

CITY COUNCIL MEETING

NO. 2009-12

MAY 18, 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 18th day of May, 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: Gamby, Chizek, Harvey, Duncan, Grantham. 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. 2009-11, May 4, 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

| | | | |
|----------------------------------|---|-----------|------|
| ABC Electric | Install Outside Outlet/Traffic Bulbs/Etc. | 845.07 | |
| Arrow Building Center | Garage Door Section/Gate | 587.45 | |
| Baker & Taylor Books | Library Books | 886.61 | |
| Bauerkempers | Lawn Mower Repair | 233.61 | |
| Black Hills Weekly | 04/09 Ads | 488.13 | |
| Blaine Enterprises | Water Sample Shipping | 71.70 | |
| Bluffs Sanitary | Chlorine for Pool | 872.50 | |
| Century Business Products | Library Copier Lease | 59.50 | |
| Chadron, City of | Electronic Withdrawal for 5/12/09 Payroll | 24,100.51 | *C/E |
| Chadron, City of | FICA through 5/12/09 | 4,608.54 | *F |
| Chadron, City of | Payroll through 5/12/09 | 38,073.68 | *C |
| Chadron Community Recreation | 3 rd Quarter Payment | 750.00 | |
| Chadron Concrete | Concrete/Reinforcer | 826.00 | |
| Chadron Home Center | Supplies | 7,086.99 | |
| Chadron Housing Authority | 3 rd Quarter Payment | 750.00 | |
| Chadron Machine Shop | Valve Job for Street Dept. | 394.43 | |
| Chadron Volunteer Fire Dept. | Expenses for Fire School | 3,010.00 | * |
| Contractors Materials | Shovel for Street Dept. | 24.00 | |
| Culligan | Bottled Water for Airport | 46.25 | |
| Dawes County Chamber of Commerce | 3 rd Quarter Payment | 1,500.00 | |
| Deerfield Seminars | Wage Seminar/Hardman | 198.00 | |
| Demco | Office Supplies | 579.28 | |
| ESRI | Software Maintenance for Zoning | 400.00 | |
| Feld Equipment | Filter Cartridges for Fire Dept. | 678.00 | |
| Gale | Library Materials | 116.85 | |
| Great Plains Communications | Internet Service | 107.40 | |
| Great Plains One Call Service | Locate Requests | 58.04 | |
| Hansen, Maruta | Janitorial Services | 200.00 | |
| Henkens Equipment | Parts for Street Dept. | 5.44 | |
| Hutton, Mark | 05/09 Operations Contract | 3,399.00 | |
| Ideal Linen | Janitorial Supplies | 382.61 | |

| | | | |
|-------------------------------------|---|-----------|----|
| Ingram | Library Materials | 223.30 | |
| International Code Council | Books for Zoning | 317.00 | |
| Jacks Uniforms & Equipment | Police Uniforms | 68.89 | |
| Keep Chadron Beautiful | 3 rd Quarter Payment | 1,000.00 | |
| League of Nebraska Municipalities | Finance Conference/Hughes & Rust | 734.00 | |
| Linweld | Argon Cylinders | 14.95 | |
| MES-MIDAM | Supplies for Fire Dept. | 387.29 | |
| Metal Products | Gutters Installation and Repair for Library | 559.00 | |
| Mid American Specialties | Summer Reading Program Supplies | 142.11 | |
| Midwest Mailing | Rate Card for Postage Machine | 260.00 | |
| Municipal Supplies | Water Dept. Repairs | 103.49 | |
| NE Commission on Law Enforcement | Training/Chrisman | 75.00 | |
| Nebraska Dept. Of Economic Dev. | Your Selling Team Payment | 2,976.19 | |
| Nebraska NW Development Corp. | 3 rd Quarter Payment | 5,000.00 | |
| Nebraska Public Power District | 04/09 Electric Service | 1,008.21 | |
| Nebraska Public Power District | 04/09 Electric Service | 6,760.89 | * |
| Nebraska Salt & Grain | Salt for Street Dept. | 1,680.39 | |
| Norms | Parts/Supplies | 178.56 | |
| Northwest Rural Public Power | Rural Electric Service | 6,503.63 | |
| Old Dominion | Sweeper Parts | 1,426.29 | |
| Pests Go | Fire Hall Pest Control | 180.00 | |
| Petersen Drug | Tapes for Police Dept. | 15.98 | |
| Pine Ridge Garden Center | Edging for Library | 19.99 | |
| Public Safety Center | Supplies for Fire Dept. | 96.59 | |
| Quality Tire | Tires/Tire Repair | 384.00 | |
| Quill | Office Supplies | 183.92 | |
| Qwest | Phone Service | 244.68 | |
| RSVP | 3 rd Quarter Payment | 1,000.00 | |
| Sandhills Computer | Internet for Street Dept. | 29.00 | |
| Servicemaster | Carpet Cleaning at Library | 642.40 | |
| SWANN | 04/09 Collections | 48,887.42 | * |
| Treat America Food Services | Training Meals/Hughes & Chrisman | 1,154.26 | |
| USI | Library Office Supplies | 83.79 | |
| Vantage Point Trust 401 Employee | Pension to 5/12/09 | 2,060.22 | *C |
| Vantage Point Trust 401 Employee #3 | Pension to 5/12/09 | 178.23 | *C |
| Vantage Point Trust 401 Police | Pension to 5/12/09 | 1,097.69 | *C |

| | | |
|------------------------|---------------------|-------------------|
| Western Communications | Siren Maintenance | 110.00 |
| WPCI | Random Drug Testing | 198.00 |
| Xerox | Copier Lease/Copies | 688.83 |
| TOTAL | | 178,013.78 |

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) Monthly Reports

Copies of the monthly Treasurer's Report and Water Report were received by the Council.

6) Proclamation for Chadron Poppy Day

It was reported that Mayor Grantham had recently signed a proclamation declaring Saturday, May 16, 2009, as Chadron Poppy Day.

7) Fire Department Membership Update

A letter from the Chadron Volunteer Fire Department, advising of changes in its membership as of April 17, 2009, was received by the Council. It was noted that Tony Hudson had resigned from the Department. As of April 17, 2009, the Fire Department has 41 active members.

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

The Council received a written request from Robby Rhembrandt, requesting permission to use the City reservoirs for rescue diving practice. In his letter to the Council, Mr. Rhembrandt stated that he is a PADI Advance Open Water Diver 1 and that he needs a site to practice and keep up on skills needed to be part of a dive rescue team. He further stated in his letter that he would ensure that all safety precautions would be taken. There would be a second person present when he is diving and that he would make sure the Police Department and Water Department were notified before there was any diving.

Mr. Rhembrandt was not present at the meeting to speak in support of his request. The City Code provides that it shall be unlawful for any person to swim at the City

reservoirs, except by permission of the City Council by resolution. Council discussion was held as to the City's liability and the potential for others wishing to dive and swim at the City reservoirs.

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

RESOLUTION NO. 2009-28

WHEREAS, Robby Rhembrandt is a PADI Advance Open Water Diver and has submitted a written request to use the City Reservoirs as a site to practice and keep up on skills needed to be part of a dive rescue team; and

WHEREAS, the City Code provides that it shall be unlawful for any person to swim at the City Reservoirs, except by permission of the City Council.

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

The City Council having reviewed said request and being fully advised in the premises does hereby authorize Robby Rhembrandt and a second person who will be accompanying him, to dive and swim in the City Reservoirs for the sole purpose of rescue diving practice, with the understanding that the City Water Department and Police Department will be notified before there is any training conducted at the City Reservoirs.

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: Gamby, Grantham. The following voted Nay: Chizek, Harvey, Duncan. The passage of the Resolution having not been consented to by more than a majority of the members elected to the Council was declared not passed and adopted this 18th day of May, 2009.

CITY OF CHADRON

DID NOT PASS
Mayor

ATTEST:

DID NOT PASS
City Clerk

(S E A L)

Mackenzie Welch and Kendra Johnson, representing the Chadron Youth Council, were in attendance and gave a report on Council activities. The Chadron Youth Council is currently working with the Boys and Girls Club to help promote the Teen Center. The members of the Council toured the current facility and are working on ideas to improve the facility to attract teens to the Center. Some of the suggested improvements include: painting, wall art, and music.

Mark Hutton, Airport FBO/Operations Supervisor, was scheduled to address the Council, but was unable to be present.

Brenda Johnson, Executive Director, Nebraska Northwest Development Corporation, was unable to attend the meeting but her written report was distributed.

Darin and Temple Garman were present at the meeting to request approval of an application for a Special Designated License for Fur Trade Days. It was proposed that the outdoor beer garden and dance area be expanded to include the sidewalk area and the east half of the 100 Block of Main Street. Considerable discussion was held with regard to safety issues, emergency access, barricades, signage, traffic flow, law enforcement. Ms Garman noted the procedures the liquor establishment will be using to police the area.

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

RESOLUTION NO. 2009-29

WHEREAS, Darin L. Garman dba Wrecker's Roadhouse, 164 Main Street, Chadron, NE 69337, has applied for Special Designated Licenses from the Nebraska Liquor Control Commission, and the City Council finds that the Special Designated Licenses 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 9, 2009; Friday, July 10, 2009 and Saturday, July 11, 2009, 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 a locked beer storage trailer located north of 164 Main Street, Chadron, Nebraska.

2. It is recommended that approval be granted for Special Designated Licenses to Wrecker's Roadhouse on Thursday, July 9, 2009; Friday, July 10, 2009 and Saturday, July 11, 2009, 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 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 Grantham 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: Gamby, Chizek, Harvey, Duncan, Grantham. 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 18th day of May, 2009.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

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

RESOLUTION NO. 2009-30

WHEREAS, JEDI Enterprises, Ltd. dba Over Draft Lounge, License #C-66944, 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 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 A.M. on Saturday, June 6, 2009, at the Chadron Arts Center, in an area which is 40' x 60' and located at 371 King Street, Chadron, Nebraska.

2. It is recommended that approval be granted for a Special Designated License to JEDI Enterprises dba Over Draft Lounge, Chadron, NE 69337, between the hours of 3:00 o'clock P.M. and 12:00 A.M. on Saturday, June 6, 2009, at the Chadron Arts Center, in an area which is 40' x 60' and located at 371 King Street, Chadron, Nebraska, for a 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 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 Council members voted Aye: Gamby, Chizek, Harvey, Duncan, Grantham. 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 18th day of May, 2009.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

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

RESOLUTION NO. 2009-31

WHEREAS, WAZEE, LLC, 855 West Highway 20, 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 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 5:00 o'clock P.M. and 7:00 o'clock P.M. on Friday, May 22, 2009, in an indoor area, which area is 50 feet x 100 feet, and an outdoor area, which area is 100 feet x 150 feet, located at 855 West Highway 20, Chadron, Nebraska.

2. It is recommended that approval be granted for a Special Designated License to Wazee LLC, 855 West Highway 20, between the hours of 5:00 o'clock P.M. and 7:00 o'clock P.M. on Friday, May 22, 2009, in an indoor area, which area is 50 feet x 100 feet, and an outdoor area, which area is 50 feet x 100 feet, located at 855 West Highway 20, for an dance, beer garden, sampling/tasting event, 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 Councilmembers voted Aye: Gamby, Chizek, Harvey, Duncan, Grantham. 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 18th day of May, 2009.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

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

RESOLUTION NO. 2009-32

WHEREAS, WAZEE, LLC, 855 West Third Street, 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 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 5:00 o'clock P.M. and 7:00 o'clock P.M. on Monday, June 22, 2009, in an indoor area, which area is 50 feet x 100 feet, and an outdoor area, which area is 100 feet x 150 feet, located at 855 West Highway 20, Chadron, Nebraska.

2. It is recommended that approval be granted for a Special Designated License to Wazee LLC, 855 West Highway 20, between the hours of 5:00 o'clock P.M. and 7:00 o'clock P.M. on Monday, May 22, 2009, in an indoor area, which area is 50 feet x 100 feet, and an outdoor area, which area is 50 feet x 100 feet, located at 855 West Highway 20, for an dance, beer garden, sampling/tasting event, 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: Gamby, Chizek, Harvey, Duncan, Grantham. 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 18th day of May, 2009.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

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

RESOLUTION NO. 2009-33

WHEREAS, WAZEE, LLC, 855 West Third Street, 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 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 12:00 o'clock P.M. and 6:00 o'clock P.M. on Saturday, July 11, 2009, in an indoor area, which area is 50 feet x 100 feet, and an outdoor area, which area is 100 feet x 150 feet, located at 855 West Highway 20, Chadron, Nebraska.

2. It is recommended that approval be granted for a Special Designated License to Wazee LLC, 855 West Highway 20, between the hours of 12:00 o'clock P.M. and 6:00 o'clock P.M. on Saturday, July 11, 2009, in an indoor area, which area is 50 feet x 100 feet, and an outdoor area, which area is 50 feet x 100 feet, located at 855 West Highway 20, for an dance, beer garden, sampling/tasting event, 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: Gamby, Chizek, Harvey, Duncan, Grantham. 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 18th day of May, 2009.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

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

RESOLUTION NO. 2009-34

WHEREAS, WAZEE, LLC, 855 West Third Street, 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 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 12:00 o'clock P.M. and 9:00 o'clock P.M. on Saturday, August 1, 2009, in an indoor area, which area is 50 feet x 100 feet, and an outdoor area, which area is 100 feet x 150 feet, located at 855 West Highway 20, Chadron, Nebraska.

2. It is recommended that approval be granted for a Special Designated License to Wazee LLC, 855 West Highway 20, between the hours of 12:00 o'clock P.M. and 9:00 o'clock P.M. on Saturday, August 1, 2009, in an indoor area, which area is 50 feet x 100 feet, and an outdoor area, which area is 50 feet x 100 feet, located at 855 West Highway 20, for an dance, beer garden, sampling/tasting event, 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: Gamby, Chizek, Harvey, Duncan, Grantham. 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 18th day of May, 2009.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

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

RESOLUTION NO. 2009-35

WHEREAS, WAZEE, LLC, 855 West Third Street, 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 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 12:00 o'clock P.M. and 9:00 o'clock P.M. on Friday, August 7, 2009, in an indoor area, which area is 50 feet x 100 feet, and an outdoor area, which area is 100 feet x 150 feet, located at 855 West Highway 20, Chadron, Nebraska.

2. It is recommended that approval be granted for a Special Designated License to Wazee LLC, 855 West Highway 20, between the hours of 12:00 o'clock P.M. and 9:00 o'clock P.M. on Friday, August 7, 2009, in an indoor area, which area is 50 feet x 100 feet, and an outdoor area, which area is 50 feet x 100 feet, located at 855 West Highway 20, for an dance, beer garden, sampling/tasting event, 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 Councilmembers voted Aye: Gamby, Chizek, Harvey, Duncan, Grantham. 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 18th day of May, 2009.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

Parks and Cemetery Superintendent Scott Schremmer and Chief of Police Tim Lordino appeared before the Council to explain the vandalism that is occurring in the City Parks, especially the Wilson Park.

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

RESOLUTION NO. 2009-36

WHEREAS, the City of Chadron has jurisdiction over certain property; and

WHEREAS, the City continues to look for ways to reduce crime and vandalism within its city limits;

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

- I. All public parks and ball fields within the City which are under the control and supervision of the City shall be open between the hours of sunrise and sunset.
- II. Extended hours may be approved through a Chadron Facility Use agreement prior to the event.
(Neb Rev. Stat. 16-246)

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

Upon further discussion, Councilmember Chizek moved to postpone the vote on Resolution No. 2009-36 until a later date. Seconded by Councilmember Harvey. After consideration thereof, the roll was called on the passage and adoption of said motion. The following Councilmembers voted Aye: Gamby, Chizek, Harvey, Duncan, Grantham. The following voted Nay: None. Motion carried.

CITY OF CHADRON

DO NOT SIGN/
VOTE ON RESOLUTION - POSTPONED
Mayor

ATTEST:

DO NOT SIGN/
VOTE ON RESOLUTION - POSTPONED
City Clerk

(S E A L)

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

RESOLUTION NO. 2009-37

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

1. Progress Estimate No. 1 filed with the Clerk by the Special Engineer of the City, showing the amount of material furnished and work performed in the City under contract heretofore let for the construction of improvements in the Chadron Wastewater Treatment Facility Project; and the statements of the Special Engineer and others set out below are hereby approved; and the Council finds that the materials therein set out have been furnished and have been received by the City and work has been performed and claims therefore are hereby allowed as follows:

FISCHER CONSTRUCTION, INC.

| | |
|--|----------------|
| Total Estimated Quantity Contract Amount | \$4,092,313.00 |
| Total Value of Work & Materials | \$ 61,500.00 |
| Less Amount Paid (Previous Estimates) | \$0.00 |
| Less Retainage (10%) | \$ 6,150.00 |
| Total Claim | \$55,350.00 |

2. That Fischer Construction be paid the sum of \$55,350.00 for materials furnished and work performed in the Chadron Wastewater Treatment Facility Project.

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: Gamby, Chizek, Harvey, Duncan, Grantham. 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 18th day of May, 2009.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

The Council considered the following names for appointment to the Problem Resolution Team and Appeals Board:

PROBLEM RESOLUTION TEAM

TO REPRESENT INSOFAR AS POSSIBLE:

Tim Lordino, Chief of Police
Lisa Westerbuhr
Sarah Baumgarten
Adam Edmund
Janet Johnson
John Gamby
Dale Grant
NE State Fire Marshal or Chadron
Fire Department Representative
Billy G. Barth
Rebecca Christian

Chadron Police Department
Member at Large
Social Services Representative
City Attorney
Building Inspector
City Council Representative
Chadron State College Representative

Kristin K. Johnson, MD
OR
R.M. Penor, MD

Pat Gould
Owner of a Non-owner Occupied Property
Community or Housing Development
Corporation Representative

Physician

It was noted that two individuals have indicated an interest in the physician position. Kristin K. Johnson is a current member of the Health Board. R.M. Penor also submitted a letter of interest. The Council agreed to vote on the two individuals interested in the physician position by written ballot. The Clerk reported that Kristin K. Johnson received three votes and R.M. Penor received two votes.

BOARD OF APPEALS

Three of which who are qualified by experience and training on matters pertaining to property maintenance and who are not employees of the City:

- Larry Niehues
- Rolland Sayer
- Mark Brennan

Building Inspector – Janet Johnson

- Two General Members
- Morgan Muller
 - Justin Murdock

Two Alternate Members

- Diane Wilburn
- Lee Branson

Jody Applegarth was in attendance and spoke regarding the Property Maintenance Code.

Councilmember Chizek moved to approve the appointments to the Chadron Problem Resolution Team and the Chadron Board of Appeals as listed above, with the terms to be effective immediately and expiring January 2010. Seconded by Councilmember Duncan. The following Councilmembers voted Aye: Gamby, Chizek, Harvey, Duncan, Grantham. The following voted Nay: None. Motion carried.

Park/Cemetery Superintendent Scott Schremmer updated the Council on several items including mosquito control and park maintenance.

Councilmember Chizek reported on the recent Business Improvement District meeting which he attended.

Zoning/Building Official Janet Johnson updated the Council on the status of the opening of the swimming pool. The Council was also informed of the recent ISO evaluation that was conducted. The results of this evaluation helps determine the insurance rating for the City of Chadron.

Police Chief Tim Lordino informed the Council of the recent D.A.R.E. graduation and the Click It or Ticket program. He also stated that the department will be addressing weed complaints.

Public Works Director Milo Rust reported on the current status of the Airport fuel farm. He indicated that there are still problems that need resolved.

City Manager Sandy Powell stated that department reports covered almost all areas, but informed the Council that, due to increasing costs of health insurance, a committee of City employees has been formed to look at different options.

Councilmember Harvey asked about the International Property Maintenance Code and the costs for the Airport fuel farm.

Councilmember Chizek informed the Council of the Boys and Girls Club dinner theatre scheduled for May 20, 2009.

Councilmember Gamby moved to adjourn the meeting at 6:15 o'clock P.M. Seconded by Councilmember Chizek. The following Councilmembers voted Aye: Gamby, Chizek, Harvey, Duncan, Grantham. 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 18, 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)