

CITY COUNCIL MEETING

NO. 2010-06

MARCH 15, 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 15th 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 and Steve Duncan, City Manager Sandy Powell, City Clerk Donna Rust, City Attorney Adam Edmund, Police Chief Tim Lordino, Finance Officer Melany Hughes and Zoning/Building Official Janet Johnson. Absent: Councilmember 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 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 Gamby moved to approve the agenda as written and distributed. Seconded by Councilmember Duncan. The following Councilmembers voted Aye: Chizek, Duncan, Grantham, Gamby. The following voted Nay: None. Absent: Harvey. Motion carried.

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

1) Minutes for City Council Meeting No. 2010-05, March 1, 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

ABC Electric	Traffic Light Bulbs	25.00	
American Spirit	Library Magazine Subscription	34.00	
Arrow Building Center	Supplies/Repairs for Various Depts.	284.93	
AS Central Services	Long Distance/Network Service Charges	577.93	
Audio Editions	Library Materials	170.49	
Baker & Taylor	Library Materials	364.96	
Bauerkempers	Repairs for Water Dept.	450.77	
Century Business Products	Library Copier Lease	63.00	
CH Diagnostic & Consulting	Water Sample Testing	370.00	
Chadron, City of	3/02/10 Electronic Withdrawal for Payroll	31,447.24	*C/E
Chadron, City of	FICA through 3/02/10	4,820.73	*F
Chadron, City of	Payroll through 3/02/10	34,071.91	*C
Chadron Concrete	Supplies for Police Dept.	45.00	
Chadron Home Center	Supplies/Parts for Various Depts.	367.13	
Chadron Lumber Co.	Code Lock for Door for Street Dept.	399.00	
Chadron Medical Clinic	Health Exam/J. Birnbaum	136.00	
Chadron Wholesale	Supplies for Police Dept.	35.85	
Coe Engineering	Professional Engineering Services	3,050.00	
Creative Product Source	Library Summer Reading Incentives	139.77	
Culligan	Bottled Water/Dispenser Rent for Airport	80.50	
Edmund, Adam	2/10 Legal Services	2,442.00	
FBI National Academy	Annual Membership Dues/Fees-Lordino	220.00	
First National Bank NP	3/02/10 H.S.A. Employer Contribution	140.00	*
First Natl. Merchant Solutions	Fees For Credit Card Machine	54.85	*E
Gale	Library Materials	23.37	
Galls	Nameplate Engraving for Police Dept.	25.87	
GMC of Chadron	Vehicle Repair for Parks Dept.	216.18	
Gould, Pat	Quarterly Fire Dept. Payment	525.00	
Great Plains Communications	Internet Service for Various Depts.	89.90	
Great Plains One Call Service	Locate Requests	16.22	
Hach	Wastewater Dept. Supplies	3,514.53	
Hansen, Maruta	2/25-3/10/10 Janitorial Services	200.00	

Henkens Equipment	Supplies/Parts for Various Depts.	68.70	
HR Direct	Employment Application Forms	102.07	
Hutton, Mark	03/10 Operations Contract	3,501.00	C
Ideal Linen	Janitorial Supplies for Various Depts.	313.71	
Ingram	Library Materials	371.36	
Junior Library Guild	Library Materials	669.60	
Kimley-Horn & Associates	Wildlife Evaluation for Airport	3,000.00	*
Lawson Products	Supplies for Street Dept.	49.11	
Levi's Auto & Metal	Repairs for Street Dept.	660.00	
Manna	Desktop Support for Police Dept.	35.00	
Metal Products Company	Repair Airport Tube Heaters	637.36	
Mid America Specialties	Library Summer Reading Incentives	163.32	
Midwest Mailing Solutions	Postage for Postage Meter	400.00	*E
Midwest Tape	Library Materials	92.95	
Mobius	Airport Internet Service	18.99	
Municipal Supply	Supplies/Repairs for Water Dept.	4,424.82	
NE Dept. of Aeronautics	Fuel Loan/Monthly Beacon Maint.	685.00	*E
NE Dept. of Economic Dev.	Your Selling Team Payment	2,976.19	T
NE Dept. of Health & Human Serv.	Course/Books for Thewke/Zuver	258.00	
NE Dept. of Health & Human Serv.	Water Operator License/Zuver	94.00	
NE Law Enforcement Trng. Center	Tuition/Lodging for Fuchser	140.00	
Nebraska Machinery	Supplies/Repairs for Street Dept.	308.78	
Nebraska Public Health Laboratory	Water Sample Testing for Water Dept.	80.00	
Nebraska Public Power District	02/10 Electric Service for Various Depts.	8,581.78	
Norms Carquest	Parts/Supplies for Various Depts.	985.41	
Northwest Pipe Fittings	Parts for Water Dept.	2,327.91	
Northwest Rural Public Power	Rural Electric Service	185.56	
Outlaw Printers	Name Tag/Powell	9.95	
Panhandle Collection	Fees for Collection of Utility Bill	174.72	
Petersen Drug	Supplies for Various Depts.	58.97	
Quality Tire	Tires for Parks/Street Dept.	917.80	
Quill	Supplies for City Hall	57.48	
Qwest	Phone/Broadband Service/Variou Depts.	490.00	

Rhembrandt, Jack	Quarterly Fire Dept. Payment	450.00	
Roberts Electric	Repair to Airport Fuel Hose/Dispenser	362.82	
Roehr Safety Products	Air Cartridges for Police Dept.	431.14	
Sandhills Computer	Internet for Street Dept.	29.00	
Schremmer, Scott	Quarterly Fire Dept. Payment	450.00	
Sturdevants	Parts/Supplies for Various Depts.	229.72	
SWANN	2/10 Collections	60,110.30	*
University of Nebraska-Lincoln	Reg. Fee for Asphalt Conf./Rust-Birnbaum	230.00	
Verizon	Cell Phone Service for Various Depts.	746.28	
Wahlstrom Ford	Vehicle Repair for Water Dept.	285.00	
West Second Appliance	Phone Pouch for Street Dept.	9.99	
Westco	Gas/Diesel for Various Depts.	2,013.48	
Vantage Point Trust 401 Employee	Pension through 3/02/10	2,516.31	*C
Vantage Point Trust 401 Police	Pension through 3/02/10	1,210.96	*C
Western Communications	Siren Maint./Antennas for Various Depts.	176.50	
Western Nebraska Com. College	Training/Books for Police Dept./Berger	170.35	
Winter Equipment	Repairs for Airport/Street Dept.	301.67	
Xerox	Copier Lease/Copies for City Hall	723.60	
TOTAL		187,688.79	

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 March 8, 2010, were distributed.

5) Copies of the monthly Treasurer's Report and Water Report were included.

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

Mayor Grantham proclaimed April 9, 2010, as the 50th Annual Scholastic Day at Chadron State College. Laure Sinn of CSC was present and read the proclamation.

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

RESOLUTION NO. 2010-18

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

That the 1992 Ford/Life Line Ambulance VIN# 1FDKE30M8NHB47296, owned by the City of Chadron, be declared as surplus property and the Chadron Fire Department is hereby authorized to sell said vehicle at a price set and approved by the Fire Department.

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: Chizek, Duncan, Grantham, Gamby. The following voted Nay: None. Absent: 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 15th day of March, 2010.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

The time being 5:07 p.m., Mayor Grantham opened the Public Hearing to Amend the Zoning Regulations to Allow General Offices in an R-2 Urban Family Residential District with a Special Use Permit. Zoning/Building Official Janet Johnson explained the request and the action of the Planning Commission. No one appeared before the Council to speak in support of or against the amendment. Mayor Grantham closed the public hearing at 5:12 p.m.

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

RESOLUTION NO. 2010-19

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

The City Council having reviewed the Minutes of the City Planning Commission, dated March 8, 2010, and its recommendation with regard to amending Table 4-2 of the Zoning Regulations to allow General Offices in an R-2 Urban Family Residential District with a Special Use Permit, approves the recommendation of the Planning Commission and does hereby amend Table 4-2 of the Zoning Regulations to allow General Offices in an R-2 Urban Family Residential District with a Special Use Permit.

The foregoing Resolution having been read, Councilmember Gamby seconded the motion for the passage of the Resolution, and after consideration, the roll was called on the passage of said Resolution and the following Councilmembers voted Aye: Chizek, Duncan, Grantham, Gamby. The following voted Nay: None. Absent: Harvey. The passage of the Resolution having been consented to by more than a majority of all the members elected to the Council was declared by the Mayor passed and adopted this 15th day of March, 2010.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

Emily Klein and Jerry Johnson were present and updated the Council on 2010 quasqui-centennial activities. Brochures for the Fur Trade Days/2010 event were distributed.

Mark Hutton, Airport FBO/Operations Supervisor, was scheduled to address the Council but was not in attendance.

Colette Fernandez, Executive Director, Chamber of Commerce, gave a report and update of

Chamber activities including her recent participation in a Colorado travel show.

Deb Cottier, Executive Director, Nebraska Northwest Development Corporation, presented the NNDC monthly report.

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

RESOLUTION NO. 2010-20

WHEREAS, the Planning Commission of the City of Chadron has reviewed the Final Plat of Kominek Addition to the City of Chadron, Dawes County, Nebraska, (Joella Kominek), (400 Block of North Maple and North Pine), at their meeting held on March 8, 2010, and has recommended approval of the same, and

WHEREAS, the City Council finds that the Final Plat of Kominek Addition to the City of Chadron, Dawes County, Nebraska, (Joella Kominek), (400 Block of North Maple and North Pine), should be approved and accepted by the City Council of the City of Chadron, Dawes County, Nebraska, as presented and recommended by the Planning Commission.

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

That the Final Plat of Kominek Addition to the City of Chadron, Dawes County, Nebraska, (Joella Kominek), (400 Block of North Maple and North Pine), surveyed, staked and platted by Philip R. Curd, LS-664, and executed by Joella Kominek, fee owner and proprietor, is hereby approved and accepted by the City of Chadron, and the Mayor and City Clerk are hereby authorized and directed to execute the same on behalf of the City of Chadron.

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: Chizek, Duncan, Grantham, Gamby The following voted Nay: None. Absent: 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 15th day of March, 2010.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

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

RESOLUTION NO. 2010-21

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

1. The City Council being fully advised in the premises recommends that an addition to premise to include the basement-office storage space to the west including the hallway, approximately 25' x 12', be added to and included in the licensed premises of Licensee, CK of Chadron, Inc., 1250 West 10th Street, Chadron, Dawes County, Nebraska, License No. C-44150.

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 Duncan 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: Chizek, Duncan, Gamby. Voting Nay: None. Abstaining: Grantham. Absent: 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 15th day of March, 2010.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

The Council considered Ordinance No. 1334 on its second 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.

Councilmember Gamby moved to grant additional time for consideration of the proposed Municipal Code, by addressing three chapters of the Municipal Code at each meeting until the Code has been reviewed in full. Seconded by Councilmember Chizek. The following Councilmembers voted Aye: Chizek, Duncan, Grantham, Gamby. Voting Nay: None. Absent: Harvey.

The second reading of Ordinance No. 1334, will be continued on April 5, 2010, with Chapters 4, 5 and 6 being reviewed.

Councilmember Chizek moved to postpone Resolution No. 2010-22, to Approve Plans and Specifications for the City Dam Infiltration Gallery Retaining Wall Project and to Authorize Notice to Bidders, to allow more research and input by Public Works Director Milo Rust. Seconded by Councilmember Duncan with the following Councilmember voting Aye: Chizek, Duncan, Grantham, Gamby. Voting Nay: None. Absent: Harvey.

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

RESOLUTION NO. 2010-23

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

The Plans and Specifications for the Armor Coating Streets Project 2010 for Zones #1 and #2, having been prepared by David V. Coe, P.E., Special Engineer by order of the Mayor and City Council, together with an estimate of the total cost of the improvements filed with the City Clerk, are hereby approved, and the City Clerk is hereby directed to publish Notice to Bidders, pursuant to law.

The foregoing Resolution having been read, Councilmember Chizek seconded the motion for the passage of the Resolution, and after consideration, the roll was called on the passage of said Resolution and the following Councilmembers voted Aye: Chizek, Duncan, Grantham, Gamby. The following voted Nay: None. Absent: Harvey. The passage of the Resolution having been consented to by more than a majority of all the members elected to the Council was declared by the Mayor passed and adopted this 15th day of March, 2010.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

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

RESOLUTION NO. 2010-24

WHEREAS, the Federal Aviation Administration (FAA) is requiring the City of Chadron Municipal Airport to do a 12-month Wildlife Hazard Assessment by a certified airport wildlife biologist; and

WHEREAS, The City of Chadron is required to have a qualified firm under contract by March 19, 2010; and

WHEREAS, Public Works Director Milo Rust has contacted six private firms to do a Wildlife Hazard Assessment, four of which responded that they would not be able to help at this time; and

WHEREAS, two firms provided a response to the Request For Proposals (RFPs); and after reviewing the proposals, it was determined that neither of these firms was able to provide a reasonable and expeditious service for the City's needs; and

WHEREAS, USDA was contacted as a public entity that could provide the services required for the Wildlife Hazard Assessment for the City of Chadron Municipal Airport.

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

The USDA, a public entity capable of providing the services required for the Wildlife Hazard Assessment for the City of Chadron Municipal Airport, is hereby authorized to conduct such study in cooperation with the City of Chadron, as set forth in the proposed Cooperative Service Agreement and Work and Financial Plan, subject to the acceptance and approval of the Federal Aviation Administration.

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: Chizek, Duncan, Grantham, Gamby. The following voted Nay: None. Absent: 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 15th 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. 2010-25

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

The Mayor and Council being fully advised in the premises does hereby grant to Fischer Construction a 60 day extension to the Contract for the completion of the Wastewater Treatment

Facilities Project, which extension will allow for delivery of the UV units, installation, testing and final adjustments and cleanup.

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: Chizek, Duncan, Grantham, Gamby. The following voted Nay: None. Absent: 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 15th day of March, 2010.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

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

RESOLUTION NO. 2010-26

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

The Council, having been fully advised, does hereby provide for of expenditure of Contingent Reserve funds in an amount of \$81,628.90, to pay for the Health Insurance Program for the 2010-2011 fiscal year.

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: Chizek, Duncan, Grantham, Gamby. The following voted Nay: None. Absent: 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 15th day of March, 2010.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

It was reported that that Doug Budd will be assuming the Airport Supervisor position and part of his duties will involve updating the manuals.

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

RESOLUTION NO. 2010-27

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

That the absence of Councilmember Rob Harvey from the Regular Council Meeting held March 15, 2010, 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: Chizek, Duncan, 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 15th day of March, 2010.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

Councilmember Duncan moved to enter into executive session at 6:50 p.m. for the purpose of discussing personnel matters. Seconded by Councilmember Chizek. The following Councilmembers voted Aye: Chizek, Duncan, Grantham, Gamby. The following voted Nay: None. Absent: Harvey. Motion carried.

Councilmember Chizek moved to adjourn the executive session at 8:32 p.m. Seconded by Councilmember Gamby. The following Councilmembers voted Aye: Chizek, Duncan, Grantham, Gamby. The following voted Nay: None. Absent: Harvey. Motion carried.

Councilmember Chizek moved to adjourn at 8:33 o'clock P.M. Seconded by Councilmember Gamby. The following Councilmembers voted Aye: Chizek, Duncan, Grantham, Gamby. The following voted Nay: None. Absent: Harvey. 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 15, 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)