

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 November 13, 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 October 22, 2012 meeting be approved." Roll call vote: Yeas: All council members present.

Gallaway moved, Van Vleet seconded "That the minutes of the October 23, 2012 meeting be approved." Roll call vote: Yeas: All council members present.

Don Ogle, Information & Education Coordinator for South Platte Natural Resources District reviewed the Community Environmental Impact Award that had been bestowed upon City of Sidney Parks Superintendent Tom Von Seggern and Water/Sewer Superintendent Bill Taylor. Congratulations and thanks to Tom & Bill were extended by all. Mr. Ogle then explained the Groundwater Guardian program and announced that the City of Sidney's Legion Park had been designated as a Groundwater Guardian site and plaques were presented for the Park.

Tom Von Seggern representing Von Seggern Land & Cattle, Inc. was present to request permission to have a burn permit on their property at 1255 Greenwood Road to burn a demolished building debris pile. Fire Chief Keith Stone reported that he would recommend approval of said burn permit. Weiderspon moved, Nienhueser seconded "That a burn permit be approved for Von Seggern Land & Cattle, Inc. at 1255 Greenwood Road" Roll call vote: Yeas: All council members present.

Nienhueser moved, Gallaway seconded "That RESOLUTION NO. 20121101 be passed and approved." Roll call vote: Yeas: All council members present.

**RESOLUTION NO.20121101**

**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 and ANDERSON & SHAW CONSTRUCTION, the contractor for the construction 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 4 FINAL; STREET IMPROVEMENT DISTRICT #51; AMOUNT DUE ENGINEER \$12,635.00; AMOUNT DUE CONTRACTOR \$155,843.31. Warrants in the amount now due the engineer and the contractor are 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.

Nienhueser moved, Weidrspon seconded "That RESOLUTION NO. 20121102 be passed and approved." Roll call vote: Yeas: All council members present.

**RESOLUTION NO. 20121102**

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

1. The Council finds that Baker & Associates, the engineers in charge of the construction of improvements in Street Improvement District No. 51 of said City, have certified that the contract for the construction of said improvements have been fully performed by Anderson & Shaw Construction, the contractor to whom a contract was

entered into by the City and that said improvements have been completed in accordance with said contract and said engineers have recommended the acceptance of the same by the City.

2. The certificate of the engineer is approved and the Council finds that said improvements have been constructed according to the contract and have been completed and said improvements in said district are hereby accepted by the City.

3. The Council finds that in STREET IMPROVEMENT DISTRICT NO. 51 the total cost of constructing said improvements in said district is \$268,035.17 of which there is no cost to adjacent real estate owned by the United States or the State of Nebraska; of which there is no cost to adjacent real estate owned by the City of Sidney; and the cost of constructing the improvements in said District to the abutting property is \$268,035.17.

4. The Council further finds that there has been paid Anderson & Shaw Construction, the contractor, for and on account of construction of said improvements \$240,233.74 for Street Improvement District No. 51 for which warrants were authorized and directed to be issued to said Anderson & Shaw Construction, the same being the full amount due said contract from the City for said improvements in said district.

5. The Council also finds that there has been paid Baker & Associates, engineers, \$19,994.58 for Street Improvement District No. 51 for services performed as such engineers in the construction of said improvements pursuant to this contract and payment for said amount was authorized and directed to be issued to said engineers.

6. The Council also finds that there is due the City of Sidney \$7,806.85 for Street Improvement District No. 51 for advertising, legal fees, warrant interest and miscellaneous in conjunction with said improvements in said district and a warrant is hereby authorized and directed to be issued to said City of Sidney the same being the full amount due the City.

7. The warrants hereinabove and previously issued shall be paid out of the proceeds of the sale of Various Purpose Bonds which the City shall cause to be issued; provided, however, before the Various Purpose bonds are issued, there shall be applied to the payment of said costs all moneys collected in cash from the special assessments levied on the property in said districts.

8. The Mayor and City Council shall meet as a Board of Equalization on the 27th day of November, 2012 at 7:15 o'clock P.M. in the regular meeting place in the Municipal Building for the purpose of equalizing all special assessments and levying special assessments for the construction of the improvements in Street Improvement District No. 51; and

BE IT FURTHER RESOLVED that the City Clerk be directed to give notice to all property owners in said District of the meeting of the Council as a Board of Equalization and the time and place thereof by publication of notice thereof at least ten (10) days prior to the date thereof in The Sidney Sun-Telegraph, a newspaper having general circulation in the City, and by mailing of copies of said notice to interested parties as provided by law.

Council Member Nienhueser inquired as to when the problem in the street on Lodgepole Road near this new street improvement was going to be fixed. Public Services Director Hehnke reported that it was to be fixed first thing in the spring season.

Gallaway moved, Van Vleet seconded "That the Council meetings for December be combined into one on December 11, 2012 due to the holiday falling on the fourth Tuesday this year." Roll call vote: Yeas: All council members present.

Weiderspon moved, Gallaway seconded "That the following claims for October 2012 are hereby approved and should be paid as provided by law out of the respective funds in the city treasury:" Roll call vote: Yeas: Weiderspon, Gaston, Van Vleet, and Gallaway. Nays: None. Abstain: Nienhueser. (Abbreviation for claims: ex expenses, rt retirement, re reimbursements, sa salaries, se service, su supplies, tr transfers, tx tax, co capital outlay) Hillside Ventures se 2388.08

Van Vleet moved, Nienhueser seconded "That the following claims for October 2012 are hereby approved and should be paid as provided by law out of the respective funds in the city treasury:" Roll call vote: Yeas: Van Vleet, Gaston, Nienhueser and Gallaway. Abstain: Weiderspon. (Abbreviation for claims: ex expenses, rt retirement, re reimbursements, sa salaries, se service, su supplies, tr transfers, tx tax, co capital outlay) Whitebluffs se 456.00

Nienhueser moved, Gallaway seconded "That the following claims for October 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, in insurance) 21<sup>st</sup> Century eq 532.79; 3F Chimica su 717.24; A-1 Sports su 110.95; Accelerated Receivables se 186.12; All Data se 1500.00; ALS Group eq 3430.35; AlSCO su 17.43; American Environmental se 3901.81; American Legal ds 300.00; American Public Works ds 105.00; Andrew, Keith tt 28.26; Andy Staples Golf eq 1750.00; Atco Int'l su 101.75; Baird Holm Attorney's se 275.00; Ball, Jordan se 445.00; Barker Cleaners se 30.00; Barnhart, Ben su 200.00; Beck, Brandon se 61.75; Beier, Mark aw 80.00; Blaueret, Arnold aw 35.00; Boldt, John aw 25.00; Bomgaars su 145.21, 29.97, 52.94, 394.72; Brestel, Gerald rt 570.28; Brownells, su 76.47; Burnett Rob aw 40.00; Butts, Greg aw 125.00; C&M Golf su 163.84, 77.59; Callaway Golf su 549.48; Campbell, Rob aw 185.00; Cardmember Svc su 1022.86, 371.80, 921.80, 23.60; Carolina Software ds 200.00; Carpenter, Justin aw 40.00; Cashwa su 71.85; First Payment se 32.15; Century Link se 95.90; Cheyenne Co Chamber ct 1250.00; Cheyenne Co Comm Cntr ct 10000.00; Cheyenne Co Emergency Comm Cntr ct 19168.38; City of Sidney ut 3695.95, 1711.06, 154.85, 743.75, 69.07, 298.17, 13928.33, 452.41, 8860.16, 95.42; ex 70.00, 37.02, 23833.83, 17979.91, 275.00, 1000.00, 1120.99, 243.71, 33.11, 103.00, 192.22, 1051.43, 25756.53, 23817.07, 23.70, 15012.30; sa 87017.29, 11233.69, 187442.41, 23414.94, 10290.87, 7790.10, 86073.54, 11397.64, 16916.67, 23640.97, 9707.19, 7147.45; in 45917.61, 8602.18, 12072.45, 14145.51, 8012.78, 5900.36, 3182.86, 538.24, 642.91, 1125.51, 475.34, 482.12; Civic Plus se 2079.50, 2079.50; Clothes Hamper se 80.00; Club Prophet se 1889.00; Comfort Inn se 568.32; Connecting Point se 756.00; Contractor Materials su 235.20; Cornhusker se 338.00; Country Printer su 1498.00, 224.00; CPS se 444.40; Cranmore Pest/Fire se 334.00, 85.00; Cruise 'N Class ex 25.00; Dalrymple, Phil aw 35.00; Darin's Auto se 311.80; Day & Night se 332.84, 104.28; Deaver Tire se 1484.00; Department of Energy ut 22585.58; Design Solutions se 2044.90; Dickinson, Jay re 87.50; Doyle, Sean aw 100.00; DP Electronics su se 771.22, 328.90, 1283.93, 64.18, 684.78; E&S Auto se 691.54, 350.44, 1710.99, 54.29, 201.22; Eakes su 687.56; Easy Picker su 77.47; Eisinger Smith su 770.38; Elwell, John aw 180.00; Enviro se 243.00; Ermar Golf se 415.00; ESCO Supply su 835.52; Fedderson, Dave aw 237.00; Finney's su 535.67, 369.65, 21.14, 80.73, 497.67, 538.39, 8.49, 32.94; Floyd's Truck se 431.79; Fosters su 71.61, 60.70; Fremont Nat'l Bank ct 13399.17; Frenchman Valley su 10457.81, 3214.20, 6156.85, 1951.38, 1434.31, 925.48; Galls su 405.29; Gaston, Wendall aw 85.00; GLEC eq 59428.03; Golf Solutions su 268.00; Grainger su 35.65; Great Plains se 31.55, 31.54; Grosshans, Brad aw 45.00; Haley, Matt aw 110.00; Hamilton se 334.70, 99.90, 49.95; Hanley, Stacey aw 87.50; Harper Industries su 820.97; Heckenlively, Rick aw 87.50; Heiman Fire Equipment eq 191.85; Heller, Jeff aw 175.00; Hendricks, Steve aw 80.00; Henry, Tim aw 90.00; Hillside Golf ex 900.00; Holecheck, Jim aw 127.50; Holiday Inn se 289.93, 479.70; Holly, Heath aw 237.00; Horizon West eq 76.60; KRH re 41.25; Huber & Asso se 30.00; Humphreys, Luke aw 30.00; Hurt, Andy aw 112.50; Hurt, John aw 35.00; Ideal Linen su 73.47, 671.38, 49.46, 21.65, 1377.05, 57.00; Intermountain Sales su 70.66; Interstate Batteries su 219.90, 221.90, 193.90, 229.90; JA Traffic su 73.00; Johnson, Kris ex 194.50, 180.93; Juengst, Scott aw 45.00; Kevin's Electric su 48.75, 20.87, 571.38, 503.11; Kriz Davis eq 2628.28; Kuhns, Rick aw 150.00; LL Johnson eq 9200.74, 2028.73; Lapp, Kelly aw 25.00; Lawler, Todd aw 80.00; Laws, Ty aw 30.00; Lawson, Scott aw 175.00; League of NE ds 985.00, 398.70; Leal, Ron se 450.00; Lincoln Nat'l Life se 86.85; Lococo, Brett aw 145.00; Long, Kyle ex 47.50; Ludemann, Jarod aw 61.75; Lundeen, Brad aw 90.00; Martin, Phil aw 25.00; Mathes, Joan se 450.00; Max's su 21.24; McCarville, Brett aw 295.00; McCarville, Dave aw 295.00; Midwest Labs se 1630.50; Midwest Mailing su 47.90; Milestone su 486.25, 128.40, 584.63, 567.61; Miller & Sons eq 3868.00, 342.39; Miller Office su 1897.85, 132.18, 9.50, 11.63, 68.73; Miller, Tim aw 35.00; Mizuno su 1349.14; Moore, Bill aw 95.00; Municipal Chemical su 572.00; MEAN ut 391830.17; Municipal Pipe su 210.24; Namuth, Mike aw 125.00; Napa su 18.48, 3.59; Nat'l Alice of Preservation ds 80.00; NDEQ ds 2263.75; NE Dept of Health & Human Svc ds 750.00; NE Dept of Revenue tx 71523.76; NE Law Enforcement Training ds 30.00; NE Municipal Clerk's Asso ds 70.00; NE Municipal Power Pool ds 300.00; NE Public Health Envir Lab se 98.00, 569.00; NE Rural Water ds 340.00; NE Salt & Grain su 7845.67; NT&T se 1361.34, 120.53, 186.88, 305.65, 48.68, 107.64; Neland Tire eq 168.10, 21.76; Nelsen, Mark aw 175.00; Nienhueser, Dave aw 95.00; Nike su 1426.74; NE Machinery eq 3849.03, 1440.84, 1987.40, 687.13; O'Connell, Mike aw 87.50; O'Connell, Tim aw 100.00; O'Connell, Tom aw 35.00; Old Dominion su 341.50; Olsen, Eleanor se 275.00; Orr, Jason aw 35.00; Palmer, Mike tt 35.00, 278.00; Peckham, Dave aw 185.00; Pepsie su 216.00; Person, Gary aw 85.00, re 106.00; Petik, Jason aw 25.00; Phillips, Kim tt 238.00; Pile, Tom aw 80.00; Pittam Body Shop 56.45; Plains Body Shop su 88.00; Points West se 30717.00; Prairie States se 485.00; Radtke, Hank tt 117.50; Raffelson, Brian aw 262.50;

Rahmig, Cynthia re 70.00; Railroad Management su 120.79, 530.45; Randy's Auto se 237.56; Regional West ct 5734.59; Respond First Aid su 22.98; Richards, Randy aw 180.00; Ritec su 282.00, 1845.00; Rood's su 225.12, 119.95, 92.65, 2750.42; Rosenbaum, Dan aw 262.50; Sapp Bros su 1442.10; Sargent Drilling se 30527.12; SASWA Landfill Closure Fund se 30423.00; Sawyer, Eric aw 175.00; Schilz, Rob aw 145.00; Scotties Potties se 630.00; Segelke, Carla se 1050.00; Sidney Glass su 226.27; SRMC se 189.84; Sidney Soft Water se 41.00, 3.75, 660.55, 2.50; Sidney Sun Telegraph se 1169.20, 20.71; Sidney Swim Team ex 2200.00; Sidney Volunteer Fire Dept re 1500.00; Smith, Derrold aw 127.50; Smith, Ryan aw 112.50; Snap On eq 549.00; Society for Human Resources ds 180.00; Sonny's su 42.65; Source Gas ut 529.62, 159.62, 369.42; South Dakota LTAP ds 140.00; Spic & Span su 4692.50; Splish Splash se 114.65, 13.60; Springhill Suites se 419.65; Stark, Ray aw 150.00; State of NE se 283.00, 88.68; Stone, Eloise rt 400.00; Stone, Keith re 52.42, 124.98; Suhr, Sean aw 100.00; Sukup, Todd tt 32.00; Svoboda, Ryan aw 40.00; T&R Electric eq 8690.00; Thompson Co su 218.74; Titleist su 1828.26, 1732.42; Triple O's su 14.68, 10.54, 36.35; Trophy Pump Repair eq 1729.92; Truman, Bruce aw 40.00; U Store It se 648.00; US Postal se 5000.00; USA Bluebook su 3251.68, 729.29; Verizon se 99.39, 70.25, 33.13, 152.59, 66.26, 33.13; Viaero se 368.39; Walmart su 50.30, 20.74; Watertronics su 2362.33; Waterworks su 866.50; Watson, Mike aw 250.00; Western Pathology se 112.20; Wheatbelt ut 12188.94; Wilson, Kathy re 110.99; Witt, Ray aw 100.00; Wolf Auto su 36.75; Wolford, Marie rt 814.36; Woods Welding se 75.00; Wyatt, Becky re 16.64; Young, Julie re 5.00; Youngs Plumbing se 83.48; Zoellner, Hobbs aw 110.00; American Library ds 175.00; Baker & Taylor su 1163.34; Barkers se 12.00; Charter se 113.99; City of Sidney se ut 606.42; Culligan se 19.95; Diverse Media su 29.45; Elan Visa su 386.39; Frenchman Valley su 122.68; Gaylord su 288.96; Guideposts su 17.74; Ideal Linen su 26.90; Journal Office su 30.00; Vickie Morlock tt 427.90; Leisure Time se 183.43; Sandra Nelson tt 44.40; OCLC se 123.90; Panhandle Library se 2.00; Quill su 372.48; Quality Books su 12.99; Rainbow Printing su 372.00; Regional Books su 63.93; Sentimental Products su 110.00; Sidney Sun Telegraph su 6.22; Segelke Janitorial se 1050.00; U Store It se 60.00; Finney's su 17.27.

Nienhueser moved, Gallaway seconded "That the Budget Reports for October, 2012 for all City Departments be approved." Roll call vote: Yeas: All council members present.

City Manager's Report consisted of reports on recent and upcoming meetings; i.e. congratulations to the election winners, thanked the citizens/voters and city council in regards to passing the sales tax issue; Historic Preservation Board 11/13; historic preservation workshop 11/20; Dude's 60 year anniversary recognition 11/14; Communications Board 11/19; Holiday kickoff 11/30; Post Commander Home lamplight tour 11/23; ghost tours at Boot Hill after Halloween; City Auditors here this week; recent NRD & City staff meetings; Northside Town Hall meeting soon; PRT update, etc.

John Hehnke, Public Services Director, reported that Bader's was in town for the crack sealing project; he and Tom had met with the Cricket group and hope to get what they need in place soon; UPRR crossing on East Illinois will have some repairs this week with a major rebuild in the spring, etc.

All Council Members congratulated Tom & Bill on their recent awards, the election winners, and the Sidney's Girl Volleyball team. Mayor Gaston thanked the veterans and their families. He also reported on 106 received property complaints of which 73 are resolved and the others pending.

Meeting adjourned at 8:14 p.m.

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MAYOR

ATTEST:

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CITY CLERK

