

Housing City

A meeting of the Mayor and Council of the City of Sidney, Nebraska, was convened in open and public session at 7:20 P.M. (late due to the CDA meeting running over) on December 11, 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.

Gallaway moved, Van Vleet seconded "That the minutes of the November 27, 2012 meeting be approved." Roll call vote: Yeas: All council members present.

The County Clerk's certification of the abstract of votes as prepared by the County canvassing board for the General Election held November 6, 2012, showing the following results was presented by the City Clerk and attached to these minutes: Sidney City Council (4-year term) - Roger M. Gallaway 1,325, Chris Gay 1,495, Joe Arterburn 1,752, Garth D. Ferris 80; Scatterings 12; Sidney City Council (2-year term) Aaron Barnes 927, Victoria Loghry 477, Tamara Nelson 843, Scatterings 23; City of Sidney Sales Tax Issue - Yes 2133 and No 725; Sidney Airport - Jarrod Konz 848, James Joyce 1139, Kelly M. Price 1,163, Ron Meyer 1,020, Scatterings 6. Nienhueser moved, Weiderspon seconded "That the foregoing County Clerk certification be received and filed in the City records." Roll call: Yeas: All council members present.

There being no further business, the Council adjourned sine die.

The newly elected members of the Council, Joe Arterburn, Chris Gay and Aaron Barnes were sworn into office by City Attorney Leef.

City Attorney Leef asked if the members wanted the vote to be by voice acclimation or by secret ballot. Consensus was to use voice acclimation. City Attorney Leef, acting as temporary chairman, called for nominations for President of the Council (Mayor). Nienhueser nominated Gaston. There being no further nominations, a voice vote was taken with the following results: Gaston - Yeas: Barnes, Nienhueser, Gaston, Gay and Arterburn. Nays: None.

Ms. Leef declared Mr. Gaston as Mayor. Mayor Gaston then assumed the chair.

Mayor Gaston then called for nominations for vice-president. Barnes nominated Nienhueser. There being no further nominations a voice vote was taken with the following results: Yeas: Barnes, Nienhueser, Gaston, Gay and Arterburn. Nays: None. Nienhueser was declared Vice President of Council.

Doris Jensen, Library Director, presented the names of Libby Soucie and Michelle Onstott for re-appointment to the Sidney Library Board. Nienhueser moved, Arterburn seconded "That Libby Soucie and Michelle Onstott be re-appointed to the Sidney Library Board. Roll call: Yeas: All council members present.

Arterburn moved, Barnes seconded "That Chris Gay be appointed as City Representative to the Sidney Housing Authority." Roll call: Yeas: All council members present.

Nienhueser moved, Gay seconded "That Wendall Gaston be appointed as City Council Representative to the Sidney Police Officer's Pension Committee Housing Authority." Roll call: Yeas: All council members present.

Nienhueser moved, Gay seconded "That RESOLUTION NO. 20121201 be passed and adopted." Roll call: Yeas: All council members present.

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, the engineer, McCaslin Consulting, Inc., and Nienhueser Construction, the contractor, have performed the work for the engineering and construction of sanitary sewer improvements in Sanitary Sewer Extension District No. 20 of this city and has filed with the City Clerk certificates showing the performance of said contract as follows: Engineers Estimate Number 6; Sanitary Sewer Extension District #20; AMOUNT DUE ENGINEER \$3,615.00; and Contractor's Estimate Number 4; Sanitary Sewer Extension District #20; AMOUNT DUE THE CONTRACTOR \$28,615.12. Warrants in the amounts now due the contractor and the engineer 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 Electric Department as an investment.

Whereupon Mayor Gaston announced that the Planning Commission of the City of Sidney, NE has submitted to the City Council its final report recommending approval of a proposed ordinance defining R-1 Single Family Residential Accessory Buildings in chapter 1266 of the Codified Ordinances of the City of Sidney and that a public hearing would now be held and parties in interest would be heard as advertised. The following filed written comments: None. The following appeared in person or by agent or by attorney and were heard: City Manager Person, Interim City Inspector Ben Dayton, Roger Gallaway, and David Noel (a property owner who has issues with the size of the accessory building listed in the proposed ordinance. Discussion was held regarding the proposed square footage of a unattached building vs attached garages). It was the feeling of the Council that they would like Planning Commission members invited to attend the January 8, 2013 Council meeting to join in the discussion of this issue. All persons having been heard, Mayor Gaston closed the public hearing. Nienhueser moved, Barnes seconded "That the ordinance entitled "AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, TO AMEND CHAPTER 1266 "ACCESSORY BUILDINGS" OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA; TO MODIFY ALL SECTIONS AND ADOPT NEW REGULATIONS GOVERNING ACCESSORY BUILDINGS; TO REPEAL ANY ORDINANCE OR PART OF ORDINANCE IN CONFLICT THEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE" be designated as Ordinance No. 1685." Roll call vote: Yeas: All council members present. There being no motion to suspend the statutory requirements requiring the ordinance to be read by title three different days, the Clerk read the Ordinance by title for the first time.

A request from Darin Van Natter to vacate the alley thru his property at 909 5th Avenue was discussed as well as Council Member Nienhueser request to know what is the plan to get this property in compliance with the City Code. City Manager Person and City Attorney Leef reviewed the information that had been relayed to Mr. Van Natter at various meetings and that the request for the alley vacation was the first step to begin the process of compliance. More information would be forthcoming after the PRT meeting on 12-12-12. There being no motion to suspend the statutory requirements requiring the ordinance to be read by title three different days, the Clerk read the Ordinance by title for the second time.

The Planning Commission's Final Report re: the Preliminary Plat application of Region 1 OHD to subdivide the existing Lot 1, Reganis Subdivision into three lots was discussed with Bob Davis, representative of OHD. Nienhueser moved, Barnes seconded "That RESOLUTION NO. 20121202 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20121202

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

That the Planning Commission of the City of Sidney, Nebraska has submitted to the City Council of the City of Sidney, Nebraska, its recommendation of approval of the preliminary plat application of Region 1 Office of Human Development for subdividing the existing Lot 1, Reganis Subdivision to the City of Sidney, Nebraska into three lots ; and That the City Council of the City of Sidney, Nebraska, does hereby approve the foregoing preliminary plat ; and

That the City Council of the City of Sidney, Nebraska, does hereby approve the Final Plat of Lots A, B, and C, Block 1, Reganis 2nd Addition to the City of Sidney, Nebraska; and That the City Council of the City of Sidney, Nebraska, does hereby approve the Subdivider's Agreement for Lots A, B, and C, Block 1, Reganis 2nd Addition to the City of Sidney, Nebraska.

The Planning Commission's Final Report re: the Preliminary Plat application of Robert & Nancy Dailey to replat Lot 2, Dailey Subdivision into four lots was discussed with Nancy Dailey. Nienhueser moved, Arterburn seconded "That RESOLUTION NO. 20121203 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20121203

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

That the Planning Commission of the City of Sidney, Nebraska has submitted to the City Council of the City of Sidney, Nebraska, its recommendation of approval of the preliminary plat application of Robert & Nancy Dailey for replat of Lot 2, Dailey Subdivision, Sidney, Nebraska into four lots; and That the City Council of the City of Sidney, Nebraska, does hereby approve the foregoing preliminary plat ; and That the City Council of the City of Sidney, Nebraska, does hereby approve the Final Plat of Lot 2A, 2B, 2C & 2D , Dailey Subdivision to the City of Sidney, Nebraska; and That the City Council of the City of Sidney, Nebraska, does hereby approve the Subdivider's Agreement for Lot 2A, 2B, 2C & 2D , Dailey Subdivision to the City of Sidney, Nebraska.

A proposed engineering contract with M.C. Schaff & Associates for Greenwood Road & Toledo Street were presented by Public Service Director John Hehnke and City Manager Gary Person. After a discussion as to the lack of information regarding development in that area, the item was tabled.

Nienhueser moved, Gay seconded "That the Ordinance entitled "AN ORDINANCE TO INCREASE THE LOCAL OPTION SALES AND USE TAX BY ONE-HALF (½) PERCENT FROM ONE AND ONE-HALF PERCENT TO TWO PERCENT UPON THE SAME TRANSACTIONS ON WHICH THE STATE OF NEBRASKA IS AUTHORIZED TO IMPOSE SUCH TAX WITHIN THE CORPORATE LIMITS OF THE CITY OF SIDNEY, EFFECTIVE APRIL 1, 2013 FOR A PERIOD OF TEN YEARS; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE" be designated as Ordinance No. 1686." Roll call vote: Yeas: All council members present. Nienhueser moved, Arterburn seconded "That the Statutory requirement requiring the ordinance to be read by title three different days be suspended." Roll call vote: Yeas: All council members present. The motion having been concurred in by three-

fourths of the Council be declared passed and adopted and said statutory requirement suspended. The Clerk then read the Ordinance by number. Arterburn moved, Nienhueser seconded "That Ordinance No. 1686 be finally passed." Roll call vote: Yeas: All council members present. The passage and adoption of said ordinance having been concurred in by a majority of all members of the City Council was declared passed and adopted and the Mayor in the presence of the City Council signed and affixed his signature thereto. Nienhueser moved, Gay seconded "That Ordinance No. 1686 be published in The Sidney-Sun Telegraph." Roll call vote: Yeas: All council members present.

Discussion was held on a contract with Water Technology, Inc for professional services. City Manager Person and City Attorney Leef detailed the contacts that they had with this company since the last Council meeting. They expressed that they were more positive about this company since the last meeting. Nienhueser moved, Gay seconded "That the aforesaid contract with Water Technology be approved and the Mayor be authorized to sign same." Roll call vote: Yeas: All council members present.

Gay moved, Barnes seconded "That the following claims for November 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: Barnes, Gaston, Gay, and Arterburn. 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.

Arterburn moved, Barnes seconded "That the following claims for November 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: Barnes, Nienhueser, Gay and Arterburn. Nays: None. Abstain: Gaston. (Abbreviation for claims: ex expenses, rt retirement, re reimbursements, sa salaries, se service, su supplies, tr transfers, tx tax, co capital outlay) Safeway su 90.00.

Gay moved, Nienhueser seconded "That the following claims for November 2012, are here by approved and should be paid as provided by law out of the respective funds in the city treasury." Roll call: Yeas: All council members present. (Abbreviation for claims: ex expenses, rt retirement, re reimbursements, sa salaries, se service, su supplies, tr transfers, tx tax, co capital outlay) 21st Century Equipment su 18.48; Absolute Natural Resources se 149.50; Accelerated Rec se 167.97; Adams Industries eq 1280.00; Ahrens, Joel aw 32.50; AlSCO su .73; American Legal se 2352.60; American Public Works su 270.00; Anderson, Chuck aw 155.00; Andreas, Ashley aw 70.00; Andrews, Bruce aw 100.00; Anthony's Body Shop se 626.70; Aqua Aerobic se 447.56; Aramsco su 708.40; Bacon, Chris aw 112.50; Barker Cleaners se 30.00; Bavco eq 843.40; Beck, Jenna aw 108.00; Beier, Michelle aw 72.00; Best Western tt 350.88; BLR se 374.33; Boldt, Bonnie aw 35.00; Bomgaars su 12.37, 121.94, 227.23, 63.01, 119.08, 236.23; Bown, LaVern aw 95.00; Bragg, Jenny aw 108.00; Brestel, Gerald rt 570.28; Burch, Dave

aw 115.00; Burkholder, Tyler aw 95.00; Callaway Golf eq 3519.27; Cardmember tt su 230.24, 75.00, 1490.50, 3625.66; Caselle se 3031.00; Century Link se 95.90; Chaon, Brandon aw 50.00; Cheyenne Co Chamber se 1730.00; Cheyenne Co Community Center se 17384.00, 188.25; Cheyenne Co Emergency Comm Cnt se 17487.51; Cheyenne Co Treasurer se 12.00; Chief su 864.89; City of Sidney ex 27.45, 137.50, 1000.00, 59.04, 567.00, 505.57, 12.00; bd 17979.91, 23833.83; rt 103.00; sa 17849.22, 7264.02, 9945.15, 11336.63, 23315.91, 83115.16, 16300.17, 7287.57, 9799.77, 11247.82, 23693.38, 85461.28; in 12072.45, 5900.36, 8012.78, 8602.18, 14145.51, 45403.22, 642.91, 482.12, 475.34, 538.24, 1125.51, 3207.78; ut 749.23, 10577.64, 106.56, 13845.40, 680.31, 171.00, 50.63, 423.55, 2178.81, 1814.62; Clark, Aaron aw 35.00; Cleveland Golf su 834.15; Clothes Hamper se 88.00; Colorado Water Well se 1147.50; Conserve Flag su 150.00; Contractors Materials se 59.25; Country Printer su 473.00; Cowan, Scott aw 115.00; Coyote Caller se 16.00; Craftco se 21136.80; Cranmore Pest/Fire se 85.00, 45.00; Crimson Fire se 1475.00; Day & Night se 93.48, 108.50, 72.00; Daylight Donuts su 34.00; Dept of Energy ut 20212.72; Digital Alley se 695.00; Dorwart, Dan aw 45.00; DP Electronics su 176.53, 1024.97, 92.77; E&S Auto su 1655.59, 2110.96, 306.74, 541.65, 94.58, 47.94, 102.54; Enviro se 75.00; Express Toll se 3.15; Fairfield Inn se 199.90; Finneys su 109.35, 203.94, 541.37, 54.50, 238.38, 719.28, 122.95; Floyds se 113.53; Fortna, Derick aw 112.50; Foster Lumber su 14.84, 52.33, 40.32, 1469.37; Fremont Nat'l Bank bd 13399.17; Frenchman Valley su 7138.17, 327.04, 2346.53, 1723.28, 6910.43, 1323.64; Galls su 32.96; Gempler's su 58.25; GLEC su 167.43; Gordon's Body Shop se 818.70; Great Plains One Call se 30.71, 30.72; Guffey, Dennis aw 100.00; Hach Co su 212.81; Hamilton se 99.90, 49.95, 334.70; Harmon, James aw 95.00; Harper Industries su 742.89; Heckenlively, Sarah aw 144.00; Heiman Fire su 86.85; Hinrichs, Michael tt 55.00; Hofrock, Curtis tt 249.50; Holechek, Jane aw 180.00; Holiday Artisans su 350.00; Holz su 7991.03; Horizon West su 10.96, 37.20; Houtwed, Ashley aw 108.00; Ideal Linen su 90.32, 29.88, 255.38, 280.90; Interstate Batteries su 219.90, 280.90, 211.90; Int'l City/County Management se 797.00; Jirdon Agri su 519.00, 589.00; JJ Keller & Asso se 69.05; Journal of Light se 29.95; Kearney Hub su 275.00; Keep Sidney Beautiful su 36.22; Kevin's Electric su 13.38, 226.00; Kimball Midwest su 568.18; Koehn, Darrell tt 55.00; Kriz Davis eq 7980.68, 2499.72; KSID se 50.00; Kuhns, Rob tt 55.00; LL Johnson eq 62800.00; Leal, Ron se 450.00; Lepird, Jeremiah aw 155.00; Lincoln Nat'l Life se 145.35; Logan Contractors su 617.08; Mail Finance se 1821.00; Malzahn, Sarah aw 86.40; Mathes, Joan se 450.00, tt 106.00; Matthew Bender se 165.40; Maxx Sunglasses su 324.20; McCaslin su 9300.00; McDaniel, Tessa aw 108.00; Midwest Labs su 391.58; Midwest Mailing se 235.00; Milestone su 331.70, 332.50, 196.88; Miller Office su 47.97, 77.09, 77.00, 1310.84, 1230.89; Miller, Dixie aw 83.50; Miller, Tracy aw 136.50; Mizuno su 42.66; MEAN se 244039.89; Napa Auto se 7.27, 17.26; NE Dept of Revenue tx 50384.80; NE Hotel & Motel Asso se 50.00; NE Safety/Fire se 162.50; NT&T se 185.01, 106.39, 48.68, 121.18, 291.30, 1107.61; NFPA Int'l se 165.00; Nienhueser, Shelly aw 43.20; Nienhueser, Val aw 43.20; NE Machinery se 27.14; Northern Safety se 175.48; Northwest Pipe su 1528.63; O'Connell, Peggy aw 83.50; Office Technology su 89.00; Olsen, Eleanor se 275.00; Palmer, Mike tt 285.00; Peralta, Padro aw 35.00; Pile, Julie aw 72.00; Plummer, Ryan aw 45.00; Points West su 29948.00, 14803.00, 17700.00, 20784.00, 24202.00, 53992.00; Prairie States se 1034.70; Premier Tire su 94.50; Quality Inn se 90.25; Ragan Communications su 29.95; Reams su 188.45; Reganis se 42.91; Regional Medical Cntr se 5734.59; Respond First Aid se 173.34, 68.52; Roberts, Janis aw 93.50; Robinson, Julie aw 70.00; Rood's se

2288.63, 612.65; S&S Tool Rental se 70.00; Sauders se 176.06; Scotties Potties se 630.00; Segelke, Carla se 1050.00; Sidney Glass su 6.07; Sidney Regional se 143.21; Sidney Soft Water se 7.50, 42.00; Sidney Sun Telegraph se 504.27; Skarshang Testing se 163.63; Smith, Roni aw 144.00; Sonntag, Goodwin, & Leef se 5074.50; Sonny's su 19.99; Source Gas se 123.99, 1295.97, 93.90, 11.16, 1227.34; Splish Splash se 16.60, 24.00; Stern Oil su 3043.06; Stewart, Jolynn aw 144.00; Stitt, Trina aw 144.00; Stone, Eloise rt 400.00; Stuzman, Jeff aw 95.00; T&R Electric su 10801.00; Team Effort se 43.20; Thayer, Deb aw 43.20; Utility Services se 610.00; Vera, John tt 145.75, 82.95; Verizon se 33.25, 33.25, 66.67, 70.49, 153.07, 101.11; Vermeer Equip se 174.36; Walmart su 24.00; Walker, Rob aw 50.00; Wamsley Const se 4965.00; Welch, Pat aw 180.00; Western Pathology se 487.00; Western United Electric su 3555.56; Wheatbelt ut 9679.36; White Bluffs se 742.25; Wieser, Cheryl aw 35.00; Wingate Inn se 233.85; Wolford, Marie rt 814.36; Woodis Welding se 225.00; Zep su 1075.60; Elan Visa su 402.03; Baker & Taylor su 1123.88; Barker Cleaners se 12.00; Cashwa su 24.60; Charter se 113.99; City of Sidney se ut 917.37; Culligan su 19.95; Day & Night se 105.24; Elan Visa su 166.55; Finny's su 49.66; Frenchman Valley 253.01; Gaylord su 205.08; Guideposts su 35.48; Ideal Linen su 53.80; Doris Jensen ex 88.80; Journal Office su 39.86; Leisure Time su 148.03; Stephanie Mika ex 46.90; NT&T se 2.42; OCLU se 123.46; Quality Book su 26.39; Quill su 229.23; Regional Books su 23.49; Segelke Janitorial se 1050.00; Severson Communication se 165.00; Sidney Sun Telegraph se 5.89; U Store It se 60.00; Sonny's su 52.08.

Nienhueser moved, Barnes seconded "That the Budget Reports for all City Departments for

November, 2012 be approved.” Roll call: Yeas: All council members present.

City Manager’s Report consisted of reports on recent and upcoming meetings and events: i.e. E. Sidney development, Town Hall North Side meeting, Auditors exit interview 12/5/12, Historic Preservation Board 12/11/12, PRT 12/13/12, P.A.D.D. 12/13/12, Invest Nebraska program, Golf Course season closes 12/14/12, etc. The new reporter, Hannah Vana Ree for the Sidney Sun Telegraph was welcomed.

Council Member Barnes asked about the unsightly recycling bins in Legion Park. Staff will look for suggestions for different locations. Mr. Barnes also asked for information regarding recreational trailers on residential areas. Council Member Nienhueser thanked Dave, Bob & Roger for there service to the City as well as welcomed the new members. Council Member Arterburn also thanked the outgoing Council Members. Council Member Gay was glad to be on board. Mayor Gaston echoed the thanks to Dave, Bob & Roger and the welcome to Joe, Chris, and Aaron. He also reported on a recent conference he had attended.

Meeting adjourned at 9:20 p.m.

MAYOR

ATTEST: _____
CITY CLERK

