

Sidney, Nebraska, April 8, 2014 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 8, 2014 in the Council Room. Present were: Mayor Gaston and Council Members: Gallaway, Nienhueser, Gay 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.

Arterburn moved, Gallaway seconded "That the minutes of the March 25, 2014 meeting be approved." Roll call vote: Yeas: All council members present.

Tom Von Seggern, Chairman of the Sidney Tree Board, presented information regarding Arbor Day plans for Sidney and he read the annual Arbor Day Proclamation which Mayor Gaston signed and proclaimed same.

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 K&W LLC to rezone 14.63 acres situated in the SW/4 Section 9, T13N, R49W of the 6th P.M., Cheyenne County, NE from A (Agricultural) to C-3 (Heavy 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: Love's representatives, Steve Walters, Project Manager, reviewed the request and Dave Pierson, engineer, was available via telephone to answer questions. All persons having been heard, Mayor Gaston closed the public hearing.

Gallaway moved, Gay seconded "That the Ordinance entitled "AN ORDINANCE PROVIDING FOR THE REZONING OF A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER (SW¼) OF SECTION NINE (9), TOWNSHIP THIRTEEN (13) NORTH, RANGE FORTY-NINE (49) WEST OF THE 6TH PRINCIPAL MERIDIAN, CHEYENNE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED IN SECTION ONE OF THIS ORDINANCE CONTAINING +/- 14.63 ACRES MORE OR LESS 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. 1733." Roll call vote: Yeas: All council members present. There being no motion to suspend the Statutory requirement requiring the ordinance to be read by title three, Ordinance No. 1733 was read by Title for the first time.

Gay moved, Arterburn seconded "That Don Ogle and Ryan Reisdorff be re-appointed to the Sidney Tree Board for three year terms." Roll call vote: Yeas: All council members present.

Arterburn moved, Gay seconded "That the appointment by the City Manager of Scott Williams to the Historic Preservation Board be ratified." Roll call vote: Yeas: All council members present.

Jodene Houser, Human Resource Director, presented an update of the Federal Transit Administration's Drug Policies for the City of Sidney Transportation Department. Nienhueser moved, Gallaway seconded "That the Federal Transit Administration's Drug Policies for the City of Sidney Transportation Department be approved." Roll call vote: Yeas: All council members present.

Discussion was held on renaming of the existing Toledo Street from Fort Sidney Road to 10th Avenue and then from 10th to 15th Avenue. The area from 10th to 15th had unanimous opposition from the current property

owners or residents along the route in a post card survey conducted recently. The area from Fort Sidney has only a couple of mailing addresses affected but there are numerous plats on both sides of the road that would need to be amended if a change is made. The new road from Fort Sidney Road east has been named Pole Creek Crossing. Public Services Director John Hehnke provided information regarding the fact Fort Sidney Road has been used as the dividing line for numbering along Toledo, etc. Therefore, leaving the name of Toledo to the west of Fort Sidney Road would make this process less complicated. Arterburn & Gallaway spoke for Pole Creek Crossing continuing to at least 10th Street. City Attorney Leef explained the process of renaming a street needed the legal descriptions included into an ordinance to accomplish this so direction is needed from the Council as to their wishes. Gallaway moved, Arterburn seconded "That staff be instructed to prepare an ordinance which would rename Toledo Street from Fort Sidney Road to 10th Street as Pole Creek Crossing for Council's consideration at the April 22, 2014 meeting." Roll call vote: Yeas: Gallaway, Nienhueser and Arterburn. Nays: Gaston and Gay. Motion passed three to two.

Nienhueser moved, Gay seconded "That RESOLUTION NO. 20140401 be approved." Roll call vote: All council members present.

RESOLUTION NO. 20140401

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 creation of STREET IMPROVEMENT DISTRICT #54 a traffic study must be taken on Jennifer Lane by Schemmer and Invoice No. 06442.001-3 has been submitted to the City Clerk as follows: STREET IMPROVEMENT DISTRICT #54: INVOICE NO. 06442.001-3- \$1,450.00. A warrant in the amount now due SCHEMMER is 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 Investment Account; AND

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, Baker & Associates have performed the work for engineering of Street Improvement Districts #53 & #54, Sanitary Sewer Extension District #21, and Water Extension District #21 as follows:

STREET IMPROVEMENT DISTRICT #53 - ENGINEER'S PAY REQUEST NUMBER 3 - \$6,221.00 (Invoice #26366). A warrant in the amount now due the engineer is 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 Investment Accounts; and

STREET IMPROVEMENT DISTRICT #54 - ENGINEER'S PAY REQUEST NUMBER 3 - \$5,941.35 (Invoice #26367). A warrant in the amount now due the engineer is 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 Investment Accounts; and

SANITARY SEWER EXTENSION DISTRICT #21 - ENGINEER'S PAY REQUEST NUMBER 3 - \$2,042.50 (Invoice #26357). A warrant in the amount now due the engineer is 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 Investment Accounts; and

WATER EXTENSION DISTRICT #21 - ENGINEER'S PAY REQUEST NUMBER 3 - \$1,317.50 (Invoice #26538). A warrant in the amount now due the engineer is 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 Investment Accounts.

Gay moved, Gallaway seconded "That RESOLUTION NO. 20140402 be approved." Roll call vote: All council members present.

RESOLUTION NO.20140402

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, BAKER & ASSOCIATES, the engineer, have performed the work for engineering of Street Improvement District #55 of this city and the engineer has filed with the City Clerk certificates showing the performance of said contract as follows: APPLICATION FOR PAYMENT NUMBER 1; STREET IMPROVEMENT DISTRICT #55; AMOUNT DUE ENGINEER \$1,950.00. A warrant in the amount now due the engineer is 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 Investment Account.

Gallaway moved, Gay seconded “That the following claims for March 2014, 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) Cabela’s su 440.99.

Gay moved, Gallaway seconded “That the following claims for March 2014, 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 2501.54.

Gay moved, Arterburn seconded “That the following claims for March 2014, 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 member 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 1451.24, 722.93; A-1 Sports su 179.95; ABECO su 172.23; Accelerated Receivables se 245.41; Alliance Tractor eq 88000.00, 628.98; Altec Industries su 1739.41; American Environmental su 1008.07; American Public Works du 174.00; Anthony’s Body Shop se 407.62, 284.00; Antiqua Group se 909.16; Arnold Pool eq 3148.25; Baker & Associates se 3139.00; Barker Cleaners se 30.00, Bartling, Mitch tt 129.00; Baum Hydraulics su 94.58; Bavco Backflow su 575.30; Beacon Athletics su 2827.00; Bomgaars su 73.45, 23.99, 131.19, 19.31; Brestel, Gerald rt 570.28; Bug Off se 55.00, 55.00; Busted Knuckle se 215.06; Cardmember su 280.24, 491.16; Carlson West Povondra se 2272.70; Caselle se 1080.33; Cashwa se 72.20, 248.60; Centurylink su 96.89; Channing Bete se 126.80; Chaon, Brandon tt 82.00; Charter Communications se 62.99; Cherokee Productions se 295.00; Cheyenne Co Chamber se 1666.67, 266.00; Cheyenne Co Community Center se 10000.00, 138.00; Cheyenne Co Emergency Comm Cntr se 21343.15; Chief su 30.95, 18.97; City of Sidney se su re 13.08, 20.00, 5.44, 675.00, 1000.00, 58.48, 54.38, 83.86, 111.48; rt 103.00; iv 500000.00; bd 19682.08; sa in 18128.83, 6680.96, 12497.66, 13178.41, 26552.83, 89688.59, 10092.89, 5158.87, 8652.72, 7623.18, 7623.18, 13594.39, 4937.23, 489.57, 433.86, 456.62, 555.96, 1112.95, 2794.92, 18286.75, 6847.57, 11810.43, 11759.84, 32207.07, 88404.21; ut 4640.98, 9607.35, 7350.79, 200.92, 1225.23, 110.78, 3443.20, 111.86; Cobitco su 280.80; Contractors Materials su 100.80; Country Printer su 233.00; CPS se 403.70; Craig, Tim tt 302.50, 10.01; Cranmore Pest/Fire se 85.00; Crescent Electric se 644.98; Danko Emergency Equipment su 331.24; Darin’s Auto se 337.79, 36.62, 600.36; Department of Energy ut 19034.28; Ditch Witch su 23.65; DP Electronics su 19.99, 75.25, 251.98, 115.00, 115.00, 1000.91; Dude’s se 185.83; Dutto Lainson su 870.32; E&S Auto su 1014.92, 118.35, 1068.66, 69.78, 470.54, 1140.78; Elliott Equipment su 622.83; Enviro se 45.00, 60.00; Fairfield Inn se 213.00; Finneys su 113.65, 23.04, 244.97, 18.35, 202.49, 12.31, 289.25; Floyd’s su 151.70, 1965.38, 943.67, 12.98; Foster Lumber su 322.61; Fremont Nat’l ct 13224.16; Frenchman Valley su 11896.64, 1651.31, 1356.46, 4567.35, 2668.57, 10234.00; Galls su 130.98; Golden West su 664.16; Gordon’s Body Shop se 194.23; Hamilton se 99.90, 49.95, 379.70; Holiday Inn se 160.00, 166.00, 347.33; Holtz Industries eq 1388.30; Hometown Leasing ct 978.32; Horizon West su 6.05; Hotsy Equipment eq 307.24; Huber & Asso se 533.00, 33.00; Ideal Linen su 59.66, 51.10, 22.58, 144.82, 158.40; Interstate Batteries su 129.95, 113.95; JC Golf su 1089.69; Jirdon Chemicals su 296.90; Johnson, Brian re 100.00; Kelly Supply su 142.66; Kemira Chemical su 695.33; Kevin’s Electric su 36.75; Kids Plus 105.24; Kriz Davis eq 9793.19, 2960.80; KSID se 546.00; L&P Financial se 574.41; LL Johnson su 161.86, 197.10; Larry’s Clothing se 9.29; Lawson Products su 473.41, 15.09; League of NE du 1017.00, 140.00, 140.00; Leal, Ron se 450.00; Live View GPS eq 524.62; Lloyd, Derek tt 32.00; Marriott se 714.00; Masek Golf su 138.90; Matthes, Joan se 625.00; Merchant JT&S se 1100.00; Mid America Pump su 1364.78; Mid

States Organized Crime su 2300.00; Mid Iowa su 142.40; Miller Office su 11.97, 432.11, 55.22, 897.94, 168.57; MEAN ut 332983.32; Municipal Supply su 1607.23; Munimetrix Systems su 499.00; Murphy Tractor eq 289.04; Napa su 14.73; Nationwide se 275.00; NE Dept of Revenue tx 55592.14; NE Law Enforcement du 150.00; NE Panhandle Golf du 100.00; NE Safety/Fire se 550.00; NE Salt & Grain su 492.50; NT&T se 190.86, 110.90, 50.45, 127.26, 315.82, 1450.95; NE Machinery eq 65.78, 28.95; NMVCA du 95.00; N E Community College su 32.70; Northwest Pipe su 770.40; NWEA du 175.00; Olsen, Eleanor ct 275.00; Olsson Associates se 8731.34; One Call se 13.82, 13.83; Palmer, Mike tt 195.63; Panhandle Geotechnical se 1127.25; Par West Turf se 216.90; Person, Gary re 585.15; Plainsman Electric se 9143.03; Points West in 36986.00, 14654.00, 21623.00, 27528.00, 31122.00, 3627.00, 72328.00; Prairie States se 1187.60, 716.90; Public Agency Training se 295.00; QA Balance se 150.00; Randy's Auto se 75.40, 37.80; Reganis Motors su 157.64; RWMC ct 5860.75; Reliable Power Consultants se 87.00; Respond First Aid su 23.17; Ritec su 685.00; Rood's su 460.71, 137.11; Scotties Potties se 630.00; Segelke, Carla se 1050.00; Sewald, Bonnie re 6.92; Shirt Tales su 67.73, 67.50; Short Elliott Hendrickson Inc eq 14331.20; Sidney Glass se 298.64, 410.23; Sidney Soft Water se 5.25, 119.85, 41.00; Sidney Sun Telegraph se 22.50, 22.50, 1353.35; Sidney Veterinary Hospital se 45.00; Sonntag, Goodwin & Leef se 7082.58; Sonny's su 52.25; Source Gas ut 462.22, 2006.51, 264.48, 528.95, 68.49, 753.57, 2503.30; South Platte NRD se 170.00; SPAN se 144.00; Splish Splash se 8.40, 4.80, 82.80; Sports Promotion Network se 419.90; Stone, Eloise rt 400.00; Stone, Keith re 17.97; Sukup, Todd tt 218.75; Thomas Nash LLC se 358.00; Thompson Co su 652.51; Urban Development se 3705.00; US Postal se 5000.00; USA Bluebook su 779.69, 481.07; USGA du 110.00; Verizon se 33.24, 33.24, 66.75, 70.47, 154.36, 181.10, 978.62; Viaero se 387.97; Virgil, Floyd re 20.49; VonSeggern, Tom tt 451.78; Walmart su 60.41, 6.06; Western Pathology se 27.10; Western United Electrical su 466.34, 947.08; Wheatbelt ut 6924.13; WhiteBluff se 364.00; Wolf Auto su 62.22; Wolford, Marie rt 814.36; The Fence Post su 76.00; Baker & Taylor se 1347.51; Bernan su 97.00; Book & Coffee Corner su 63.96; Culligan su 19.95; City of Sidney se 1285.80; Day & Night se 8952.00; Elan Visa su 515.72; Cenage Learning su 191.79; Frenchman Valley su 112.87; Ideal Linen su 57.38; Journal Office su 50.04; NE Link se 36.00; NT&T se 61.17; OCLC su 215.77; Omnigraphics su 187.78; Penn Building se 168.35; Quill su 703.51; Salem Press su 425.00; Segelke Janitorial se 1050.00; Sidney Sun Telegraph su 5.89; Sports Videos su 169.00; U Store It se 60.00.

Gay moved, Gallaway seconded "that the Treasurer's Report for March, 2014 for all City Departments be approved." Roll call vote: Yeas: All Council Members present.

City Manager's Report included recent and upcoming meetings and events; i.e. Planning Commission 4/21 agenda includes ten public hearings including blight/substandard changes allowed by new legislation for SAD; Historic Preservation 4/8; employees' Health Fair 4/9; Emergency Planning 4/9; KSID Spring Fling 4/12; WNCC Board of Governors meeting 4/16 and ground breaking for student housing in Sidney; Firemen's Ball 4/18; Community Center fund raiser 4/5; HUD 4/21; Communications Center Board 4/21; Cheyenne County Leadership Government Day 3/27 and Economic Development in April; JESWA this week; hosted historic preservation tax credits webinar, Airport Authority to report to Council in upcoming meeting; several pre-construction conferences, etc. Public Service Director's report included the updates on upcoming construction projects as well as Choice Gas campaign starting 4/11.

All council members expressed their condolences to Joe Aikens in the loss of his mother. Arterburn inquired as to the use of any of the golf project contingency fund which there has been none to date. Nienhueser asked that information be requested of JESWA re: future projects and how they will affect our upcoming budgets.

Council adjourned at 8:31 p.m.

WENDALL GASTON, MAYOR

ATTEST: _____
G.F. ANTHONY, CITY CLERK

