

CITY COUNCIL MEETING

NO. 2009-13

JUNE 1, 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 1st day of June, 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, 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 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. 2009-12, May 18, 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	Internet Service	301.78	
Arrow Building Center	Supplies	48.51	
Assurant	Fire Dept. Insurance	98.90	
Baker & Associates	Wastewater Facility Planning	16,018.20	
Barco Municipal Products	Sign Hardware for Street Shop	205.60	
Bauerkempers	Sharpen Chain	62.06	
Bavco	Atmospheric Valve for Water Plant	23.40	
Bierley, Tagen	Utility Refund	27.71	
Blaine Enterprises	Water Sample Shipping	94.30	
Bluffs Sanitary	Test Kit for Chlorine in Pool/Chlorine	494.00	
Carrier, Kayla	Utility Refund	20.25	
Chadron, City of	Electronic Withdrawal for 5/26/09 Payroll	27,157.86	*C/E
Chadron, City of	FICA through 5/26/09	5,101.21	*F
Chadron, City of	Payroll through 5/26/09	40,235.70	*C
Chadron, City of	Pool Start-up Funds	35.00	*
Chadron, City of	Side Fund	18,075.86	
Chadron, City of	Utility Refunds	894.24	
Chadron Concrete	Concrete/Reinforcer for Water Dept.	1,104.50	
Chadron Machine Shop	Repairs for Street Dept.	200.90	
Chadron Rotary Club	Quarterly Dues/Powell	114.50	
Chadron Wholesale	Supplies for Police Dept./Pool	129.57	
Chrisinger, Andrew	Utility Refund	28.71	
Cooksley, Aaron	Utility Refund	30.98	
Edmund, Adam	04/09 Legal Services	3,744.59	
EMC Insurance	Deductible Reimbursement	279.36	
Ethington, Kendra	Utility Refund	33.90	

Express Police Supply	Supplies for Police Dept.	2,128.99	
Farm Plan	Parts/Repairs	369.90	
First National Bank	Water Plant Project Loan Payment	42,821.68	
First National Bank Omaha	Travel Expense/Supplies	910.34	
Fischer Construction	Pay Est. #1 Wastewater Facility Construction	55,350.00	*R
Fischer, Marshall	Utility Refund	28.29	
Fremont National Bank	Interest for TIF Bond Payment for Microtel	1,968.75	
Galls	Police Supplies	226.26	
Guardian	06/09 Dental Premium	246.42	
Hafner, Weston	Utility Refund	27.14	
Hampton Inn	Training/Hardman	70.00	
Hansen, Maruta	Janitorial Services	200.00	
Hawkins	Chlorine for Water Plant	1,123.50	
Heisler, Lindsay	Utility Refund	19.13	
Hencey Plumbing	Repairs at Pool	144.40	
Hi Tech Car Care	Handi Bus Wash	36.00	
Hills Tire & Supply	Tire Repair	49.00	
Ideal Linen	Janitorial Supplies	34.58	
Inland Potable Services	Water Tank Inspection	2,825.00	
Intl. Institute of Municipal Clerks	Annual Membership Fee/Rust	125.00	
Julson, Chastity	Utility Refund	32.76	
Klein, George	2008 Audit	13,100.00	
LA Sign	Police Dept. Lobby Signs	90.00	
Lawson Products	Supplies for Street Dept.	72.77	
League of Nebraska Municipalities	Directories	172.50	
Lexis Nexis	Police Dept. Supplies	51.80	
Metzger, Kaleb	Utility Refund	34.43	
Mobius	Airport Internet	18.99	
Morford's Decorating Center	Paint for Swimming Pool	602.13	
NE Dept. Of Health & Human Res.	Water Operator License/Serres	94.00	*
Nebraska DAS	Long Distance/Network Service Charges	544.69	
Nebraska Dept. Of Economic Dev.	Your Selling Team Payment	2,976.19	

Nebraska Public Health Laboratory	Water Testing	524.00	
Nebraska Public Power District	05/09 Electric Service	285.45	
Nitsch, Travis	Utility Refund	37.26	
Norms	Parts/Supplies	171.92	
Outlaw Printers	Police Academy Shirts/Hughes	98.90	
Panhandle Clerk's Assn.	2009 Annual Membership Dues	10.00	
Panhandle Drilling	AVC Float/Service Call for Airport	178.36	
Peters, Nick & Shawne	Utility Refund	22.54	
Qwest	Phone Service	981.30	*
Qwest Communications	Wastewater Facility Telephone Installation	3,104.29	
Regional Care	Emp. Health Benefits/Select Flex	12,420.59	
Ruppert, Amanda	Utility Refund	31.00	
Rust, Milo	Travel Reimbursement	28.59	*
Sanitation Products	Parts for Vactor Sewer Machine	1,676.49	
Shell	04/10-05/10/09 Fuel Charges	2,442.71	*
Source Gas	Gas Service	1,466.44	*
Sturdevants	Parts/Repairs	173.85	
Treat America Food Services	Training Meals/Chrisman	5.61	
US Postmaster	06/09 Utility Bills Postage	453.27	*
Vantage Point Trust 401 Employee	Pension to 5/26/09	2,030.22	*C
Vantage Point Trust 401 Employee #3	Pension to 5/26/09	178.23	*C
Vantage Point Trust 401 Police	Pension to 5/26/09	1,287.27	*C
Wahlstrom Ford	Repairs for Street Shop	54.00	
Wal Mart	Supplies	538.86	
Westco	Propane	58.27	
Western Communications	Radio Maintenance	222.00	
Western Wats	Utility Refund	60.00	
Winnelson	Repair Kits for Water Dept.	187.67	
Winton, Karl	Utility Refund	37.05	
Zaro, Scott	Utility Refund	34.43	

TOTAL		269,856.80	
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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: Chizek, Harvey, Duncan, Grantham, Gamby. The following voted Nay: None. Motion carried.

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

RESOLUTION NO. 2009-38

WHEREAS, the Olde Main Street Inn, Inc., License #CK19747, 115 Main 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 8:00 o'clock A.M. and 1:00 o'clock A.M. the following morning, starting Tuesday, July 7, 2009, through Saturday, July 11, 2009; and between the hours of 12:00 o'clock Noon and 8:00 o'clock P.M. on Sunday, July 12, 2009, in an outdoor area adjacent to the Olde Main Street Inn, which is 95 feet in length and 60 feet in width, located at 115 Main Street, Chadron, Nebraska, for the Fur Trade Days Celebration.

2. It is recommended that approval be granted for a Special Designated License to the Olde Main Street Inn, Inc., 115 Main Street, Chadron, Nebraska 69337, between the hours of 8:00 o'clock A.M. and 1:00 o'clock A.M. on the following morning, starting Tuesday, July 7, 2009, through Saturday, July 11, 2009; and between the hours of 12:00 o'clock Noon and 8:00 o'clock P.M. on Sunday, July 12, 2009, in an outdoor area adjacent to the Olde Main Street Inn, which is 95 feet in length and 60 feet in width, located at 115 Main Street, Chadron, Nebraska, during the Fur Trade Days Celebration, pursuant to the rules and regulations of the Nebraska Liquor Control Commission and in accordance with any license issued by said Commission., .

3. The City Clerk is hereby directed to send a copy of this Resolution by first class mail prepaid to the Nebraska Liquor Commission.

The foregoing Resolution having been read, Councilmember Gamby seconded the motion for

its passage and adoption, and after consideration thereof, the roll was called on the passage and adoption of said Resolution and the following Council members voted Aye: Chizek, Harvey, Duncan, Grantham, Gamby. The following voted Nay: None. The passage of the Resolution having been consented to by more than a majority of the members elected to the Council was declared passed and adopted this 1st day of June, 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. 2009-39

WHEREAS, the Olde Main Street Inn, Inc., License #CK19747, 115 Main 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 8:00 o'clock A.M. and 1:00 o'clock A.M. the following morning, starting Friday, July 31, 2009, through Saturday, August 15, 2009; with the exception of Sunday, August 2, 2009, Sunday, August 9, 2009, and Sunday, August 16, 2009, which shall be between the hours of 12:00 o'clock Noon and 8:00 o'clock P.M. on Sunday, July 12, 2009, in an outdoor area adjacent to the Olde Main Street Inn, which is 95 feet in length and 60 feet in width, located at 115 Main Street, Chadron, Nebraska, for the Seventeenth Annual Motor Classic Beer Garden.

2. It is recommended that approval be granted for a Special Designated License to the Olde Main Street Inn, Inc., 115 Main Street, Chadron, Nebraska 69337, between the hours of 8:00 o'clock

A.M. and 1:00 o'clock A.M. on the following morning, starting Friday, July 31, 2009, through Saturday, August 15, 2009; with the exception of Sunday, August 2, 2009, Sunday, August 9, 2009, and Sunday, August 16, 2009, which shall be between the hours of 12:00 o'clock Noon and 8:00 o'clock P.M. on Sunday, July 12, 2009, in an outdoor area adjacent to the Olde Main Street Inn, which is 95 feet in length and 60 feet in width, located at 115 Main Street, Chadron, Nebraska, for the Seventeenth Annual Motor Classic Beer Garden, pursuant to the rules and regulations of the Nebraska Liquor Control Commission and in accordance with any license issued by said Commission., .

3. The City Clerk is hereby directed to send a copy of this Resolution by first class mail prepaid to the Nebraska Liquor Commission.

The foregoing Resolution having been read, Councilmember Gamby seconded the motion for its passage and adoption, and after consideration thereof, the roll was called on the passage and adoption of said Resolution and the following Council members voted Aye: Chizek, Harvey, 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 1st day of June, 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. 2009-40

WHEREAS, the City of Chadron has adopted the International Property Maintenance Code thus qualifying the City for certain Nebraska Department of Economic Development Owner-occupied Rehabilitation Program grant funds; and

WHEREAS, the City of Chadron finds it beneficial to offer a financial mechanism for rehabilitation of owner-occupied homes owned by those in need; and

WHEREAS, expertise for the administration of housing grants is locally available.

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

1. City staff is hereby directed to begin the grant process for the Nebraska Department of Economic Development Owner-occupied Rehabilitation Program grant.
2. Staff is also directed to solicit requests for proposals for administration of the Nebraska Department of Economic Development Owner-occupied Rehabilitation Program grant.

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 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 1st day of June, 2009.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk
(SEAL)

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

RESOLUTION NO. 2009-41

1. The Mayor and City Council shall meet in the City Hall Council Chambers at 234 Main Street in said City, on the 6th day of July, 2009 at 5:05 o'clock P.M., for the purpose of sitting as a Board of Equalization and levying special assessments on the lots in Business Improvement District No. 1 described as follows:

Lots 1 through 13 in Block 5;
Lots 1 through 6 and 15 through 34 in Block 4;
Lots 1 through 20 and Lot 39 in Block 3;
Lots 1 through 21 in Block 12;
Lots 1 through 34 in Block 11;
Lots 9 through 29 in Block 10;
All in the Original Town of the City of Chadron, Dawes County, Nebraska

The special assessments to be levied are for the purpose of paying all or any part of the costs of maintenance, repair and reconstruction including utility cost of any improvement or facility in the District abutting said lots, the 2009 total cost assessment to be \$5,215.41 to be imposed by assessment of benefits on a front footage basis which is in accordance with the proposed method of assessments determined by Ordinance No. 1058 creating said District, and the percentage to be assessed to each lot to equal one dollar (\$1.25) per front foot.

2. At the hearing, objections may be made to the total cost and the proposed allocation of such costs among the lots set out above in such District.

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: 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 1st day of June, 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. 2009-42

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

1. Progress Estimate No. 2 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	\$381,837.00
Less Amount Paid (Previous Estimates)	\$55,350.00
Less Retainage (10%)	\$38,183.70
Total Claim	\$288,303.30

2. That Fischer Construction be paid the sum of \$288,303.30 for materials furnished and work performed in the Chadron Wastewater Treatment Facility Project.

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 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 1st day of June, 2009.

CITY OF CHADRON

Mayo

ATTEST:

City Clerk

(S E A L)

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

RESOLUTION NO. 2009-43

WHEREAS: Fischer Construction, Inc. has presented Change Order No. 1, dated May 27, 2009, which supplements the contract for the Wastewater Treatment Facility Project to provide for a decrease in costs related to the following:

- | | |
|--------------------------|--------------|
| (1) Hoist at UV Building | (\$6,175.00) |
| (2) Grating | (\$1,625.00) |

(3) 18" Fillings	0.00
Total Change Order No. 1	(\$7,800.00)

* * * * *

Original Base Bid Amount	\$4,075,525.00
Plus Alternate Item J-4	\$16,788.00
Total Original Contract Amount	\$4,092,313.00
Amount this Change Order (DECREASE)	<u>(\$7,800.00)</u>
Revised Contract Amount	\$4,084,513.00

WHEREAS: The Council finds that said Change Order should be approved.

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

Change Order No. 1, dated May 27, 2009 presented by Fischer Construction, Inc., resulting in a decreased adjustment in the contract price in the total amount of \$7,800.00 for the Wastewater Treatment Facility Project is hereby approved.

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 1st day of June, 2009.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

Public Works Director Milo Rust updated the Council on costs relating to the wastewater treatment facility project. He also provided information on the Airport fuel farm, including some equipment which is not working properly. Arrangements have been made to have someone come in to fix the problems.

City Manager Sandy Powell reported that the Problem Resolution Team and Appeals Board will be meeting on Wednesdays. She also stated that the Chadron Youth Council is in need of mentors.

Councilmember Harvey had comments regarding the rules and regulations of the PRT and Appeals Board. Discussion was held regarding the Municipal Code and other codes, including abandoned vehicles and weed violations.

Councilmember Chizek reminded all that the Business After Hours on Tuesday, June 2, will recognize the new director for the Boys & Girls Club, Casey Fosher.

Councilmember Chizek moved to adjourn the meeting at 5:28 o'clock P.M. Seconded by Councilmember Gamby. The following Councilmembers voted Aye: Chizek, Harvey, Duncan, Grantham, Gamby. The following voted Nay: None. Motion carried.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

STATE OF NEBRASKA)
)
County of Dawes) ss
)
City of Chadron)

I, the undersigned City Clerk for the City of Chadron, Nebraska, hereby certify that all of the subjects included in the attached proceedings were contained in the agenda for the regular meeting of June 1, 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)