

CITY COUNCIL MEETING

NO. 2009-21

SEPTEMBER 21, 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 21st 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, and Steve Duncan, City Manager Sandy Powell, City Clerk Donna Rust, City Attorney Adam Edmund, Chief of Police Tim Lordino, Finance Officer Melany Hughes, and Zoning/Building Official Janet Johnson. Absent: Councilmember Rob Harvey and Public Works Director Milo Rust.

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: Duncan, Grantham, Gamby, Chizek. The following voted Nay: None. Absent: Harvey. Motion carried.

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

- 1) Minutes for City Council Meeting No. 2009-20, September 8, 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	Replace Light in Police Lobby	373.36	
American Legal	Code of Ordinances Fee	2,995.50	
American Power Conversion	Battery Cartridge for Library	157.43	
American Red Cross Central Chapter	First Aid Training for Police Dept.	37.00	
Arrow Building Center	Parks/Street Dept. Supplies	337.20	
Baker & Associates	Planning/Outside Cont. Fees for WW Plant	22,270.23	
Baker & Taylor	Library Materials	3,148.67	
Bartlett, Mike	Overhead Door Remotes for Police Dept.	277.00	
Bauerkempers	Parts for Parks/Water Dept.	226.94	
Bellu, Annette	Travel Reimbursement	10.27	
Black Hills Weekly	Add for Library	65.60	
Blaine Enterprises	Water Sample Shipping	12.02	
Blundell Repair	Windshield for Wastewater Dept.	214.00	
Century Business Products	Library Copier Lease	59.50	
Chadron, City of	09/15/09 Electronic Withdrawal	27,981.19	*C/E
Chadron, City of	FICA through 09/15/09	4,930.38	*F
Chadron, City of	Payroll through 09/15/09	38,062.70	*C
Chadron Concrete	Concrete for Street Department	796.50	
Chadron Glass	Window for TSA Office at Airport	1,123.28	
Chadron Home Center	Supplies/Repairs for Various Departments	270.04	
Chadron Medical Clinic	Medical Exam/Hickstein	56.00	
Chadron Wholesale	Supplies for Youth Council	67.67	
Coe Engineering	Engineering Services	1,620.00	
Cornhusker State Industries	Keyboard Pad/Chairs for Police Dept.	2,158.00	
Creative Product Sourcing	DARE Materials	470.53	
Davis Instruments	Repairs for Water Dept.	28.54	
Diversified Metal Fabricators	Park Table for Parks Dept.	2,168.00	
Ebsco	Magazine Subscriptions for Library	1,847.38	
Edmund, Adam	08/07 Legal Services	2,297.80	

EHS, Inc.	Supplies for Police Dept.	1,128.00	
Enviro Service	Wastewater Sample Testing	62.00	
Farm Plan	Repairs/Supplies for Various Departments	1,154.32	
Fire Engineering	Magazine Subscription for Fire Dept.	29.95	
Fischer Construction	Wastewater Facility Construction	1,467,291.60	*
Gale	Library Materials	93.48	
Galls	Police Uniforms	394.28	
Glock	Training Guns for Police Dept.	1,387.00	
Gould, Pat	Quarterly Payment from Fire Dept.	525.00	
Great Plains Communications	Internet Service	57.45	
Hansen, Maruta	8/27-9/16/09 Janitorial Services	300.00	
Hawkins	Copper Sulfate for Water Dept.	2,345.46	
Heart of the Earth Animal Equipment	Animal Handling Equip. for Police Dept.	197.90	
Hencey Plumbing & Hydronics	Repair Kitchen Sink at Library	61.20	
Henkens Equipment	Parts for Water/Street Dept.	35.15	
Hills Materials Company	Road Base for Street Dept.	8,537.23	
Hills Tire & Supply	Trailer Tire for Street Dept.	136.00	
Hutton, Mark	09/09 Operations Contract	3,399.00	
Ideal Linen	Janitorial Supplies	386.43	
Ingram	Library Materials	230.20	
Jirdon	Fertilizer/Ice Melt for Parks Dept.	3,552.01	
Lawson	Water Dept. Repairs	175.08	
League of Nebraska Municipalities	2009 Annual Conference/Rust	407.00	
Librarian Book Express	Library Materials	711.76	
Llitas, Joe	Quarterly Payment from Fire Dept.	450.00	
Lordino, Tim	8/09-9/09 Auto Allowance	200.00	
MES Midam	Supplies for Fire Dept.	485.91	
Micro Marketing	Library Materials	35.99	
Municipal Supply	Repairs for Water Dept.	8,600.46	
NE Commission on Law Enforcement	Training for Police Dept.	50.00	
Nebraska Dept. Of Revenue	NE Waste Reduction/Recycling Return	25.00	
Nebraska Library Association	2009 Membership-Tesch/Bellu	95.00	
Nebraska Library Commission	Library Materials	600.00	
Nebraska Public Power District	8/09 Electric Service	1,026.20	
Nebraska Salt & Grain	Salt for Street Dept.	1,897.86	

Nebraskaland Tire	Tires for Water Dept.	454.68	
Norm's Carquest	Parts/Repairs for Various Departments	560.63	
Norm's Carquest	Parts/Repairs for Fire Dept.	384.30	
Northwest Pipe Fittings	Supplies for Water/Parks Dept.	2,549.02	
Northwest Rural Public Power Dist.	Rural Electric Service	10,697.78	
Oldies.Com	Library Materials	339.65	
Oregon Trail Foundation	Heartland Expressway Fund	2,171.60	
Pennington County Sheriff	Evaluation for Chadron Police Dept.	150.00	
Petersen Drug	Office Supplies for City Hall	109.98	
Power House	Repairs for Parks Dept.	171.31	
Quality Tire	Tire Repair for Airport	340.42	
Quill	Office Supplies for City Hall	103.45	
Qwest	Phone Service	244.68	
Roberts Electric	Airport Service Call	74.98	
Rust, Milo	Clothing Reimbursement	37.45	
Sandhills Computer	Street Dept. Internet	29.00	
Sanitation Products	Parts for Sewer Machine	210.53	
Schremmer, Scott	Quarterly Payment from Fire Dept.	450.00	
Showcases	Library Materials	204.44	
Sturdevants	Repairs/Supplies	191.91	
Tacnologies, Inc.	Equipment for Police Dept.	1,503.00	
Van Diest Supply	Herbicide for Parks/Street Dept.	3,207.90	
Vantage Point Trust 401 Employee	Pension to 09/15/09	2,285.51	*C
Vantage Point Trust 401 Police	Pension to 09/15/09	1,231.04	*C
Wal Mart	Supplies for Various Departments	1,704.17	
West 2 nd Appliance	Cell Phone for Police Dept.	50.00	
Westco	Fuel for Parks/Street Dept.	3,784.80	
Western Communications	Siren/Radio Maint. for Fire/Police Dept.	365.85	
WPCI	Random Drug Testing	297.50	
	TOTAL	1,654,032.23	

The foregoing schedule of claims is published in accordance with Nebraska Revised Statutes 19-1102

4) Minutes for Boards and Commissions

The minutes for the Planning Commission meeting held September 14, 2009, were distributed.

5) Monthly Reports

Copies of the monthly Treasurer's Report and the Water Report for August 2009 were submitted.

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

Mark Hutton, Airport FBO/Operations Supervisor, was scheduled to be in attendance and give a report on Airport activities, but he was not present.

Colette Fernandez, Executive Director, Chamber of Commerce, was not able to be in attendance, but her written report was distributed.

Deb Cottier, new Executive Director for the Nebraska Northwest Development Corporation, was in attendance and reported on NNDC activities.

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

RESOLUTION NO. 2009-78

WHEREAS, the Chadron Chamber of Commerce, 706 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 on Saturday, October 3, 2009, between the hours of 8:00 o'clock a.m. and 1:00 o'clock a.m. the following morning, in an outdoor area located directly south of Wrecker's Roadhouse in the parking lot of First National Bank at 170 Main Street and extending into Second Street between Main Street and the alley towards Bordeaux Street.

2. It is recommended that approval be granted for a Special Designated License to the Chadron Chamber of Commerce on Saturday, October 3, 2009, between the hours of 8:00 o'clock a.m. and 1:00 o'clock a.m. the following morning, in an outdoor area located directly south of Wrecker's Roadhouse in the parking lot of First National Bank at 170 Main Street and extending into

Second Street between Main Street and the alley towards Bordeaux Street, for the Eaglefest Fundraiser, 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: Duncan, Grantham, Gamby, Chizek. The following voted Nay: None. Absent: Harvey. The passage of the Resolution having been consented to by more than a majority of the members elected to the Council was declared passed and adopted this 21st day of September, 2009.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

The Council considered Ordinance No. 1330 on its third and final 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.

Bob McEwen and Don Thompson were in attendance and addressed the Council regarding the Ordinance.

Councilmember Gamby moved that the Problem Resolution Team be required to provide the City Council with an annual report summarizing the year's activities involving the enforcement of the Property Maintenance Code, and after the first year's report and evaluation, the City Council determine whether the issue needs to be looked at again and possibly placed on the ballot for the

electors of the City to vote on the same. Seconded by Mayor Grantham. The following voted Aye: Duncan, Grantham, Gamby. The following voted Nay: Chizek. Absent: Harvey. Motion carried.

Councilmember Chizek moved to approve Ordinance No. 1330 on its third and final reading. Seconded by Councilmember Duncan with the following Councilmembers voting Aye: Duncan, Grantham, Gamby, Chizek. Voting Nay: None. Absent: Harvey. Ordinance No. 1330 passed and adopted.

The Council considered Ordinance No. 1331 on its third and final 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.

Councilmember Chizek moved to approve Ordinance No. 1331 on its third and final reading. Seconded by Councilmember Duncan with the following Councilmembers voting Aye: Duncan, Grantham, Gamby, Chizek. Voting Nay: None. Absent: Harvey. Ordinance No. 1331 passed and adopted.

The Council considered Ordinance No. 1332 on its third and final 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.

Ordinance No. 1332 did not pass due to lack of a motion.

Kristi Johnson and Sandy Roes made a presentation regarding the possibility of implementing a plan for a Community Recreation Center. Bobbi Ross, representing Friends of the Library, informed the Council that the Library does not want to join with the Community Center. Councilmember Chizek moved that the Council support the investigation for a Community Recreation Center and see where the City stands in this endeavor. Seconded by Mayor Grantham with the following Councilmembers voting Aye: Duncan, Grantham, Gamby, Chizek. Voting Nay: None. Absent: Harvey. Motion carried.

Councilmember Gamby moved to appoint Larry Landreth to the Planning Commission to fill the unexpired term of Russ Harford. Seconded by Councilmember Duncan with the following Councilmembers voting Aye: Duncan, Grantham, Gamby, Chizek. Voting Nay: None. Absent: Harvey. Motion carried.

Councilmember Chizek moved to appoint the NNDC Director and the City Manager to PADD. Seconded by Councilmember Gamby with the following Councilmembers voting Aye: Duncan, Grantham, Gamby, Chizek. Voting Nay: None. Absent: Harvey. Motion carried.

City Manager Sandy Powell reported that the Secretary of Agriculture will be holding a town hall meeting next week. She also stated that she had read several articles regarding taxex. The 2010 committee has been asked to coordinate street closings during the celebration and Fur Trade Days. Sheridan and Dawes counties have both passed the Crazy Horse resolution.

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

RESOLUTION NO. 2009-79

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

That the absence of Councilmember Rob Harvey from the Regular Council Meeting held September 21, 2009, is hereby excused by the Council for reason of personal business and that this Resolution shall be entered upon the journal.

The foregoing Resolution having been read, Councilmember Chizek seconded the motion for its passage and adoption, and after consideration thereof, the roll was called on the passage and adoption of said Resolution and the following Councilmembers voted Aye: Duncan, Grantham, Gamby, Chizek. The following voted Nay: None. The passage of the Resolution having been consented to by more than a majority of the members elected to the Council was declared passed and adopted this 21st day of September, 2009.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

Councilmember Chizek encouraged everyone to be aware of LB494, which should have an impact on citizens.

Councilmember Chizek moved to adjourn the meeting at 5:58 o'clock p.m. Seconded by Councilmember Gamby. The following Councilmembers voted Aye: 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 21, 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)