

## CITY COUNCIL MEETING

NO. 2006-10

APRIL 17, 2006

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 17<sup>th</sup> day of April, 2006 at 5:00 o'clock P.M. The following individuals were present: Mayor John Gamby, Vice Mayor Stokey, Councilmembers Donny Grantham, Morgan Muller, and Mark Douglas, City Manager Al Vacanti, City Clerk Donna Rust, City Attorney Bevin Bump, Sergeant Chuck James, Acting Chief of Police Margaret Keiper, Finance Officer Dave Noble, Public Works Director Milo Rust and Zoning and 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 simultaneously given 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 Gamby called the meeting to order and declared a quorum present.

Councilmember Stokey moved to approve the agenda as written and distributed. Seconded by Councilmember Grantham. The following Councilmembers voted Aye: Stokey, Grantham, Muller, Douglas, Gamby. The following voted Nay: None. Motion carried.

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

1) Minutes for City Council Meeting No. 2006-09, April 3, 2006

The Minutes were approved as written and distributed.

2) Correspondence

There was no correspondence to report to the Council.

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

Alamar Uniforms	Uniforms	118.46	
American Water Works Assoc.	1 Year Membership	283.00	
Arrow Building Center	Concrete Forms & Supplies	78.76	
Baker & Taylor	Library Books	132.02	
Black Hills Weekly Group	3/2006 Legals & Advertisements	692.51	
Business Connection	Storage Boxes & Supplies	114.61	
Carsten Products	Bicycle Licenses & Registration Forms	230.18	
Century Business Products	2/2006 Mita Maint. & Supplies	47.50	
Chadron, City of	FICA to 4/06/2006	4,252.67	*F
Chadron, City of	FICA to 4/07/2006	607.08	*F
Chadron, City of	Payroll to 4/06/2006	57,275.13	*C
Chadron, City of	Payroll to 4/07/2006	7,935.62	*C
Chadron Home Center	Measuring Wheel/Stepladder/Supplies	180.42	
Chadron State College	1/2006 & 2/2006 Work Study-Library	511.44	
Chadron Wholesale	Supplies & Trash Can Liners	271.12	
Coe Engineering	12/2005-3/2006 Engineering Services	4,917.72	
Culligan Water Conditioning	Dispenser Rent	7.15	
Demco	Library Supplies	200.64	
Farm Plan/The Mercantile	Parts & Supplies	60.09	
Fresh Start Convenience Stores	3/2006 Fuel Purchases	3,898.94	
Great Plains Communications	4/2006 Internet	44.95	
Great Plains One-Call	3/2006 Locate Requests	46.46	
Gumdrop Books	Library Book	8.95	
Hach	Office Supplies	370.85	
Hadden, Kinley	3/2006 Janitorial Services	82.40	
Hansen, Maruta	4/2-4/12/2006 Janitorial Services	180.00	
Haynes, Terri	4/2006 AP Operations Contract	900.00	
Ideal Linen Supply	Janitorial Supplies	67.71	
Ingram Library Services	Library Books	352.58	
Inland Truck	Heater Bypass	157.93	

Institute of Management Accountants	1 Year Membership	185.00
Junior Library Guild	Library Books	280.80
Keller, Dr. Edward	Library Book	14.00
Kinder Morgan	3/2006 Gas Service	524.05
KnowBuddy Resources	Library Books	135.65
Larson Insurance	Notary Bond	50.00
Levi's Auto & Metal	Wiper Motor	50.00
Librarians' Book Express	Library Books	92.78
Linweld	4/2006 Cylinder Rental	12.53
Memphis Net & Twine	Tennis Net	175.86
MicroMarketing	Library CD's & DVD's	354.98
Midwest Tape	Library DVD's & Videos	144.89
National Geographic Society	Library Book	15.90
NE Dept. of Aeronautics	Quarterly NDB Maintenance	375.00
NE Dept. of Labor	Unemployment Insurance	173.03
NE Secretary of State	Notary Commission Application	30.00
Nebraska Public Power District	3/2006 Electric Service	711.53
Nebraskaland Tire	Tires	336.40
Norm's Carquest Auto Parts	Parts & Supplies	683.42
Northwest Pipe Fittings	Pipe Fittings	90.69
Northwest Rural Public Power	3/2006 Electric Services	153.37
Notary Public Underwriters	Notary Public Stamp	17.50
OMB Police Supply	Uniforms	70.98
Outlaw Printers	Business Cards	54.00
Palmer Monument	Marble Vase Replacement	100.00
Penworthy	Library Books	215.48
Petersen Drug	Batteries & Cassette Tape	16.86
Presco Sales and Service	Plow Blades	525.71
Quality Tire	Tires	116.00
Qwest	4/2006 Data Circuits	314.87
Random House	Library Books	24.00
Rapid City Journal	1 Year Subscription	36.00
Regional Books	Library Books & CD's	260.75
Roberts Electric	Airport Phone Sign Removal	72.07
Safeway	Refreshments & Supplies	143.04
Sandhills Computer Consulting	3 & 4/2006 Internet Services	78.00
Swanson Food Services	Meals - Police Training	57.97

Teacher's Corner	Bulletin Board	42.09	
VantagePoint Trust 401 Employee	Pension to 4/06/2006	1,972.81	*C
VantagePoint Trust 401 Police	Pension to 4/06/2006	943.12	*C
Wal-Mart Community	Library Supplies	116.67	
Western Communications	4/2006 Siren Maintenance	110.00	
Western Cooperative	Fuel Purchase	70.04	
WFI	Televising Services-Sanitary Sewer	1,397.00	
Woodland Construction	Garage Lock Repair	117.20	
Xerox	#16 Copier Lease & Prints	639.84	
Young Adult Resources	Library Books	139.01	
	<b>TOTAL</b>	<b>96,267.78</b>	

Void Check: 26388

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

4) Report on Collection of Special Assessments

5) It was reported that Mayor Gamby had signed a proclamation for the Retired and Senior Volunteer Program (RSVP) to declare April 29, 2006 as National RSVP Day in Chadron. A copy of the proclamation was received by the Council.

6) Monthly Reports

7) There were no Minutes to present to the Council for this meeting.

Councilmember Douglas seconded the motion for approval of the Consent Agenda. The following Councilmembers voted Aye: Stokey, Grantham, Muller, Douglas, Gamby. The following voted Nay: None. Motion carried.

Scott Schremmer, Parks and Cemetery Supervisor, and Charley Snook, member of the Tree Board, appeared before the Council to request that the Mayor proclaim April 27, 2006 as Arbor Day in Chadron. Mayor Gamby signed said proclamation.

Sandy Ingwersen, Queen Mother of the Dear Lady Red Hat Society, and 17 members of the Red Hat Society were present to request that April 25, 2006 be declared as National Red Hat Day in Chadron. The proclamation was signed by Mayor Gamby.

Morgan Muller presented the Employer Support of the National Guard and Reserve "Above and Beyond Award" to Margaret Keiper, Acting Chief of Police for the Chadron Police Department. Mr. Muller stated that Shawn Banzhaf, Police Officer for the Police Department, had submitted the nomination, because of the cooperation and support that he received from the Department.

Susan Hucke, Executive Director for Keep Chadron Beautiful, was present and requested 30 season swimming pool passes for members of the Chadron Clean Team. The team consists of children ages 6-15, who will be working one week in June 2006 and one week in July 2006, by participating in clean ups and beautification projects around the City. Ms. Hucke would like the children to be able to upgrade their summer pass to a family pass by paying the difference between the single and family pass rates.

Councilmember Muller moved to approve the request of Keep Chadron Beautiful for 30 season swimming pool passes for year 2006 for members of the Chadron Clean Team. Seconded by Councilmember Douglas. The following Councilmembers voted Aye: Stokey, Grantham, Muller, Douglas, Gamby. The following Councilmembers voted Nay: None. Motion carried.

Joy Omelanuk, Executive Director for the Chamber of Commerce, appeared before the Council to provide a report and update of the activities of the Chamber. A copy of the Chamber's Newsletter for the month of April, 2006 was distributed to the Council.

Dave Noble, spoke on behalf of the LB 840 Community Betterment Committee, to give recommendations with regard to four (4) applications the committee had reviewed. Four applications were received and the committee met with representatives of each of the organizations.

Councilmember Grantham moved to approve the following applications for LB 840 Community Betterment funds, as recommended by the LB 840 Community Betterment Committee: Chadron Parks Foundation - \$5,000.00; Keep Chadron Beautiful - \$9,000.00; and Dawes County Historical Society - \$1,500.00. Seconded by Councilmember Muller. The following Councilmembers voted Aye: Stokey, Grantham, Muller, Douglas, Gamby. The following Councilmembers voted Nay: None. Motion carried.

Joni Behrends was present at the meeting in support of her Manager Application in connection with the liquor license for Ridgeview Country Club.

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

#### RESOLUTION NO. 2006-27

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

1. The Council being fully advised, recommends that the Manager Application of Joni Behrends in connection with the Class I-58799 Liquor License for the Ridgeview Country Club, Inc., located at 16611 Highway 385, Chadron, Dawes County, Nebraska, be approved.
2. The City Clerk is hereby directed to send a copy of this Resolution by first class mail prepaid to the Nebraska Liquor Control Commission.

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: Stokey, Grantham, Muller, Douglas, 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 17<sup>th</sup> day of April, 2006.

CITY OF CHADRON

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Mayor

ATTEST:

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City Clerk

(S E A L)

Councilmember Grantham moved to remove Resolution No. 2006-20, which pertains to the Retail Class C Liquor License for Feik's 120 Bar, from the table. Seconded by Councilmember Douglas. The following Councilmembers voted Aye: Stokey, Grantham, Muller, Douglas, Gamby. The following Councilmembers voted Nay: None. Motion carried.

Mayor Gamby reminded everyone that this agenda item had been tabled at the last Council Meeting to allow time for receipt of additional information including the amendment to the liquor license application to change the dimensions of the proposed licensed premises. During the public hearing on April 3, 2006, Chad Feik, the owner of the business, had stated that he wished to open a bar and restaurant, similar to the former 120 Bar. Mr. Feik's application contained the description for the bar only and did not include the restaurant part of the business.

Although Mr. Feik stated during the hearing that he had submitted the revised description to the Liquor Control Commission, the LCC advised that they had not received the amendment from Mr. Feik. It was noted that Mr. Feik did submit his amendment to the liquor license application to the Liquor Control Commission by fax on this date. The Liquor Control Commission then faxed a copy to the City offices for tonight's Council Meeting.

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

RESOLUTION NO. 2006-20

WHEREAS, the application of Feik's 120, LLC dba Feik's 120, was submitted to the Nebraska Liquor Control Commission as per Section 53-131 of the Liquor Control Act for the issuance of a "Retail

Class C, Beer, Wine, and Distilled Spirits, On and Off Sale, Liquor License, to be located in a one story building, on Lot 1, in an area approximately 25' x 70', and on Lot 2, in an area approximately 25' x 100', all in Block 4, of the Original Town (now City) of Chadron, Dawes County, Nebraska, also described as 120 West Second Street, and

WHEREAS, said application was submitted to the City Council for examination and hearing in accordance with the Liquor Control Act and the Municipal Code and notice was published on March 22, 2006, and notice was given to the applicant, and hearing was held on April 3, 2006 before the City Council, of the City of Chadron, Nebraska.

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

1. Notice of the hearing on said application was duly published and given to the applicant, and the City Council having heard all of the evidence, witnesses, and arguments presented to it, being fully advised in the premises, approves the "Retail Class C, Beer, Wine, and Distilled Spirits, On and Off Sale, Liquor License" application of Feik's 120, LLC dba Feik's 120, located at 120 West Second Street.
2. The cost of the published notice in this matter is \$16.20.
3. The City Clerk is hereby directed to send a copy of the Resolution by first class mail postage prepaid to the Nebraska Liquor Control Commission.

The foregoing Resolution having been read, Councilmember Douglas 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: Stokey, Grantham, Douglas, Gamby. The following Councilmembers voted Nay: Muller. 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 17<sup>th</sup> day of April, 2006.

CITY OF CHADRON

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Mayor

ATTEST:

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City Clerk

(S E A L)

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

RESOLUTION NO. 2006-28

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

1. The City Council having reviewed a certain document entitled, Disadvantaged Business Enterprise (DBE) Program, Chadron Municipal Airport, Chadron, Nebraska, established in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26; does hereby approve and adopt the DBE Program for the City of Chadron for its use in all U.S. Department of Transportation (DOT) assisted contracts for Chadron Municipal Airport Projects.

2. Three copies of this document shall be filed with the Office of the City Clerk of Chadron as the official policy of the City, and dissemination and distribution of such other copies shall be as provided by such policy statement.

The foregoing Resolution having been read, Councilmember Douglas 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: Stokey, Grantham, Muller, Douglas, 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 17<sup>th</sup> day of April, 2006.

CITY OF CHADRON

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Mayor

ATTEST:

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City Clerk

(S E A L)

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

RESOLUTION NO. 2006-29

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



1. The City Council, having reviewed an Application for Federal Assistance for construction of proposed Project No. 3-31-0017-08-2006 for the improvement of Chadron Municipal Airport to grade Runway 2 Safety Area; and purchase existing hangar to start in June 2006 with an ending date of June 2007, with the federal share for the total project to be an estimated \$380,000.00 and the City's total estimated share to be \$20,000.00, for a total estimated project cost of \$400,000.00, does hereby adopt and approve such application.

2. The Mayor is hereby authorized and directed to execute the Application for Federal Assistance on behalf of the City of Chadron.

The foregoing Resolution having been read, Councilmember Muller 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: Stokey, Grantham, Muller, Douglas, 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 17th day of April, 2006.

CITY OF CHADRON

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Mayor

ATTEST:

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City Clerk

(S E A L)

John Chizek appeared before the Council to express concerns with regard to the City Attorney position. Before Mr. Chizek was given an opportunity to speak, Vice Mayor Stokey questioned if Mr. Chizek's comments were with regard to personnel. When Mr. Chizek stated they were, Vice Mayor Stokey asked if he had talked to City Manager Vacanti with regard to his concerns. Mr. Chizek responded no. Vice Mayor Stokey then stated that the City Council does not have anything to do with hiring and firing City employees and that he would not listen to personnel issues when they had not been discussed with the City Manager first. Mr. Chizek agreed to meet with City Manager Vacanti on Thursday, April 20, 2006.

Bob McEwen appeared before the Council to express his concerns with regard to the dogs that are located on property near his residence. Mr. McEwen explained the situation has been allowed to exist



(S E A L)