Mid-Winter Conference which she attended. She also informed the Council of the wildlife study at the airport.

Councilmember Chizek commented on 13 candidates filing for the three open City Council seats. He also encouraged everyone to complete the 2010 census.

Councilmember Gamby encouraged all to check out the City web site, to read through the proposed Municipal Code, and to offer any suggestions.

Mayor Grantham congratulated Wil Brown, Chadron High School senior who recently won his division in the state wrestling competition.

Councilmember Harvey moved to adjourn at 6:20 o'clock P.M. Seconded by Councilmember Chizek. The following Councilmembers voted Aye: Gamby, Chizek, Harvey, Duncan, Grantham. 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 March 1, 2010, 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

(SEAL)