

## CITY COUNCIL MEETING

NO. 2009-24

NOVEMBER 2, 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 2<sup>nd</sup> day of November, 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, Public Works Director Milo Rust, Chief of Police Tim Lordino, Finance Officer Melany Hughes, and Zoning/Building Official Janet Johnson. Absent: Councilmember Rob Harvey.

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

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

- 1) Minutes for City Council Meeting No. 2009-23, October 19, 2009

The Minutes were approved as corrected, which correction was to clarify that the City employees will be responsible for paying 25% of the increase in costs for the premium for the health insurance benefit. It was also noted that City Clerk Rust will be attaching Exhibits A and B to the minutes to further clarify the actual costs for the City and the employees for future reference.

- 2) Correspondence

There was no correspondence to report.

3) Claims

COUNCIL MEETING

No. 2009-24

November 2, 2009

NOTE

\*Denotes Check Issued

R-Resolution, F-Federal Law,

M-Motion

N/A-No Authority,

D-Discount

T-Transfers/Pass Through

E-Electronic Checks

Alltel	Cell Phone Service for Police	235.65
Anderson, Beth	Utility Deposit Refund	43.64
Arrow Building Center	Supplies for Various Depts.	25.24
AS Central Services	Long Distance Service/Network Charges	515.08
Baker & Associates	Wastewater Plant Design/Review	300.00
Bartlett, Mike	Remote Repair for Police Dept.	45.00
Brennan Electric	Light Repair for Street Dept.	39.55
Business Connection	Office Supplies for Police Dept.	8.30
Central Parts Warehouse	Blades for Snow Plow at Airport	360.96
Century Business Products	Library Copier Lease	59.50
Chadron, City of	10/27/09 Electronic Withdrawal	31,488.65*C/E
Chadron, City of	FICA through 10/27/09	5,085.45*F
Chadron, City of	Payroll through 10/27/09	35,698.38*C
Chadron, City of	Utility Refunds	455.38
Chadron Community Hospital	LB840 Funds Distribution	67,199.95
Chadron Concrete	Concrete	27.50
Chadron Medical Clinic	Exam for Hickstein	153.00
Creations of Heart Custom Sewing	Alterations to Police Uniforms	106.00
Eagle Chevrolet	Vehicle Repair for Police Dept.	34.00
EMC Insurance Companies	Property Damage Deductible	500.00
Enviro Service	Water/Wastewater Testing	192.00
Express Auto Salvage	Door Handle for Airport Vehicle	7.00
Farm Plan	Supplies for Various Depts.	2,902.47
Felton, William	Utility Deposit Refund	40.00
First National Bank Omaha	Supplies/Travel Exp. For Various Depts.	1,923.40
FP Mailing Solutions	Resets for Postage Machine	80.85

Galls	Uniforms for Police Dept.	542.99
Great Plains Communications	Library Internet Service	57.45*
Halsen Products	Supplies for Street Dept.	174.91
Hansen, Maruta	10/15-10/28/09 Janitorial Services	200.00
Henkens Equipment	Repairs for Street/Airport Depts.	25.44
Hills Tire & Supply	Tire Repair	12.50
Ideal Linen	Janitorial Supplies for Various Depts.	410.30
Lordino, Tim	Travel Reimbursement	11.50
Mack, Jerry	Utility Deposit Refund	51.55
Municipal Supply	Repairs for Water Dept.	1,208.10
NE Dept. of Economic Dev.	Your Selling Team Payment	2,976.19T
NE Public Health Laboratory	Water Testing	751.00
Nebraska Machinery	Air Compressor for Various Depts.	10,900.00
Nebraska Public Power District	10/09 Electric Service	378.52
Nebraska Public Power District	Library Electric Service	227.60*
Neve's Uniforms	Uniforms for Police Dept.	157.73
North Florida University	Reg. Fee for Crime Workshop/Melton	450.00*
Old Dominion Brush	Street Sweeper Parts	859.76
Petersen Drug	Additional Cell Phone Line for Police Dept.	75.00
Peterson Locksmith	Keys for Parks Dept.	60.00
Popular Mechanics	Subscription for Street Dept.	12.00
Quality Tire	Tire Repair	15.00
Quill	Office Supplies for City Hall	45.94
Qwest	Phone Service for Various Depts.	707.58
Ramada Inn-Kearney	Room Charge/Conference for Milo Rust	210.00
Roberts Electric	UPS Charges for Water Sample Shipping	279.36*
Serres, Terry	Travel Reimbursement	10.00
Shell	9/10-10/11/09 Gas Charges	3,785.58*
Source Gas	Gas Service for Various Depts.	922.29
Star Herald	Subscription for Police Dept.	133.00
Thompson Publishing Group	Fair Labor Standards Handbook	328.50
Treat America Dining	Training for Loutzenhiser/Melton	109.23
US Postmaster	11/09 Utility Bills Postage	463.30*
Vantage Point Trust 401 Employee	Pension to 10/27/09	2,413.93*C
Vantage Point Trust 401 Police	Pension to 10/27/09	1,283.50*C
Wal Mart	Supplies for Various Depts.	587.48

Western Communications	Radio Maintenance	222.00
Xerox	Paper for Various Depts.	1,240.00
		179,826.1
<b>TOTAL</b>		<b>8</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 at this meeting.

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

Carl Cousin and students from Chadron State College were present at the meeting to request that November 16 - 20, 2009 be declared as International Education Week. The students took turns reading a portion of the proclamation. Mayor Grantham signed said proclamation.

Randy Ross was present at the meeting to be introduced to the City Council. Mr. Ross was recently hired to fill a vacancy in the Communications Department as a part-time dispatcher and started work for the City on Monday, October 26, 2009. Chief of Police Tim Lordino introduced Mr. Ross to the Council.

At 5:11 o'clock p.m. Mayor Grantham opened the public hearing scheduled for this date and time for the purpose of considering a request to rezone Lot 1, Block 1, Northeast 8<sup>th</sup> Addition to the City of Chadron, Dawes County, Nebraska, from existing GI General Industrial District to R2 Urban Residential District. It was noted that this request was submitted by the owners, Ralph and Helen Strotheide and is located in the 300 Block of East Norfolk Avenue.

The following appeared before the Council in support of the rezoning request: Helen Strotheide.

The following spoke against the rezoning request: None.

The following spoke in a neutral position with regard to the rezoning request: Zoning/Building Official Janet Johnson.

Councilmember Steve Duncan was present at 5:13 o'clock p.m.

There being no one else present to speak on behalf of the rezoning request, Mayor Grantham closed the hearing at 5:14 o'clock p.m.

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

RESOLUTION NO. 2009-84

WHEREAS, Ralph and Helen Strotheide have requested the rezoning of a tract of property hereinafter described from existing G1 General Industrial District to R2 Urban Residential District, and the matter was referred to the City Planning Commission for its advice and recommendation, and the City Planning Commission, after public hearing on October 12, 2009, has reported that Commissioner Thompson moved to recommend to the City Council the approval of rezoning this property from G1 to R2, whereupon it was seconded by Commissioner Young and was approved by the Commission. Therefore, the Planning Commission sent its recommendation to the City Council that the property should be rezoned from G1 General Industrial District to R2 Urban Residential District, and

WHEREAS, a public hearing before the City Council was set for November 2, 2009 at 5:05 o'clock P.M., and notice of said hearing was given by publication thereof in The Chadron Record on October 21 and October 28, 2009 and the described property was posted in accordance with Section 19-905 R. R. S., 1943, as amended, now therefore:

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

1. The City Council finds and determines that a public hearing has been held on the application of Ralph and Helen Strotheide to change and rezone the property hereinafter described from G1 General Industrial District to R2 Urban Residential District; that due notice of said hearing was given in accordance with law; that all parties in interest and citizens which have appeared have had an opportunity to be heard, and that no written protests were filed against such change pursuant to Section 19-905 R. R. S. 1943.

2. The City Council finds and determines that the following described property:

Lot 1, Block 1, Northeast 8<sup>th</sup> Addition to the City of Chadron, Dawes County, Nebraska

should be rezoned and is hereby designated as R2 Urban Residential District, and the City Zoning Map approved and adopted by the City Council on July 7, 1997, be and hereby is amended to show such zoning change.

3. The City Zoning/Building Official and the City Clerk are hereby authorized and directed to

show upon said City Zoning Map such 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: Chizek, Duncan, Grantham, Gamby. 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 2<sup>nd</sup> day of November, 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. 2009-85

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

1. Progress Estimate No. 7 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	\$3,456,083.00
Less Amount Paid (Previous Estimates)	\$3,130,116.10
Less Retainage (5% of Contract)	\$202,611.90
Total Claim	\$ 123,355.00

2. That Fischer Construction be paid the sum of \$123,355.00 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: Chizek, Duncan, Grantham, Gamby. 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 2<sup>nd</sup> day of November, 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. 2009-86

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 November 2, 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 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: Chizek, 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 2<sup>nd</sup> day of November, 2009.

CITY OF CHADRON

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Mayor

ATTEST:

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City Clerk

(S E A L)

Councilmember Chizek moved to adjourn the meeting at 5:32 o'clock P.M. Seconded by Councilmember Gamby. The following Councilmembers voted Aye: Chizek, Duncan, Grantham, Gamby. The following voted Nay: None. Absent: Harvey. Motion carried.

CITY OF CHADRON

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Mayor

ATTEST:

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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 November 2, 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)