

## CITY COUNCIL MEETING

NO. 2009-01

JANUARY 5, 2009

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 5<sup>th</sup> day of January, 2009, 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, Chief of Police Tim Lordino, Finance Officer Melany Hughes, Public Works Director Milo Rust 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 Harvey moved to approve the agenda as written and distributed. Seconded by Councilmember Gamby. The following Councilmembers voted Aye: Chizek, Harvey, Duncan, Grantham, Gamby. 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. 2008-26, December 15, 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  
 T-Transfers/Pass Through  
 E-Electronic Checks

ABC Electric	Supplies for Water Dept.	50.72	
Alltel	Cell Phone Service	182.56	*
American Engineering Testing	Wastewater Testing	3,199.94	
American Library Assn.	Office Supplies	53.40	
Arbogast, Jesse	Reimbursement from Fire Dept.	25.00	*
Arrow Building Center	Supplies	17.88	
Assurant	Fire Dept. Insurance	199.14	
Baker & Associates	Wastewater Treatment Facility Planning	7,875.00	
Baker & Taylor	Library Materials	410.82	
Bartlett, Mike	Adjust Door at Police Dept.	30.00	
Bauerkemper, Dave	Reimbursement from Fire Dept.	100.00	*
Bauerkempers	Starter Recoil/Chain	87.68	
Black Hills Mobile Extinguisher	Inspection	35.25	
Blanford, Jason	Reimbursement from Fire Dept.	100.00	*
Boeselager, Steven	Reimbursement from Fire Dept.	100.00	*
Brice, Kyle	Reimbursement from Fire Dept.	100.00	*
Brice, Rick	Reimbursement from Fire Dept.	100.00	*
Brownlow, Tyrel	Reimbursement for Clothing Allowance	95.39	
Business Connection	Office Supplies	53.11	
Cakes & Etc.	Refreshments for Employee Recognition	67.00	
Cerny's Body Shop	Vehicle Repair for PD	2,316.73	
Chadron, City of	Electronic Withdrawal for Payroll	23,413.46	*C/E
Chadron, City of	FICA through 12/23/08	4,875.38	*F
Chadron, City of	Payroll through 12/23/08	43,000.47	*C
Chadron, City of	12/08 Side Fund	19,299.50	*
Chadron Community Hospital	Vaccinations for Fire Dept.	466.53	
Chadron Glass & Windows	Safety Glass/Adjust Window	97.50	
Chadron Home Center	Supplies	183.94	
Chadron Wholesale	Supplies	114.80	
Creations of Heart Custom Sewing	Sewing/Alterations for PD	24.00	
Danko	Emergency Equipment	123.84	

DAS Communications	Long Distance Service	221.49	
Demco	Office Supplies	248.01	
EMC Insurance Company	Worker's Comp Deductible	719.68	
Farm Plan	Supplies/Parts	1,246.88	*
FBINAA	Member Dues/Lordino	90.00	
First National Bank Omaha	Supplies/Travel Expense	1,141.91	
First National Financial Services	2 <sup>nd</sup> Quarter Installment	30,646.01	
Fremont National Bank	Annual Fee	450.00	
Gale	Library Materials	93.48	
Galls	Police Uniforms	49.73	
Garman, Darin	Reimbursement from Fire Dept.	100.00	*
Gill, Joe	Reimbursement from Fire Dept.	100.00	*
Grant, Michelle	Reimbursement from Fire Dept.	100.00	*
Guardian	01/09 Dental Premium	260.92	*
Hansen, Maruta	12/11-12/31/08 Janitorial Services	280.00	
Hencey Plumbing	Valve for Fire Dept.	12.50	
Henkens Equipment	Supplies for Street Dept.	66.36	
Hoffman, Craig	Reimbursement from Fire Dept.	25.00	*
Holiday Inn	Accommodations/Rust	82.53	
Hourt, Craig	Reimbursement from Fire Dept.	100.00	*
HR Direct	Employment Applications	183.86	
Ideal Linen	Janitorial Supplies	257.30	
Ingram	Library Materials	669.12	
JJ's Engraving	Clock	61.91	
KCSR	Wastewater Operator Ad	60.00	
Kelso, Robert	Reimbursement from Fire Dept.	100.00	*
Knowbuddy	Library Materials	134.75	
Lawson Products	Supplies for Street Dept.	138.89	
League of NE Municipalities	Registration for Midwinter Conf./Powell	314.00	
Librarian Choice	Library Materials	124.84	
Manna	Computer Repair	157.50	
Miskimins Motors	Vehicle Parts	187.64	
Mitchell, Bryan	Reimbursement from Fire Dept.	100.00	*
Mobius Communications	Airport Internet	18.99	
Municipal Supply	Parts for Water Dept.	1,209.07	
Murdock, Justin	Reimbursement from Fire Dept.	25.00	*
National Volunteer Fire Council	2009 Membership Dues	30.00	
NE Law Enforcement Training	Training/Testing/Hansen	15.00	
Nebraska Dept. Of Economic Dev.	Your Selling Team Pmt.	2,976.19	
Nebraska Public Power District	12/08 Electric Service	5,418.31	
Norms	Fire Dept. Supplies	1,058.52	
Old Dominion Brush	Wheel for Street Sweeper	503.34	
Outlaw Printers	Letterhead Paper	183.00	

Penworthy	Library Materials	174.11	
Petersen Drug	Hepatitis B Shot	79.44	
Potter, Katharine	Reimburse Mileage for Interview	533.32	
Power Plan	Parts for Street Dept.	584.63	
Public Safety Center	Battery for Fire Dept.	350.91	
Qwest	12/08 Phone Service	839.03	*
Regional Care	01/09 Employee Health Ben./Select Flex	12,410.87	*
Roehr Safety Products	Supplies for Police Dept.	990.74	
Service Master	Carpet Cleaning for PD	203.50	
Shell	11/11-12/09/08 Gas Charges	2,252.98	*
Shields, Eldon	Reimbursement from Fire Dept.	50.00	*
Sleuth Software	Software	1,689.37	
Source Gas	12/08 Gas Service	4,884.54	*
Sturdevants	Parts/Supplies	353.14	
SWANN	12/08 Collections	60,229.52	T
Thewke, Ray	Reimbursement from Fire Dept.	50.00	*
Tiensvold, Bob	Reimbursement from Fire Dept.	50.00	*
Treat America Food Services	Lunch for Training/Hansen	6.32	
Tyler Technologies	Yearly Software Maintenance	4,825.00	
US Postmaster	01/09 Utility Bills Postage	448.67	*
Vantage Point Trust 401 Employee	Pension to 12/23/08	2,352.98	*C
Vantage Point Trust 401 Police	Pension to 12/23/08	1,165.59	*C
Veseth, Don	Refund SWANN Credit	2,233.48	T
Wal Mart	Supplies	861.64	
Webster, Lynn	Reimbursement from Fire Dept.	50.00	*
Westco	Cylinders/Contract	96.85	
Western Communications	Radio Maintenance/Reflector	332.00	
WGGA	Groundskeeper Conf./Schremmer/Eaton	255.00	
Williamson, Jake	Reimbursement from Fire Dept.	50.00	*
WPCI	Random Drug Testing	148.50	

**TOTAL**

**255,312.90**

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 distribute at this meeting.

Councilmember Harvey 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.

City Manager Powell reported that renewal of the Maintenance Agreement with the State of Nebraska Department of Roads for the maintenance of Highway US-20 and Highway US-385 had been received. The Agreement includes all sections of Highway US-20 within the City limits and the section of Highway US-385 from the south City limits north to the junction of Highway US-385 and Highway US-20. The City Manager noted that the State has increased the lane mile rates 25% effective January 1, 2009. As a result, the State has increased the amount to be paid to the City for performing the surface maintenance from \$1,260.00 to \$1,575.00 per lane mile. Based on 6.28 lane miles at a rate of \$1,575.00 per lane mile, this equals \$9,891.00.

The Agreement also provides that snow removal within the City limits is the responsibility of the City and that the City pay the State the sum of \$375.00 per lane mile for snow removal on Highway US-385 from the south City limits to 10<sup>th</sup> Street. The State has increased this amount from \$300.00 to \$375.00 per lane mile. Based on 2.60 lane miles at \$375.00, there will be a total of \$975.00 due the State for snow removal.

The net difference is \$8,916.00 due the City of Chadron. ( $\$9,891.00 - \$975.00 = \$8,916.00$  due the City on an annual basis). Since the State's lane mile rates increased 25% this year, the difference is an increase of \$1,783.20 from last year. The State is proposing that the remaining terms and conditions remain in effect as per the original Agreement.

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

#### RESOLUTION NO. 2009-01

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

1. The Council having reviewed Maintenance Agreement No. 7, dated January 1, 2006, together with an Agreement Renewal to be executed by the City of Chadron, between the Nebraska Department of Roads and the City of Chadron, which provides that Maintenance Agreement No. 7 is renewed for the period of January 1, 2009 through December 31, 2009, that all figures have been updated to reflect the new Exhibit "B" and that the remaining terms and exhibits to remain in effect as per the original Maintenance Agreement No. 7, and the Council being fully advised in the premises finds and determines that the Agreement Renewal should be approved and adopted by the City of Chadron.

2. The Council further hereby authorizes and directs the Mayor and City Clerk to execute the Agreement Renewal amending Maintenance Agreement No. 7 between the Nebraska Department of Roads and the City of Chadron, Nebraska, and to further execute the Certificate of Compliance, on behalf of the City of Chadron.

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, 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 5<sup>th</sup> day of January, 2009.

CITY OF CHADRON

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Mayor

ATTEST:

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City Clerk

(S E A L)

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

RESOLUTION NO. 2009-02

WHEREAS, the City Council finds that it should establish and approve depositories for the deposit and safe keeping of all monies received or held by the City; and

WHEREAS, the City Council finds that the City Treasurer shall require the depository banks or institutions to give bond and render statements of account on monies of the City as required by law, or in lieu of bond, the depositories may deposit securities with the City Clerk as authorized by law; now therefore,

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

1. The following named banks, located in the City of Chadron, Nebraska:

BANK OF THE WEST;  
FIRST NATIONAL BANK OF CHADRON; and  
CHADRON OFFICE - FIRST NATIONAL BANK NORTH PLATTE

are hereby designated and approved as depositories for the deposit and safe keeping of any monies deposited by the City Treasurer to such Bank, subject however, to said depository providing a bond as required by law to the City Treasurer, or the deposit of securities with the City Clerk as required by law in lieu of said bond.

2. The City Treasurer is further authorized to purchase certificates of deposit or other time

deposits at the above named banks wherever the highest interest rate is being paid by said Bank at the time of such investment of City funds, pursuant to the State Statutes and to the benefit of the City of Chadron and the public in general.

3. The above named banks as designated depositories of the City of Chadron be and are hereby requested, authorized and directed to honor checks, drafts or other orders for the payment of money drawn in the City of Chadron's name, including those drawn to the individual order of any person or persons whose name or names appear thereon as signer or signers thereof, when bearing or purporting to bear the facsimile signature of the Mayor of the City of Chadron, and such depositories shall be entitled to honor and to charge the account of the City of Chadron for all such checks, drafts, or other orders, regardless of by whom or by what means the facsimile signature thereon may have been affixed thereto, if such facsimile signature resembles the facsimile specimen's duly certified to or filed with the above named banks by the City Clerk of the City of Chadron.

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: 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 5<sup>th</sup> day of January, 2009.

CITY OF CHADRON

\_\_\_\_\_  
Mayor

ATTEST:

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City Clerk

(S E A L)

The Council considered Ordinance No. 1325 on its first reading:

AN ORDINANCE to amend Chapter 2 "Building Regulations," Article 1 "Building Code and Permits," Section 101 "Adoption of Building Code" of Ordinance No. 1000, being the Municipal Code of the City of Chadron, Nebraska; to adopt the current International Property Maintenance 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.

Zoning/Building Official Janet Johnson explained that since City Manager Powell started work for the City, a number of people have inquired about the process to clean up different properties in the

community. After looking at the current process, the process used in other communities was reviewed. It was found that several of the communities are either using or in the process of adopting the International Property Maintenance Code. Ms. Johnson stated that the communities that have adopted the Code, are actively using it for abatements. It was further stated that the Code clearly sets out the process to follow when working with owners of properties needing cleaned up.

The International Property Maintenance Code, is one of the many codes available within the family of the International Building Code. The Council reviewed the proposed ordinance, along with the scope or mission statement for the Code. It was pointed out that the scope includes several provisions affecting issues such as life safety, fire safety and other hazards.

The second reading of Ordinance No. 1325 will be on January 19, 2009. It was also reported that the Property Maintenance Code will be placed on the City's web-site for anyone interested in reading the same. A copy of the Code will also be placed in the City Council's handbooks for the next regular Council Meeting.

City Manager Powell stated that in conjunction with the resolution that was passed at the last Council Meeting to have the appointment date for members of the various boards and commissions be the first regular Council meeting in January of each year, letters were mailed out to individuals with terms that have expired or will be expiring in 2009.

Councilmember Harvey moved to approve appointments and reappointments to the following Boards and Commissions as presented, with an effective date of January 5, 2009:

AIRPORT ADVISORY COMMITTEE

TERM EXPIRATION DATE

Kourt Hageman  
Terri Haynes  
Rod Sandoz

First Council Mtg in January 2011  
First Council Mtg in January 2012  
First Council Mtg in January 2012

AIRPORT ZONING BOARD

Mark Hutton  
Mike Bogner

First Council Mtg in January 2012  
First Council Mtg in January 2013

BUSINESS IMPROVEMENT DISTRICT BOARD

Drew Petersen  
Andie Rising  
Steve Cleveland  
Judd Hageman

First Council Mtg in January 2011  
First Council Mtg in January 2011  
First Council Mtg in January 2012  
First Council Mtg in January 2012

CITIZEN ADVISORY REVIEW COMMITTEE - ECONOMIC DEVELOPMENT PLAN

Rob Bila  
Ron Burke  
John Coates  
Dave Noble

First Council Mtg in January 2011  
First Council Mtg in January 2011  
First Council Mtg in January 2012  
First Council Mtg in January 2012

## COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

Dave Noble	First Council Mtg in January 2011
Senna Reeves	First Council Mtg in January 2011
Bev Bartlett	First Council Mtg in January 2012
Ann Hency	First Council Mtg in January 2012

## HOUSING AUTHORITY

Harold Krueger	First Council Mtg in January 2014
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## LIBRARY BOARD

Doris Harrington	First Council Mtg in January 2013
Teresa Hawk	First Council Mtg in January 2013

## PLANNING COMMISSION

Leah Frye	First Council Mtg in January 2011
Russ Harford	First Council Mtg in January 2011
Marguerite Vey-Miller	First Council Mtg in January 2011
Morgan Muller	First Council Mtg in January 2012
Don Thompson	First Council Mtg in January 2012
Loren Young	First Council Mtg in January 2012

## POLICE RETIREMENT COMMITTEE

Keith Spencer	First Council Mtg in January 2011
Joni Behrends	First Council Mtg in January 2011
Aron Chrisman	First Council Mtg in January 2011
Charles Cressy	First Council Mtg in January 2013
Rick Hickstein	First Council Mtg in January 2013
Tim Lordino	First Council Mtg in January 2013

## TREE BOARD

Kenny Groves	First Council Mtg in January 2011
Charley Snook	First Council Mtg in January 2011
Lori Fredrick	First Council Mtg in January 2012
Bill Roberts	First Council Mtg in January 2012
Doak Nickerson	First Council Mtg in January 2013

## ZONING BOARD OF ADJUSTMENT

Justin Murdock	First Council Mtg in January 2011
Larry Provance	First Council Mtg in January 2011
Rich Halverson	First Council Mtg in January 2012

Seconded by Councilmember Chizek. The following Councilmembers voted Aye: Chizek,

