

CITY COUNCIL MEETING

NO. 2009-09

APRIL 6, 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 6th day of April, 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, Police Chief Tim Lordino, Public Works Director Milo Rust, and Zoning/Building Official Janet Johnson. Absent: Finance Officer Melany Hughes.

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: Harvey, Duncan, Grantham, Gamby, Chizek. 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. 2009-07, March 16, 2009 and Special City Council Meeting No. 2009-08, March 30, 2009

The Minutes were approved as written and distributed.

- 2) Correspondence

The Council received a letter advising that the City of Chadron has received the Tree City USA award for 2008.

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

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|-----------------------------------|--|-----------|------|
| Alltel | Cell Phone Service | 311.74 | |
| American Public Works Assn. | Membership Fees/Rust | 226.00 | |
| Arrow Building Center | Paint/Supplies | 234.93 | |
| Bartlett, Mike | Faucet Repair at City Hall | 72.17 | |
| Bauerkempers | Repairs for Water Dept. | 6.38 | |
| Century Business Products | Library Copier Lease | 59.50 | |
| Chadron, City of | Electronic Withdrawal for 3/17/09 Payroll | 23,997.65 | *C/E |
| Chadron, City of | Electronic Withdrawal for 3/31/09 Payroll | 23,654.59 | *C/E |
| Chadron, City of | 04/09 Side Fund | 19,368.36 | * |
| Chadron, City of | FICA through 03/17/09 | 4,644.90 | *F |
| Chadron, City of | FICA through 03/31/09 | 4,548.63 | *F |
| Chadron, City of | Payroll through 03/17/09 | 38,651.11 | *C |
| Chadron, City of | Payroll through 3/31/09 | 37,736.09 | *C |
| Chadron, City of | Utility Refunds | 140.00 | |
| Chadron Concrete | Cement | 370.00 | |
| Chadron Glass | Safety Glass/Terminal Door at Airport | 2,142.50 | |
| Chadron Wholesale | Supplies | 61.93 | |
| Deeter Foundry | Repairs for Water Dept. | 224.70 | |
| Edmund, Adam | 03/09 Legal Services | 3,320.80 | |
| Farm Plan | Supplies | 367.08 | * |
| Feld Equipment | Fire Dept. Supplies | 1,049.00 | |
| Fire Rescue | Subscription for Fire Dept. | 41.95 | |
| First National Bank Omaha | Travel Expense/Supplies | 1,651.71 | |
| First National Financial Services | 3 rd Installment Insurance Premiums | 25,867.99 | |
| Guardian | 04/09 Dental Premium | 246.43 | * |
| Hansen, Maruta | 03/12-04/01/09 Janitorial Services | 280.00 | |

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| Hawkins | Chlorine for Water Dept. | 620.50 | |
| HD Waterworks | Repairs for Water Plant | 65.67 | |
| Henkens Equipment | Parts/Repairs | 552.96 | |
| Hills Materials | Road Base | 3,847.18 | |
| Ideal Linen | Janitorial Supplies | 65.26 | |
| Johnson Trucking | Truck Towing | 300.00 | |
| LA Sign & Screen Printing | Handi Bus Lettering | 380.00 | |
| Lawson Products | Paint for Wastewater Dept. | 115.65 | |
| Metal Products | Parts for Street Dept. | 199.14 | |
| Midwest Mailing | Supplies | 6.00 | |
| Miskimins Motors | Repairs | 190.93 | |
| Mobius | Internet for Airport | 18.99 | |
| NE Dept. Of Health & Human Services | Swimming Pool Operators' Clinic | 160.00 | |
| Nebraska DAS | Long Distance Service | 534.96 | |
| Nebraska Dept. Of Economic Dev. | CDBG Recertification | 105.00 | |
| Nebraska Dept. Of Economic Dev. | Your Selling Team Payment | 2,976.19 | |
| Nebraska Machinery | Parts for Airport | 225.14 | |
| Nebraska Public Health Dept. | Water Testing | 114.00 | |
| Nebraska Public Power District | 03/09 Electric Service | 193.59 | * |
| Nebraska Public Power District | 03/09 Electric Service | 7,174.85 | |
| Newman Traffic Signs | Signs for Street Dept. | 1,424.00 | |
| Norms | Parts/Supplies | 304.18 | |
| Old Dominion Brush | Parts for Street Sweeper | 1,688.28 | |
| Outlaw Printers | Shirts/Embroidery/Stickers | 354.00 | |
| Panhandle Veterinary Clinic | 01/09-02/09 Animal Boarding | 610.00 | |
| Personnel Policy Service | Personnel Policy Book | 427.00 | * |
| Petersen Drug | Pharmacy Supplies | 79.44 | |
| Peterson Locksmith | Lock Repair for Parks Dept. | 35.50 | |
| Powell, Sandy | Travel Reimbursement | 5.00 | |
| Quality Tire | Tire Repair | 12.00 | |
| Qwest | Phone Service for Police Dept. | 215.95 | |
| Qwest | Phone Service | 838.55 | * |
| Regional Care | 04/09 Emp. Health Benefits/Select Flex | 12,236.14 | * |
| Ron's Repair | Strap Iron/Ladder | 56.65 | |
| Shell | Gas Charges from 2/10-3/10/09 | 2,465.35 | * |

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|----------------------------------|---------------------------------------|-------------------|----|
| Simon Contractors | Cold Mix for Street Dept. | 1,039.20 | |
| Source Gas | 03/09 Gas Service | 4,499.01 | * |
| Star Herald | Subscription for City Hall | 126.50 | |
| Sturdevants | Parts/Repairs | 149.65 | |
| SWANN | 03/09 Collections | 59,060.70 | |
| Treat America Food Services | Food at Training Center/Hansen | 43.12 | |
| US Postmaster | 04/09 Utility Bills Postage | 450.12 | * |
| Vantage Point Trust 401 Employee | Pension to 03/17/09 | 2,196.88 | *C |
| Vantage Point Trust 401 Employee | Pension to 3/31/09 | 2,260.96 | *C |
| Vantage Point Trust 401 Police | Pension to 03/17/09 | 1,033.10 | *C |
| Vantage Point Trust 401 Police | Pension to 3/31/09 | 1,056.71 | *C |
| Wahlstrom Ford | Parts for Street Dept. | 166.76 | |
| Waite, McWha and Harvat | Legal Services | 104.50 | |
| Wal Mart | Supplies | 343.06 | |
| Westco | Diesel/Gas | 1,173.79 | |
| Western Communications | Monthly Radio Maint. for Police Dept. | 222.00 | |
| Xerox | Monthly Copier Lease/Copies | 566.76 | |
| TOTAL | | 302,367.01 | |

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

Police Chief Tim Lordino introduced new Police Officer Christopher J. Hughes and administered the Oath of Service.

Inez Buck representing EMC Insurance Company presented a dividend check to the City in the amount of \$18,489.25 as a reward for practicing safety.

The time being 5:08 p.m., Mayor Grantham opened the public hearing regarding a Liquor License Application for a Retail Class C, Spirits, Wine, Beer, On & Off Sale, Liquor License for

Bordo's dba Red Zone. Those speaking in favor of the application: Matt Miskimins. Those speaking against the application: None. Those speaking in a neutral position: Chief of Police Tim Lordino. Police Chief Tim Lordino recommended approval of the license. Mayor Grantham closed the public hearing at 5:22 p.m.

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

RESOLUTION NO. 2009-15

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

WHEREAS, the application of Bordo's, LLC dba Red Zone 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 C, Spirits, Wine, Beer, On and Off Sale, Liquor License, to be located on Lots 30, 31, 32, 33, 34 and 35 in Block 12, of the Original Town (now City) of Chadron, Dawes County, Nebraska, also described as 247 Bordeaux Street; 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 March 25, 2009, and notice was given to the applicant, and hearing was held on April 6, 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 C, Spirits, Wine, Beer, On and Off Sale, Liquor License be issued to Bordo's, LLC dba Red Zone at 247 Bordeaux 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 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: Harvey, Duncan,

Grantham, Gamby, Chizek. Voting 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 6th day of April, 2009.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

Mayor Grantham declared the month of April as Fair Housing Month.

Mayor Grantham declared the month of April as Parliamentary Emphasis Month. Jim Wilburn was present to receive the proclamation.

Vicky Elder, Executive Director for the Chadron Housing Authority, gave a report on Section 8 Management Assessment Program (SEMAP) for Fiscal Year ending 12/31/2008. Councilmember Gamby moved to give Vicky Elder a vote of confidence for the manner in which she has improved the program in such a short period of time. Seconded by Chizek with the following Councilmembers voting Aye: Harvey, Duncan, Grantham, Gamby, Chizek. Voting Nay: None. Motion carried.

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

RESOLUTION NO. 2009-16

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

The Financial Report of the City of Chadron, as prepared by George W. Klein, CPA, for the fiscal year ending September 30, 2008 is hereby accepted and filed with the City Clerk.

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: Harvey, 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 6th day of April, 2009.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

The Council considered Ordinance No. 1326 on its third and final 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 following individuals spoke regarding the Ordinance: John Axtell, James Wilburn, and Joseph Applegarth.

Councilmember Chizek moved that Ordinance No. 1326 be approved on its third and final reading. Seconded by Councilmember Duncan with the following Councilmembers voting Aye: Duncan, Grantham, Gamby, Chizek. Voting Nay: Harvey. Ordinance No. 1326 was passed and adopted on its third and final reading.

The Council considered Ordinance No. 1327 on its third and final 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.

Councilmember Chizek moved that Ordinance No. 1327 be approved on its third and final reading. Seconded by Councilmember Duncan with the following Councilmembers voting Aye: Duncan, Grantham, Gamby, Chizek. Voting Nay: Harvey. Ordinance No. 1327 was passed and adopted on its third and final reading.

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

RESOLUTION NO. 2009-17

WHEREAS, the City of Chadron currently has certain maintenance and nuisance laws pertaining to property, and has also adopted the International Property Maintenance Code; and

WHEREAS, the City Council recognizes that changes may need to be made to these laws to ensure that no conflict exists between the requirements and that the needs of the community are met; and

WHEREAS, a function of the Problem Resolution Team is to advise the City Council regarding maintenance and nuisance laws; and

WHEREAS, the Board of Appeals is to be educated as to the intent and requirements of the property maintenance and nuisance law so that sound decisions may be made during the appellate process;

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

1. Once established, the Problem Resolution Team and the Board of Appeals shall first review the existing Municipal Code and the International Property Maintenance Code as they relate to property maintenance\ nuisance issues and ensure that no conflicts exist between the existing requirements. Furthermore, the Problem Resolution Team and the Board of Appeals shall be charged with ensuring that all maintenance and nuisance regulations shall meet the needs of the community of Chadron.
2. The Problem Resolution Team and the Board of Appeals will make any necessary recommendations for revision to the Municipal Code and International Maintenance Code for the City Council's consideration.

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

After consideration thereof, Councilmember Harvey moved to amend Resolution No. 2009-17, to state that the Problem Resolution Team and the Board of Appeals shall suspend enforcement of the International Property Maintenance Code until such time that the International Property Maintenance Code shall meet the needs of the community by being revised accordingly. Seconded by Councilmember Gamby. The following voted Aye: Harvey, Duncan Grantham, Gamby, Chizek. The following voted Nay: None. Motion carried.

After further consideration, the roll was called on the passage and adoption of said Resolution as amended. The following Councilmembers voted Aye: Harvey, 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 6th day of April, 2009.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(SEAL)

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

RESOLUTION NO. 2009-18

WHEREAS, the City of Chadron has in the past participated in the Federal Transportation Administration Chadron Public Transportation System by receiving Federal Financial Assistance through a grant for the same; and

WHEREAS, the City finds that said program is beneficial to the citizens of the City with special emphasis on meeting the needs of the elderly and handicapped and desires to apply for a new grant.

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

1. The Grant Application, as prepared and presented for Federal Financial Assistance, to continue the Chadron Public Transportation System program for the fiscal year July 2009 - June 2010, is hereby approved and adopted.

2. The City Manager is hereby authorized and directed to execute an Application for Public Transportation Assistance 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: Harvey, 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 6th day of April, 2009.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

Library Director Rossella Tesch presented the Annual Library Report.

Police Chief Tim Lordino reported on a compliance check conducted on April 30, 2009, and the recent striping of the Handi Bus. He indicated that the department is now at full staff and commended the Civil Service Commission, City Manager, and staff. He also thanked the Public Works Department for the excellent job of snow removal.

Public Works Director Milo Rust reported on snow removal and thanked the public for their support. In addition, he informed the Council of his recent trip to Washington, D.C., as a Nebraska AWWA representative.

Councilmember Gamby moved to adjourn the meeting at 6:18 o'clock P.M. Seconded by Councilmember Chizek. The following Councilmembers voted Aye: Harvey, Duncan, Grantham, Gamby, Chizek. 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 April 6, 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)