

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

Arterburn moved, Gallaway seconded "That the minutes of the June 25, 2013 meeting be approved as printed." Roll call vote: Yeas: All council members present.

City Manager Person introduced Scott Day of Urban Development Services who presented four scenarios for the entrance landscaping project at the corner of 11th Avenue & Old Post Road on the property that had been donated to the City by the Wamsleys. Discussion was held regarding the consistency in the use of the City logo as well as curb appeal and proper maintenance of the area. Jennifer Wamsley questioned the placement and size of the trees in relation to blockage of the view to their business. Opinions and favorites by Council were: Nienhueser - Do the project right to start with and liked Idea #4; Gallaway - Liked the stone concept and Idea #4 w/possibly more noticeable colored or floating letters on the City's motto; Gay - Idea # 4 but the lettering is hard to see; Arterburn - Idea #4 with the gate affect and use of the current City Logo and would like to see a continuance of trees, etc. down into town. Mr. Day will prepare new proposals to incorporate comments on Idea #4.

Bill Taylor, Water & Sewer Superintendent, introduced Lincoln Williams and Jeff Hohnstein of HOA Solutions. This company presented a proposal for software for the water wells for electricity conservation which would employ variable frequency drives. Test results on one City well using this concept were presented to Council. Other cities using this system - Beatrice, Aurora, Columbus, Wahoo, York. This is something that will be considered at the upcoming budget workshops.

The Retail Class I Liquor License Manager Application of Romano Polanco for the Perkins Restaurant & Bakery at 655 Cabela Drive in Sidney was presented. Nienhueser moved, Gay seconded "That RESOLUTION NO. 20130701 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO 20130701

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

That the Mayor and Council of the City of Sidney, Nebraska hereby recommends approval of the Manager Application of Romano Polanco for the Class I liquor license for Perkins Restaurant & Bakery 655 Cabela Drive, Sidney, Cheyenne County, Nebraska; and

That the Nebraska Liquor Control Commission be notified of said recommendation.

Nienhueser moved, Gallaway seconded "That RESOLUTION NO. 20130702 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20130702

WHEREAS, there has been signed by the City of Sidney on the 22nd day of February, 2011, and the State on the 5th day of April, 2011, an agreement providing for the construction of a Federal Aid Project at the following location: City of Sidney - 10th Street, Hickory to Osage

WHEREAS, in the above agreement, the City has pledged sufficient funds to finance its share of the cost of the construction of this project identified as URB-6363(3), and

WHEREAS, the above mentioned agreement provided that the City would pay costs as set forth in the agreement, and

WHEREAS, the State and the City received bids for the construction of this project on June 27, 2013, at which time 2 bids were received for the construction of the proposed work, and

WHEREAS, the following contractor for the items of work listed has been selected as the low bidder to whom the contract should be awarded: Werner Construction, Inc., Hastings, NE - Grading, Pavement, Culvert, General Items: \$1,261,533.70.

NOW THEREFORE, in consideration of the above facts, the City Council of the City of Sidney, by this resolution, takes the following official action:

1. If for any reason the Federal Highway Administration rescinds, limits its obligations, or defers payment of the Federal share of the cost of this project, the City hereby agrees to provide the necessary funds to pay for all costs incurred until and in the event such Federal funds are allowed and paid.
2. The Council hereby concurs in the selection of the above mentioned contractor for the items of work listed, to whom the contract should be awarded.
3. The Council hereby authorizes the Mayor to sign the contract with the above mentioned Contractor for the above mentioned work on behalf of the City.

Dated this 9th day of July, 2013.

City Manager Person reported that he had made contact with Jack Anciaux re: proposed alley vacation Ordinance No. 1698. Mr. Anciaux had no problem with this alley vacation but did ask that he be guaranteed access to a back door he has on his commercial building. Our plan when vacating the alley was to have a permanent utility and access easement where the alley currently exists as a requirement on transferring the property to the project area. The Clerk read Ordinance No. 1698 by title for the third time. Gallaway moved, Gay seconded "That Ordinance No. 1698 be finally passed." Roll call vote: Yeas: All council members present. Abstain: Nienhueser. The passage and adoption of said ordinance having been concurred in by a majority of all members of the a 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. 1698 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: All council members present. Abstain: Nienhueser.

City Manager Person reported on the modeling scenarios that had been made by Olsson Associates, the stormwater project engineering firm, regarding the scenarios of how the proposed Ordinance No. 1699 would affect future projects. Discussion was held regarding the information provided. Council Member Nienhueser asked for more information regarding the conclusions and recommendations section of the report. The ordinance was tabled until the questions were satisfied.

Arterburn moved, Gallaway seconded "That RESOLUTION NO. 20130703 be passed and adopted as corrected and reviewed again in six months." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20130703

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, 460.02 and 460.13 of the codified Ordinances of the City of Sidney, 1977, the following traffic regulatory markings shall be removed and placed as hereafter indicated and that all vehicles using the streets of the City comply with the regulations and prohibitions hereafter set forth:

ONE WAY

The following portion of Osage street shall be designated as a One-Way street with traffic being allowed to travel only in a westerly direction.

The One-Way designation shall commence at the west property line of Lot 3, Block 10, Sidney School Section Addition; more commonly known as 2314 Osage Street, and terminate at east right of way line of 24th Avenue where it intersects Osage Street.

One-way signs shall be placed as follows: (a) Within the Osage Street right of way at the west property line of Lot 3, Block 10, Sidney School Section Addition; more commonly known as 2314 Osage Street. (b) At the northeast corner of east drive of the south parking area for West Elementary as it intersects Osage Street. (c) At the northeast corner of the west drive of the south parking area for West Elementary as it intersects Osage Street. (d) At the southeast corner of the intersection of Osage Street

and 24th Avenue.

DO NOT ENTER SIGN

A “do not enter” sign shall be placed as follows: (a) At the southeast corner of the intersection of Osage Street and 24th Avenue.

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 .

Nienhueser moved, Gallaway seconded “That RESOLUTION NO. 20130704 be passed and adopted as corrected.” Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20130704

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, 460.02 and 460.13 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 regulations and prohibitions hereafter set forth:

STOP SIGN

Stop signs shall be placed as follows: (a) At the southwest corner of the intersection of 23rd Avenue and Newton Street. Said sign shall be placed facing eastbound traffic on Newton Street. (b) At the northeast corner of the intersection of 23rd Avenue and Newton Street. Said sign shall be placed facing westbound traffic on Newton Street. (c) At the northwest corner of the intersection of 23rd Avenue and Newton Street. Said sign shall be placed facing southbound traffic on 23rd Avenue. (d) At the southeast corner of the intersection of 23rd Avenue and Newton Street. Said sign shall be placed facing northbound traffic on 23rd Avenue.

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 .

Nienhueser moved, Gay seconded “That RESOLUTION NO. 20130705 be passed and adopted as corrected to read “Stop signs:” and section “(b) instead of “(d)” the stop sign paragraph .” Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20130705

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, 460.02 and 460.13 of the codified Ordinances of the City of Sidney, 1977, the following traffic regulatory markings shall be removed and placed as hereafter indicated and that all vehicles using the streets of the City comply with the regulations and prohibitions hereafter set forth:

YIELD SIGN

The existing yield signs shall be removed as follows: (a) At the northwest corner of the intersection of Summit Drive and El Rancho Road. (d) At the southeast corner of intersection of Summit Drive and El Rancho Road.

STOP SIGN

Stop signs shall be placed as follows: (a) At the northwest corner of the intersection of Summit Drive and El Rancho Road. Said sign shall be placed facing southbound traffic on El Rancho Road. (b) At the southeast corner of intersection of Summit Drive and El Rancho Road. Said signs shall be placed facing northbound traffic on 23rd Avenue.

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 .

Gay moved, Gallaway seconded “That the following claims for June, 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: Gallaway, Gaston, Gay, and Arterburn. Nays: None. Abstain: Nienhueser. (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) Cabelas su 404.82.

Gallaway moved, Gay seconded “That the following claims for June, 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: Gallaway, Gaston, Gay, and Arterburn. Nays: None. Abstain: Nienhueser. (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, Gallaway seconded “That the following claims for June, 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: 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 eq 904.96; 3F Chimica Americas su 1372.55; A-1 Sports su 55.08; Absolute Natural Resources su 970.00; Accelerated Receivables se 124.66; Acco Brands su 36.98; Administrative Professional Today se 79.00; Advanced Services su 1283.98; ALS Group se 2387.00; Altec Industries eq 2938.40; American Environmental su 1660.99; American Test Center se 1916.35; Anthony’s Body Shop su 146.00; Arnold Pool su 3446.00, 2073.75; B&C Steel su 50.32; Bahensky, Todd re 205.54; Balch Bros su 249.50; Ban Koe su 1049.00; Barker Cleaners se 30.00, 30.00; Baum Hydraulics su 58.95; Black Hills Chemical su 464.27; Bomgaars su 241.55, 53.98, 270.92, 2.77; Bown, Amanda re 30.00; Brestel, Gerald rt 570.28; C&M Golf su 212.27, 98.48; California Contractors su 358.80; Cardmember se 414.41, 277.38; Caselle su 1080.33; Cashwa su 82.50; Central States Wire eq 1267.20; CenturyLink su 95.90; Charter Communications su 62.99; Cheyenne Co Chamber se 1334.00; Cheyenne Co Community Cntr se 10000.00; Cheyenne County Court se 34.00; Cheyenne Co Emergency Comm Cntr se 18131.96; Cheyenne Co Treasurer se 17.00; Chief su 565.90; City of Sidney ex rt re se su tx tr 5.32, 275.00, 1000.00, 103.00, 293.56; bd 23833.83, 17979.91; pa 94546.19, 11961.87, 17345.20, 21666.72, 10573.91, 7177.42, 99800.33, 12126.97, 17765.84, 22115.73, 10975.47, 7152.144; in 43810.62, 8602.18, 12112.48, 12336.48, 7942.12, 5908.82, 2761.71, 538.24, 687.44, 1022.52, 409.18, 490.58; ut 174.95, 157.23, 1530.05, 58.42, 430.54, 9505.07, 78.64, 9251.27, 96.99; Clothes Hamper se 80.00; Cobitco su 727.88, 460.20; Colorado Paint su 2470.36; Compressed Air Solutions se 3079.20; ConServ Flag su 170.20; Contractor Materials se 46.20; Country Printer su 415.00, 117.00; Cranmore Pest su 423.00; Creative Radio se 750.00; CRM Learning su 2175.50; Day & Night Plumbing se 474.06; Department of Energy se 23626.33, 24054.89; DeZurik su 500.76; Dick’s Flooring su 93.00; Ditch Witch of NE 21.43; DP Electronics su 1089.61, 35.98, 37.45, 224.70; Dutton Lainson eq 1694.24, 2490.42; E&S Auto su 907.45, 327.83, 255.24; 980.63, 1014.45, 161.96, 121.23, 124.72; Eakes su 47.90, 1996.64; Entenmann-Rovin su 102.25; Enviro se 135.00, 117.00; Finney’s su 770.87, 639.22, 39.01, 16.32, 325.12, 68.19, 455.22, 630.94; Floyd’s su 101.87, 6300.20; Foland Farm su 6.72; Foster Lumber su 353.88, 11.99, 47.04; Fremont Nat’l Bank su 13399.17; Frenchman Valley su 8529.84, 1693.51, 9464.51, 1891.04, 1398.18, 1222.52, 725.07, 223.76, 372.38; Fyr Tek su 623.55; Galeton Gloves su 84.06; General Traffic Controls eq 8133.38; Gordon’s su 275.00; Graninger su 459.32; Hach se 151.65; Hamilton se 413.65, 99.90, 49.95; Harper Industries su 199.66; Hillside Golf du 750.00; Holtz Industries su 475.85; Horizon West su 105.52; Huber & Asso se 33.00; Ideal Linen su 160.84, 763.43, 60.08, 35.07, 176.04; Inland Truck se 266.51; Intermountain Sales eq 8224.00; Int’l Code Council se 147.62; JNJ Steamway se 90.00; Jirdon su 514.83, 159.49; Johnson, Kris tt 198.19; Johnson Services eq 10521.00; Joseph, Sam re 30.00; Joyce, Brent re 187.18; Kriz Davis su 6714.30; Krueger, Sarah re 150.00; KSID su 588.00; LG Everist su 447.32; LL Johnson se 24.95, 164.17; Langley Trucking se 1519.20; Lawson Products su 92.99,

115.60; Leaf Construction se 435.00; League of NE Municipalities se 2781.00; Leal, Ron se 450.00; M&S Drilling su 123.94; Marsau's su 25.72; Maskek su 117.46; Matthes, Joan se 450.00; Mid States su 2200.00; Midwest Labs su 366.25; Milestone su 2944.45, 760.00, 116.50, 1911.99, 93.63; Miller & Sons su 85.09; Miller Office su 638.49, 179.49, 58.59, 76.97; MEAN su 272883.03; Murphy su 371.11; Napa su 129.00; NE Dept of Revenue tx 55766.43; NE Environmental su 16.15; NE Main St se 100.00, 1250.00; NE Public Health Lab se 209.00; NE Rural Water tt 25.00; NE Safety/Fire su 433.46; NE State Historical Society su 70.00; NE State Treasurer se 67.90; NT&T se 1489.41, 124.29, 186.46, 299.93, 160.56; Nick's Small Engines se 240.00; Northwest Pipe eq 2230.48, 11573.38; NWEA du 60.00; Olsen, Eleanor se 275.00; One Call se 59.48, 59.47; Person, Gary re 523.38; Pittam Body Shop se 27.22; Points West in 322.00; Process Piping su 266.68; Project One su 3199.99; Ragan Communications se 29.95; Reganis Motors su 42.91; Region I OHD se 130.00; RWMC se 5734.59; Respond First Aid se 225.07, 59.44, 74.39, 64.02; Ricky & Lucy's su 311.79; Ritec su 290.00; Rood's Tire su 1184.76, 20.05, 14.00, 15.00; Rowan, Brad tt 532.50; Sandberg Implement eq 431.92; Sapp Bros su 65.05; Sauder Auto se 2543.57; Scotties Potties se 630.00; Scottsdale Ins su 893.00; Segelke, Carla se 1050.00; Shirt Tales su 219.60; Sidney Feed su 39.19, 3850.00; Sidney Floral su 74.00; Sidney Glass se 64.25, 15.00, 48.00; Sidney Greenhouse Too su 322.00; Sidney Jaycees se 64.00; SRMC se 1919.00, 489.04; Sidney Soft Water se 63.00, 5.25, 378.00, 3.50; Sidney Sun Telegraph se 1611.94, 8.51, 219.91; Sidney Wranglers se 35.00; Smuin, Meagan tt 532.50; Sonntag, Goodwin & Leef se 5000.00; Sonny's su 18.24, 81.62; Source Gas su 2286.93, 47.54, 75.11, 61.12, 58.95, 23.78, 243.76; Southwestern Equipment su 3121.94; Staples Golf eq 22835.00; Steffens, Deloris se 29.00; Stone, Eloise rt 400.00; Sukup, Todd tt 130.50; T&R Electric su 16013.00, 3824.00; Talich, Geraldine re 19.16, .84; Thompson Co su 117.27; Triple O's su 271.23; UBS Financial se 200000.00; US Postal se 130.00, 5000.00; Utility Service se 8119.54; Verizon 99.30, 41.32, 70.19, 33.10, 152.78, 99.66; Volvo su 914.40; WS Darley eq 1520.28; Walmart su 68.72; Water Technology su 12159.91; Wesco su 266.10, 3466.80; Western Pathology se 431.20; Wheatbelt su 10003.34; Whitebluffs se 964.00; Wills, Randy tt 143.93; Wittrock, Galen su 779.00; Wolford, Marie rt 814.36; Elan Visa su 437.13; Council of State se 58.50; Barker Cleaners se 12.00; Baker & Taylor su 1025.54; City of Sidney se ut 610.96; Culligan se 19.95; Leisure Time su 15.99; Day & Night se 90.44; Frenchman Valley su 124.55; Cenage Learning se 284.82; Gale su 676.35; Guideposts su 35.48; Gaylord su 42.10; Ideal Linen su 26.33; Journal Office su 41.18; NE Link se 90.00; NT&T se 149.39; NE Library su 10.00; OCLC su 122.13; Quill su 384.01; Segelke Janitorial se 1050.00; Sidney Sun Telegraph se 5.89, 108.00; U Store It se 60.00; Winning Tradition su 111.25; Michelle McMillen se 35.00.

Nienhueser moved, Gallaway seconded "That RESOLUTION NO. 20130706 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20130706

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

1. Adoption of Amendment and Restatement of the City of Sidney, Nebraska, Police Officers' Pension

Plan:

NOW, BE IT RESOLVED, that the City shall amend and restate, and it hereby does adopt, the amended and restated City of Sidney, Nebraska Police Officers' Pension Plan (the "Pension Plan") in the form of the Plan document attached hereto and by this reference fully incorporated herein. The purpose of said Amendment is to adopt certain changes enacted under the Pension Protection Act of 2006, the Heroes Earnings Assistance and Relief Tax Act of 2008, and the Worker, Retiree, and Employer Recover Act of 2008, and to adopt such other changes required by applicable law or as otherwise determined to be necessary and appropriate by the City.

2. Authorizations: NOW THEREFORE, BE IT FURTHER RESOLVED, that the Mayor and other appropriate elected officials and officers of the City of Sidney shall be, and they hereby are, authorized to do all things necessary to carry out and accomplish the foregoing Resolution, including the execution of any document or amendment which may be necessary or appropriate to amend and administer the Pension Plan, including such actions as may be necessary or appropriate to achieve and maintain qualification of the Pension Plan under Section 401(a) of the Internal Revenue Code of 1986, as amended, as said sections apply to government plans.

PASSED AND APPROVED THIS 9TH day of July, 2013.

City Manager Person presented the names of Garrett Melton and Edward C. Kendall to be added to the Volunteer Fire Department roster. Gallaway moved, Arterburn seconded "That the additions of Garrett Melton and Edward C. Kendall to the Volunteer Fire Department roster be approved." Roll call vote: Yeas: All council members present.

After a discussion of the possible times for budget workshops, it was the consensus of the Council that they be held on August 5 starting at 1:00 p.m. and on August 6 starting at 3:00 p.m.

City Manager Person gave a report on recent and upcoming meetings and events; i.e. meetings with NDEQ re: east Sidney drainage, NRD-JESWA , Leadership Cheyenne County graduation, School officials re: utilities and bond issue election 9-10, PRT 7-3-update coming soon, Scott Day met w/downtown groups 7-9, PADD 7-11, internal budget workshops 7/15-18, potential developers in next week, Golf project pre-bid conference 7-9 with bids taken 7-17, presentation to Council 7-23 and construction August thru November, mosquito spray starts 7-14. Thank you's were extended to the following: Volunteer Fire Department for the fireworks display on 7/3; Cruise 'N Class Car Club, KSID, Chamber of Commerce for the Lincoln Highway Celebration, Appreciation Days and Cruise night on 6-29; the part time drivers and Jo Houser for stepping forward to assist in the Transportation Department due to the accident injury of Les Larson. Condolences to the Bud Rankin family. Report was given on the 13th Street project and it's closing of the underpass 8-1 for approximately a week as the North Side street projects. New police chief will be in Sidney next week and be on the job at the end of July.

Council Member Nienhueser asked about the signal lights at 13th & Illinois and if the left hand turn signal could be shut off during the detour by construction. Council Members Gallaway and Arterburn expressed their get well wishes to Les Larson and their condolences to the Rankin family. Council Member Gay asked for information re: progress on the pool project. Mayor Gaston cautioned the public re: rabies found in feral cats in the area and bind weed needs to be sprayed and weeds mowed down.

Meeting adjourned at 9:02 p.m.

/s/ WENDALL GASTON. MAYOR

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

