

Sidney, Nebraska, January 8, 2013 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 January 8, 2013 in the Council Room. Present were: Mayor Gaston and Council Members: Barnes, Nienhueser, Guy, and Arterburn. 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, Arterburn seconded "That the minutes of the December 11, 2012 meeting be approved as printed." Roll call vote: Yeas: All council members present.

Mayor Gaston acknowledged members of the Parks Department to recognize their heroic efforts in the recent rescue of two children who had fallen thru the ice in the pond at the Park; i.e. Tom Von Seggern, Rob Roderick, James Harmon, Harlan Sage and Steven Waller were praised and thanked by all.

Doris Jensen, Library Director, presented the name of Vickie Ryder for appointment to the Sidney Library Board for a four year term. Arterburn moved, Nienhueser seconded "That Vickie Ryder be appointed to the Sidney Library Board. Roll call: Yeas: All council members present.

Nienhueser moved, Barnes seconded "That RESOLUTION NO. 20130101 be passed and adopted." Roll call: Yeas: All council members present.

RESOLUTION NO. 20130101

WHEREAS, McCaslin Consulting, Inc, the engineer for Sanitary Sewer Extension District No. 20, has presented the following: A. The Final Change Order #1 and the Final Pay Estimate #7 for engineering; B. The Final Change Order #3 and the Final Pay Estimate #5 for construction; and C. The Engineer's Certificate of Completion.

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

That the Engineer's Final Change Order #1 in an estimated additional cost of \$8,714.00 and the Contractor's Final Change Order #3 in an estimated additional cost of \$6,265.70 for Sanitary Sewer Extension District #20 be approved; and

That the Mayor and Council hereby find and determine that pursuant to contracts 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 have filed with the City Clerk certificates showing the performance of said contracts as follows: Engineers Final Estimate Number 7; AMOUNT DUE ENGINEER \$1,364.00; and Contractor's Final Estimate Number 5; AMOUNT DUE THE CONTRACTOR \$12,803.49. Warrants in the amounts 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 Electric Department as an investment; and

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

That the Council finds that McCaslin, Inc., the engineers in charge of the construction of improvements in Sanitary Sewer Extension District No. 20 of said City, has certified that the contract for the construction of said improvements have been fully performed by Nienhueser 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; and

That 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.

The request of Darin Van Natter at 909 5th Avenue to vacate the alley thru his property was discussed. In response to the question of compliance, City Attorney Leef reported that the property had been inspected by herself and Ben Dayton and was found to be in compliance. Mr. Van Natter stated that he had worked hard to accomplish this compliance and intends to continue. The Clerk then read Ordinance No. 1684 by title for the third time. Nienhueser moved, Gay seconded "That Ordinance No. 1684 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. 1684 be published in The Sidney-Sun Telegraph." Roll call vote: Yeas: All council members present.

Ryan Reisdorff of South Platte Natural Resource District presented an overview of the SPNRD Hazard Mitigation Plan. Said plan has conditionally been approved by FEMA pending adoption locally by each participant within Kimball, Deuel and Cheyenne County.

Nienhueser moved, Barnes seconded "That RESOLUTION NO. 20130102 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NUMBER 20130102

WHEREAS, the Federal Disaster Mitigation Act of 2000 was signed in to law on October 30, 2000, placing new emphasis on state and local mitigation planning for natural hazards and requiring communities to adopt a hazard mitigation action plan to be eligible for pre-disaster and post-disaster federal funding for mitigation purposes; and

WHEREAS, a Multi-jurisdictional Hazard Mitigation Plan was prepared by South Platte Natural Resources District with assistance from JEO Consulting Group, Inc. of Lincoln, NE, which includes the City of Sidney.

WHEREAS, the purpose of the mitigation plan was to lessen the affects of disasters by increasing the disaster resistance of the District and participating jurisdictions located within the planning boundary by identifying the hazards that affect the District and prioritize mitigation strategies to reduce potential loss of life and property damage from those hazards, and

WHEREAS, FEMA regulations require documentation that the plan has been formally adopted by the governing body of the City of Sidney in the form of a resolution and further requesting approval of the plan at the Federal Level; and

NOW, THEREFORE, the governing body of the City of Sidney does herewith adopt the South Platte Natural Resources District Multi-jurisdictional Hazard Mitigation Plan in its entirety and request approval of the plan at the Federal Level.

PASSED AND APPROVED this 8th day of January, 2013.

Discussion was held on the proposed Ordinance No. 1685 which defines accessory buildings in residential zones in Chapter 1266 of the Codified Ordinances of the City of Sidney. Planning Commission members Don Egging and Jann Lawler were present and participated in the discussion. Audience participation included Victoria Loghry and Dave Noel. Points of discussion were: This ordinance addresses accessory buildings in residential zones only; Attached accessory buildings in regards to attached breezeway (word not liked) vs. common wall language; Size of accessory building - 700 square feet vs a suggested 1200 square feet with language regarding not to exceed either a percentage of or the whole size of main building; Need definition of footprint/impervious surface; How much of a residential lot can be used for structures; Accommodation needed for citizens to store the items that make their properties look unrepresentable; Variances granted by Board of Adjustment for hardships only; Presenting discussion items to the Planning Commission at their next meeting-January 21st. City Attorney Leef will revise the proposed Ordinance No. 1685 to include the aforesaid discussion items for presentation to the Planning Commission. The City Council will consider Planning Commission's action at their meeting of January 22nd.

As per instructions from the Mayor, the City Clerk read the title of Ordinance No. 1685 for the second time.

Nienhueser moved, Barnes seconded "That the Ordinance entitled "AN ORDINANCE TO INCREASE THE LOCAL OPTION SALES AND USE TAX BY ONE-HALF (1/2) 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 JULY 1, 2013 FOR A PERIOD OF TEN YEARS; TO PROVIDE FOR THE REPEAL OF THE ONE PERCENT OCCUPATION TAX ON RESTAURANTS, EFFECTIVE JULY 1, 2013; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE" be designated as Ordinance No. 1687. Roll call vote: Yeas: All council members present. Nienhueser moved, Gay 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. Nienhueser moved,

Arterburn seconded "That Ordinance No. 1687 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, Arterburn seconded "That Ordinance No. 1687 be published in The Sidney-Sun Telegraph." Roll call vote: Yeas: All council members present.

Arterburn moved, Gay seconded "That the following claims for December 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) Cabela's su 1819.21.

Gay moved, Arterburn seconded "That the following claims for December 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.

Gay moved, Nienhueser seconded "That the following claims for December 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 eq 605.81, 355.20; Accelerated Receivables se 187.46; Alamar Uniforms su 30.95; ALS Group su 2789.00; Altec eq 669.49; American Environmental se 2249.76, 1232.89; American Legal se 203.00; Andrew, Keith tt 154.50; B&C Steel su 56.80, 204.16; Bader's Highway ct 75000.00; Barker Cleaners su 30.00; Bird, Leslie re 123.59; Board of Examiners tt 20.00; Bomgaars su 200.00, 16.97, 39.99, 144.22, 15.16, 72.97, 167.75, 13.05; Brestel, Gerald rt 570.28; Cardmember se 187.34, 855.27; Cashwa su 143.60, 68.00; Central Parts Warehouse su 450.50; CenturyLink se 95.90; CGI Fencing eq 3197.97; Charter Media se 231.92; Cheyenne Co Chamber Commerce se 2365.00, 120.00; Cheyenne Co Community Cntr se 10000.00; Cheyenne Co Emergency Comm Cntr se 21776.69; Chief su 1015.70; City of Sidney sa in 5432.14, 2830.84, 4178.12, 3546.81, 8830.32, 27437.18, 1125.51, 23582.49, 178.00, 18.45, 16607.04, 7433.67, 9910.67, 11325.76, 23915.92, 88285.54, 12072.45, 5900.36, 8012.78, 8602.18, 14145.51, 47529.30, 642.91, 482.12, 475.34, 538.24, 3707.78, 17120.13, 6911.19, 10128.57, 11263.34, 81891.46; City of Sidney bd tax ex 75.2817979.91, 23833.83, 137.50, 1000.00, 311.31, 448.86, 103.00, 17.30, 15.44, 103492.50, 120.51, 313.16, 1636.44, 9894.06, 9488.62, 176.93, 694.13, 107.77, 3443.254, 836.38; Cleveland Golf su 389.40; Compressed Air Solutions se 83.95; ConServ Flag su 38.40; Contract Materials su 506.00; Country Printer su 673.00; Cranmore Pest/Fire su 85.00; Cummins Central Power se 890.84; Days Inn su 125.98; Department of Energy ut 20212.72; Destiny Counseling se 140.00; DHHS ds 540.00; Digital Alley su 130.00; DP Electronics su 89.38, 1567.51, 398.14, 80.94, 990.67, 377.91, 2873.87; E&S Auto su 896.35, 502.28, 200.49, 356.08, 23.65, 187.51; Eakes su 48.11; Elliott Equip eq 454.01; EMC su 53.21; Enviro se 201.00; Falcon Labs su 220.69; Farabee Mechanical su 141.66; Finney's su 224.57, 60.15, 341.82, 43.01, 1583.67, 302.63, 15.96; Floyd's Truck su 463.57; Foster su 13.88, 224.69, 60.37; Fremont Nat'l ct 13399.17, 900.00; Frenchman Valley su 13764.99, 927.77, 1776.90, 2852.82, 1825.98, 9936.06; Fries, Rod tt 9.00; G&L Laser se 75.95, 128.85; Gaston, Wendall tt 1669.31; GCSAA ds 125.00; General Traffic Controls su 2542.46, 774.19; GLEC ct 49172.29, 5295.00; Grainger su 63.60; Grimms eq 1855.66; Hach su 441.60, 80.40; Hamilton se 99.90, 49.95, 334.70; Harding & Shulz su 54.00; Holiday Inn se 77.00, Holtz eq 2750.10; Horizon West su 2.92; Houser, Jodene re 120.76, 53.84; Howard, Jesse re 45.03; Huber & Asso se 30.00; Ideal se 545.30, 223.43, 49.46, 21.65, 360.14, 118.03; Interstate Batteries su 18.95, 95.95; J & A Traffic su 60.00; J P Cooke su 113.46; Johnson, Kris tt 652.73; Kevin's Electric su 46.95, 792.05; Kriz Davis eq 4211.39, 1112.05; Kronos se 317.64, 635.28, 2279.17; KSID se 40.00, 33.00; L&P Financial se 658.24; Leal, Ron se 450.00; Lincoln Nat'l Life in 208.35; Live View GPS se 479.40; Logan Contractor su 12886.50; Matt Friend Truck eq 8685.00; Matthes, Joan se 450.00; Megger eq 13300.28; Michael Holland Const re 60.00; Milestone su 64.20, 253.50; Miller & Sons se 1136.55; Miller Office su 155.40, 9.88, 19.98, 1077.92; Mizuno su 342.82; Moser, Heidi re 13.96; MEAN ut 252617.30; Municipal Pipe su 10788.74; Municipal Supply eq 33391.13, 1425.75; Murphy Tractor su 59.20; Napa su 42.11; Nationwide eq 1080.91; Nat'l Patent Analytical eq 6552.00; NE Dept of Revenue tx 48542.46; NE Life Publishing su 21.00; NE Safety/Fire su 347.50, 870.00; NE Salt & Grain eq 7683.41; NE State Chamber ds 325.00; NE State Treasurer su 66.93; NT&T su 185.29, 106.65, 50.52, 120.53, 291.14, 1377.51; Neland Tire su 11.55; NEDA ds 200.00; Newman Traffic su

210.00, 525.00; Nike su 1837.13; NMC eq 444.37, 292.70, 6553.85, 13.50; Northwest Pipe su 3389.09, 555.02; Old Dominion su 532.06; Olsen, Eleanor se 275.00; One Call se 28.25, 28.25; OPTEC se 3995.00; Palmer, Mike tt 545.34; Person, Gary re 170.95; Pizza Hut su 134.89; Points West in 29550.00, 14803.00, 17700.00, 20045.00, 24202.00, 53205.00; Ray, Ginger re 2.70; Reams su 188.97; Reganis Motors su 976.63; Regional West se 5734.59; Reliable Power se 6348.27; RepCo su 50.00; Respond First Aid su 47.94, 60.47, 17.97, 23.29, 18.17, 40.75; Rob's Lock se 336.00; Rood's su 72.00, 1563.21, 13.00; Sapp su 480.70, 58.25, 508.14; Sauder Auto su 1683.67, 987.59; Scotties Potties se 630.00; Segelke, Carla se 1050.00; Sidney Glass su 93.63; Sidney Photography se 140.00; Sidney Public Schools se 150.00, 50.00; SRMC se 108.80, 27.20; Sidney Soft Water se 3.75, 42.00; Sidney Sun Telegraph se 576.68; Simon Contractors se 4733.10; Sonntag, Goodwin & Leef su 9995.95; Sonny's su 71.25; Source Gas se 385.48, 1984.50, 126.71, 253.42, 426.12, 710.63, 111.01, 1951.72; Southwestern Equipment eq 92.03; Splish Splash se 72.60; State Industrial su 109.00; Steffens, Bob re 800.00; Steffens, Deloris se 138.00; Stone, Eloise re 400.00; To Golf su 1352.00; Triple O's su 26.45; University of NE ds 135.00; US Postal se 220.00, 5000.0; USA Bluebook su 1153.26, 889.15; USGA ds 110.00; Utility Service se 3310.00, 11297.12; Verizon se 33.25, 33.25, 68.02, 70.49, 153.11, 99.75, 358.52, 358.61; WS Darley su 675.65, 362.85; Walmart su 5.28, 139.49; Waterworks su 20.00; Western Pathology se 139.20; Wheatbelt ut 4388.63; Whitebluffs se 358.00; Wolf Van Ackern & Cuypers se 2325.00; Wolford, Marie rt 814.36; Baker & Taylor su 165.37; Barker Cleaners se 12.00; Bernan su 298.53; Charter Communications se 113.99; City of Sidney se ut 1182.66; Cheyenne County se 210.00; Companion Corp se 899.00; Culligan se 19.95; Elan Visa su 273.84; Finney's su 20.68; Frenchman Valley su 77.15; Guideposts su 35.48; Journal Office su 30.00; Leisure Time su 23.18; NE Sate Historical ds 29.00; NT&T se 60.73; OCLC se 124.34; Petty Cash su 6.60; Quality Books su 19.95; Quill su 370.30; Reliable Office su 146.34; Segelke Janitorial se 1050.00; Sidney Sun Telegraph se 5.23; U-Store It se 60.00; NE Supreme su 113.42; Ideal Linen su 36.24; Bridgeport New Blade se 20.00

Items for discussion as requested by Council Member Barnes were addressed as follows: A. Unightly outdoor refuse collection areas - Public Service Director John Hehnke presented solutions to improve the current recycling collection location in Legion Park as well as three other possible locations in Legion Park. After the discussion, consensus was to keep the current area for recycling with improvements to be made to same. B. Removal of unsightly trailers from driveways, side yards and road - Police Chief Mike Brown presented information about current

enforcement of City Ordinances that may or may not address some of the stated problems. He also had some recommendations for revisions to Chapters 404 and 460 of the Codified Ordinances which may be considered at a future date. C. Abandoned & derelict vehicles - remove from line of sight - Police Chief Mike Brown and City Attorney Leef addressed this item by explaining the current process for correcting these type of problems.

City Manager's Report consisted of updates on possible legislative bills that impacts municipalities and reports on recent and upcoming meetings and events: i.e., Pool consultants in Sidney 1/21 & 1/22/13, Leadership Cheyenne County's schedule for the next few months; DED at WNCC 1/23/13, Chamber banquet 1/24/13, advertising started for Golf Course RFP's, finalizing building inspector position applications, etc. He also drew attention to a mailing that is going around which gives the impression that it comes from the City of Sidney - but it is does not. He wanted to warn people that it is actually an attempt to sell insurance. There is a disclaimer on the rear flap of the envelope which reads "Independent of your local utility and municipal."

Meeting adjourned at 9:10 p.m.

MAYOR

ATTEST: _____
CITY CLERK

