

Sidney, Nebraska, August

14, 2012 A Fair Housing City

A meeting of the Mayor and Council of the City of Sidney, Nebraska, was convened in open and public session at 7:15 P.M. on August 14, 2012 in the Council Room. Present were: Mayor Gaston and Council Members: Weiderspon, Nienhueser, Gallaway and Van Vleet. Others present: City Manager Person, City Attorney Leef and City Clerk Anthony. Notice of the meeting was given in advance thereof by publication in *The Sidney Sun Telegraph*, the designated method for giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to the members of the City Council and a copy of their acknowledgment of receipt of notice is attached to these minutes. Availability of the agenda was communicated in the advance notice and in the notice to the City Council. All proceedings shown hereafter were taken while the convened meeting was open to the attendance of the public.

Mayor Gaston informed the public of the location of the posted Open Meetings Act.

Nienhueser moved, Gallaway seconded "That the minutes of the July 24, 2012 meeting be approved." Roll call vote: Yeas: All council members present.

Nienhueser moved, Van Vleet seconded "That the minutes of the August 6, 2012 meeting be approved." Roll call vote: Yeas: All council members present.

Gallaway moved, Nienhueser seconded "That the minutes of the August 7, 2012 meeting be approved." Roll call vote: Yeas: All council members present.

Michell Kile, Director of the Cheyenne County Emergency Communications Center presented a budget report for the Center for both the current year and the upcoming fiscal year.

John Vera representing Gold Rush Days Committee presented a request for funds for the 2013 celebration in the amount of \$5,000.

Tom Millman, Member of the Airport Authority gave an update of their projects for their past year and also presented their request for an allocation from the City's levy authority for FY2012-13. Gallaway moved, Nienhueser seconded "That RESOLUTION NO. 20120801 be passed and adopted as corrected." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20120801

WHEREAS, pursuant to Section 77-3443 of the Nebraska Revised Statutes, the Airport Authority of the City of Sidney, Nebraska, may be allocated property taxes as authorized by law which are authorized by the City and are counted in the City levy limit provided by section 77-3442, Nebraska Revised Statutes, which limitation does not apply to property tax levies for judgements, preexisting lease-purchase contracts approved prior to July 1, 1998, for bonded indebtedness in the amount of \$13,438.03 approved according to law and secured by a levy on property, and repayment of interest-free loans from Department of Aeronautics in the amount of \$25,320 and \$9,099.96; and

WHEREAS, the Airport Authority submitted a preliminary request for levy allocation to the City Council in the amount of \$172,221.72 for the fiscal year beginning on October 1, 2012; and

WHEREAS, the City Council has reviewed the levy request for purposes of determining a final allocation of levy authority for the Airport Authority.

NOW, THEREFORE, the City Council of the City of Sidney, Nebraska, resolves that the Airport Authority is allocated levy authority in the amount of \$172,221.72 for the fiscal year beginning October 1, 2012.

City Manager Person presented a proposed interlocal agreement with the Village of Potter for building official services. Due to the need for some changes in the agreement the matter was tabled at this time.

Nienhueser moved, Weiderspon seconded "That RESOLUTION NO. 20120802 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO.20120802

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

That the Mayor and Council hereby find and determine that pursuant to a contract heretofore made, Baker & Associates, the engineer have performed the work for engineering of street improvements in Street Improvement District No. 51 of this city and the engineer has filed with the City Clerk certificates showing the performance of said contract as follows: APPLICATION FOR PAYMENT NUMBER 1; STREET IMPROVEMENT DISTRICT #51; AMOUNT DUE ENGINEER \$4,399.58. A warrant in the amount now due the engineer is hereby authorized and charged to said district. Said warrants shall draw interest at a rate of 1.0% per annum and be held by the City of Sidney Investment Account.

Public Services Director John Hehnke presented a proposed request to the State of Nebraska for closure of Illinois Street for the Oktoberfest Parade on October 6, 2012. Nienhueser moved, Gallaway seconded "That the City Council approve a request to the State of Nebraska for the Oktoberfest Parade on October 6, 2012 and that the City of Sidney accepts the duties as set forth in subsection (2) of Neb. Rev. Stat. 39-1359, and agrees to indemnify, defend, and hold harmless the State of Nebraska from all claims, demands, actions, damages, and liability, including reasonable attorney's fees, that may arise as a result of this special event." Roll call vote: Yeas: All council members present.

Gallaway moved, Nienhueser seconded "That membership in Panhandle Area Development District for 2012-13 be approved, the dues be paid in the amount of \$5,237.29; and Gary Person be appointed as the City's Representative and Megan McGowan as Alternate Representative on same." Roll call vote: Yeas: All council members present.

Public Services Director John Hehnke, Electric Distribution and Water Department representatives Rod Fries, Mike Palmer and Bill Taylor presented further information re: the Landis & Gyr and Kriz Davis proposal for Advanced Metering Infrastructure system for the City of Sidney Electric and Water Departments. Gallaway moved, Weiderspon seconded "That the proposal from Landis & Gyr and Kriz Davis be accepted and said system authorized." Roll call vote: Yeas: Weiderspon, Nienhueser, Gaston and Gallaway. Nays: Van Vleet.

City Manager Person reviewed the 2012 Nebraska Legislation that provided for an additional half cent sales tax to municipalities for infrastructure purposes. The preliminary proposal for a possible ballot issue for the General Election in November of 2012 was as follows: **A. 50%** of funding would go towards **Street Improvements**, estimated to generate an average of \$500,000 annually or \$5 million total over 10 years. **B. 30%** of funding would go towards the **construction of a new Swimming Pool**, estimated to generate an average of about \$300,000 annually or \$3 million over 10 years. **C. 12%** of funding would go towards a new **irrigation system**, water pumping units and other infrastructure improvements to Hillside Golf Course, estimated to generate an annual average of \$120,000 annually or \$1.2 million over 10 years. **D. 5%** of funding would go towards **storm water mitigation projects** working through an inter-local government agreement with the South Platte Natural Resources District to alleviate flood prone areas in Sidney, estimated to generate \$50,000 annually or \$500,000 over 10 years. **E. 3%** of funding would go towards **Parks infrastructure improvements**, such as lighting or restroom facilities. **F.** Several stipulations are part of the half cent sales tax bill, including replacement of some other current funding fee and helping fund an inter-local government agreement. The council is proposing eliminating a 1% restaurant occupation tax city wide that currently generates approximately \$150,000 annually. A protest to this sales tax issue was entered into the record from Wheatbelt Public Power District which was presented by Pam Wieser, Customer Service Manager for for said district. It was their contention that this is a tax they would have to pass on to it's customers who wouldn't use the City's facilities. Council Member Nienhueser asked Ms. Weiser how many of their customers wouldn't use the City's streets, swimming pool, golf course or parks and how much extra tax would be generated by purchases by

Wheatbelt.

Ms. Weiser's comments were that in the seven county area that they serve only 500-600 families would be close enough to benefit and \$5,000-\$6,000 would be generated from purchases annually. This would relate to about \$1,000,000 in sales. Janice Makris appeared to ask for clarification of several points in this proposal. Tom Millman presented comments in favor of letting the citizens vote on this sales tax matter. Council member Gallaway commented that his wishes for the remaining 8 percent be split equally between the stormwater mitigation project and the Parks infrastructure improvements. Council Member Van Vleet stated that the sales tax needed to be by the vote of the people. Discussion on percentage numbers/dollar amounts - both or either/or. Council Member Nienhueser asked that possible projections be made to show the public how paying off a bond issue for all these projects (\$10,000,000) by sales tax vs. property tax would affect them. A sales tax would be paid by all persons - local and non local - making purchases within the city limits of Sidney. Whereas, property tax comes from Sidney's property owners only.

Nienhueser moved, Gallaway seconded "That staff be directed to prepare a resolution for the August 28th meeting which would authorize the sales tax issue to be placed on the ballot for the November, 2012 General Election." Roll call vote: Yeas: All council members present.

Weiderspon moved, Gallaway seconded "That RESOLUTION NO. 20120803 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20120803

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

1. Adoption of Amendment of the City of Sidney, Nebraska, Police Officers' Pension Plan: NOW, BE IT RESOLVED, that the City shall amend and it hereby does adopt, effective July 1, 2012, an amendment to the City of Sidney, Nebraska Police Officers' Pension Plan (the "Plan") in the form of the Amendment attached hereto and by this reference fully incorporated herein. The purpose of said amendment is to adopt the amendments required by Nebraska Legislative Bill 1082.

2. Authorizations: NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Mayor and other appropriate elected officials and officers of the City of Sidney shall be, and they hereby are, authorized to do all things necessary to carry out and accomplish the foregoing Resolution, including the execution of any document or amendment which may be necessary or appropriate to amend and administer the aforesaid Plan, including such actions as may be necessary or appropriate to achieve and maintain qualification of the aforesaid Plan under Section 401(a) of the Internal Revenue Code of 1986, as amended.

Van Vleet moved, Gallaway seconded "That the following claims for July 2012, are here by approved and should be paid as provided by law out of the respective funds in the city treasury." Roll call vote: Yeas: Weiderspon, Gaston, Gallaway and Van Vleet. Nays: None. Abstain: Nienhueser. (Abbreviation for claims: ex expenses, rt retirement, re reimbursements, sa salaries, se service, su supplies, ut utilities, tx tax, tr transfer, eq equipment, tt travel/training, mt maintenance) Cabela's su 237.52

Weiderspon moved, Gallaway seconded "That the following claims for July 2012, are here by approved and should be paid as provided by law out of the respective funds in the city treasury." Roll call vote: Yeas: Weiderspon, Gaston, and Gallaway. Nays: Van Vleet. Abstain: Nienhueser. (Abbreviation for claims: ex expenses, rt retirement, re reimbursements, sa salaries, se service, su supplies, ut utilities, tx tax, tr transfer, eq equipment, tt travel/training, mt maintenance) Hillside Ventures se 2388.08

Van Vleet moved, Nienhueser seconded "That the following claims for July 2012, are here by approved and should be paid as provided by law out of the respective funds in the city treasury." Roll call vote: Yeas: Nienhueser, Gaston, Gallaway and Van Vleet. Nays: None. Abstain: Weiderspon. (Abbreviation for claims: ex expenses, rt retirement, re reimbursements, sa salaries, se service, su supplies, ut utilities, tx tax, tr transfer, eq equipment, tt travel/training, mt maintenance) Whitebluffs se 828.00

Galloway moved, Van Vleet seconded "That the following claims for July 2012, are here by approved and should be paid as provided by law out of the respective funds in the city treasury." Roll call vote: Yeas: All council members present. (Abbreviation for claims: ex expenses, rt retirement, re reimbursements, sa salaries, se service, su supplies, ut utilities, tx tax, tr transfer, eq equipment, tt travel/training, mt maintenance) 21st Century eq 106.79, 347.70, 100.60; 3F Chimica Americas eq 704.57; A-1 Sports eq 92.02; Absolute Natural Resources se 422.25, 365.25; Accelerated Receivables se 385.99; Adams Industries mt 450.00; Aerometric se 2895.00; Almost Free Towing se 59.00; Alsco se 225.38, 85.51, 47.24; AltSource re 32.28; American Environmental se 2319.21; B&C Steel eq 700.92, 39.45; Baird Holm Attorneys se 200.00; Barco eq 449.76, 440.96, 103.62, 207.24, 103.62; Bomgaars eq 10.99, 407.84, 44.97, 38.99, 127.60; Brestel, Gerald rt 570.28; C&M Golf eq 384.10; Cardmember su 1621.79; Carolina Software se 200.00; Cashwa su 78.20; Centurylink se 95.90; Cheyenne Co Chamber se 1250.00; Cheyenne Co Community Cntr se 10000.00; Cheyenne Co Emeg Comp Ctr se 21217.92, 17248.00; Cheyenne Irrigation eq 545.85; Chief su 82.91; City of Sidney sa 100684.72, 11962.51, 178383.34, 24649.88, 10516.38, 7577.75, 102649.11, 11948.21, 17828.55, 23358.35, 11544.36, 5738.06, 148.22, ex 11123.79, 32869.25, 17888.921, 687.50, 1000.00, 2787.39, 586.60, rt 103.00, re 20.00, tr 103492.50, 103492.50, ex 104.23, 1677.23, 44788.75, 7625.52, 10090.82, 11778.48, 6401.06, 5064.44, tr 500000.00, ex 2970.85, 457.51, 522.97, 1000.95, 429.21, 426.76; ut 6190.42, 172.90, 679.41, 11462.17, 7078.33, 864.54; Clothes Hamper se 48.00, 32.00, 56.00; Cobitco su 561.43, 492.00; ConServ Flag su 1090.00; Contractor Materials eq 333.45; Corporate Warehouse eq 459.85; Country Printer su 288.00; Cranmore Pest/Fire se 151.00, 233.00, 85.00, 325.00; Day & Night mt su 113.58, 797.42; Dell Sonic Wall se 380.00; Dept of Energy ut 25462.96; DP Electronics se su 379.99, 671.11, 146.25, 292.49, 146.25; Dutton Lainson eq 3903.23; E&S Auto eq 2420.91, 72.93, 1348.49, 45.97; Enviro se 75.00; Finneys eq 242.54, 66.33, 121.43, 338.43, 115.91; Floyd's Truck mt 59.55; Foster eq 28.29, 641.85, 171.05, 47.29; Fremont Nat'l ex 13116.67; Frenchman Valley se 16464.85, 118.19, 3919.71, 9804.10, 1401.83, 1885.92, 1175.49; Front Range Training tt 750.00; Fyrtek eq 2155.71; G&L Laser su 36.00; Galls eq 94.95; Gemples eq 210.05; GLEC mt 175.00; Graff Turf eq 2657.00; Grainger eq 566.16; Great Plains One Call se 37.19, 37.19; Hamilton se 334.70, 104.90, 99.90, 49.95; Harding & Shultz se 533.12; Hastings Hotel & Convention Ctr tt 224.85; Heritage NE Main St Program se 1250.00; High Country HD mt 1208.06; Hillside Golf se 900.00; Holiday Inn tt 622.68; Holt Industries eq 5255.31; Horizon West eq 113.17, 458.05; Ideal Linen se 1182.52, 291.94, 49.46, 21.65, 57.00; Igage Mapping se 543.71; Interstate Batteries eq 219.90, 114.95; IPMA - HR tt 149.00; Jirdon eq 2816.66, 1780.40; Johnson, Kris re 97.68, 278.61; Kevin's Electric eq 568.00, 65.16; Kriz Davis eq 2841.70, 7958.74; KSID se 30.00, 1115.00; Kussmaul Electronics eq 208.76; LL Johnson eq 5681.88; Langley Trucking su 2213.98, 2.00; Lawson Products eq 272.52; League of NE tt 95.00, 3137.75; Leal, Ron mt 450.00; Lincoln Nat'l se 203.85; Live View GPS eq 788.70; Maddox Motors mt 78.83; Marsaus eq 88.01; Martin Marietta Materials eq 1546.26; Masek Golf se 221.92; Mathes, Joan se 450.00; McGown, Megan re 379.68; Midwest Hydraulic mt 1957.00; Midwest Lab se 236.88; Milestone su 134.27, 665.00; Miller Office su 2365.06, 237.73, 67.99, 547.68, 11.53; MEAN ut 480937.33; Napa eq 650.24; Nationwide se 557.89; NDEQ se 3151.25; NE Dept of Revenue tx 892590.44; NE Dept of Roads co 22857.13; NE DOL/Boiler Program se 72.00; NE Environmental eq 766.48; NE Life Publishing se 8125.00; NE Secretary of State se 30.00; NE State Treasurer se 60.14; NE T&T se 1384.48, 124.15, 180.37, 286.93, 165.33; Neland Tire eq 106.50; NEC Financial se 329.65; NE Machinery eq 613.87; NPFarms se 560.00; NWEA tt 60.00; Old Dominion eq 742.06; Olsen, Eleanore se 275.00; PCHelp se 177.00; Pepsi su 952.50; Person, Gary re 422.90; Pine Bluffs Gravel su 1846.00; Points West se 50088.50, 140.00, 18455.00, 26049.00, 29284.00, 16618.00, 13165.00; Prairie States se 2949.20, 603.30, 80.50; Prestige Flag su 175.11; Reams Sprinkler eq 1306.37; Reganis Motors su 8.14; OHD se 225.00; Regional West se 5734.59; Respond First Aid su 224.80; Rood's mt 200.75, 116.69, 46.65, 222.90, 66.00, 115.00, 637.30, 88.25; Rootx su 3435.70; Rosenbaum Enterprises eq 195.62; Rural Community Ins sw 997.00; Sauder Auto mt 741.81; Scotties Potties se 770.00, 770.00; Segelke, Carla se 1050.00; Sidney Glass su 642.75, 255.93; Sidney Greenhouse Too su 245.31, 200.00; Sidney Regional Medical Center se 176.52; Sidney Soft Water se 42.00, 11.25; Sidney Sun Telegraph su 607.40, 653.00, 243.47; Sidney Volunteer Fire re 2129.00; Sonntag, Goodwin & Leef se 11006.25; Source Gas ut 31.38, 2394.83, 24.82, 56.60, 261.57, 58.93; Southwestern Equipment eq 246.98; Spic and Span se 520.00; Splish Splash se 100.65; Star Herald se 334.68; State of NE Dept of Agriculture se 49.10; State of NE Power Review Board se 1068.12; Steffens, Deloris se 64.00; Stone, Eloise rt 400.00; Stone,

Keith re 134.22; Sukup, Todd tt 130.50; TAPCO su 184.19; The Thompson Co su 284.31; Triple O's su 12.99, 128.93; US Postal se 4500.00; Van Diest Supply eq 2833.60; Verizon Wireless se 102.18, 74.10, 34.06, 153.47, 102.31, 423.49; VonSeggern, Tom tt 134.36; Walmart su 169.61; Wamsley Const se 4666.48; Western Pathology se 141.20; Wheat Belt ut 12997.42; WNCC tt 40.00, 80.00, 40.00, 40.00; Wolford, Marie rt 814.36; Wranglers 4H se 35.00; Elan Visa su 349.46; Baker & Taylor su 384.30; Barker Cleaners se 12.00; Charter se 113.99; City of Sidney ut se 865.89; Sidney Soft Water se 18.00; Deaver Tire eq 65.69; DP Electronics se 122.50; Elan Visa su 471.29; Finneys su 38.65; Frenchman Valley se 94.34; Guideposts su 17.74; Houchen Bindery su 66.20; Ideal Linen se 26.90; Journal Office su 37.97; Doris Jensen re 145.41; Leisure Time su 66.33; Sidney Wranglers 4H se 35.00; Stephanie Mika re 41.11; NT&T se 159.75; OCLC se 111.08; Petty Cash su 5.95; Quill su 550.00; Regional Books su 87.59; Segelke Janitorial se 1050.00; Sidney Sun Telegraph se 108.00, 5.89; U Store It se 60.00

Nienhueser moved, Weiderspon seconded "That the Budget Reports for July, 2012 be approved." Roll call vote: Yeas: All council members present.

City Attorney J. Leef gave an update on the eminent domain for utility easement across Lot 10, Grandview Estates. The surveyor's report is scheduled to be presented to the Court on August 28, 2012.

Discussion regarding the 2012-13 budgets was continued resulting in the staff authorized to adjust the carry over funds and the sales tax receipts to balance the General Fund and to provide for a uncommitted contingency fund if any extra receipts are generated. More information re: the funds for a study which was put in the Police Department budget was requested with Chief Brown explaining what more useful information would come from this study than just whether or not a new location was needed. Council Member Van Vleet suggested putting the Police Department in the Transportation building and down size that department. City Manager Person explained that department is funded 80% by Federal and State money and that the vehicles had been purchased by ARRA money as well as the improvements to the building and property. Those funds would have to be reimbursed by the City if the Transportation system would be drastically altered. Mayor Gaston thanked the staff and the Council for the time and efforts put into preparing this year's budget.

City Manager's report consisted of updates of recent and upcoming meetings and/or events; i.e.: Historic Preservation, SPNRD, UNL survey team, Planning Commission, Congressman Smith visit 8-21, Senator Johannes visit 8/21, League Legislative Committees in Lincoln, meeting of mayors, managers, etc. in Bridgeport to address mutual concerns, etc. Thank you to the County Fair volunteers and to the downtown pride shown by business owners in maintaining the bulb out landscaping.

Mayor Gaston asked for an agenda item for 8-28-12 to review personnel in a possible closed session.

The meeting adjourned at 9:16 p.m.

MAYOR

ATTEST:

CITY CLERK

