

## CITY COUNCIL MEETING

NO. 2009-22

OCTOBER 5, 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 5th day of October, 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, Zoning/Building Official Janet Johnson and Public Works Director Milo Rust. 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: Grantham, Gamby, Chizek, Harvey, Duncan. 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. 2009-21, September 21, 2009

The Minutes were approved as written and distributed.

- 2) Correspondence

There was no correspondence to report.

3) Claims

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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

1	ABC Electric	Light Repair at City Hall	113.18	
	Alltel	Cell Phone Service	306.42	
	APWA	2009 Fall Conference/Rust-Menke	280.00	
	Arrow Building Center	Building Supplies	31.03	
	AS Central Services	Network Service Charges	483.45	
	Barco Products	Snow Fence for Street Dept.	1,093.09	*
	Barnum, John	Maintenance at City Hall	25.00	*
	Black Hills Weekly	Ad for Wastewater Operator	343.00	
	Brennan Electric	Electrical Repair to Softball Fields	385.33	*
	Business Connection	Printer Cartridges for City Hall	419.00	*
	Chadron, City of	09/29/09 Electronic Withdrawal	27,154.7	*C/E
			6	
	Chadron, City of	FICA through 09/29/09	4,662.55	*F
	Chadron, City of	Payroll through 09/29/09	35,406.9	*C
			2	
	Chadron, City of	10/09 Side Fund	18,851.3	*
			6	
	Chadron, City of	Utility Refunds	172.23	
	Chadron Concrete	Concrete for Street Department	141.25	
	Chadron Home Center	Supplies/Repairs for Various Departments	108.24	
	Chadron Lumber Company	Hardware for City Hall	11.58	
	Clark, John	Utility Refund	147.76	
	Culligan	Bottled Water	104.00	
	EMC Insurance	Worker's Compensation/Chrisman- Hughes	462.88	
	First National Bank Omaha	Supplies/Travel Expense	1,678.87	*
	Franco typ Postalia	Quarterly Payment	80.85	*
	Gillam, Andrew	Utility Deposit	35.00	

Hansen, Maruta	9/17-9/30/09 Janitorial Services	200.00	
Henkens Equipment	Repairs for Airport	118.38	
Hills Tire & Supply	Mount Tire for Street Dept.	4.00	
Houston Equipment	Repairs for Street Dept.	25.01	
Ideal Linen	Janitorial Supplies	162.22	
Janssen, Jake	Travel Reimbursement	8.21	
Koozer, Haley	Utility Refund	36.73	
League of Nebraska Municipalities	Dues	5,714.78	
Midwest Mailing	Supplies for Postage Meter	13.00	
Mobius	Airport Internet	18.99	
Municipal Supply	Repairs for Water Dept.	331.74	
Nationair	Insurance for Airport	4,750.00	
NE Dept. Of Econ.Development	Your Selling Team Payment	2,976.19	
NE Dept. Of Econ. Development	CDBG Program Reuse Funds for Housing	18,393.4	*
Nebraska Public Power District	9/09 Electric Service	4	
Nebraska Rural Water Assn.	9/09 Electric Service	5,664.34	
Nebraska State Treasurer	Fall Conference Reg./Emick-Menke	220.00	
Nebraskaland Tire	Unclaimed Property	43.44	
Neve's Uniforms	Wheel Alignment for Water Dept.	44.72	
Norm's Carquest	Uniforms for Police Dept.	111.90	
	Parts/Repairs for Various Departments	257.39	
Quality Tire	Tire Repair for Police Dept.	15.00	
Qwest	Phone Service	719.10	*
Regional Care	10/09 Select Flex/Employee Health Ben.	12,051.6	*
		9	
Respond First Aid Systems	First Aid Supples for Various Departments	112.16	
Rick's Auto Body	Vehicle Repair for Water Dept.	1,177.12	*
Sandhills Nursery	Trees for Parks Dept.	400.00	*
Shell	8/11-9/10/09 Fuel Charges	3,578.88	*
Shouldis, Kendra	Utility Refund	36.04	
Simon Contractors	Hot Mix for Street Dept.	942.40	*
Source Gas	Gas Service	451.58	*
Sturdevants	Repairs/Supplies	9.93	

SWANN	09/09 Collections	52,777.0	
		1	
Tree Doc	Remove Trees from Wilson Park	900.00	
US Postmaster	10/09 Utility Bills Postage	470.89	*
Vantage Point Trust 401 Employee	Pension to 09/29/09	2,251.16	*C
Vantage Point Trust 401 Police	Pension to 09/29/09	1,091.23	*C
Wahlstrom Ford	Police Car Repair	74.27	
Wal Mart	Supplies for Various Departments	594.01	*
Western Communications	Radio Maint. For Police Dept.	222.00	
Young Electric Sign Company	Reimburse Sign Permit Fee for Airport	50.00	
	<b>T</b>	<b>209,516.</b>	
<b>OTAL</b>		<b>70</b>	

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 to the Council at this meeting.

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

Chief of Police Tim Lordino administered the Oath of Service to Police Officer Jeanie Melton.

Mayor Grantham proclaimed Monday, October 12, 2009, as Native American Day. Laure Sinn and on behalf of the White Buffalo Club, Dale Pine, Jr., were in attendance in support of the proclamation.

Pat Mracek was in attendance and requested Council support for naming the Chadron Post Office after her son, Sgt. Cory Ryan Mracek, who was killed in Iraq on January 27, 2004. Councilmember Chizek moved to show Council support for the naming of the U.S. Post Office after Sgt. Cory Ryan Mracek. Seconded by Councilmember Gamby. The following Councilmembers voted Aye: Grantham, Gamby, Chizek, Harvey, Duncan. Voting Nay: None. Motion carried.

1 11 Councilmember Chizek introduced the following Resolution and moved for its

adoption:

RESOLUTION NO. 2009-80

WHEREAS, the City of Chadron is committed to attracting and retaining skilled city employees by offering benefits comparable with certain other communities as directed by the Commission of Industrial Relations (CIR); and

WHEREAS, the City of Chadron must also be fair to all employees while remaining fiscally responsible to the taxpayers of Chadron; and

WHEREAS, the City of Chadron must edit section 4.4 of the City of Chadron Personnel Manual to reflect the comparable insurance program offered to employees; and

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

a. HEALTH AND LIFE INSURANCE PROGRAM

Commencing on the first of the month following ninety (90) days of the probationary period, regular full-time employees shall be provided ~~health and life insurance coverage and may elect city health care coverage. The city shall pay the full premium for employee coverage.~~

The City ~~shall pay an amount as approved by the City Council for a portion of employee and dependent coverage under the same chosen plan. Descriptions of the available plans are provided to eligible employees electing to participate.~~

Provisions exist to allow continuation under the City's group plan after the employee leaves the City's employment in accordance with COBRA regulations. Under these regulations, the employee is responsible for premiums for a period of up to 18 months or until disqualified.

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

City Manager Powell and Finance Officer Melany Hughes spoke in support of Resolution Nos. 2009-80 and 81, stating that the two resolutions were to accommodate the changes being proposed in the City employees health insurance benefit. Finance Officer Hughes reported on the employee committee meetings that were held and the four different options that were being proposed effective January 1, 2009. Considerable discussion followed with the Councilmembers.

Janet Johnson, spoke on behalf of members of the Chadron City Employees Association, stating that there are concerns with the proposed health insurance benefit. Ms. Johnson informed the Council of history involving employee wages and benefits. She explained for the health insurance

benefit to be where it is at the present time, the employees have given up benefits and wages in the past. She also explained that in the past the CCEA has been allowed to provide input with regard to wages and benefits for the upcoming fiscal year. This has not been allowed to happen with the current City Manager. Ms. Johnson requested that the Council take a closer look at this issue before taking any action on the two proposed resolutions.

Also expressing concern with the proposed wages and benefits for the City employees, including the health insurance benefit, were Bev Bartlett, Mike Bartlett, and Sharon Dotson.

Councilmember Chizek moved to postpone a decision on Resolution No. 2009-80 to allow receipt of more information and to allow the Council more time to review this issue in detail. Seconded by Councilmember Harvey. The following Councilmembers voted Aye: Grantham, Gamby, Chizek, Harvey, Duncan. Voting Nay: None. Motion carried.

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

#### RESOLUTION NO. 2009-81

WHEREAS, the City of Chadron is committed to attracting and retaining skilled city employees by offering benefits comparable with certain other communities as directed by the Commission of Industrial Relations (CIR); and

WHEREAS, the City of Chadron understands that flexible insurance program choices encourage wellness and employee empowerment over their personal health; and

WHEREAS, the City of Chadron must also be fair to all employees while remaining fiscally responsible to the taxpayers of Chadron; and

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

The City of Chadron will implement an insurance program which offers the employee a choice of deductibles and premiums. Included in the options will be a Health Savings Account.

The open enrollment period will be November and the program year will be from January through December.

Should the employee choose to opt out of the health insurance offered by the City, the employee shall be required to show proof of insurance to the city annually during the enrollment period.

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

Councilmember Chizek moved to postpone a decision on Resolution No. 2009-81 to allow receipt of more information . Seconded by Councilmember Grantham. The following Councilmembers voted Aye: Grantham, Gamby, Chizek, Harvey, Duncan. Voting Nay: None. Motion carried.

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

RESOLUTION NO. 2009-82

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

1. Progress Estimate No. 6 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
Net Change by Change Orders	(40,075.00)
Contract Sum to Date	\$4,052,238.00
Total Value of Work & Materials	\$3,332,728.00
Less Amount Paid (Previous Estimates)	\$2,878,037.10
Less Retainage (10%)	\$202,611.90
Total Claim	\$252,079.00

2. That Fischer Construction be paid the sum of \$252,079.00 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: Grantham, Gamby, Chizek, Harvey, Duncan. 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 5<sup>th</sup> day of October, 2009.

CITY OF CHADRON

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Mayor

ATTEST:

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City Clerk

(S E A L)

Public Works Director Milo Rust informed the Council that work is progressing well at the Wastewater Treatment Facility. An open house will be scheduled when the project is completed.

Police Chief Tim Lordino reported on MIP and other citations, and commended his officers.

Finance Officer Melany Hughes reported that the City was a successful recipient of the Housing Grant of \$284,000.00 through the Nebraska Department of Economic Development. She also informed the Council that NPPD rates will be increasing 5.7 percent to 6 percent.

City Manager Sandy Powell commented on the housing grant and indicated that several entities will be working to put a joint informational meeting together.

Councilmember Duncan commented on the natural gas rate increases. John Axtell told of past experiences in trying to fight the distributor, and the cost was passed on to the consumer.

Street Superintendent Terry Birnbaum updated the Council on snow fences, potholes, work at the airport and the 12<sup>th</sup> Street upgrade.

City Manager Sandy Powell shared statistics on Nebraska volunteerism.

Councilmember Gamby and Mayor Grantham commented on the upcoming Nebraska – Missouri football game.

Councilmember Harvey moved to enter into executive session at 6:03 p.m. to discuss personnel matters. Seconded by Councilmember Chizek. The following Councilmembers voted Aye: Grantham, Gamby, Chizek, Harvey, Duncan. Voting Nay: None. Motion carried.

Councilmember Gamby moved to adjourn the executive session at 7:15 p.m. Seconded by Councilmember Chizek. The following Councilmembers voted Aye: Grantham, Gamby, Chizek, Harvey, Duncan. Voting Nay: None. Motion carried.

Councilmember Gamby moved to adjourn the meeting at 7:16 o'clock p.m. Seconded by Councilmember Harvey. The following Councilmembers voted Aye: Grantham, Gamby, Chizek, Harvey, Duncan. 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 October 5, 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.

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City Clerk

(SEAL)