

Sidney, Nebraska, April 9, 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 April 9, 2013 in the Council Room. Present were: Mayor Gaston and Council Members: Gallaway, Nienhueser, Gay and Arterburn. Others present: City Manager Person 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.

Arterburn moved, Nienhueser seconded "That the minutes of the March 26, 2013 meeting be approved as printed." Roll call vote: Yeas: All council members present.

Ron Meyer appeared to share his concerns re: the proposed animal ordinance.

Parks Superintendent Tom Von Seggern read and Mayor Gaston proclaimed April 27, 2013 as Arbor Day in Sidney. Tom also announced the annual Tree Give Away and the celebration of the 26th year as Tree City USA would be held at the Youth Camp on April 20, 2013.

Rob Robinson of Points West Bank announced that the City of Sidney had been the recipient of an insurance dividend from EMC.

Nienhueser moved, Gallaway seconded "That RESOLUTION NO. 20130401 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20130401

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

That the Special Designated License application for BPS Restaurant LLC to host the grand opening of the Best Western Plus Sidney Lodge at 645 Cabela Drive, Sidney, Nebraska on May 2, 2013 from 4:00 p.m. to 8:00 p.m. be recommended for approval to the Nebraska Liquor Control Commission.

Sheri Ehlers, Principal of West Elementary School and Curtis Hoffrock, SRO for the Police Department presented three options for improvement of the traffic/parking problems at West Elementary: 1. Make Osge Street from 23th to 24th a one way street going west; 2. Make the area in front of West Elementary and the current parking lot a one way going west; 3. Place signage for making only left turns out of the existing parking lot attempting to keep traffic flowing to the west as well as the Schools consider further development of the empty lot to the west of the existing parking lot into more parking. No action was taken but the school was encouraged to try the different scenarios with the use of traffic cones to see which if any help the traffic situations.

Nienhueser moved, Gay seconded "That RESOLUTION NO. 20130402 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20130402

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SIDNEY, NEBRASKA: That in accordance with the power vested in them by Sections 424.01, 460.01 and 460.02 of the Codified Ordinances of the City of Sidney, 1977, the following traffic regulatory markings shall be placed as hereafter indicated and that all vehicles using the streets of the City comply with the regulation and prohibitions hereafter set forth:

DIAGONAL PARKING

Diagonal parking spaces of 45 degrees shall be placed on the east and west side of 8th Avenue; beginning at a point no closer than 25 feet south of the intersection of the south curb lines at the intersection of Illinois Street and 8th Avenue and continuing south to a point no closer than 25 feet north of the intersection of the north curb lines at the intersection of Jackson Street and 8th Avenue; excluding any access drives, alley approaches or other driveways.

All markings and signs shall be placed in accordance to the "Manual on Uniform Traffic Control Devices"

and the regulation and prohibitions of such signs and markings shall be effective twenty-four hours each day.

Council Member Nienhueser declared his conflict of interest in the following agenda item and said he would not participate in the discussion or vote on the matter due to said declaration. Ralph Castner, CFO of Cabela's Inc. and Jason Petik of Sidney Regional Medical Center presented information on their future expansion plans in the east area of Sidney that will impact the current undeveloped area from Fort Sidney Road to Link Road 17-J. This included a formal request asking the City to begin the engineering design work on the extension and improvement of Toledo Street/Greenwood Road. This would be a primary arterial street that would connect Toledo Street from its current dead end at Fort Sidney Road, extending it to the east and eventually connecting to the street that is known as Virginia Lane that goes to L17J. Said Virginia Lane would then be known as Toledo Street once the entire road has been completed and fully connected. Also included would be the improvement of the gravel street Greenwood Road from the intersection of Greenwood and Toledo north to U.S. Highway 30. Replacement of the badly deteriorated Fort Sidney bridge was suggested to be completed within the same street improvement project. Because these road/bridge projects will require certain procedural approvals with the U.S. Army Corps of engineers, it would be more efficient to do this with all of the projects at the same time. Estimate of costs was provided by M.C. Schaff & Associates. Both the Cabela housing project and the Medical Center's proposal for a new facility were discussed at length. Mayor Gaston questioned Mr. Petik about the lack of public discussion regarding the medical facilities.

Gallaway moved, Gay seconded "That RESOLUTION NO. 20130403 be passed and adopted." Roll call vote: Yeas: Gallaway, Gaston, Gay and Arterburn. Nays: None. Abstain: Nienhueser.

RESOLUTION NO. 20130403

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

That the retainage of M.C. Schaff & Associates as special engineers for the City of Sidney be approved for engineering design services for the Street Improvement Projects known as Toledo Street from Fort Sidney Road to L-17-J, Greenwood Road from Toledo Street to Illinois Street and the Fort Sidney Road Bridge and for the performance of any other engineering services in connection therewith.

There being no further discussion, the City Clerk read for the third time Ordinance No. 1690 entitled "AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, TO MODIFY SECTION 460 "PARKING GENERALLY" INCLUDING SECTION 460.06 "MAXIMUM PARKING PERIOD AND EXCEPTIONS"; SECTION 460.06(A) "PARKING AND STORING RECREATIONAL VEHICLES"; SECTION 460.17 "LARGE VEHICLE PARKING GENERALLY"; AND 460.24 "METHOD OF ENFORCEMENT" OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA; TO MODIFY THE LENGTH OF TIME VEHICLES MAY BE PARKED ON ANY STREET OR ALLEY; TO MODIFY THE SECTION NUMBER WHICH RELATES TO REGULATIONS REGARDING THE PARKING AND STORING OF RECREATIONAL VEHICLES ON CITY STEETS AND ALLEYS; TO PROVIDE FOR METHODS OF ENFORCEMENT; TO REPEAL ANY ORDINANCE OR PART OF ORDINANCE IN CONFLICT THEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE". Arterburn moved, Gallaway seconded "That Ordinance No. 1690 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. Gallaway moved, Arterburn seconded "That Ordinance No. 1690 be published in *The Sidney-Sun Telegraph*." Roll call vote: Yeas: All council members present.

Discussion was held regarding the proposed Ordinance No. 1693 re: Chapter 404 "Definitions" Section 404.28 "Vehicle". Council Member Gallaway suggested different language for "Vehicle". Council Member Nienhueser questioned "Utility Trailer" being in the "Recreational Vehicle" section. The suggestions will be given to the City Attorney. Nienhueser moved, Gay seconded "That the ordinance entitled "AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, TO AMEND CHAPTER 404 "DEFINITIONS" SECTION 404.28 "VEHICLE" OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA TO MODIFY THE DEFINITION OF VEHICLE AND PROVIDE FOR A DEFINITION OF RECREATIONAL VEHICLE, 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. 1693.” 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.

Extensive discussion was held on the proposed Ordinance No. 1691 which amends Chapter 618 “Animals” in the City Code to include cats. Public input was received from Ken Geu, Robin Geu, Maria Herrera, Diane Eaglin, and Ron Meyers. Enforcement of a new ordinance without an animal shelter was one of the major points of discussion. No action was taken and the matter was tabled.

Galloway moved, Gay seconded “That the following claims for March 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: Galloway, Gaston, Gay and Arterburn. Nays: None. Abstain: Neinhueser (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 849.00

Galloway moved, Gay seconded “That the following claims for March 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: Galloway, Gaston, Gay and Arterburn. Nays: None. Abstain: Neinhueser (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 2428.68

Arterburn moved, Nienhueser seconded “That the following claims for March 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. (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 81.94; 3F Chimca eq 1374.73; Accelerated Receivables se 233.60; Air Quality Engineering su 109.29; ALS Group eq 1314.00; Altec Industries su 77.86; American Environmental Consult se 4435.98; American Public Works su 169.00; Applied Concepts se 1895.00; Aqua Aerobic Systems su 783.55; Arnold Pool su 2654.40; AW Direct su 535.14; Baum Hydraulics su 713.35; Bomgaars su 75.46, 81.96, 42.78, 16.04; Brestel, Gerald rt 570.28; Busted Knuckle se 735.55; Campbell, Rob tt 218.75; Cardmember su 370.23, 206.25, 409.24; CenturyLink se 95.90; Charter se 62.99; Cheyenne Co Chamber se 1350.00; Cheyenne Co Clerk se 874.84; Cheyenne Co Comm Center se 10000.00, 250.00; Cheyenne Co Court se 68.00; Cheyenne co Emergency Comm Center se 21096.93; City of Sidney se 5.96 bd 23833.83, 17979.91; ex 275.00, 1000.00, 12.28, 111.11 rt 103.00 sa 13962.32, 76420.72, 11362.29, 16685.15, 26491.56, 9503.48, 6999.04, 78498.27, 11231.12, 16977.92, 21155.91, 9848.46, 6749.01, in 44932.26, 8602.18, 12112.48, 13554.42, 7942.12, 5908.82, 2707.40, 538.24, 687.44, 991.75, 409.18, 490.58 ut 3537.46, 88.16, 179.65, 4219.59, 1093.29, 7724.62, 10650.45; Cleveland Golf su 93.42; clothes Hamper se 70.00; Cobitco Inc su 298.08; Corporate Warehouse su 919.70; CPS se 760.15; Cranmore Pest/Fire se 435.00; Crimson Fire se 71.38; D & D se 1680.00; Darin’s Auto se 357.35, 165.48; Day & Night se 226.77, 64.64, 13.51; Department of Energy se 19034.28; DP Electronics su 1901.23, 158.78, 159.40, 252.37, 24.99; Dude’s Steak House ex 99.15; E&S Auto su 209.80, 187.97, 545.57, 1353.26, 10.13, 262.68, 49.70, 929.20; Eakes su 52.09; Elliott Equipment eq 212.69; Enviro se 165.00, 45.00; Federal Signal Corp eq 220.37; Finneys su 160.78, 248.31, 42.29, 20.81, 703.19, 996.36, 249.96; Floyd’s Truck su 235.67; Foster Lumber su 67.89, 14.49, 113.69; Fremont Nat’l ct 13399.16; Frenchman Valley su 7205.83, 2605.48, 6492.54, 1990.67, 1123.68, 1322.67, 548.49, 246.01; Fries, Rod tt 174.00; Galeton Gloves su 451.86; Gemplers su 230.00; GLEC se 262.50; Golden West eq 1284.59; Gordon’s Body su 275.00; Grave Concerns su 599.00; H2 Golf su 164.40; Hach Co su 920.03; Hamilton se 438.65, 99.90, 49.95; Harding & Shultz se 150.00; Heiman Fire eq 854.20; Curtis Hofrock tt 157.50; Holiday Inn se 96.00; Horizon West su 209.32; Ideal Linen se 120.04, 229.62, 49.46, 21.65, 332.29; Internet Video su 500.00; Interstate Batteries su 217.90, 114.95; Jirdon su 5580.24; Kevin’s Electric se 567.05; Kimball Midwest su 95.43; Kriz Davis eq 1983.65, 263.06; KSID su 457.00; LL Johnson su 490.74; Lawson Products su 817.32; League of NE su 1039.00, 102.49; Leal, Ron se 450.00; Lincoln Winwater Works eq 475.00; Lynn Peavey Co su 47.88; MC Schaff se 7250.00; Maddox Motors su 3.45, 419.39; Martin, Glenwood re 26.21; Matthes, Joan se 450.00; McGown, Megan re 85.88; Merchant JT&S se 550.00; MES MIDAM se 1652.69; Midwest Hydraulic eq 251.80; Midwest Labs se 169.18; Milestone su 21.88; Miller & Sons Golf se 3868.00; Miller Office su 2634.90, 57.98, 16.99, 379.53, 1897.65, 20.98, 1161.09, 379.53; Miracle Recreation eq 3219.00; Municipal Automation se

1126.26; Municipal Chemical Supply su 5392.50; MEAN ut 266522.36; MWC Enterprises su 10845.60; Napa su 17.15, 34.31, 42.23, 502.19; Nationwide Environmental se 1098.13; Nationwide Mgmt Service se 275.00; NE Dept of Revenue tx 50619.98; NE Environmental su 232.72; NE Forest se 10.00; NE Life Publishing se 38.00; NE Public Health su 98.00; NE Safety/Fire se 247.00; NT&T se 1378.14, 121.40, 186.73, 297.87, 49.75, 107.37; NE Turfgrass su 150.00; NELand Tire su 2438.92; Nielson, Leo tt 118.75; Nienhueser Const se 750.00; Nike su 10.65; NE Machinery eq 658.46, 383.86, 3834.50; North American Directory se 150.00; Northwest Pipe eq 1556.62, 748.00; NWEA tt 150.00, 75.00; Old Dominion su 537.00; Olsen, Eleanore se 275.00; Olsson Asso se 10681.43; One Call Concepts se 11.48, 11.47; Onstott, Mark re 1000.00; Panhandle Concrete su 5404.96; Payment Tech fees se 30.08; Perfection Door su 82.00; Phillips, John tt 356.82 re 148.30; Pittam Body Shop su 13.61; Points West Ins in 56312.00, 1806.00, 22083.00, 27959.00, 14959.00, 18700.00, 159.00, 12620.00, 342.00; Prairie State se 351.00, 157.00; Prestige Flag su 234.83; Project One se 5624.00, 1171.00; Radtke, Hank tt 117.50; Reams su 626.20; Reganis Motors su 42.91, 360.74; Regional West se 5734.59; Reliable Power se 1521.00; Respond First Aid su 77.02, 319.91, 36.20, 31.87; Rood's su 482.95, 668.20, 17.40, 29.00, 25.00; Rose Bros su 272.42; RT Service su 690.96; Safeway su 44.08; Sargent Drilling eq 6949.30; Sauder Auto su 599.10, 479.96, 2278.23; Scoties Potties su 630.00; Segelke, Carla se 1050.00; Sidney Glass su 79.75; SRMC se 62.06, 94.92; Sidney Soft Water su 3.75, 356.25, 5.08; Sidney Sun Telegraph su 1439.40, 229.40, 9.16; Siskumar Kaverichetty re 66.62; Sonntag, Goodwin & Leef se 5000.00; Sonny's se 64.59; Source Gas su 467.52, 2266.46, 428.79, 269.64, 61.69, 464.50, 214.41, 2491.11; South Platte NRD se 363.80; Spic & Span se 5204.10; Splish Splash se 89.00, 4.00; Statewide Turf equ 2900.00; Stone, Eloise rt 400.00; Sukup, Todd tt 118.75; T&R Electric 9425.00; TDS Media se 233.00; Teledyne Isco su 97.55; Thompson Co su 716.89; Titleist su 747.50, 234.00; Triple O's su 1618.06; US Welding su 21.50; USA Bluebook su 45.85, 32.07; USR Auto Sales se 5.00; Verizon se 99.45, 70.29, 33.15, 152.69, 66.64, 33.15, 356.35; VonSeggern, Tom tt 260.86; Walmart su 43.55; Water Environment su 55.00; Water Technology se 7164.94, 105.83; Western Pathology se 54.20; Wheatbelt ut 8978.70; Whitebluffs se 480.00; Wieser Const se 3030.00; Wolford, Marie rt 814.38; Elan Visa su 57.83; Barker Cleaners su 12.00; Baker & Taylor se 727.42; Cengage Learning su 2724.24; Charter se 113.99; City of Sidney ut se 1579.80; Culligan su 39.90; DP Electronics su 585.95; Demco su 26.03; Elan Visa su 727.58; Frenchman Valley su 191.27; Gale su 93.71; Guidepost su 17.74; Ideal Linen su 28.45; Journal Office su 31.92; Leisure Time su 43.74; NE Library su 10.00; NT&T se 61.01; OCLC su 117.70; Quill su 474.86; Sidney Sun Telegraph se 5.56; Segelke Janitorial se 1050.00; Sonny's su 11.10; U Store It su 60.00; Sidney Regional se 60.00;

Galloway moved, Gay seconded "That the interlocal agreement with South Platte Natural Resources District be approved and the Mayor and City Manager be authorized to sign in the appropriate places and that RESOLUTION NO. 20130404 regarding same be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20130404

WHEREAS, the Two Partners who are public agencies within the meaning of *Neb. Rev. Stat.* § 13-803, and will enter into the Joint East Sidney Watershed Authority Interlocal Cooperation Agreement (the "Agreement") upon approval thereof by the governing board of Each Partner; and

WHEREAS, the City of Sidney, Nebraska ("City") desires to be a party to the Agreement;

NOW, THEREFORE, BE IT RESOLVED BY the City that:

1. The City shall enter into the Agreement as approved by the City Council at its meeting on April 9, 2013.
2. The City Manager of the City is hereby authorized to execute **Exhibit "A"** (attached to the Agreement) initiating the Preparation Period of the Agreement on behalf of the City.
3. The City Manager and the Public Services Director of the City are hereby appointed as representatives to act on behalf of the City at any meeting of the Administrative Board of the Joint East Sidney Watershed Authority created by the Agreement.
4. The duly authorized administrative staff of the City have authority to take all action necessary on behalf of the City during the Preparation Period of the Agreement so that the Preparation Period may enter into force and be completed consistent with the provisions of subsection (2) of *Neb. Rev. Stat.* § 13-804.

Dated this 9th day of April, 2013.

Mayor Gaston gave an update on the Swimming Pool project and that the Community Center had asked that the City use the location in Option C of the projected scenarios.

City Manager Person reported on recent and upcoming meetings and events: i.e., Introduced Brad Rowan as the new City Chief Building Official, announced the retirement of Rod Fries, Electric Distribution Superintendent, Energy Pioneers meeting, Legislative report, 134th firemen's ball 4-6, public orientation on the Golf Course project, Emergency Management Training 4/4, Haz/Mat training next week. Groundwater Advisory Committee meeting, etc. He also thanked all the City crews involved in this week's weather issues.

All council members welcomed Brad Rowan and gave best wishes to Rod Fries. Council Member Gallaway reported he was researching software for the use of I-pads for the City Council agendas

Meeting adjourned at 10:15 p.m.

/s/

WENDALL

GASTON, MAYOR

ATTEST: /s/ G.F. ANTHONY, CITY CLERK

