

Sidney, Nebraska, June 10, 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 7:16 P.M. on June 10, 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, Nienhueser seconded "That the minutes of the May 27, 2014 meeting be approved as amended to reflect a nay vote by Gallaway on the second annexation ordinance." Roll call vote: Yeas: All Council Members present.

Comments by the Public: 1. Mae Leslie, 548 Charlotte presented a protest for a bill for property cleanup. 2. Daniella Long presented a proposal for sand volleyball courts. This will be deferred until the budget workshops and staff is to communicate with the Community Center as well as Ms. Long.

Sara Sica from Cabela's Marketing Department made a request for a variance to Section 272.02 of the City Code re: archery for their 2014 summer outing at the Lodgepole Valley Youth Camp on June 24th. Said event would be in the flood plain ditch north of the LVYC. Nienhueser moved, Gallaway seconded "That the request of Cabela's Marketing Department to have an archery event on June 24, 2014 be approved." Roll call vote: Yeas: All Council Members present.

Nienhueser moved, Gay seconded "That RESOLUTION NO. 20140601 be passed and adopted." Roll call vote: Yeas: All Council Members present.

RESOLUTION NO 20140601

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 recommends approval of the Manager Application of Dawn Ramsey for the Two J's Liquor license at 1500 Illinois Street, Sidney, Cheyenne County, Nebraska, and the Two J's Too Liquor license at 576 Glover Road, Sidney, Cheyenne County, Nebraska and That the Nebraska Liquor Control Commission be notified of said recommendations.

Donna Fort presented an amplification request for a concert in Legion Park on June 19, 2014 by the Random Acts of Kindness tour by the Powerhouse Youth Ministries. Gallaway moved, Gay seconded "That the amplification request from RAK for June 19th be approved." Roll call vote: Yeas: All Council Members present.

Council Member Nienhueser asked if minor accommodations to the City Code like the two on this agenda could be delegated to the City Manager or his designee. City Attorney Leef will check into it.

Galen Wittrock of the SPNRD and JESWA provided information on loan and grant applications thru the Nebraska Department of Environmental Quality (NDEQ) for storm water quality and storm water mitigation projects thru their State Revolving Fund (SRF), the Nebraska Environmental Trust (NET), and the Section 319 program. The SRF would serve as a bank of funding on an "as-needed" basis until grants could be applied for and hopefully received. Applications are being prepared by Carter Hubbard of Olsson & Associates, engineers for these projects. City Manager Person projected that the loans/grants to be applied for would be approximately \$2,000,000. He also added that over \$2,000,000 of projects are being implemented by the private sector in the East Sidney Watershed area. Council Member Nienhueser voiced his concerns re: the need to get the engineers started on the design phase as soon as possible due to upcoming budget preparation for the City. Nienhueser moved, Gallaway seconded "That approval be given to submit funding applications thru the various NDEQ sources discussed for storm water quality and storm water mitigation projects." Roll call vote: Yeas: All Council Members present.

Mayor Gaston asked the City Clerk to read Ordinance No. 1737 by Title for the second time as follows: “AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF SIDNEY, NEBRASKA, PARCEL NOS. 1-4 AS PROPOSED BY THE CITY COUNCIL MORE PARTICULARLY DESCRIBED HEREIN; TO PROVIDE FOR UTILITY AND OTHER CITY SERVICES FOR THE ANNEXED LAND BY THE CITY OF SIDNEY; TO REPEAL ANY CONFLICTING ORDINANCES; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE”. Due to statutory requirements, annexation ordinances must be read by title three different days. Therefore Ordinance No. 1737 will be read by title for the third time on 6/24/14.

Mayor Gaston asked the City Clerk to read Ordinance No. 1738 by Title for the second time as follows: “AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF SIDNEY, NEBRASKA, PARCEL NOS. 6 and 7 AS PROPOSED BY THE CITY COUNCIL MORE PARTICULARLY DESCRIBED HEREIN; TO PROVIDE FOR UTILITY AND OTHER CITY SERVICES FOR THE ANNEXED LAND BY THE CITY OF SIDNEY; TO REPEAL ANY CONFLICTING ORDINANCES; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE”. Due to statutory requirements, annexation ordinances must be read by title three different days. Therefore Ordinance No. 1738 will be read by title for the third time on 6/24/14.

Nienhueser moved, Gay seconded “That RESOLUTION NO. 20140602 be passed and adopted.” Roll call vote: Yeas: All Council Members present.

RESOLUTION NO.20140602

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, M.C. SCHAFF & ASSOCIATES, the engineer has performed the work for engineering of the Greenwood Road project portion of Street Improvement District #59 and NIENHUESER CONSTRUCTION, the contractor for the construction of the Greenwood Road project portion of Street Improvement District #59 of this city; and the engineer has filed with the City Clerk certificates showing the performance of said contracts as follows: APPLICATION FOR PAYMENT NUMBER 2; STREET IMPROVEMENT DISTRICT #59; AMOUNT DUE ENGINEER \$22,729.50; AMOUNT DUE CONTRACTOR \$174,210.39. Warrants in the amount 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 Investment Account.

Gallaway moved, Arterburn seconded “That Change Order No. 1 for Street Improvement District No. 59 in the total amount of \$868.60 be approved.” Roll call vote: Yeas: All Council Members present

Mayor Gaston asked the City Clerk to read Ordinance No. 1739 for the second time as follows: “AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA ADOPTING PART FOURTEEN, TITLE TWO, CHAPTER 1425 OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA, ADOPTING THE 2012 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THE STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE CITY OF SIDNEY; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OFFERS THEREFORE; AND REPEALING ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH”. Council Member Nienhueser commented that he felt this ordinance was very important because it gave the administrative staff a better tool to take care of neglected properties in Sidney.

Randy Miller and City Attorney Leaf presented alternatives for changing the City Code including the possibility of involving the Board of Adjustment in providing 336 Pole Creek Crossing an accommodation to provide sanitary sewer/septic tanks, etc. on four lots (zoned R1-a) rather than connecting to the City’s system due to elevations and the need for lift stations that the City of Sidney would have to maintain once installed. Pros and cons of each alternative were discussed. Discussion was also held re: the property being within 200' of an existing City sewer main but the existing elevations cause very expensive solutions to provide connection to the City’s sanitary sewer system and why the sewer mains in that area were not built in the street right of way originally. During the discussion, Zoning

Administrator Ben Dayton shared that the possible proposed lots in question need to be a minimum of one acre in the R1-a zones instead of two-thirds acre as proposed. To use less acreage the property would need to be rezoned to R-1. Staff and/or Mr. Miller's engineer, Baker & Associates, was asked to find cost differences between where the connection has to be made and what it would be if the main had been put in the street in the beginning and to find a possible cost share accommodation to get this worked out.

Galloway moved, Gay seconded "That the following claims for May 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: Galloway, Gaston, Gay and Arterburn. 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 485.96.

Gay moved, Galloway seconded "That the following claims for May 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: Galloway, Gaston, Gay and Arterburn. 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.

Arterburn moved, Galloway seconded "That the following claims for May 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 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, iv investment). 21st Century eq 22639.04, 457.44; Accelerated Receivables se 374.92; Ag Teck Repair se 2064.44; ALS Group su 2488.00; Altec Industries su 1941.30, 316.30, 281.53; Amateur Sports Promotion su 269.00; American Environmental Consultants se 1120.38; American Test Center se 2096.00; American Water Works su 174.00; Applied Concepts su 160.00, 75.00; Arnold Pool su 371.35; Awards Unlimited su 264.05, 159.80; B&C Steel eq 224.01; Bader's Highway ct 81801.96; Baker & Asso se 5891.15; Bamford su 200.00; Barker Cleaners se 30.00; Bassitt, Tim re 224.50; Bomgaars su 70.77, 466.99, 121.33, 27.43, 34.92, 33.48, 10.98; Boondocks's eq 1050.00; Bown, Erin re 40.00; Brestel, Gerald rt 570.28; Bug Off Pest Control se 55.00; Butts, Mathew se 512.30; California Contractors su 95.88, 95.88; Cardmember se 1127.41, 324.81, 606.80, 827.68, 303.40; Carlson West Povondra se 462.10; Caselle se 1080.33; CenturyLink se 96.89; Charter Communications se 62.99; Cheyenne Co Chamber se 1666.67, 400.00, 10000.00; Cheyenne co Emergency Comm Center se 21478.66; Chief su 148.11, 1274.68; City of Sidney sa in 10468.28, 95170.57, 11910.84, 19605.66, 12373.08, 7763.41, 43937.23, 7623.18, 10092.89, 13594.39, 8652.72, 5158.87, 26969.79, 2794.92, 555.96, 489.57, 1112.95, 456.62, 433.86, 94137.03, 11727.00, 17744.08, 27116.33, 12326.81, 7583.01 ex tr ct bd ut rt re 6.10, 20.00, 19682.08, 450.00, 1000.00, 5771.68, 21.86, 103.00, 285.53, 100.00, 5010.35, 300.00, 100.31, 3279.93, 48.90, 174.30, 2951.92, 534.49, 108.85, 6297.76, 10418.53; Cleveland Golf su 401.47; Clothes Hamper su 50.00; Country Printer su 608.00; Cranmore Fire/Pest su 159.00, 85.00; Day & Night se 777.25; Day Timers su 64.91; DBC Irrigation su 219.24; Department of Energy su 23626.33; DHHS se 64.00; Digital Alley se 40.00; Ditch Witch su 864.84; Dorwart, Dan re 40.00; DP Electronics su 1021.85, 29.99, 564.99, 233.21, 844.98; Duinick ct 96901.67; E&S Auto su 493.03, 1.69, 405.16, 636.04, 240.60, 383.16; Enviro se 90.00, 75.00; Falcon Labs se 174.97; Farwest Line su 206.81; Finney's su 1448.20, 44.48, 42.64, 394.16, 244.99, 527.27; Foster Lumber su 1658.42; Fremont Nat'l Bank ct 13224.17; Frenchman Valley su 7446.39, 3078.23, 1496.16, 1172.93, 144.51, 2005.22, 1193.35, 255.75, 433.15; Frerichs, Allen se 550.00; Fyr Tek su 398.10; Gabis, Chris re 224.50; Gallego, Susan re 13.90; Gempler's su 512.60, 16.50; Golden West Industrial su 160.14; Golf & Sport su 428.96; Graff's Turf Farms su 562.00; Graybar su 1063.56; H2 Golf su 85.25; Hach su 571.74; Hamilton se 274.80, 99.90, 49.95; Hampton Inn su 118.16; Harper Industries su 766.68, 309.29; Hehnke, John su 28.00; Holiday Inn se 174.05; Hometown Leasing se 1027.23; Horizon West su 4.48, 316.97; Houser, Jodene re 97.44; Huber & Associates su 66.00; Ideal Linen su 80.23, 251.67, 62.06, 36.57, 128.92; Intermountain Sales su 225.00; Interstate Batteries su 132.95, 447.80; Int'l Code Council su 103.53; JNJ Steamway su 200.00; Jirdon Agri Chemicals su 6222.03, 674.50; JMK Sports su 746.79; Keep Sidney Beautiful se 63.85; Kevins Electric su 264.90, 184.91; Kriz Davis su 1106.53 KSID se 585.00; L L Johnson su 1488.46, 803.99; Lake Restoration su 214.00; Langley Trucking su 551.52; Laser This se 540.00, 30.00; League of NE se 176.25; Leal, Ron se 450.00; Luptak, Kenan se 700.00; Mail Finance se 1821.00; Matt Friend Truck Equip se 10835.00; Matthes, Joan se 625.00; McGown, Megan se 75.04;

Midwest Labs se 598.50; Milestone su 407.50, 529.05, 94.06, 212.85, 198.00; Miller & Sons su 862.00; Miller Office su 404.71, 40.97, 90.20, 62.31; Muggli, Michael re 150.00; Municipal Chemical su 1265.00; MEAN ut 277828.37; Municipal Supply su 5267.30; Murphy Tractor su 313.96; Nancy Ann's Window Coverings su 97.03; Napa Auto su 4.47; Nat'l Asso of School Resource Officers su 40.00; NATP su 70.00; NE Dept of Revenue tx 56415.29; NE Law Enforcement su 40.00; NE Main Street se 60.00; NE Rural Water su 225.00; NE Safety/Fire su 1056.95; NT&T se 1413.25, 124.63, 190.56, 311.59, 161.28, 20.00; NE Wastewater Operators se 20.00; Nienhueser Const se 211.00; Nike su 1145.41, 770.49; NE Machinery su 4452.54; Northwest Pipe su 3006.58, 9846.08; Olsen, Eleanor se 275.00; Olsson Associates su 679.73, 27503.04; One Call se 73.48, 73.47; Onstott, Mark se 970.14; Palmer, Mike tt 14.00; Palmore Masonry se 500.00; Panhandle Concrete su 3405.00; Panhandle Geotechnical se 1179.25; Payment Tech Fee se 30.13, 30.14; Pepsi su 260.85; Perfection Door su 138.19, 1294.84; Pioneer Electrci su 340.67; Points West Ins se 40.00, 678.00; Pond World su 200.27; Prairie States se 332.75; Prestige Flag su 574.66; Process Piping su 567.93; PSI Digital su 588.80; Quality Inn su 984.80; Ramada Inn su 157.34; Reams su 1565.37, 98.95; Reganis Motors su 28.17; Regional Care se 50.00; Regional West Medical se 5860.75; Reliable Power su 179.50; Respond First Aid su 152.98, 19.34, 121.05, 194.77, 49.96, 86.83; Riley, Vanessa se 150.00; Ritec su 270.00, 685.00; Rolls, Brian re 150.00; Rood's Tire su 264.30, 30.00, 1140.68, 192.48; Rosenbaum, Savanna re 150.00; Russell Industries su 862.92; Sandberg Implement su 2331.79; Scotties Potties su 630.00; Segelke, Carla se 1050.00; Shirt Tales su 84.60, 88.00, 21.00; Short Elliott Hendrickson se 13738.50; Sidney Regional Medical Center se 3389.00, 380.24; Sidney Soft Water se 70.00, 10.50, 406.35; Sidney Sun Telegraph se 714.04, 960.00; Sonny's su 105.15; Source Gas ut 71.79, 873.52, 147.21, 284.26, 68.49, 129.07, 73.62, 1323.32, 1131.49; SPNRD se 2203.89; Spic & Span su 320.00; Splash Splash se 107.40, 7.00; Stafford, Madisen se 150.00; Star Herald se 517.50; Steffens, Deloris su 40.00; Sterling, Dean re 57.50; Stone, Eloise rt 400.00; Stroh, Donald se 20.00; Sukup, Todd su 96.00; Sutton, Nick su 224.50; Toastmasters se 40.00, 40.00; Taser Int'l su 861.05; Thompson Co su 69.07, 189.24; Triple O's Building Supply su 46.34, 109.60; Unitech su 1457.50; US Postal se 5000.00; USA Bluebook su 160.53, 1477.66; Utility Service se 8119.55; Verizon se 139.76, 70.49, 33.25, 153.06, 99.75, 388.65, 387.26; WS Darley su 200.09; Walmart su 240.80, 96.79; Western Pathology 201.10, 201.10; Wheatbelt ut 8876.30; Whitebluffs se 516.00; WNCC Foundat ion se 1000.00; Wolford, Marie rt 814.36; Zalesky Auto se 300.00; Us Postal se 272.00; Journal Office su 97.29; Baker & Taylor se 2192.29; Beman su 109.55; City of Sidney ut 776.41; The Council su 58.50; Culligan su 19.95; Cenage su 202.35; EBSCO se 2161.04; Elan Visa su 511.23; Finney's su 17.66; Frenchman su 145.47; Gaylord su 166.56; Ideal Linen su 28.93; NE Link su 36.00; NT&T se 94.12; Eileen Nightengale re 20.00; OCLC su 200.78; Panhandle se 10.00; Quill su 90.44; DP Electronics su 35.00; Regional Books su 85.20; Sterling Journal su 186.86; Segelke Janitorial su 1050.00; U Store It su 60.00; Respond First Aid su 48.11.

Nienhueser moved, Gay seconded "That RESOLUTION NO. 20140603 be passed and adopted." Roll call vote: Yeas: All Council Members present.

RESOLUTION NO. 20140603

WHEREAS, Sec. 16-312.01 and Sec. 13-2505 of the Nebraska Statutes provides that any municipal bidding procedure may be waived by the City Council when equipment or vehicles are purchased at the same price from the same seller as equipment which was formerly been obtained pursuant to the State bidding procedures; or through the Joint Exercise of Powers with public agencies of other states; and

WHEREAS the City of Sidney acknowledges that this statewide and national bidding processes provides for the lowest responsible bidder cost on a wide ranging scale so as to benefit the City and its ratepayers and taxpayers; and

WHEREAS the City of Sidney always retains the right to use the traditional bidding process when it is determined to be of benefit for the City or specialized equipment is not available through the state and national bidding processes;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIDNEY, NEBRASKA THAT municipal bidding procedures are waived in lieu of the state and national bidding processes when equipment, vehicles and materials are placed in the city budget and have been previously acknowledged and approved by the City Council.

Adopted this 10th day of June, 2014, at Sidney, Nebraska.

City Manager's Report included recent and upcoming meetings and events; i.e., Golf Course project walk thru 6/10, SRMC ground breaking & Sonic Ribbon Cutting 5/28, Sales Tax Workshop 6/3, Historic Preservation 6/10,

John Vera retirement, annual City Manager Conference, Cattlemen's Ball in Banner County, PRT 6/11, JESWA 6/9, Travel writers in Sidney 6/17, Golf writers in Sidney 6/21, Planning Commission 6/16, 150 youth in Summer Golf program, NDOR Highway Commission in Sidney 6/26 & 27, Pool boiler problems, 10th Avenue construction problems, goal setting session at 6/24 Council meeting. Budget Schedule to be out soon etc. Chief Wilkinson reported on the amount of assistance calls being up over past summers throughout the area.

Council Member Arterburn reported pothole complaints near the recycling area and asked if there is collection opportunity for rechargeable batteries, etc. Mayor Gaston reminded everyone to keep their weeds mowed and that the new pool project will be on the next council agenda.

Council adjourned at 8:49 p.m.

WENDALL GASTON, MAYOR

ATTEST: _____
G.F. ANTHONY, CITY CLERK

