

CITY COUNCIL MEETING

NO. 2010-10

MAY 17, 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 17th day of May, 2010, at 5:00 o'clock P.M. The following individuals were present: Mayor Donny Grantham, Vice Mayor John Gamby, Councilmembers Rob Harvey, John Chizek, and Steve Duncan, City Manager Sandy Powell, City Clerk Donna Rust, City Attorney Adam Edmund, Public Works Director Milo Rust, Chief of Police Tim Lordino, Finance Officer Melany Hughes, and Zoning/Building Official Janet Johnson. 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 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 Chizek. The following Councilmembers voted Aye: Chizek, Harvey, Duncan, Grantham, Gamby. The following voted Nay: None. Motion carried.

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

- 1) Minutes for City Council Meeting No. 2010-09, May 3, 2010

The Minutes were approved as written and distributed.

- 2) Minutes for City Council Meeting No. 2010-08, April 19, 2010 (Amended)

City Manager Powell had requested revisions to the April 19, 2010 Council Meeting, so the minutes were amended to include the revisions. The City Manager asked that it be clarified that Janet Johnson was one of the presenters of the revised City Code and that Levi Grant was in attendance and asked questions. The City Manager had also requested that language be included in the minutes concerning UTV legislation, which takes effect January 1, 2011.

3) Correspondence

The Council received a letter from Kevin Stocker, CEO of AmeriStar Transportation Group, advising that the Denver Coach Shuttle Service will discontinue service to and from Chadron effective Saturday, June 5, 2010. The Council also received a letter from John Harms, from the 48th District of the State Legislature, advising of a meeting at the Nebraska State Capitol on June 2, 2010. The meeting is for the purpose of discussing the creation of a Nebraska intrastate airline.

4) Claims

5) Minutes for Boards and Commissions

The minutes for the Problem Resolution Team meeting held March 24, 2010 as approved by the PRT were distributed to the Council.

6) Monthly Reports

The monthly Treasurer's Report and the Water Report for April 2010 were accepted as presented by the Council.

7) Resignation from Don Ross from the Civil Service Commission

It was reported that Don Ross had resigned from the Civil Service Commission effective June 4, 2010. A copy of the letter received from Mr. Ross was distributed to the Council. Mr. Ross is moving from Chadron. It was also reported that the other two Civil Service Commission members are working on a replacement for Mr. Ross.

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

Mayor Grantham read and signed a proclamation to bring attention to the Crazy Horse Ride scheduled for June 6, 2010.

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

RESOLUTION NO. 2010-45

WHEREAS, Darin L. Garman dba Wrecker's Roadhouse, 164 Main Street, Chadron, NE, has applied for a Special Designated License from the Nebraska Liquor Control Commission, and the City Council finds that the 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 on Thursday, July 8, 2010; Friday, July 9, 2010; and Saturday, July 10, 2010, between the hours of 8:00 o'clock a.m. and 1:00 o'clock a.m. the following morning of each day, in an outdoor area adjacent to the Wrecker's Roadhouse, which area is 70 feet in length and 100 feet in width, located directly south of 164 Main Street, and includes the sidewalk and the east one-half of the 100 Block of Main Street, and also an area 30 feet x 125 feet for a locked beer storage trailer located north of 164 Main Street, Chadron, Nebraska.

2. It is recommended that approval be granted for a Special Designated License to Wrecker's Roadhouse on Thursday, July 8, 2010; Friday, July 9, 2010; and Saturday, July 10, 2010, between the hours of 8:00 o'clock a.m. and 1:00 o'clock a.m. the following morning of each day, in an outdoor area adjacent to the Wrecker's Roadhouse, which area is 70 feet in length and 100 feet in width, located directly south of 164 Main Street, and includes the sidewalk and the east one-half of the 100 Block of Main Street, and also an area 30 feet x 125 feet for a locked beer storage trailer located north of 164 Main Street, Chadron, Nebraska, for a dance and beer garden during Fur Trade Days, 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 Council members voted Aye: Chizek, Harvey, 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 17th day of May, 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. 2010-46

WHEREAS, the Olde Main Street Inn, Inc., License #CK19747, 115 Main Street, Chadron, NE 69337, has applied for Special Designated License from the Nebraska Liquor Control Commission, and the City Council finds that the 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 8:00 o'clock a.m. and 1:00 o'clock a.m. the following morning, starting Tuesday, June 1, 2010, through Saturday, August 28, 2010; and the consumption of beer by adults between the hours of 12:00 o'clock Noon and 8:00 o'clock p.m. on the following Sundays, June 6, June 13, June 20, June 27, July 4, July 11, July 18, July 25, August 1, August 8, August 15, August 22, and August 29, 2010, in an outdoor area adjacent to the Olde Main Street Inn, which is 95 feet in length and 60 feet in width, located at 115 Main Street, Chadron, Nebraska.

2. It is recommended that approval be granted for a Special Designated License to the Olde Main Street Inn, Inc., 115 Main Street, Chadron, Nebraska, between the hours of 8:00 o'clock a.m. and 1:00 o'clock a.m. the following morning, starting Tuesday, June 1, 2010, through Saturday, August 28, 2010; and the consumption of beer by adults between the hours of 12:00 o'clock Noon and 8:00 o'clock p.m. on the following Sundays, June 6, June 13, June 20, June 27, July 4, July 11, July 18, July 25, August 1, August 8, August 15, August 22, and August 29, 2010, in an outdoor area adjacent to the Olde Main Street Inn, which is 95 feet in length and 60 feet in width, located at 115 Main Street, Chadron, Nebraska, for an outdoor beer garden, 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 Council members voted Aye: Chizek, Harvey, Dunca, 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 17th day of May, 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. 2010-47

WHEREAS, Chadron Knights of Columbus Council #1128, Chadron, NE 69337, has applied for a Special Designated License from the Nebraska Liquor Control Commission, and the City Council finds that the 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 3:00 o'clock P.M. and 12:00 midnight on Saturday, June 12, 2010, at the Assumption Arena, in an area which is 150' x 100' and located at 355 Spruce St. Chadron, Nebraska.

2. It is recommended that approval be granted for a Special Designated License to Chadron Knights of Columbus Council #1128, Chadron, NE 69337, between the hours of 3:00 o'clock P.M. and 12:00 midnight on Saturday, June 12, 2010, at the Assumption Arena, in an area which is 150' x 100' and located at 355 Spruce St., Chadron, Nebraska, for a wedding dance and reception, 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 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 Council members voted Aye: Chizek, Harvey, 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 17th day of May, 2010.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

Steve Cleveland appeared before the Council on behalf of the 2010 Celebration Committee to update the Council with regard to the upcoming walking tour being scheduled during the Celebration.

Deb Cottier appeared before the Council to speak with regard to the effort in acquiring funds for the cost of decorative/historical signs for the downtown area. The signs were described as black wrought iron silhouettes of people, animals and subjects of historical significance that are representative of the area. Ms. Cottier showed the Council an example of what the signs would look like. Ms. Cottier stated if the Council does not have any objections to the signs, she would communicate with Public Works Director as to the location for placement of the signs. There were no objections from the Council.

Doug Budd, Airport Operations Supervisor, gave a report and update with regard to the Chadron Municipal Airport.

Colette Fernandez, Executive Director, Chamber of Commerce, updated the Council on Chamber activities.

Deb Cottier, Executive Director, Nebraska Northwest Development Corporation (NNDC), appeared before the Council to give a report and update with regard to the organization.

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

RESOLUTION NO. 2010-48

WHEREAS, the Municipal Code of the City of Chadron, Nebraska allows the City Council, by resolution, the power to designate certain streets in the City to be truck routes; and

WHEREAS, at this time the Mayor and Council deem it advisable for the safety of motor vehicle and pedestrian traffic that all truck traffic be limited to travel on certain designated routes within the City of Chadron.

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

1. That there is hereby established a truck route for any commercial vehicles, trucks, truck-tractors and semi-trailers having a manufacturer's gross vehicle weight rating of 10,000 pounds or more.
2. The truck route shall be as illustrated in Exhibit A attached.

3. Resolution No. 1975-76 relating to truck routes for livestock trucks and all other resolutions in conflict are hereby repealed.

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

Considerable discussion followed as to the types of trucks and the manufacturer's gross vehicle weight rating of different trucks.

After consideration thereof, Councilmember Chizek moved to postpone Resolution No. 2010-48 to allow time for the staff to more fully research this issue and to report back. Seconded by Councilmember Grantham. The following Councilmembers voted Aye: Gamby, Chizek, Harvey, Duncan, Grantham. The following voted Nay: None. Motion carried.

The Council considered Ordinance No. 1335 on its second reading:

AN ORDINANCE to provide for the sale at retail of beer and wine on Sunday, July 4, 2010 between the hours of 8:00 a.m. and 12:00 noon, and the sale of alcoholic liquors, including beer, between the hours of 12:00 noon on Sunday, July 4, 2010 and 1:00 a.m. on Monday, July 5, 2010 for the 4th of July holiday; directing the publication of this Ordinance and prescribing the time when this Ordinance shall be in full force and effect.

The third and final reading of Ordinance No. 1335 will be on June 7, 2010.

The Council continued its second reading of Ordinance No. 1334, which ordinance is for the adoption of the revised Municipal Code. Chapters 13, 14 and 15 were reviewed with the Council.

The second reading of Ordinance No. 1334 will continue on June 7, 2010.

Councilmember Harvey moved to enter into executive session at 6:48 p.m. for the purpose of conducting the City Manager evaluation. Seconded by Councilmember Chizek. The following Councilmembers voted Aye: Chizek, Harvey, Duncan, Grantham, Gamby. The following voted Nay: None. Motion carried.

Councilmember Duncan moved to adjourn the executive session and reconvene in open session at 9:24 p.m. Seconded by Councilmember Chizek. The following Councilmembers voted Aye: Chizek, Harvey, Duncan, Grantham, Gamby. The following voted Nay: None. Motion carried.

Councilmember Harvey moved to adjourn at 9:25 o'clock P.M. Seconded by Councilmember Gamby. The following Councilmembers voted Aye: Chizek, Harvey, Duncan, Grantham, Gamby. 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 May 7, 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)