

Sidney, Nebraska, July 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 July 8, 2014 in the Council Room. Present were: Mayor Gaston and Council Members: Gallaway, Nienhueser & 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, Gallaway seconded "That the minutes of the June 24, 2014 meeting be approved." Roll call vote: Yeas: All council members present. Absent: Arterburn.

Comments by the Public: 1. Charlotte Dorwart and many members of the Sidney Swim Team were present to present a petition for a new swimming pool and to provide their input on the many points in question regarding a new pool. 2. Sara Sica of the Cabela's Marketing Department reported on the successful summer event that the Council had given an archery permit for in the Park and to express gratitude to the Council for same.

Marc Munford of Ameritas Investment Corp. presented a proposed ordinance for a 2014 Various Purpose Bond Issue to replace the outstanding warrants on Street Improvement District No. 52 and Sanitary Sewer Extension District No. 20. Council Member Nienhueser introduced Ordinance No. 1741 entitled: AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION VARIOUS PURPOSE BONDS, SERIES 2014, OF THE CITY OF SIDNEY, NEBRASKA, IN THE PRINCIPAL AMOUNT OF ONE MILLION SEVENTY-FIVE THOUSAND DOLLARS (\$1,075,000) FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING STREETS AND INTERSECTIONS IN STREET IMPROVEMENT DISTRICT NO. 52 AND PAYING THE COSTS OF CONSTRUCTING SANITARY SEWER MAINS AND APPURTENANT IMPROVEMENTS IN SANITARY SEWER EXTENSION DISTRICT NO. 20, INCLUDING PAYMENT OF INTERIM FINANCING RELATED TO SAID STREET IMPROVEMENTS AND SAID SEWER IMPROVEMENTS; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. Gallaway moved that the statutory rule requiring ordinances to be fully and distinctly read on three different days be suspended and that Ordinance No. 1741 be read by number only and placed on final passage. Gay seconded the motion to suspend the rules and upon roll vote on the motion the following Council Members voted "AYE": Gallaway, Nienhueser, Gaston and Gay. The following voted "NAY": None. Absent: Arterburn. The motion to suspend the statutory rules was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said ordinance. Said Ordinance No. 1741 was then read by number and thereafter Gay moved for final passage of said Ordinance. Nienhueser seconded the motion. The roll was called and the following voted "AYE": Gallaway, Nienhueser, Gaston and Gay. The following voted "NAY": None. Absent: Arterburn. Motion carried. The passage and adoption of said Ordinance having been concurred in by a majority of all members elected to the Council, the Mayor declared the ordinance adopted. Gallaway moved, Nienhueser seconded "That Ordinance No. 1741 be published in pamphlet form." Roll call vote: Yeas: All council members present. Absent: Arterburn.

Jack Baker of Baker & Associates, engineers for the Patel Development projects, reported that negotiated bids had been received from Van Kirk Brothers Contracting for Water Extension District #21-\$145,954 (Eng. Estimate-\$141,599.04) and Sanitary Extension District #21-\$177,660 (Eng. Estimate-\$177,595). Upon acceptance by the City, the start time would be in mid-September, 2014. Engineer's recommendation with the developer's concurrence was to award both contracts to Van Kirk Brothers Contracting as stated previously. Gallaway moved,

Gay seconded "That the negotiated bids for Water Extension District #21 in the amount of \$145,954 and for Sanitary Extension District # 21 in the amount of \$177,660 be awarded to Van Kirk Brothers Contracting." Roll call vote: Yeas: All council members present. Absent: Arterburn.

Nienhueser moved, Gallaway seconded "That the Ordinance entitled "AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, TO AMEND CHAPTER 672 WEAPONS AND EXPLOSIVES; SECTION 672.02 DISCHARGING FIREARMS AND USE OF OTHER WEAPONS; OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA TO PROVIDE FOR ADMINISTRATIVE AUTHORIZATION OF DISCHARGING FIREARMS AND USE OF OTHER WEAPONS; TO REPEAL ANY ORDINANCES OR PART OF ORDINANCES IN CONFLICT THEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE" be designated as Ordinance No. 1742 as amended." Roll call vote: Yeas: All council members present. Absent: Arterburn. There being no motion to suspend the Statutory requirement requiring the ordinance to be read by title on three different days, Ordinance No. 1742 was read by Title for the first time.

Mayor Gaston asked the City Clerk to read Ordinance No. 1740 re: modification of Chapter 678, Section 678.03 of the City Code by Title for the second time. There being no motion to suspend the Statutory requirement requiring the ordinance to be read by title on three different days, Ordinance No. 1740 will be read by Title for the third time at the next meeting.

Nienhueser moved, Gallaway seconded "That RESOLUTION NO. 20140701 be passed and adopted." Roll call vote: Yeas: All council members present. Absent: Arterburn.

RESOLUTION NO.20140701

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 3; STREET IMPROVEMENT DISTRICT #59; AMOUNT DUE ENGINEER \$28,433.75; AMOUNT DUE CONTRACTOR \$303,604.85. Payments in the amount now due the engineer and the contractor are hereby authorized and charged to said district. Said payments shall be paid from the 2014 Bond Anticipation Notes fund which is held in the City of Sidney Debt Service Account.

Nienhueser moved, Gay seconded "That Version #1 of the Ordinance entitled "AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, TO AMEND CHAPTER 648 PEACE DISTURBANCES; NUISANCE; SECTION 648.05 SOUND PRODUCING OR AMPLIFYING APPARATUS; OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA TO PROVIDE FOR ADMINISTRATIVE AUTHORIZATION OF SOUND PRODUCING OR AMPLIFYING APPARATUS; TO REPEAL ANY ORDINANCES OR PART OF ORDINANCES IN CONFLICT THEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE be designated as Ordinance No. 1743." Roll call vote: Yeas: All council members present. Absent: Arterburn. There being no motion to suspend the Statutory requirement requiring the ordinance to be read by title on three different days, Ordinance No. 1743 was read by Title for the first time.

Gallaway moved, Gay seconded "That Randy Hobson be appointed to the Board of Adjustment as a member and that Bruce Leyboldt be appointed to the Board of Adjustment as an Alternate." Roll call vote: Yeas: All council members present. Absent: Arterburn.

Mayor Gaston led a discussion on the results of the meeting re: a new pool: deletion of the plan for an on site splash pool with suggestions as to off site locations in the future; Site C-apparent favored location for a new pool; once a location has been decided upon, engineers need to be challenged to present a design & cost estimates as soon as possible so the project can proceed as well as fund raising help for other amenities to the new pool &/or indoor pool; report from Public Service Director John Hehnke was that the extension of the road & trails/sidewalk could amount to \$400,000-500,000 but that the utilities in the area are in place & accessible. Discussion was held on one vs. two slides. Council Members Nienhueser & Gay commented they would like more information on cash flows for the sales tax, etc. and whether a bond issue for the pool shouldn't be 20 vs. 10 years with the possibility of adding some of the Park improvements into the issue.

Gallaway moved, Gay seconded “That Site C south of Lodgepole Valley Youth Camp and west of Fort Sidney Road be designated as the location for a new pool and that the engineers be instructed to go forward with what is necessary for a new pool on Site C (with no on site splash pool) within the financial constraints of the sales tax funds.” Roll call vote: Yeas: All council members present. Absent: Arterburn.

Gallaway moved, Gay seconded “That the following claims for June 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 and Gay. Absent: 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 687.97.

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Gay moved, Gallaway seconded “That the following claims for June 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. 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, iv investment) 21st Century Equipment su 155.76, 2033.19; Accelerated Receivables se 241.76; Action Communications se 100.00; Altec su 1041.18; American Environmental se 1752.11; Arnold Pool eq 3.534.73, 444.80; Atco Int’l se 915.90; Baker, Catrina re 50.73; Barker Cleaners se 30.00; Blane Canada se 1275.00; BNSF ct 1200.00; Bomgaars su 2110.21, 44.97, 92.98, 77.28, 204.03, 42.98, 331.82, 21.49; Borchert, Lori re 10.00; Brestel, Gerald rt 570.28; Bug Off se 55.00; Burke, Michael se 500.00; C&M Golf se 33.40, 403.32; Cardmember se 428.95, 3550.39; Caselle se 1080.33; Cashwa se 82.50; Centurylink se 96.89; Charter se 62.99; Cheyenne Co Chamber se 1666.66, 100.00; Cheyenne Co Comm Center se 10000.00, 53.00; Chief su 181.94, 393.10; Chimney Sweep se 1046.92; City of Sidney ex re ct rt 56.16, 5.44, 1000.00, 2899.03, 7.19, 103.00 2089.42 bd 19682.08 ct 900.00, sa in 107542.92, 11785.30, 19109.13, 26278.10, 12619.36, 7421.45, 43937.23, 8001.08, 10092.89. 13005.86, 8652.72, 2782.46, 555.96, 489.57, 1088.96, 456.62, 433.86, 5158.87, 110115.82, 11747.87, 18008.76, 26127.19, 12361.46, 7614.10 ut 2242.53, 2920.13, 167.47, 2103.56, 445.00, 108.85, 9031.34, 9109.51; City of Sidney Police Dept re 112.68; Cleveland Golf su 2211.99; Clothes Hamper se 96.00; Cobitco su 490.51; Contractor Materials su eq 294.00, 6749.65, 558.00; Country Printer su 10.00; Cranmore Pest su 85.00, 357.00; Darin’s Auto se su 2195.69; Department of Energy ut 24054.89; Ditch Witch eq 397.67; Dorwart, Dan se 85.12; DP Electronics su 247.46, 126.97, 100.48, 120.75; Dutton Lainson su 11.10; E&S Auto su 365.34, 440.37, 1253.83, 199.61, 51.89; Ed Roehr Safety Products su 1576.36; Emergency Service se 350.00; Endurance Flag su 263.68; Enviro se 105.00; Fairfield Inn se 94.82; Falcon Lab su 385.76; Fastenal se 35.67, 10.51; Fedex se 34.14; Finneys su 873.05, 601.32, 18.99, 409.68, 228.14, 327.43; Floyd’s Truck se 178.43; Foster Lumber su 424.15, 120.30, 9.99, 631.09, 92.54; Fremont Nat’l Bank ct 13224.17; Frenchman su 10536.74, 2419.15, 7511.68, 2955.87, 1746.21, 234.92, 398.17; Galls su 298.65, 119.97; Gemplers su 1455.30; Golf & Sport se 424.20; Grainger su 1648.00, 280.22; Guffey, Dennis re 147.53; Hamilton se 394.70, 99.90, 49.95; Hillside Golf su 250.00; Holly Enterprises re 19.24; Home Security se 222.00; Hometown Leasing se 978.32; Horizon West eq 55.56, 9.95; Huber & Asso se 1258.00; Human Factor se 129.00; Ideal Linen su 292.91, 780.15, 51.10, 22.58, 59.66; Interstate Batteries su 355.80; Int’l Code Council se 65.92; JNJ Steamway se 80.00; Jirdon Agri Chemicals su 2714.72; Johnson, Kris re 204.44; Kampfe, Paul re 57.50; Kelly Supply su 190.43; Kevins Electric se 1505.00; Kriz Davis se 1601.16; KSID se 634.50; LL Johnson se 956.35, 6181.99; Lacial Equipment su 73.42; Langley Trucking su 545.40; Lawson Products su 299.12; Leal, Ron se 450.00; Lincoln Winwater Works eq 2941.27; Lundeen, Bradley re 67.79; Masek Golf se 112.38; Matt Friend su 10835.00; Matthes, Joan se 625.00; Merchant JT&S se 550.00; Mid America Golf ct 37490.50; Milestone se 98.36, 108.58; Miller Office su 1515.06, 8.00, 67.68, 62.75; MEAN ut 313106.21; Municipal Supply se 7395.99; MWC Enterprises su 14701.60; Napa su 23.91; NAPC du 180.00; NE Dept of Revenue tx 59948.90; NE Housing Developers du 250.00; NE Main St du 1750.00; NE Rural Water Asso du 150.00; NE Safety/Fire su 285.00; NE Statewide Arboretum du 100.00; NT&T se 1479.34, 124.63, 191.83, 307.90, 161.35; NE Wastewater Operators du 60.00; Nienhueser Const se 143.30; NIKE su 2769.44; NE Machinery eq 1019.54, 108.84, 975.00; Northwest Pipe su 1239.51; Olsen, Eleanor se

275.00; Olsson Asso se 303.55, 4816.80, 6904.09; One Call se 80.90, 80.90; Palmer, Mike tt 1389.95; Pepsi su 140.25; Person, Gary re 744.30, 477.28; Phillips, John re 237.70; Points West in 69497.00, 26855.00, 35539.00, 30895.00, 21104.00, 13392.00; Prairie States se 109.55; Prstige Flag su 250.78; Public Safety Center se 640.11; R&R su 263.38; Raffelson Rock su 855.00, 1230.00; Region I OHD se 130.00; RWMC se 5860.75; RepCo Marketing se 40.50; Respond First Aid su 37.95, 45.35; Ritec su 199.00; Rood's su 917.76, 21.50, 554.96; Sandberg Implement eqj 41661.00, 812.36; Sargent Drilling eq 2800.00; Scotties Potties su 630.00; Segelke, Carla se 1050.00; Severson Communications se 150.00; Sherman & Reilly eq 5381.60; Sherwin Williams su 2957.50; Shirt Tales su 10.00, 18.90; Short Elliott Hendrickson eq 11390.50; Sidney Feed su 52.38; Sidney Glass su 78.60, 25.00 ; SRMC se 707.20; Sidney Rehabilitation se 430.00; Sidney Soft Water se 35.00, 335.86, 19.25, 3.50; Sidney Sun Telegraph se 1419.37, 143.16, 112.91; Sirchie Fingrer Print Lab se 183.13; Sonntag, Goodwin & Leef se 10000.00; Sonny's su 119.46; Source Gas su 151.74, 1710.64, 70.56, 178.84, 68.49, 74.28, 35.28, 377.19; SPL Int'l su 243.33; Splish Splash se 105.20, 6.60, 17.80; Staples Golf su 17574.75; Stone, Eloise se 400.00; Sukup, Todd tt 130.50; Thompson Co su 104.23, 59.87; Triple O's su 32.25, 80.19; UPRR ct 5000.00; US Postal se 140.00; USA Bluebook su 976.92; Verizon se 142.47, 72.48, 33.25, 153.06, 99.75, 492.23; Walmart se .67; Wastequip se 22045.00; Wesco se 40996.83, 134041.76; Western Enterpirses su 8500.00; Western Pathology se 228.20; Western United Elec su 2614.98; Wheatbelt ut 7902.43; Whitebluffs se 388.00; Wilkinson, Byron re 960.99; Wingate Inn se 109.95; Wolf, Van Ackern & Cuypers su 3325.00; Wolford, Marie rt 814.36; Wrangles 4 H Club se 25.00; Zep se 343.21; Alliance su 129.00; Demco su 46.10; J&J se 85.00; Sidney Glass su 2750.45; Baker & Taylor se 431.13; City of Sidney ut 803.92; Cenage su 73.47; Culligan su 19.95; Day & Night se 72.00; DP Electronics su 344.97; Demco su 125.97; Elan Visa su 449.43; Frenchman su 97.68; Floyd's Truck se 453.34; Finney's su 14.99; Houchen Bindry se 27.90; Ideal Linen su 28.93; Journal Office su 58.86; Kevin's Electric se 343.00; NT&T se 161.33; NE Link se 36.00; OCLC su 207.44; Petty Cash re 6.00; Quill su 1683.75; Segelke Janitorial se 1050.00; Sidney Sun Telegraph se 6.55; Sonny's su 7.37; U Store It se 60.00; Sidney Wrangler se 35.00.

City Manager's Report included recent and upcoming meetings and events; i.e. downtown property owners will be invited to a meeting to discuss the projects that are happening in their areas this summer, the success of the Nebraska Department of Road meetings on 6/26 & 27, thanked Fire Department for the fireworks display, Historic Preservation 7/8, School officials 7/10, PRT 7/16, Planning Commission 7/21 & Board of Adjustment 7/22, Department Budget Workshops 7/23-25, Council Budget Workshops 8/4 & 5, Farmers Market on Hickory Square on Saturdays; etc.

Public Service Director John Hehnke reported on the street projects including the vandalism to the new sidewalk on 10th and plan to rectify the situation. Discussion was held on the need for a letter to be issued to Werner's regarding the contract dates of the 10th Street Project.

Council Member Gallaway thanked Gary for setting up the meetings, etc. with State Roads Department as it was a great public relations event. He also expressed his condolences to the Finney family on the loss of Jon. Council Members Gay, Nienhueser and Gaston echoed these comments as well as thanks to the Police and Fire Departments for keeping the July 4th events under control.

Council adjourned at 9:01 p.m.

WENDALL GASTON, MAYOR

ATTEST:

G.F. ANTHONY, CITY CLERK

