

CITY COUNCIL MEETING

NO. 2009-20

SEPTEMBER 8, 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 8th day of September, 2009, at 5:00 o'clock P.M. The following individuals were present: Mayor Donny Grantham, Vice Mayor John Gamby, Councilmembers John Chizek, Rob Harvey, and Steve Duncan, City Manager Sandy Powell, City Clerk Donna Rust, City Attorney Adam Edmund, Chief of Police Tim Lordino, Finance Officer Melany Hughes, Public Works Director Milo Rust, and Zoning/Building Official Janet Johnson. Absent: None.

Notice of the meeting was given in advance thereof by publishing notice in The Chadron Record as shown by the affidavit of publication filed in the City Clerk's office. Notice of the meeting was also given in advance to the Mayor and all members of the City Council and a copy of their acknowledgment of receipt of notice and the agenda is attached to the minutes and is filed in the City Clerk's office. Availability of the agenda was communicated in the advance notice and in the notice of the Mayor and City Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Mayor Grantham called the meeting to order and declared a quorum present. The Mayor also read the following before continuing with the meeting: As required by Section 84-1412, subsection of the Nebraska Statutes, notice is hereby given that a copy of the Open Meetings Act is posted for your examination on the wall inside the door to these City Council Chambers.

Councilmember Gamby moved to approve the agenda as written and distributed. Seconded by Councilmember Harvey. 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. 2009-19, August 17, 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	Various Electrical Services	776.85	
Alltel	Cell Phone Service	304.43	
Arnold Pool Company	Swimming Pool Supplies	1,317.39	
Arrow Building Center	Parks Dept. Supplies	431.92	
AS Central Services	Long Distance/Network Services	473.47	
Associated Supply Company	Swimming Pool Repairs	675.76	
Assurant	Fire Dept. Insurance	93.34	
Baker & Associates	Fire Marshal Fee for Wastewater Plant	103.00	
Bauerkempers	Parts for Water Dept.	64.03	
Black Hills Weekly	08/09 Ads	379.56	
Blaine Enterprises	Water Sample Shipping	156.90	
Brice, Rick	Repair Door at Water Plant	2,405.21	
Business Connection	Office Supplies for Police Dept.	165.52	
Canaday, Del	Utility Deposit Refund	35.58	
Chadron, City of	8/17/09 Electronic Withdrawal	24,782.34	*C/E
Chadron, City of	9/01/09 Electronic Withdrawal	25,470.32	*C/E
Chadron, City of	FICA through 08/17/09	4,880.86	*F
Chadron, City of	FICA through 09/01/09	5,213.52	*F
Chadron, City of	Payroll through 08/17/09	40,880.87	*C
Chadron, City of	Payroll through 09/01/09	41,805.91	*C
Chadron, City of	09/09 Side Fund	19,109.86	*C
Chadron, City of	Utility Refunds	391.48	
Chadron Concrete	Concrete for Various Departments	3,724.85	
Chadron Home Center	Supplies/Repairs	257.69	
Chadron Lumber Company	Lumber for Street Dept.	75.45	
Chadron Rotary	Quarterly Dues/Lordino	124.50	

Cisneros, Adam	Utility Deposit Refund	38.10	
Contractors Materials	Supplies for Street Dept.	193.70	
Creations of Heart Custom Sewing	Sewing & Alterations- Police Uniforms	52.00	
Culligan	Bottled Water for Airport	125.25	
Dell	Computer/Server for City Hall	2,961.00	
Digmann, Katie Roberts	Utility Deposit Refund	33.29	
Eisenbarth, Karen	Utility Deposit Refund	48.71	
EMC Insurance Companies	Workman's Comp/Chrisman/Cope	424.89	
Express Auto Salvage	Pulley for Airport	10.55	
Farm Plan	Repairs/Supplies	231.92	*
First National Bank Omaha	Travel Expense/Supplies	3,652.24	*
First National Financial Services	New Rescue Unit Coverage	74.00	
Galls	Police Uniforms	1,659.74	
Gene's Auto Machine Shop	Vehicle Repair for Water Dept.	63.00	
Great Plains Communications	Internet Service	39.95	
Great Plains Government Finance	Membership Application/Hughes	85.00	
Great Plains One Call Service	Locate Requests	66.12	
Greater NE Panhandle Red Cross	3 Sessions of Swimming Lessons	895.00	
Guardian	9/09 Dental Premium	210.29	*C
Hansen, Maruta	8/13-8/26/09 Janitorial Services	200.00	
Hawkins	Chlorine for Water Dept.	1,145.00	
Henkens Equipment	Parts for Street Dept.	15.37	
Hills Materials Company	Road Base for Street Dept.	981.50	
Houston, Stan Equipment	Tamper for Street Dept.	73.44	
Ideal Linen	Janitorial Supplies	56.60	
League of Nebraska Municipalities	2009 Conference Registration/Powell	406.00	
Linweld	Argon Cylinders for Street Dept.	16.30	
McCarthy, William	Utility Deposit Refund	21.84	
Memphis Net & Twine Company	Tennis Net/Strap for Parks Dept.	221.41	
Midwest Mailing	Inkjet Cartridges for Postage Machine	199.00	
Mobius	Airport Internet	18.99	
NE Assn. of Trans. Providers	2010 Dues	60.00	

NE Dept. Of Economical Dev.	Your Selling Team Payment	2,976.19	
Nebraska Health Laboratory	Water Sample Testing at Airport	309.00	
Nebraska Office of the CIO	Registration/Dinner for Serbousek	125.50	*
Nebraska Public Power District	8/09 Electric Service	1,286.54	*
Nebraska Public Power District	8/09 Electric Service	8,220.10	
Norm's Carquest	Parts/Repairs	331.61	
Northwest Pipe Fittings	Supplies for Water Dept.	406.68	
NSA/POAN Conference	Registration/Lordino	90.00	
Outlaw Printers	Letterhead/T-Shirts/Register Forms	834.58	
Panhandle Veterinary Clinic	August Animal Boarding	312.50	
Petersen Drug	Mobile Scanner/Hepatitis Shots- Police	1,039.97	
Power House	Repairs for Parks Dept.	140.41	
Quality Tire	Tires/Tire Repair for Police Dept.	1,253.87	
Quill	Office Supplies for City Hall	760.97	
Qwest	Phone Service	215.96	
Qwest	Phone Service	742.04	*
Regional Care	09/09 Emp. Health Benefits/Select Flex	12,236.14	*C
Regional Health	Medical Records for Accident Victims	396.00	
Roberts, Scott Electric Service	Water Sample Shipping	62.94	*
Ron's Repair Shop	Iron/Tube for Parks/Street Dept.	100.00	
Rust, Donna	Payroll Check Replacement	843.33	*
Shell Fleet Plus	7/11/09-8/10/09 Fuel Charges	3,473.12	*
Sirchie Finger Print Laboratories	Fingerprint Kit for Police Dept.	1,021.03	
Source Gas	Gas Service	1,295.58	*
Stop Tech	Supplies for Police Dept.	414.50	
Strategic Insights, Inc.	Software License for City Hall	499.50	
Sturdevants	Repairs/Supplies	115.24	
SWANN	08/09 Collections	48,633.22	
TTG Enterprises	Repairs for Water Dept.	770.00	
US Postmaster	9/09 Water Bills Postage	464.28	*
Vantage Point Trust 401 Employee	Pension to 08/17/09	2,264.22	*C

Vantage Point Trust 401 Employee	Pension to 09/01/09	2,283.65	*C
Vantage Point Trust 401 Police	Pension to 08/17/09	1,122.09	*C
Vantage Point Trust 401 Police	Pension to 09/01/09	1,570.88	*C
Voss Lighting	Light Bulbs for City Hall/Police Dept.	150.96	
Wahlstrom Ford	Vehicle Repair for Street Dept.	338.00	
Wal Mart	Supplies	1,895.64	
Wallage, Jarvis	Mileage Reimbursement	465.30	
Westco	Diesel/Non Lead Fuel/Propane	1,164.28	
Western Communications	Radio Maintenance for Police Dept.	222.00	
WFI	Sewer Cleaning Tools & Equipment	4,153.25	
Wickman, Elisa	Utility Refund Deposit	31.00	
Xerox	Copier Lease/Copies for 08/09-09/09	1,470.21	
TOTAL		294,883.09	

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.

5) Fire Department Membership Update

An updated membership list for the Chadron Volunteer Fire Department was presented.

Councilmember Duncan 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.

Erick Wickman, new Animal Control/Code Enforcement Officer, was introduced.

Police Chief Tim Lordino administered the Oath of Service to Police Sergeant Mike Loutzenhiser.

The Chadron Police Department presented proceeds from the Code 3 Golf Scramble to the Chadron Boys & Girls Club. Bev Bartlett was in attendance to accept the proceeds.

Mayor Grantham proclaimed September 17, 2009, as Constitution Day.

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

RESOLUTION NO. 2009-65

WHEREAS, Lyle and Patti McKinnon have submitted a letter of application to apply for a Special Permit to discharge fireworks on Friday, September 18, 2009 from approximately 7:30 p.m. to 9:00 p.m., in the area of the Chadron Ballfields on North Main Street, in accordance with Ordinance No. 1312.

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 approve issuance of a Special Permit to Lyle and Patti McKinnon to allow the discharge of permissible fireworks on Friday, September 18, 2009 from approximately 7:30 p.m. to 9:00 p.m. in the area of the Chadron Ballfields on North Main Street, Chadron, Nebraska.

2. The City Clerk is hereby directed to provide the applicant with a fully executed copy of this Resolution to serve as the Special Permit, allowing the discharge of permissible fireworks as set out in the application.

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: 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 8th day of September, 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. 2009-66

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 Chadron Girls Softball Association (CGSA) 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 \$32,500.00 toward the purchase of lighting for the Walter Hampton Ballfield (Girls Softball Field).

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

That the grant application of the Chadron Girls Softball Association (CGSA) for assistance from the Community Development Program funds pursuant to the Local Option Municipal Economic Development Act is hereby approved in an amount of \$32,500.00 to be used toward the purchase of lighting for the Walter Hampton Ballfield (Girls Softball Field).

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: 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 8th day of September, 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. 2009-67

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

1. The City Council being fully advised in the premises, recommends that an outdoor beer garden approximately 25' x 85' to the south of the existing licensed premises of Licensee, KC Chasek, dba Favorite Bar, Chadron, Dawes County, Nebraska, License No. C-39000 be added to and included in the licensed premises of said establishment.

2. The City Clerk is hereby directed to send a copy of this Resolution by first class mail prepaid to the Nebraska Liquor Control 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 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 8th day of September, 2009.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

The Council considered Ordinance No. 1330 on its second reading:

AN ORDINANCE to adopt amendments to the 2006 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 third and final reading of Ordinance No. 1330 will be on September 21, 2009.

The Council considered Ordinance No. 1331 on its second reading:

AN ORDINANCE to amend Chapter 8 “Health and Sanitation” of the Municipal Code to repeal Subsection (b) Buildings and Structures of Article 4 Nuisance to Public Health, Welfare or Safety; 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 third and final reading of Ordinance No. 1331 will be on September 21, 2009.

The Council considered Ordinance No. 1332 on its second reading:

AN ORDINANCE to amend Chapter 4 “City Planning – Zoning” of the Municipal Code to provide for the Property Maintenance Code to be applied and extended to the unincorporated area two-miles beyond the corporate limits, with exceptions; 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 third and final reading of Ordinance No. 1332 will be on September 21, 2009.

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

RESOLUTION NO. 2009-68

BE IT RESOLVED, that the City of Chadron shall enter into an Interlocal Agreement with others creating Pine Ridge Mutual Aid Association agreeing to cooperate with others for the purposes and upon the terms and conditions set forth in the Pine Ridge Mutual Aid Association Interlocal Agreement and the By Laws of the Pine Ridge Mutual Aid Association, copies of which are on file in the office of the City Clerk.

BE IT FURTHER RESOLVED, that Donald C. Grantham, Mayor, be, and is hereby

authorized to execute the Pine Ridge Mutual Aid Association Interlocal Agreement on behalf of the City of Chadron and that upon execution by him, the City of Chadron shall be bound by the terms and conditions of such Agreement.

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: 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 8th day of September, 2009.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

Fire Chief Pat Gould stated that pursuant to the Notice to Bidders, a bid opening had been held at 7:00 o'clock P.M., on Wednesday, August 26, 2009, for One New Top Mount 1250 GPM Pumper Fire Truck. The Fire Chief further reported that the bids had been opened and tabulated as required by law and in accordance with the advertisement for bids. The tabulation was reported as follows:

CHASSIS

<u>NAME OF BIDDER</u>	<u>AMOUNT</u>
West River International Rapid City, SD	\$88,641.10
Smeal Fire Apparatus Snyder, NE	\$93,179.00
Toyne Fire Apparatus	\$89,682.00

Breda, IA

TOP MOUNT PUMPER

\$207,119.00
Snyder, NE

\$214,787.33

After considering the bids, Councilmember Gamby introduced the following Resolution and moved for its adoption:

RESOLUTION NO. 2009-69

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

1. The Mayor and Council find and determine that the bid of West River International of of Rapid City, South Dakota, for the purchase of a Chassis in the sum of \$88,641.10, and Smeal Fire Apparatus for the Top Mount Pumper in the amount of \$207,119.00, as filed with the City Clerk in accordance with the terms of the published notice calling for proposals on the above mentioned equipment, should be and the same hereby is accepted.
2. The Contract Documents as heretofore prepared and presented to the Council are hereby approved and the Mayor and City Clerk are hereby authorized and directed to execute said Contract Documents on behalf of the City. The Council waives all formalities or irregularities in opening, submitting and awarding of bids.

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: 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 8th day of September, 2009.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

The Council considered Ordinance No. 1328 on its third and final reading:

AN ORDINANCE to establish the amount of certain fees and taxes charged by the City of Chadron for various services including but not limited to Building and Use, Zoning, Library, Occupation Licensation, and Pet Licensing, Sewer and Drainage Systems and Facilities of the City for Residential Users and Commercial Users (Including Industrial Users) of the City of Chadron for the 2009-2010 Fiscal Year; 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. 1328 be approved on its third and final reading. Seconded by Councilmember Duncan with the following Councilmembers voting Aye: Harvey, Duncan, Grantham, Gamby, Chizek. Voting Nay: None. Ordinance No. 1328 was passed and adopted.

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

RESOLUTION NO. 2009-70

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

The City Council, having reviewed the total taxable valuation certified to the City by the County Assessor, and being fully advised in the premises, finds and determines that it is in the best interest of the City that there be an additional 1% (one percent) increase in the City Restricted Funds Authority, which is hereby approved.

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: 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 8th day of September, 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. 2009-71

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

For the orderly operation and maintenance of the revenue received by the City from any source, and the expenditures thereof, there is hereby created and established the following funds:

GENERAL FUND
CITY RESERVES FUND
QUALIFIED SINKING FUND
OPAL MUSSER - WILSON PARK RESTRICTED FUND
PUBLIC SAFETY DEBT SERVICE
GREENWOOD CEMETERY MEMORIAL
ECONOMIC DEVELOPMENT PROGRAM
COMMUNITY DEVELOPMENT PROGRAM
KENO LOTTERY
PUBLIC ALLIANCE COMMUNITY ENERGY (ACE)
DEBT SERVICE FUND
INFRASTRUCTURE IMPROVEMENTS FUND
BUSINESS IMPROVEMENT DISTRICT (BID) MAINTENANCE
STREET FUND
GRANT PROJECTS

MUNICIPAL INFRASTRUCTURE REDEVELOPMENT FUND (MIRF)
WATER FUND
WATER BOND AND WATER RESERVE
WASTEWATER FUND
WASTEWATER BOND AND WASTEWATER RESERVE

That hereafter all revenues by the City from any source shall be applied to the above set out funds and expended therefrom in accordance with the annual budget approved and adopted by the City Council, in accordance with law.

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: 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 8th day of September, 2009.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

The Council considered Ordinance No. 1329 on its third and final reading:

AN ORDINANCE to adopt the 2009-2010 budget statement to be termed the Annual Appropriations Bill; to appropriate sums for necessary expenses and liabilities; 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. 1329 be approved on its third and final reading. Seconded by Councilmember Duncan with the following Councilmembers voting Aye: Harvey, Duncan, Grantham, Gamby, Chizek. Voting Nay: None. Ordinance No. 1329 was passed and adopted.

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

RESOLUTION NO. 2009-72

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

That after complying with all procedures required by law, the budget presented and set forth in the budget statement approved as the Annual Appropriation Bill for the fiscal year beginning October 1, 2009, through September 30, 2010, and appropriated by the passage of Ordinance No. 1329 and the additional 1% increase, as set by Resolution No. 2009-70, the General Fund property tax request and the levy for such fiscal year is hereby set as follows:

	<u>AD VALOREM REQUEST</u>	<u>LEVY SET BY CITY</u>
General Fund (including Property Request 1% County Treasurer Collection Fee and 5% Delinquent Tax Allowance)	\$671,594.80	0.370000

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: 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 8th day of September, 2009.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

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

RESOLUTION NO. 2009-73

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

The City Council having reviewed the Grant Agreement Part I-Offer from the United States Department of Transportation, Federal Aviation Administration, re: Chadron Municipal Airport, Project No. 3-31-0017-10-2009, does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the Offer and does hereby accept the Offer, and by such acceptance, agrees to comply with all of the terms and conditions of the Offer and in the Project Application, and the Mayor and City Clerk are hereby authorized and directed to execute said Grant Agreement 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. 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 8th day of September, 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. 2009-74

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

The City Council having reviewed the Consultant Agreement for Engineering Services for Airport Improvement Project No. 03-31-0017-10, Chadron Municipal Airport, between Olsson Associates, Inc., of Lincoln, NE referred to as Consultant, and the City of Chadron, Nebraska, 234 Main Street, Chadron, NE, as Sponsor, which is an agreement between the parties, does hereby approve said Agreement in its entirety and does hereby authorize and direct the Mayor and City Clerk to execute the Agreement on behalf of the City of Chadron.

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: Duncan, Grantham, Gamby, Chizek. The following voted Nay: 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 8th day of September, 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. 2009-75

WHEREAS, Crazy Horse was a respected war leader of the Lakota who fought in an effort to

preserve the traditions and values of the Lakota way of life, and

WHEREAS, Crazy Horse has had a significant impact on the history of the northwest Nebraska area, and

WHEREAS, the Nebraska Department of Roads allows the naming of a segment of state highway to bring public attention and recognition to a person who has contributed significantly to its history, and

WHEREAS, State Highway 20 lies in an area of influence by Crazy Horse, and

WHEREAS, the City of Chadron wishes to recognize Crazy Horse's historical significance to the area,

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

he City of Chadron supports a request to be submitted to the Nebraska Department of Roads for the consideration of naming a portion of Highway 20 from Valentine, Nebraska to Fort Robinson at Crawford, Nebraska as Crazy Horse Memorial Highway.

he City of Chadron is willing to serve as the primary person endorsing the name change on behalf of the counties supporting the name change.

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: 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 8th day of September, 2009.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

Councilmember Harvey moved to join the Heartland Expressway Association, which is trying to develop a unified effort to advocate for highway transportation development in Western Nebraska. Seconded by Councilmember Chizek with the following Councilmembers voting Aye: Harvey, Duncan, Grantham, Gamby, Chizek. Voting Nay: None. Motion carried.

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

RESOLUTION NO. 2009-76

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

1. The City Council having reviewed an Agreement between the City of Chadron and the State of Nebraska Department of Roads to improve Highway US-20 in Chadron between the two US Highway 385 intersections on the west side of Chadron. The existing shoulders will be resurfaced under the designation of Project No. 20-1(1029) as shown on Exhibit "A," attached to the Agreement, and setting out therein the City's share of the estimated project cost, which is at no cost to the City. The City finds and determines that the Agreement should be entered into with the State of Nebraska as a benefit to the public.

2. The Mayor and City Clerk of the City of Chadron, Nebraska, are hereby authorized and directed to execute the Agreement on behalf of the City of Chadron, and an executed copy of this Resolution shall be attached to the Agreement as Exhibit "B," and further filed in the Office of the City Clerk.

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: 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 8th day of September, 2009.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(SEAL)

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

RESOLUTION NO. 2009-77

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

1. Progress Estimate No. 5 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
\$4,092,313.00

(40,075.00)

4,052,238.00

\$3,080,649.00

\$1,410,745.50

\$202,611.90

\$1,467,291.60

2. That Fischer Construction be paid the sum of \$1,467,291.60 for materials furnished and work performed in the Chadron Wastewater Treatment Facility Project.

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. 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 8th day of September, 2009.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

Public Works Director Milo Rust updated the Council the road repair on 6th Street and indicated it will be open to one-way traffic on September 9, 2009.

Chief of Police Tim Lordino commended his officers on the recent golf tournament fund-raiser. He also informed the Council that Brad Hisel will be replacing Mike Loutzenhiser as Resource Officer at CSC due to Officer Loutzenhiser's advancement. He stated that Janet Johnson has been the backbone on the PRT/Appeals Board and needs to be commended.

Zoning/Building Official Janet Johnson advised that the new hospital parking lot is about two-thirds completed and encouraged everyone to drive by.

Councilmember Gamby reminded all that the upcoming weekend will be busy with CSC and Fire Department activities.

Councilmember Harvey moved to enter into executive session at 6:46 p.m. to discuss personnel

matters. Seconded by Councilmember Gamby with the following Councilmembers voting Aye: Harvey, Duncan, Grantham, Gamby, Chizek. Voting Nay: None. Motion carried.

Councilmember Harvey moved to adjourn executive session at 10:26 p.m. Seconded by Councilmember Chizek with the following Councilmembers voting Aye: Harvey, Duncan, Grantham, Gamby, Chizek. Voting Nay: None. Motion carried.

There was no action taken by the Council at the conclusion of the executive session.

Councilmember Harvey moved to adjourn the meeting at 10:27 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 September 8, 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)