

Sidney, Nebraska, February 12, 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 February 12, 2013 in the Council Room. Present were: Mayor Gaston and Council Members: Barnes, Nienhueser, and Gay. Absent: 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.

Gay moved, Nienhueser seconded "That Council Member Arterburn be excused from this meeting." Roll call vote: Yeas: All council members present. Absent: Arterburn.

Nienhueser moved, Barnes seconded "That the minutes of the January 22, 2013 meeting be approved as printed." Roll call vote: Yeas: All council members present. Absent: Arterburn.

During Comments by the Public: Peter Morgan, 834 Linden, informed the Council of his problems with cats that are running at large in his neighborhood and of the damage that these cats have done to his property as well as other people's problems with cats that he knew of throughout the town. He felt that the City Code in reference to Animals at Large should be enforced. City Manager Person commented about the past problems with addressing cats in the ordinances and that in order to enforce the Animals at Large section, the cats would have to be licensed. Currently the city code does not address licensing of cats. Chief of Police Brown also indicated that an licensing ordinance for cats needed to be considered. Currently only how many cats can be kept in one residence (no more than three cats and three dogs) is addressed in the city code. Anything over that would be considered as kenneling them and that would require a special permit from the City. Bob Evans, 818 Linden, appeared to inform the Council about his problems in his neighborhood and that his cats do not run at large but that he does feed the birds and animals in his neighborhood. What to do about feral cats was discussed. Victoria Loghry commented that in Denver there were facilities that periodically provided free clinics for the spaying and neutering of cats. Surveying other communities to see what they do about cats was suggested. A discussion item about what to do about cats will be placed on the next agenda.

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 the rezoning request of Dinklage Feed Yard, Inc. to rezone Block 1, Dinklage Subdivision, Cheyenne County, NE from A (Agricultural) to C-3 (Commercial) Zone 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: Bob Goodwin, Attorney for Dinklage and Paul Conrad, CFO for Dinklage. All persons having been heard, Mayor Gaston closed the public hearing.

Nienhueser moved, Gay seconded "That the Ordinance entitled "AN ORDINANCE PROVIDING FOR THE REZONING OF BLOCK 1, DINKLAGE SUBDIVISION, LOCATED IN A TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 14 NORTH, RANGE 50 WEST OF THE 6TH P.M., CHEYENNE COUNTY, NEBRASKA, FROM A (AGRICULTURAL) TO C-3 (HEAVY COMMERCIAL) ZONE; AMENDING THE SIDNEY ZONING CODE AND ZONING MAP OF THE CITY OF SIDNEY, NEBRASKA, ADOPTED BY ORDINANCE NO. 1049 OF THE CITY OF SIDNEY, NEBRASKA, WHICH IS NOW CODIFIED AS TITLE SIX OF PART TWELVE OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA, TO SO PROVIDE; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN DIRECT CONFLICT HEREWITH." be designated as Ordinance No. 1688." Roll call vote: Yeas: All council members present. Absent: Arterburn. 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. Absent: Arterburn. 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, Gay seconded "That Ordinance No. 1688 be finally passed." Roll call vote: Yeas: All council members present. Absent: Arterburn. 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. 1688 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: All council members present. Absent: Arterburn.

Gay moved, Nienhueser seconded "That the second meeting in February be scheduled for February 20, 2013 at 6:30 P.M." Roll call vote: Yeas: All council members present. Absent: Arterburn.

City Manager Person presented two documents that needed to be updated in order to be in compliance with Community Development Block Grant funding rules and regulations. He assured the Council that the document entitled "Procurement Procedures & Code of Conduct" only applies to the CDBG Federal Funding and any other projects paid for by Federal funds. This is a requirement we must have in place in order to ever be considered for grants involving Federal funds.

Nienhueser moved, Gay seconded "That the Procurement Procedures and the Code of Conduct as they pertain to the Community Development Block Grant Federal funding and other Federal grants be approved." Roll call vote: Yeas: All council members present. Absent: Arterburn.

Nienhueser moved, Gay seconded "That the Ordinance entitled "AN ORDINANCE TO MAKE UNLAWFUL DISCRIMINATION IN THE ACQUISITION, OWNERSHIP, POSSESSION, OR ENJOYMENT OF HOUSING; TO PROVIDE FOR CERTAIN EXCEPTIONS; TO MAKE CERTAIN INFORMATION AVAILABLE UPON REQUEST." be designated as Ordinance No. 1689." Roll call vote: Yeas: All council members present. Absent: Arterburn. Gay moved, Barnes 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. Absent: Arterburn. 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. Gay moved, Barnes seconded "That Ordinance No. 1689 be finally passed." Roll call vote: Yeas: All council members present. Absent: Arterburn. 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. 1689 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: All council members present. Absent: Arterburn.

Gay moved, Barnes seconded "That the following claims for January 2013 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. Nays: None. Abstain: Nienhueser. Absent: Arterburn. (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

Barnes moved, Nienhueser seconded "That the following claims for January 2013, 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. Absent: Arterburn. (Abbreviation for claims: ex expenses, rt retirement, re reimbursements, sa salaries, se service, su supplies, ut utilities, tx tax, tr transfer, eq equipment, du dues, tt travel/training, mt maintenance, in insurance, aw awards, bd bond, ct contract) 21st Century Equipment su 76.96, 106.93; 3F Chimica su 716.27, 715.42; A-1 Sports su 45.97; Absolute Natural Resources su 149.50; Accelerated Receivables su 304.76; Adams Golf su 341.81; Amera Chem su 86.90; American Environmental se 851.58; Aquatic Eco su 192.53; ASCAP du 327.00, Atco Int'l eq 306.00, 129.15; B&C Steel eq 385.82; Barco eq 492.28; Barker Cleaner se 45.00; Bartling, Mitch tt 75.50; Behavioral Medicine Asso se 416.00; Ben Meadows eq 649.73; Bomgaars su 6.40, 270.06, 18.85, 63.32; Brestel, Gerald rt 570.28; Brown Transfer se 128.19; C&M Golf eq 95.88; California Contractors su 383.52; Cardmember su 61.72, 1191.49, 338.10; Carolina Software se 200.00; Caselle su 4500.00, 500.00; CenturyLink se 95.90; Charter se 62.99; Cheyenne Co Chamber se 1250.00, 231.00; Cheyenne Co Community Center ct 10000.00; Cheyenne Co Court su 34.00; Cheyenne Co Emergency Comm Cntr ct 17531.58; City of Sidney pa in 409.18, 1416.66, 9264.16, 23554.60, 927.44, 790.58, 538.24, 3319.38, 17057.96, 7166.94, 11301.50, 81886.64, 15325.44, 7200.24, 10084.50, 12386.41, 23442.70, 84757.49, 12112.48, 5908.82, 7942.12, 8602.18, 14136.66, 45004.24, 687.44, 490.58, 409.18, 538.24, 1116.66, 2779.38, 15912.63, 6952.63, 9166.39, 11372.52, 23495.66, 82749.43 su tx tr bd rt 10.72, 17979.91, 23833.83, 13494.17, 550.00, 1000.00, 5.97, 144.18, 103.00, 15.99 ut 3649.01, 9715.75, 116.03, 13411.85, 1161.03, 188.16, 55.92, 1043.87, 1392.46, 2214.39; Clothes Hamper se 59.00; Conney Safety Products su 328.31; Contractors Materials su 6.60; Country Printer su 210.00, 397.00; Cranmore Pest/Fire Control se 85.00, 188.00, 208.00, 42.00; Day & Night Plumbing se 337.01; Department of Energy ut 20911.06; Design Solutions se 9325.64; DP Electronics su 70.00, 44.98, 42.89, 277.30, 1680.91, 800.34, 739.93, 164.98; E&S Auto su 1015.62, 33.06, 298.46, 196.66, 255.75, 261.41; Eakes su 755.34; Enviro se 90.00, 45.00; ESCO su 254.52; ESRI se 2140.00; Fairfield Inn se 656.66; FBINAA du 180.00; FC Organizational Products su 37.46, 37.46, 36.94, 80.38, 75.30, 110.82; Finney's su 96.10, 207.22, 418.43, 32.94, 290.10, 84.99, 247.75, 220.84; First Response Marketing se 195.00; Floyd's Truck Cntr se 2907.62, 1972.99; Foland Farm su 85.30; Foster Lumber su 310.37, 102.98; Fremont Nat'l Bank ct 13399.17;

Frenchman Valley se 5814.75, 626.19, 106.71, 1603.96, 1459.98, 2797.10, 1456.71, 7110.86, 20.66; Fries, Rod tt 9.00; Grainger eq 176.70; Grandma Jo's se 349.87; Hamilton se 99.90, 49.95, 654.17, 104.90; Harper Industries su 199.66; Heiman Fire eq 773.30; Holiday Inn se 1622.79; Holtz Industries eq 1230.60; Horizon West su 8.96, 299.74; Houser, Jodene re 35.07; Huber & Asso se 533.00; Ideal Linen se 105.59, 49.46, 21.65, 525.11, 279.50; Jenkins, Greg tt 320.96; Johnsen Corrosion Engineering se 1598.00; Johnson, Kris re 194.93; Kevins Electric eq 3457.00, 1006.00, 31.03, 40.00; Kriz Davis eq 3019.12, 2453.86; KSID se 66.00; L&P Financial eq 7652.36; Lawson Products eq 187.56; Leal, Ron se 450.00; Lincoln Nat'l Life se 203.85; Lubrication Engineers eq 317.20; Maddox Motors eq 293.90, 377.84; Manufacturer' News se 499.80; Mathison's Graphics Plus su 1462.60; Matthis, Joan se 450.00; McCaslin Consulting se 2391.00; Municipal Emergency se 1652.69; Mid States Organized Crime du 150.00; Midwest Mailing su 40.00; Milestone su 330.75, 31.59, 21.40; Miller Office su 54.54, 72.29, 154.84, 50.97, 2039.33, 627.01, 58.48; Miller, Randy re 1253.83; MEAN ut 290160.18; Municipal Supply eq 1911.36, 2506.11, 1550.36; NACO Planning du 30.00; Napa su 66.50; NE Chapter of IAPMO du 15.00; NE Dept of Environmental Quality eq 2327.50, 150.00; NE Dept of Revenue tx 51373.63; NE Environmental Products su 142.80; NE Public Health Environmental Lab se 298.00, 98.00; NE Rural Water Asso se 275.00; NE State Library se 118.00; NT&T se 187.68, 107.03, 49.82, 121.40, 317.61, 1346.79; Neland Tire se 52.25; NE Machinery se 128.49; Northwest Pipe su 1155.25; Olsen, Eleanor se 275.00; One Call se 13.65, 13.65; Peeley Irrigation su 375.00; Person, Gary re 566.60; Prairie States Communication se 1580.00; Prestige Flag su 1924.22; Quality Inn su 87.97; Radtke, Hank tt 135.50; Reganis Motors su 87.77, 286.54; RWMC ct 5734.59; Reliable Power Consultants su 5083.20; Respond First Aid su 24.96; Ritec eq 233.62; Rood's se su 15.90, 280.00, 18.50, 377.35, 15.00; Sapp Bros su 217.35; Sauder Auto su 3145.07; Schweitzer Engineering Labs se 73.00; Scotties Potties se 630.00; Secretary of State du 20.00; Segelke, Carla se 1050.00; Sidney Feed su 26.98; Sidney Glass su 116.60, 140.17; SRMC se 54.40; Sidney Soft Water se 34.00; Sidney Sun Telegraph se 603.43, 42.60; Sonntag, Goodwin & Leef se 5000.00; Sonny's su 23.92; Source Gas su 265.04, 2888.74, 266.26, 532.51, 61.47, 717.73, 2665.23; Southwestern Equipment su 6.00; Splish Splash se 47.80; Star Herald se 399.50; Stone, Eloise rt 400.00; SWANA du 378.00, 189.00; Thompson Co, The su 218.74; Triple O's su 48.47, 31.57; Universal Publications se 97.50; US Postal 895.68; USA Bluebook su 144.90, 765.29; Utility Service eq 12799.34; Verizon Wireless 33.25, 33.25, 66.54, 70.49, 153.13, 99.75, 355.28; Walmart su 56.27; Western Pathology se 58.00; Wheatbelt ut 5046.28; Whitebluffs se 664.00; Wolf Auto se 137.74; Wolford, Marie rt 814.36; Baker & Taylor su 1391.02; Charter su 113.99; City of Sidney ut 1885.60; Finneys su 41.54; Frenchman Valley su 136.96; Bernan su 298.53; Elan Visa su 362.54; Guidepost su 35.48; Ideal Linen su 103.34; Journal Office su 30.00; Leisure Time su 28.77; NT&T se 61.54; OCLC se 124.34; Omnigraphics su 187.78; Culligan se 19.95; Quill su 153.44; Segelke Janitorial se 1050.00; Showcases su 944.35; Sidney Sun Telegraph su 5.89; Sonny's su 86.54; U Store It su 60.00; World Book su 1465.00 .

Council Member Aaron Barnes announced his resignation effective at the end of the Council meeting on February 20, 2013.

City Attorney Leef presented the City Council with options related to the selection process to fill the upcoming vacancy. The consensus of the Council was to handle the selection process the same as the last; i.e. open to all registered voters within the city limits. Interested persons have until March 5, 2013 to submit a letter of interest accompanied by qualifications/resume.

City Attorney Leef led discussions regarding amendments to the City Codes that refer to parking of trailers, recreational vehicles, etc. as well as definitions. Interested persons from the public appeared to comment on the proposed changes - Gerald Melvin, Lodgepole Valley Good Sam's representative, Bob Pohl, Harold Powers, Dave Hausman, Victoria Loghry. City Council members also gave input to the proposed amendments and asked for a map of the city streets that would be impacted by some of these changes. Discussion of this matter, will be continued on the March 12, 2013 Council meeting.

City Manager's Report consisted of updates on Legislative Bill #66 and recent and upcoming meetings and events: i.e., DED annual housing public hearing, PRT meeting 2-13, Court case 2-15, RFP deadlines for Golf, Police and 11th Avenue Entrance Landscape, SPNRD meetings, City Manager/Administrators, Mayor meeting in Alliance on 2-11, transportation grant public hearing 3-12, WNCC facilities planning meeting, online billing payment system implemented and going well, Planning Commission 2-19, Annual League meeting 2/24-26 with Mayor Wendall Gaston as keynote speak, etc.

Police Chief Mike Brown announced his resignation effective 2-28-2013. Compliments and best wishes

were extended to Mike from Gary Person, John Hehnke and all the council members.

John Hehnke, Public Services Director, reported on street projects, etc. Council Member Nienhueser asked for a Trails project report for the March 12th meeting.

Council Member Nienhueser asked the City Attorney for more clarification as to the difference an accessory building and a detached garage.

All present Council Members extended their thanks and good wishes to Aaron Barnes.

Meeting adjourned at 8:55 p.m.

MAYOR

ATTEST: _____
CITY CLERK

