

## CITY COUNCIL MEETING

NO. 2009-27

DECEMBER 7, 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 7<sup>th</sup> day of December, 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, Public Works Director Milo Rust, Finance Officer Melany Hughes, 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: Duncan, Grantham, Gamby, Chizek, Harvey. 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. 2009-25, November 16, 2009, and Special City Council Meeting No. 2009-26, November 30, 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

American Society for Public Admin.	Membership Dues/Powell	100.00	
Arrow Building Center	Supplies for Various Depts.	185.19	
AS Central Services	Long Distance Svc/Network Chg	488.88	
Bauerkempers	Repairs for Parks Dept.	41.36	
Birnbaum, Jenny	Clothing Reimbursement	49.50	
CH Diagnostic	Water Testing	370.00	
Chadron, City of	11/24/09 Electronic Withdrawal	32,406.99	*C/E
Chadron, City of	12/09 Employee Health Benefits	24,754.54	*
Chadron, City of	FICA through 11/24/09	5,169.61	*F
Chadron, City of	Payroll through 11/24/09	36,853.38	*C
Chadron, City of	Utility Refunds	158.18	
Chadron Home Center	Parts/Repairs for Various Depts.	251.15	
Chadron Medical Clinic	Exam/Melton	206.00	
Chadron Wholesale	Janitorial Supplies	154.67	
Cornhusker Press	Pet Tags for Licenses	86.10	
Culligan	Airport Bottled Water	77.75	
Eaton, Cody	Clothing Reimbursement	135.00	
Edmund, Adam	11/09 Legal Services	3,736.60	
EMC Insurance Co.	Property Damage Deductible	500.00	
Enviro	Wastewater Testing	62.00	
Farm Plan	Supplies/Repairs Various Depts.	232.91	*
First National Bank	Water Plant Imp Proj. Loan Pmt.	42,821.68	
First National Bank Omaha	Supplies/Travel Expense	3,821.92	
Fremont National Bank	Microtel TIF Bond Payment	26,968.75	
Galls	Uniforms for Police Dept.	46.35	
Great Plains Communications	Internet Service for City Hall	39.95	
Grimm's Pump & Industrial Supply	Repairs for Airport	364.54	
Hansen, Maruta	11/12-12/02/09 Janitorial Services	260.00	
Harms, John Advanced Tech Center	Reg Fee for Training/Hughes	50.00	
Henkens Equipment	Repairs for Wastewater/Airport	31.35	
Hills Tire	Tire Repair for Street Dept.	12.50	
HR Direct	Employment Poster	114.82	
ICMA	Membership Renewal/Powell	654.94	

Ideal Linen	Janitorial Supplies Various Depts.	289.89	
JJ's Engraving & Awards	Plaques/Keiper and Birnbaum	152.00	
Kriz-Davis	Steel Poles for Street Dept.	2,840.86	
Lesmeister, Dillon	Utility Refund	35.58	
Linweld	Argon Cylinders for Street Dept.	16.00	
McCulley, David	Utility Refund	27.17	
Mobius	Airport Internet	18.99	
MPH Industries	Radar Equipment for Police Dept.	350.00	
National Assn. of Parliamentarians	Membership Dues/Powell	82.50	
Nationwide Management Services	Newsletter Subscription	267.50	
NE Dept. of Economical Dev.	Your Selling Team Payment	2,976.19	T
NE Dept of Environ. Quality	Clean Water SRF Annual Interest/Payment	7,996.75	
NE Dept. of Health	Water Operator License/Serres	94.00	
Nebraska Machinery Co.	Parts for Street Dept.	1,015.10	
Nebraska Public Health Laboratory	Water Testing	421.00	
Nebraska Public Power District	11/09 Electric Service	5,978.07	
Nebraska Public Power District	11/09 Electric Service	16.32	*
Norm's Carquest	Supplies/Repairs Various Depts.	286.86	
Northwest Rural Public Power	Rural Electric Service	7,750.53	*
Outlaw Printers	Stamp/Forms for Various Depts.	248.45	
Petersen Drug	Supplies for Airport	179.98	
Pine Ridge Land Surveys	Easement Survey for Sewer	550.00	
Power Plan	Repairs for Street Dept.	1,271.36	
Prochaska, Jennifer	Utility Refund	56.74	
Quality Tire	Tires/Repair for Street Dept.	1,444.00	
Quill	Office Supplies for City Hall	106.52	
Qwest	Phone Service for Various Depts.	724.00	*
Qwest	Phone Service for Police Dept.	246.25	
Raymer, Craig	Utility Refund	29.04	
Regional Care	12/09 Select Flex/Emp. Health Benefits	11,921.26	*
Rhine, Ann	Utility Refund	33.29	
Roberts Electric	Light Repair at Airport	70.52	
Ron's Repair	Pipe for Street Dept.	422.10	
Rose Equipment	Cylinder for Street Shop	547.46	
Sandhills Computer	Internet Service for Street Dept.	29.00	
Serres, Terry	Clothing Reimbursement	135.00	

Shell	10/12/09-11/09/09 Fuel Charges	3,409.86	*
Simon Contractors	Hot Mix for Street Dept.	1,043.20	
Sleuth Software	Software for Police Dept.	2,111.71	
Sturdevants	Repairs/Parts for Various Depts.	132.89	
SWANN	11/09 Collections	56,027.81	
Teledyne Isco, Inc.	Meter Power Cord WW Dept.	81.00	
University of Nebraska	Study Guides Pesticide Recert	66.88	
University of Nebraska	Pesticide Recert. For Parks Dept.	150.00	
US Postmaster	12/09 Utility Bills Postage	459.38	*
Vantage Point Trust 401 Employee	Pension Through 11/24/09	2,447.43	
Vantage Point Trust 401 Police	Pension Through 11/24/09	1,363.43	*C
Verizon	Phone Service for Various Depts.	287.61	
Wahlstom Ford	Vehicle Repair for Police Dept.	31.89	
Walmart	Supplies for Various Depts.	800.27	
West	Zoning Bulletin	168.00	
White River Feed & Trailer	Magnesium Chloride Street Dept.	804.50	
Winter Equipment Co.	Equipment for Street Dept.	157.52	
Xerox	Copier Lease	753.15	
<b>TOTAL</b>		<b>300,133.42</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.

#### 5) Monthly Reports

A copy of the monthly Treasurer's Report and the Water Report for October 2009 were distributed.

#### 6) Fire Department Membership Update

An updated list of membership in the Chadron Volunteer Fire Department was distributed.

Councilmember Harvey seconded the motion for approval of the Consent Agenda. The following Councilmembers voted Aye: Duncan, Grantham, Gamby, Chizek, Harvey. The following

voted Nay: None. Motion carried.

Police Chief Tim Lordino presented plaques of appreciation to Margaret Keiper for 34 years of service to the City. Ms. Keiper retired on November 30, 2009.

Deb Cottier, Executive Director for Nebraska Northwest Development Corporation, updated the Council on NNDC activities.

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

RESOLUTION NO. 2009-116

WHEREAS, local municipal government, county government, and regional economic development entities must provide leadership and coordination for economic development efforts; and

WHEREAS, economic development needs can best be solved through a cooperative effort between local, county, regional and state economic development organizations and entities; and

WHEREAS, there is a need to recognize and promote our community's organizational readiness, infrastructure investment, ability to respond to business needs, and

WHEREAS, the Economic Development Certified Community Program, administered by the Nebraska Department of Economic Development, has been reviewed and found to be a program promoting our community's economic development preparedness;

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

The City Council of the City of Chadron does herewith pledge their full support, endorsement, and cooperation for participation in Nebraska's Economic Development Certified Community Program.

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, Harvey. 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 7<sup>th</sup> day of December, 2009.

CITY OF CHADRON

Mayor

ATTEST:

---

City Clerk

(S E A L)

Wayne Anderson, Director, Senior Volunteer Services, gave a report and update of SVS (formerly called RSVP). Anderson also thanked the Council for the financial support given to the program.

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

RESOLUTION NO. 2009-117

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

1. The Council having reviewed the Environmental Review Determination (Categorically Exclusion, Not Subject to Related Statutory Authorities for the Special Needs Assistance Programs) in connection with the tenant-based rental assistance grant being requested by the Northwest Community Action Partnership through HUD's Supportive Housing Program (SHP), and the Council being fully advised in the premises finds and determines that the project is categorically excluded not subject to (CENST) related federal environmental laws and authorities.

2. The Council further hereby authorizes and directs Vice Mayor John Gamby to execute the Environmental Review Determination Form on behalf of the City of Chadron.

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: Duncan, Grantham, Gamby, Chizek, Harvey. 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 7<sup>th</sup> day of December, 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. 2009-118

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

1. The City Council having been advised of the Request for Proposal received from the Panhandle Area Development District (PADD), Gering, NE 69341, wherein the City and PADD are desirous of entering into a contract to formalize their relationship, as the City has been awarded a Housing Rehabilitation Grant through the Nebraska Affordable Housing Program, and it would be beneficial to the City to utilize PADD as an independent entity to accomplish to the housing administration services in connection with said grant, and being fully advised in the premises, does hereby accept and approve such proposal.

2. The Mayor is hereby directed and authorized to execute the Acceptance of Proposal 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, Harvey. 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 7<sup>th</sup> day of December, 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. 2009-119

The City Council having been advised and having reviewed the Housing Rehabilitation Program Guidelines to be used in connection with the Housing Rehabilitation Grant through the Nebraska Affordable Housing Program, and being fully advised in the premises, does hereby accept and approve the Guidelines as proposed.

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: Duncan, Grantham, Gamby, Chizek, Harvey. 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 7<sup>th</sup> day of December, 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. 2009-120

There is hereby created a Chadron Housing Committee, which shall consist of three (3) members, one being a member of the Chadron City Council, the Zoning/Building Official, and a member at large with construction knowledge, who shall be appointed by the Mayor, by and with the approval of a majority vote of the City Council and it shall be their responsibility to review applications for Housing Rehabilitation funds through the Nebraska Affordable Housing Program and to recommend approval or disapproval of the same. All members shall be appointed to serve for a two year term beginning in January 2010.

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: Duncan, Grantham, Gamby, Chizek, Harvey. 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 7<sup>th</sup> day of December, 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. 2009-121

WHEREAS, the Chadron Knights of Columbus, Council #1128, Chadron, NE, has applied for a Special Designated License from the Nebraska Liquor Control Commission, and the City Council find that a Special Designated License should be approved so 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 11:00 o'clock A.M. on Saturday, January 2, 2010, and 1:00 A.M. on Sunday, January 3, 2010, inside the entire building of the Assumption Arena located at 355 Spruce Street, Chadron, NE, which building is 100 feet in length and 150 feet in width.

2. It is recommended that approval be granted for a Special Designated License to the Chadron Knights of Columbus, Council #1128, Chadron, NE, to conduct a cash bar for a dance and reception, between the hours of 11:00 o'clock A.M. on Saturday, January 2, 2010, and 1:00 A.M. on Sunday, January 3, 2010, inside the entire building of the Assumption Arena located at 355 Spruce Street, Chadron, NE, which building is 100 feet in length and 150 feet in width, 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 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, Harvey. 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 7<sup>th</sup> day of December, 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. 2009-122

WHEREAS, certain property within the City of Chadron, Nebraska, was previously occupied by persons that did not pay the total amount due the City of Chadron for City utilities; and

WHEREAS, this utility bill has been delinquent for more than three (3) months; and

WHEREAS, Section 16-682, R.R.S. 1943 provides for the collection of utility bills which are delinquent and, pursuant thereto, Section 16-113 of the Municipal Code of the City of Chadron provides that when water rent, when delinquent, shall be a lien against the premises or real estate upon, or for which the same is used or supplied and such delinquent water rental remains unpaid after three months after which it became due, may by Resolution of the City Council be assessed against said real estate after a special assessment which shall be certified by the City Clerk to the County Clerk of Dawes County to be placed on the tax rolls for collection; and

WHEREAS, notices have previously been sent to the owner of the property previously occupied by the person not paying the utility bills in accordance with State Law.

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

That the following delinquent water rental be assessed against the real estate as a special assessment which shall be certified by the City Clerk to the County Clerk of Dawes County to be placed on the tax rolls for collection subject to the same penalty and to be collected in like manner as other City taxes, all as provided in Section 16-682, R.R.S. 1943:

Shane and Marilyn Hays	441 N. Main	\$73.74
------------------------	-------------	---------

and that proceeds of such special levy be paid over to the City when collected.

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

Finance Officer requested that this Resolution be postponed until the next regular Council Meeting, as the letter that was mailed to Shane and Marilyn Hays did not specifically state the date of this Council Meeting, as the meeting that the Council would be taking action on this matter.

Councilmember Gamby moved to postpone any action on Resolution No. 2009-122 until the December 21, 2009 Council Meeting. Seconded by Councilmember Harvey. The following Councilmembers voted Aye: Duncan, Grantham, Gamby, Chizek, Harvey. The following voted Nay: None. Motion carried.

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

RESOLUTION NO. 2009-123

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

1. Progress Estimate No. 8 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

\$3,869,386.00

\$3,253,471.10

\$202,611.90

\$ 413,303.00

2. That Fischer Construction be paid the sum of \$413,303.00 for materials furnished and work performed in the Chadron Wastewater Treatment Facility Project.

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: Duncan, Grantham, Gamby, Chizek, Harvey. 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 7<sup>th</sup> day of December, 2009.

CITY OF CHADRON

---

Mayor

ATTEST:

---

City Clerk

(S E A L)

Councilmember Harvey moved to appoint City Manager Sandy Powell and Councilmember John Chizek as City representatives to the Heartland Expressway Association. Seconded by Councilmember Grantham. The following Councilmembers voting Aye: Duncan, Grantham, Gamby, Chizek, Duncan. Voting Nay: None. Motion carried.

Councilmember Gamby moved to approve the proposed schedule for 2010 meeting dates. Seconded by Councilmember Harvey. The following Councilmembers voting Aye: Duncan, Grantham, Gamby, Chizek, Harvey. Voting Nay: None. Motion carried.

Parks Superintendent Scott Schremmer was present to explain a proposal that was drafted for future submittal to the Business Improvement District (BID) Board. He also informed the Council that the department is soliciting bids for a pickup.

Zoning/Building Official Janet Johnson reminded everyone that the City is looking for people to serve on Boards and Commissions. She encouraged volunteers to consider serving.

Public Works Director Milo Rust announced that he had declared a snow emergency for the morning of Tuesday, December 8, 2009. He reported that the process is working well. Chief of Police Lordino further commented on the snow emergency declaration process.

Chief of Police Tim Lordino reported on the "Click it or Ticket" program and an upcoming DUI grant.

City Manager Sandy Powell updated the Council on the fiscal status of heating the swimming pool, the progress of the Chadron Youth Council, and the schedule for adoption of the new City Code. She also said that a webinar on energy efficiencies will be conducted and she and several staff members will participate.

Councilmember Duncan commented on the Nebraska/Texas football game.

Councilmember Harvey moved to enter into executive session at 5:50 p.m. for the purpose of discussing personnel matters. Seconded by Councilmember Chizek. The following Councilmembers voting Aye: Duncan, Grantham, Gamby, Chizek, Harvey. Voting Nay: None. Motion carried.

Councilmember Gamby moved to adjourn the executive session at 7:05 p.m. Seconded by Councilmember Harvey with the following Councilmembers voting Aye: Duncan, Grantham, Gamby, Chizek, Harvey. Voting Nay: None. Motion carried.

Councilmember Gamby moved to adjourn at 7:06 p.m. Seconded by Councilmember Harvey with the following Councilmembers voting Aye: Duncan, Grantham, Gamby, Chizek, Harvey. Voting 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 December 7, 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)