

CITY COUNCIL MEETING

NO. 2009-03

FEBRUARY 2, 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 2nd day of February, 2009, 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 Megan Failla, Chief of Police Tim Lordino, Finance Officer Melany Hughes, Public Works Director Milo Rust and Zoning/Building Official Janet Johnson. Absent: Councilmember Rob Harvey.

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 Chizek moved to approve the agenda as written and distributed. Seconded by Councilmember Gamby. The following Councilmembers voted Aye: Duncan, Grantham, Gamby, Chizek. The following voted Nay: None. Absent: Harvey. Motion carried.

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

- 1) Minutes for City Council Meeting No. 2009-02, January 19, 2009

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

Alltel	Cell Phone Service	305.36	
American Water Works	Membership Dues	165.00	
Arrow Building Center	Supplies	241.56	
ASPA	Membership Renewal/Powell	100.00	
Assurant	Fire Dept. Insurance	195.50	
Blackhawk Equipment	Parts for Water Dept.	351.54	
Blaine Enterprises	Shipping for Water Testing	105.41	
Brennan Electric	Wall Pack for Street Shop	374.97	
Chadron, City of	Electronic Withdrawal for Payroll	22,766.93	*C/E
Chadron, City of	FICA through 01/20/09	4,416.85	*F
Chadron, City of	Payroll through 01/20/09	35,957.18	*C
Chadron, City of	02/09 Side Fund	20,540.08	*
Chadron Home Center	Parts, Repairs	126.34	
Chadron Wholesale	Supplies for Police Dept.	25.70	
CIS Edaphic Controls	Radon Inspection at City Hall	140.00	
Diamond Lake	Library Materials	78.75	
Farm Plan	Supplies, Parts	385.65	
First National Bank Omaha	Travel Expense/Supplies	615.12	
Galls	Police Dept. Supplies	132.91	
Guardian	02/09 Dental Premium	246.43	*
Hach	Buffer for Water Dept.	52.74	
Hansen, Maruta	01/15-01/28/09 Janitorial Services	200.00	
HD Waterworks	Water Department Repairs	74.49	
Hills Tire & Supply	Tire Repair	61.95	
ICMA	Membership Dues/Powell	600.00	
Ideal Linen	Janitorial Supplies	106.06	
JJ's Engraving	Plaque For Failla	54.50	
KCSR	Advertising Job Openings	60.00	
Miskimins Motors	Vehicle Repair for Police Dept.	29.74	
Mobius	Airport Internet Service	18.99	
Municipal Supply	Parts for Water Dept.	160.88	

NE Dept. Of Environmental Quality	Wastewater Training/Menke	400.00	*
Nebraska DAS Central Finance	Long Distance Service	558.90	
Nebraska Health & Human Services	Test/Books/Application Fee for Menke	272.00	
Nebraska Health Laboratory	Water Testing	123.00	
Nebraska Public Power District	01/09 Electric Service/Light Pole Repair	2,785.09	
Norms Carquest	Parts, Supplies	1,166.11	
North Platte Winnelson	Parts for Water Dept.	223.74	
Northwest Pipe Fittings	Parts for Water Dept.	154.83	
Old Dominion	Street Sweeper Parts	1,430.67	
Outlaw Printers	Letterhead Paper/Envelopes	296.15	
Panhandle Veterinary Clinic	November Animal Boarding	320.00	
Pennington County Sheriff	Evaluation for Chadron Police Dept.	300.00	
Power Plan	Gaskets/Seal for Street Shop	56.08	
Quality Tire	Wheel for Police Dept.	27.00	
Qwest	01/09 Phone Service	1,054.61	
Regional Care	02/09 Employee Health Ben./Select Flex	13,167.25	*
Roberts Electric	Check Christmas Lights	40.00	
Ron's Repair	Parts	15.30	
Shell	12/10/08-1/11/09 Fuel Charges	2,002.99	
Source Gas	Gas Service	7,946.01	
Sturdevants	Repairs for Street Dept.	30.07	
Teledyne Isco	Printer Paper Roll for Water Dept.	51.00	
Todd, Michael & Company	Parts for Street Dept.	139.24	
United States Treasury	4 th Qtr. Excise Tax	77.27	*
Vantage Point Trust 401 Employee	Pension to 01/20/09	2,251.83	*C
Vantage Point Trust 401 Police	Pension to 01/20/09	1,106.36	*C
Wal Mart	Supplies	294.23	
Wahlstrom Ford	Vehicle Repair for Police Dept.	202.81	
Westco	Diesel for Street Shop	2,101.14	
Western Communications	Radio Maintenance	222.00	
Xerox	Staples for Copy Machine	109.00	
TOTAL		127,615.31	

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.

5) Cemetery Annual Report for 2008

The 2008 Annual Report for Greenwood Cemetery was distributed.

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

City Manager Sandy Powell presented a plaque of appreciation to City Attorney Megan Failla, who will be relocating with her family. Powell stated that she will be working with Failla in the transition via long distance communication. Powell also stated that Attorney Failla has been extremely dedicated to the City staff and herself and will be missed.

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

RESOLUTION NO. 2009-04

WHEREAS, The voters of the City of Chadron approved a Community Development Program as a part of the Economic Development Plan which has been adopted by the City Council, pursuant to the authority of Nebraska Revised Statutes 18-2701 through 18-2738; and

WHEREAS, A Community Development Advisory Committee has been appointed by the City Council pursuant to law to review applications for funding through the Community Development Program; and

WHEREAS, The Community Development Program is funded by a portion of City sales tax which was also approved by the voters; and

WHEREAS, A grant application from the Lifespan Wellness Team of Chadron Community Recreation has been received for assistance pursuant to the Economic Development Plan, and the Community Development Advisory Committee has reviewed the application and has voted to recommend that the City Council approve \$5,375.00 towards the purchase of outdoor fitness machines and signage costs.

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

That the grant application of the Lifespan Wellness Team of Chadron Community Recreation for assistance from the Community Development Program funds pursuant to the Local Option Municipal Economic Development Act is hereby approved in an amount of \$5,375.00 to be used towards the purchase of outdoor fitness machines and signage costs.

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: Duncan, Grantham, Gamby, Chizek. 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 2nd day of February, 2009.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

The time being 5:07 p.m., Mayor Grantham opened the public hearing regarding a liquor license application for a Retail Class A, Beer, On Sale Only Liquor License for Pizza Hut of Gordon, Inc. dba Pizza Hut of Chadron, located at 277 Lake Street. Those present and speaking in favor of the application: Henry Kuehl. According to Mr. Kuehl the business will continue to run as it has in the past. He said that Wanda Hessler had done a good job as the manager of the store and will continue to manage the business. Those present and speaking against the application: None. Those speaking in a neutral position: Chief of Police Tim Lordino. Chief Lordino presented his review of the application. There being no further comments, Mayor Grantham closed the hearing at 5:10 p.m.

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

RESOLUTION NO. 2009-05

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

WHEREAS, the application of Pizza Hut of Gordon, Inc. dba Pizza Hut of Chadron was submitted to the Nebraska Liquor Control Commission as per Section 53-131 of the Nebraska Liquor Control Act for the issuance of a "Retail Class A, Beer, On Sale Only Liquor License, to be located at 950 West 10th Street, Chadron, Dawes County, Nebraska; and

WHEREAS, said application was submitted to the City Council for examination and hearing in accordance with the Nebraska Liquor Control Act and the Municipal Code and notice was published on January 21, 2009, and notice was given to the applicant, and hearing was held on February 2, 2009, before the City Council, of the City of Chadron, Nebraska.

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

1. Notice of the hearing on said application was duly published and given to the applicant, and the City Council having heard all of the evidence, witnesses, and arguments presented to it, being fully advised in the premises, recommends that a "Retail Class A, Beer, On Sale Only Liquor License be issued to Pizza Hut of Gordon, Inc. dba Pizza Hut of Chadron at 950 West 10th Street.

2. The cost of the published notice in this matter is \$_____.

3. The City Clerk is hereby directed to send a copy of this Resolution by first class mail 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: Duncan, Grantham, Gamby, Chizek. 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 2nd day of February, 2009.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

The time being 5:11 p.m., Mayor Grantham opened the public hearing for the One and Six-Year Street Plan for 2009. Street Superintendent Terry Birnbaum and Public Works Director Milo Rust presented the plan and informed the Council of future street maintenance and construction plans. Those speaking in favor: None. Those speaking against: None. Those speaking in a neutral position: Terry Birnbaum and Milo Rust. Councilmembers Duncan and Chizek asked for clarification on some items. There being no further comments or questions with regard to the One and Six Year Street Plan, Mayor Grantham closed the public hearing at 5:15 p.m.

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

RESOLUTION NO. 2009-06

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

1. A public hearing on the One and Six Year Street Improvement Plan for the City of Chadron for the fiscal year 2009, as prepared by Milo Rust, Public Works Director and Terry Birnbaum, Street Superintendent, has been held pursuant to notice and all persons requesting to be heard have been given an opportunity to be heard during such hearing.

2. The City Council, having reviewed the Plan and having heard all persons appearing before it during the above hearing and being fully advised in the premises, does hereby approve the One and Six Year Street Improvement Plan for the fiscal year 2009.

The foregoing Resolution having been read, Councilmember Gamby seconded the motion for the passage of the Resolution, and after consideration thereof, the roll was called on the passage and adoption of said Resolution and the following Councilmembers voted Aye: Duncan, Grantham, Gamby, Chizek. 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 2nd day of February, 2009.

CITY OF CHADRON

ATTEST:

City Clerk

(S E A L)

John Baker of Baker and Associates reported on the recent bid opening for the wastewater treatment facility. Barry Swanson from Baker and Associates was also present to answer questions from the Council. Mr. Baker indicated there had been a lot of interest, but only two bids were received. Paul Reed Construction and Supply, Gering, NE had a base bid of \$6,565,747.00 and J. Scull Construction Services, Rapid City, SD had a base bid of \$5,449,700.00. The engineer's estimate was \$4,759,384.65.

Mr. Baker attributed the low number of bidders and the high bids to concerns with some of the unknowns surrounding the existing sludge quantity and the integrity of the current cells one and two. The engineers' were also of the opinion that several items in the bid were inflated, such as the electrical bid line item. Several options are available which would reduce initial cost. It was suggested rebidding the project with adaptations. Baker said construction could still start in mid-March. City Manager Sandy Powell made the recommendation to reject the two bids, revamp the specifications and schedule a new bid opening date of February 26, 2009.

Councilmember Chizek moved to reject bids as presented for the wastewater treatment facility and to rebid the project with a new scope, which would include removal of major dirt work/sludge and irrigation system from the project. Seconded by Councilmember Duncan. The following Councilmembers voted Aye: Duncan, Grantham, Gamby, Chizek. The following voted Nay: None. Absent: Harvey.

The Council considered Ordinance No. 1325 on its third and final 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.

The following individuals commented on the ordinance: Zoning/Building Official Janet Johnson, Margureite Vey-Miller, Bev Bartlett, City Manager Sandy Powell, Councilmembers Steve Duncan, John Chizek, John Gamby; Ron Miller, City Attorney Megan Failla and Jody Applegarth.

Councilmember Chizek introduced amendments to Ordinance No. 1325 as follows and moved for their approval:

101.1 insert [Name of Jurisdiction] with **City of Chadron**.

- 302.4 insert (jurisdiction to insert height in inches) with **12 inches**
- 304.14 insert [Date} to [Date] with **April 1st to November 1st**
- 602.3 insert [Date] to [Date] with **October 1st to May 1st**
- 602.4 insert [Date] to [Date] with **October 1st to May 1st**
- 604.2 change ICC Electrical Code to **NEC Electrical Code**

Councilmember Duncan seconded the motion with the following Councilmembers voting Aye: Duncan, Grantham, Chizek. The following voted Nay: Gamby. Absent: Harvey. Motion carried.

Councilmember Chizek moved for the approval of Ordinance No. 1325 as amended. Seconded by Councilmember Duncan. The following Councilmembers voted Aye: Duncan, Grantham, Chizek. The following voted Nay: Gamby. Absent: Harvey. Ordinance No. 1325 was approved as amended on the final reading.

The Council considered Ordinance No. 1326 on its first reading:

AN ORDINANCE to amend Chapter 2 “Building Regulations,” to Enact Article 3 “Problem Resolution Team”, 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.

The second reading of Ordinance No. 1326 will be on February 16, 2009.

The Council considered Ordinance No. 1327 on its first reading:

AN ORDINANCE to amend Chapter 2 “Building Regulations,” to Enact Article 4 “Board of Appeals”, 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.

The second reading of Ordinance No. 1327 will be on February 16, 2009.

Street Superintendent Terry Birnbaum updated the Council regarding the recent enactment of the snow emergency routes in the city. He thought the process went well in spite of some confusion about removal of vehicles.

Police Chief Tim Lordino indicated there was some confusion regarding the abandoned vehicle ordinance. He said the ordinance does not affect private properties, but rather vehicles abandoned without permission of the property owner.

Public Works Director Milo Rust informed the Council of his upcoming trip to Washington, D.C., as a western Nebraska AWWA representative. The Council offered congratulations.

Finance Officer Melany Hughes reported on the decrease in revenue due to lower sales tax receipts. The decrease is approximately 17 percent for November 2008 as compared with November 2007.

City Manager Sandy Powell commended the staff for their hard work on the wastewater project. She reminded all that the state Legislature is in session and there are several bills she is monitoring. Management is continuing its work on updating the City Code. In light of lower revenues, the City will also be looking at budget cuts and the staff has been asked to spend wisely.

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

RESOLUTION NO. 2009-08

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 February 2, 2009, 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: Duncan, Grantham, Gamby, Chizek. 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 2nd day of February, 2009.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

All of the Councilmembers conveyed best wishes to Megan Failla and her family.

Councilmember Gamby moved to adjourn the meeting at 7:16 o'clock P.M. Seconded by Councilmember Chizek. The following Councilmembers voted Aye: Duncan, Grantham, Gamby, Chizek. 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 February 2, 2009 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)