

CITY COUNCIL MEETING

NO. 2010-03

FEBRUARY 1, 2010

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 1st day of February, 2010, 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, Police Chief 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. 2010-02, January 18, 2010

The Minutes were approved as written and distributed.

2) Correspondence

A letter from the Heartland Expressway Association was included, thanking the City for its support and also an update on what the Association has been doing.

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

A & M Aviation	Fuel Tank Filters for Airport	691.00	
ABC Electric	Install Heater at Well Field	372.58	
American Water Works	Membership Renewal/Milo Rust	165.00	
Arrow Building Center	Supplies for Parks Dept.	129.73	
AS Central Finance	Network Service Charges for Police Dept.		
		1,344.00	
AS Central Finance	Long Distance Charges for Various Depts.		
		44.70	
Baker & Associates	Wastewater Facility Engineering	5,000.00	
Barco Municipal Products	Supplies for Street Dept.	345.94	
Brownlow, Tyrel	Refund December Health Premium	68.50	
Business Connection	Supplies for City Hall	34.95	
California Contractors Supplies	Work Gloves for Wastewater Dept.	100.08	
CH Diagnostic & Consulting	Water Sample Testing	370.00	
Chadron, City of	1/19/10 Electronic Withdrawal for Payroll		*C/E
		31,635.39	
Chadron, City of	FICA through 1/19/10	4,851.47	*F
Chadron, City of	02/10 Dental Side Fund	162.50	
Chadron, City of	02/10 Health Side Fund	29,713.55	
Chadron, City of	Payroll through 1/19/10	34,178.27	*C
Chadron Community Hospital	Influenza Shots for Fire Dept.	10.69	
Chadron Rotary Club	Quarterly Dues/Powell	114.50	
Chadron Wholesale	Supplies for Police Dept./Water Dept.	109.63	
Culligan	Bottled Water/Dispenser Rent for Airport		
		104.00	
Danko	Equipment for Fire Dept.	378.84	
Digital Ally	In-Car Camera for Police Dept.	4,325.00	
DM&E	Land Lease to Stockpile Snow	200.00	
Enviro Service	Wastewater Testing	62.00	
Farm Plan	Supplies/Repairs for Various Depts.	674.62	
Fire Programs	Annual Support/Upgrade for Fire Dept.	455.00	
First National Bank NP	1/19/10 HAS Employer Contribution	140.00	*C

First National Bank Omaha	Travel Exp./Supplies for Various Depts.	1,033.52	
First National Merchant Solutions	Processing Fees for Credit Card Machine	59.15	*E
Fischer Construction	Wastewater Facility Pay Estimate #9	152,611.90	*R
Francotyp Postalia	Postage Meter Resets	80.85	
Galls	Dispatcher Uniforms for Police Dept.	77.71	
Hansen, Maruta	1/14-1/27/10 Janitorial Services	200.00	
Hawkins	Sensor for Water Dept.	552.51	
Henkens Equipment	Repairs for Water/Wastewater Depts.	61.52	
Hi-Tech Car Care	Handi Bus Washing	27.00	
Ideal Linen	Janitorial Supplies for Various Depts.	217.41	
Interstate Industrial Service	Freight Charge for Back Flow Gauge	12.68	
Landen Chiropractic	Econ. Development Reuse Loan	45,000.00	
Lien, Pete & Sons	Sand for Street Dept.	485.76	
Lordino, Tim	10/09-12/09 Auto Allowance	300.00	
Madison National Life	02/10 Dental Premium	146.75	
Metal Products	Heater Repair at Fire Dept.	44.14	
Mid States Crime Info. Center	2010 Membership/Lordino	150.00	
Midwest Mailing	12/09-1/10 Postage for Meter	800.00	*E
Moore-Wallace	Citation Books for Police Dept.	223.42	
Morfords Decorating Center	Carpet/Labor for Police Dept.	721.68	
Municipal Supply	Repairs for Water Dept.	145.25	
Murdock, Doug	Repair Control Box at Airport	184.88	
Nebraska Dept. of Aeronautics	Fuel Loan/NDB Maintenance	685.00	*E
Nebraska Dept. of Revenue	12/09 Sales/Use Tax Return	6,025.25	*E
Nebraska Public Health Laboratory	Water Testing	90.00	
Nebraska Public Power District	01/10 Electric Service/Repairs	1,402.09	
Nebraska Salt & Grain	Salt for Street Dept.	1,786.51	
Northwest Pipe Fittings	Repairs for Water Dept.	400.74	
Outlaw Printers	Office Supplies for City Hall	71.50	
Petersen Drug	Batteries for Fire Dept.	23.34	
Petty Cash	Reimburse Petty Cash	44.64	*
Power Plan	Parts for Street Dept.	730.45	
Quill	Office Supplies for Police Dept.	278.68	
Qwest	Phone Service for Various Depts.	694.09	
Regional Care	02/10 Select Flex/Emp. Health Benefits	11,743.56	
RepCo Marketing	Supplies for Police Dept.	35.75	

Roberts Electric	UPS Charges for Water Sample Shipping	178.32	
Roberts Electric	Repairs/Labor for Airport Fuel System	246.04	
Ron's Repair Shop	Repairs for Water Dept.	2.14	
Shell	12/10/09-1/11/10 Fuel Charges	4,865.61	
Source Gas	Gas Service for Various Depts.	4,769.80	
Subway	Meals for Housing Fair/Plumbers Meeting	162.78	
Superior Signals	Light Bar for Pickup for Water Dept.	195.95	
Vantage Point Trust 401 Employee	Pension through 1/19/10	2,485.56	*C
Vantage Point Trust 401 Police	Pension through 1/19/10	1,214.53	*C
Verizon	Cell Phone Service for Police Dept.	182.13	
Wahlstrom Ford	Brackets for License Plate for Police Dept.	26.97	
Wal Mart	Supplies for Various Depts.	323.11	
Westco	Diesel for Fire Dept.	86.88	
Western Communications	Radio Maintenance for Police Dept.	272.40	
Winter Equipment	Repairs for Snow Plow for Street Dept.	83.03	
TOTAL		358,024.92	

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) Proclamations for Lois Christensen and Evelyn Roberts

Mayor Grantham was asked to sign proclamations recognizing two long-time citizens of the area. The proclamations will be presented to Lois Christensen and Evelyn Roberts at the annual Chadron Area Reunion in Arizona.

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.

Mayor Grantham proclaimed the month of March 2010 as Gambling Awareness Month. Joan Yekel, a certified counselor with CrossRoads Resources, LLC, was present in support of the

proclamation.

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

RESOLUTION NO. 2010-09

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

1. The Council having reviewed the Agreement Renewal for Maintenance Agreement No. 7, dated January 1, 2006, to be executed by the City of Chadron, between the Nebraska Department of Roads and the City of Chadron, which provides that Maintenance Agreement No. 7 is renewed for the period of January 1, 2010 through December 31, 2010, that all terms and exhibits to remain in effect as per the original Maintenance Agreement No. 7 and revised Exhibit "B", and the Council being fully advised in the premises finds and determines that the Agreement Renewal should be approved and adopted by the City of Chadron.

2. The Council further hereby authorizes and directs the Mayor and City Clerk to execute the Agreement Renewal for Maintenance Agreement No. 7 between the Nebraska Department of Roads and the City of Chadron, Nebraska, and to further execute the Certificate of Compliance, 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: 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 1st day of February, 2010.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

The Council considered Ordinance No. 1333:

AN ORDINANCE to allow sale of alcohol on Sunday, February 14, 2010 (Valentine's Day); 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 suspend the statutory rules in regard to the passage and adoption of Ordinance No. 1333. Seconded by Councilmember Harvey with the following Councilmembers voting Aye: Grantham, Harvey. The following voted Nay: Duncan, Gamby, Chizek. The motion to suspend the statutory rules for Ordinance No. 1333 failed to pass. There was no further consideration of Ordinance No. 1333.

Cali Crile and Ronell Jones were sworn in as new members of the Chadron Youth Council

The time being 5:16 p.m., Mayor Grantham opened the Public Hearing to consider the One- and Six-Year Street Improvement Plan. Mayor Grantham closed the public hearing at 5:27 p.m.

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

RESOLUTION NO. 2010-08

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

1. A public hearing on the One and Six Year Street Improvement Plan for the City of Chadron for the fiscal year 2010, as prepared by Milo Rust, Public Works Director and Terry Birnbaum, Street Superintendent, has been held pursuant to notice and all persons requesting to be heard have been given an opportunity to be heard during such hearing.

2. The City Council, having reviewed the Plan and having heard all persons appearing before it during the above hearing and being fully advised in the premises, does hereby approve the One and Six Year Street Improvement Plan for the fiscal year 2010.

The foregoing Resolution having been read, Councilmember Duncan seconded the motion for the passage of the Resolution, 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 1st day of February, 2010.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

Councilmember Chizek moved to enter executive session at 5:30 p.m. for the purpose of legal discussion regarding the negotiations for the acquisition of a sewer line from Tom O. Chamberlain. Seconded by Councilmember Gamby. The following Councilmembers voted Aye: Duncan, Grantham, Gamby, Chizek, Harvey. The following voted Nay: None. Motion carried.

Councilmember Chizek moved to adjourn the executive session and reconvene in open session at 5:34 p.m. Seconded by Councilmember Gamby. The following Councilmembers voted Aye: Duncan, Grantham, Gamby, Chizek, Harvey. The following voted Nay: None. Motion carried.

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

RESOLUTION NO. 2010-10

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

That the Mayor of the City of Chadron, Nebraska is hereby authorized and directed to execute an Agreement for Sale of Sewer Line between Tom O. Chamberlain (Seller) and the City of Chadron, a municipal corporation, (Buyer) to provide for the purchase of an existing sewer line, which includes 2,929 lineal feet (more or less) of 8" clay tile pipe, lift station and easement, which runs across the Northwest Third Addition and the Northwest Fourth Addition to the City of Chadron, Dawes County, Nebraska, and the SW 1/4 of Section 18, Township 33 North, Range 48 West of the 6th P.M., Dawes County, Nebraska, for the purchase price of \$30,000.00, which shall be fully paid at closing plus the expenses allocated to the Buyer as set forth in the Agreement.

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: 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 1st day of February, 2010.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

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

RESOLUTION NO. 2010-11

WHEREAS, the City of Chadron, Nebraska, recognizes that a properly functioning sewer system is necessary to the health and welfare of the citizens of the City; and

WHEREAS, the Mayor and City Council have determined that portions of the City of Chadron sewer system are in need of significant repair and improvement; and

WHEREAS, funding for the cost of the repair and improvement of portions of the City of Chadron's sewer system may be obtained by loan from the Nebraska Department of Environmental Quality, subject to certain requirements and obligations.

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

That they should execute the contract for Amendment No. One to the loan between the Nebraska Department of Environmental Quality and the City of Chadron, Nebraska, designated as Project No. C317151, incorporated by reference into this Resolution as if fully set forth; and

BE IT FURTHER RESOLVED, Donald C. Grantham, Mayor, is hereby directed to execute the contract and all other documents necessary to facilitate the loan between the Nebraska Department of Environmental Quality and the City of Chadron, Nebraska, for the purpose of repairing and improving the City of Chadron's sewer system; and

BE IT FURTHER RESOLVED THAT Donald C. Grantham, Mayor, be authorized and directed to sign all necessary documents, to furnish such assurances to the State of Nebraska as may be required by law or regulations, and to receive payment on behalf of the applicant.

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 1st day of February, 2010.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

Public Works Director Milo Rust reported that in December 2009, the City received notice from the NE Department of Environmental Quality that there was proposed "no further action" for the former Chadron landfill. The notice advised that public notice would be given for comment on or before December 30, 2009. The City is in receipt of a second letter on this date, advising that no public comment was received during the notice period. Mr. Rust reported that the second letter stated

that the Department of Environmental Quality has made its final decision of “no further action” on this site and the City could proceed with abandonment of the monitoring wells.

Finance Officer Melany Hughes presented statistics on the Chadron Housing Information Fair held on January 19, 2010.

Street Superintendent Terry Birnbaum reported on continuing efforts to remove snow and ice from the December snow storms.

Councilmember John Chizek reminded all that this is an election year. He also reported on the Boys & Girls Club annual fundraising efforts.

Councilmember Harvey moved to enter into executive session at 5:48 p.m. for the purpose of discussing personnel matters. Seconded by Councilmember Chizek. The following Councilmembers voted Aye: Duncan, Grantham, Gamby, Chizek, Harvey. The following voted Nay: None. Motion carried.

Councilmember Chizek moved to adjourn the executive session at 6:27 p.m. Seconded by Councilmember Gamby. The following Councilmembers voted Aye: Duncan, Grantham, Gamby, Chizek, Harvey. The following voted Nay: None. Motion carried.

Councilmember Harvey moved to adjourn at 6:28 o'clock P.M. Seconded by Councilmember Gamby. The following Councilmembers voted Aye: Duncan, Grantham, Gamby, Chizek, Harvey. 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 February 1, 2010, 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)