

Sidney, Nebraska, August 12, 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 August 12, 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 July 22, August 4 and August 5, 2014 meetings be approved." Roll call vote: Yeas: All council members present.

Glenna Phelps Aurich presented the 2014 Annual report for the Cheyenne County Chamber of Commerce and the High Plains Compass. She thanked the City of Sidney for their past and continued support for both entities in the amount of \$15,000 for the Chamber and \$5,000 for the Compass. Council stressed the importance of more activities in Hickory Street Square and of business being open for those activities.

Heidi Gillespie presented the Cheyenne County Communication Center's report for FY2013-14 and their request for continued support for FY2014-15. Questions were asked about how much financial support comes from the State of Nebraska. Ms. Gillespie will provide more information later.

Gordie Wilkins representing Gold Rush Days Committee reported on the 2014 celebration and a report on the use of funds that the City provides. He thanked the Council for their support and presented a request for funds for 2015 in the amount of \$5,000. He shared information on how the attendance has grown and ways they are looking at to continue this growth.

City Manager reviewed the Boothill/Camp Lookout report for FY2013-14 and their request for funds for FY2014-15, which included a possible carryover from this year to next if the contractor does not get finished, as well as \$15,000 for next year which is \$5,000 higher than this year. No representative of the group was able to attend the meeting.

Mike Namuth representing the Cheyenne County Community Center reported on the 2013-14 recreational programs and their plans for the future. Discussion was held regarding questions presented by the Council as to what sports should be the focus for the coming years, etc.

John Leever and Tom Millman from the Airport Authority were present to report on the plans for the Airport for the coming year, which included information of a possible new company coming to the area. De-Icing for the runways was discussed and the possibility of getting equipment and supplies to do this task. They are to investigate options for funding this in the future. They also presented their budget for FY2014-15. Gallaway moved, Gay seconded "That Resolution No. 20140801 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20140801

WHEREAS, pursuant to Section 77-3443 of the Nebraska Revised Statutes, the Airport Authority of the City of Sidney, Nebraska, may be allocated property taxes as authorized by law which are authorized by the City and are counted in the City levy limit provided by section 77-3442, Nebraska Revised Statutes, which limitation does not apply to property tax levies for judgments, preexisting lease-purchase contracts approved prior to July 1, 1998, for bonded indebtedness approved according to law and secured by a levy on property, and repayment of interest-free loans from Department of Aeronautics in the amount of \$25,320.00 and \$9,099.96; and

WHEREAS, the Airport Authority submitted a preliminary request for levy allocation to the City Council in the amount of \$167,141.50 for the fiscal year beginning on October 1, 2014; and

WHEREAS, the City Council has reviewed the levy request for purposes of determining a final allocation of levy authority for the Airport Authority.

NOW, THEREFORE, the City Council of the City of Sidney, Nebraska, resolves that the Airport Authority is allocated levy authority in the amount of \$167,141.50 for the fiscal year beginning October 1, 2014.

A presentation was made by David Hrbek on behalf of LEEBRH for the sale of 1.44 acres in Tract 3, Sadonna Subdivision to the City of Sidney, in the amount of \$18,831. This land borders the City's flood plain property on the south side. This offer is made due to other easement issues regarding land owned by LEEBRH in this area. He stated that he has an offer to purchase some of the other land from one of the landowners in the 15 Acre Subdivision at the same price they are offering to the City. In exchange of these two possible sales, LEEBRH offers easements permissions on the remaining 1.09 acres. The plan is to pursue the said 1.09 acres as a single buildable residential lot that will have a private drive with access from Lodgepole Road. City Attorney J. Leef address the easement issues and feels the City already had easement rights by prescription. The City Council took the offer under advisement until the budgets were more complete.

Mayor Gaston asked the City Clerk to read Ordinance No. 1742 re: modification of Chapter 672, Section 672.02 i.e.: Weapons and explosives, etc. of the City Code by Title for the third time. Arterburn moved, Nienhueser seconded "That Ordinance No. 1742 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. Nienhueser moved, Gallaway seconded "That Ordinance No. 1742 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: All council members present.

Mayor Gaston asked the City Clerk to read Ordinance No. 1743 re: modification of Chapter 678, Section 678.05 i.e.: sound-producing or amplifying apparatus, etc. of the City Code by Title for the third time. Gay moved, Gallaway seconded "That Ordinance No. 1743 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. 1743 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: All council members present.

Arterburn moved, Gay seconded "That Resolution No. 20140802 be passed and approved." Roll call vote: Yeas: All council members present.

RESOLUTION NO.20140802

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 Pole Creek Crossing/Greenwood Road Phase 1 projects in Street Improvement District #58 & #59; and NIENHUESER CONSTRUCTION, the contractor for the construction of the Pole Creek Crossing/Greenwood Road Phase 1 projects of Street Improvement District #58 & #59 of this city; and the engineer has filed with the City Clerk certificates showing the performance of said contracts as follows: 1. APPLICATION FOR PAYMENT NUMBER 4; STREET IMPROVEMENT DISTRICT #59; AMOUNT DUE ENGINEER \$34,363.00; AMOUNT DUE CONTRACTOR \$200,466.43. 2. APPLICATION FOR PAYMENT NUMBER 4; STREET IMPROVEMENT DISTRICT #58; AMOUNT DUE CONTRACTOR \$180,119.16. Payments in the amount now due the engineer and the contractor are hereby authorized and charged to said districts. 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, Gallaway seconded "That the annual membership in the Panhandle Area Development District for FY14-15 be approved in the amount of \$5,237.39; and that Gary Person be appointed as the City of Sidney representative on the PADD Board and that Megan McGown be appointed as alternate member." Roll call vote: Yeas: All council members present.

Gay moved, Galloway seconded "That the following claims for July 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, Arterburn and Gay. Nays: None. Abstain: Nienhueser. (Abbreviation for claims: ex expenses, rt retirement, re reimbursements, sa salaries, se service, su supplies, tr transfers, tx tax, co capital outlay): Hillside Ventures se 2501.54.

Arterburn moved, Gay seconded "That the following claims for July 2014, 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, iv investment) 21st Century eq 900.00, 306.78, 424.25; Accelerated Receivables se 103.42; American Environmental se 178.50; Antigua Group se 1777.86; Arnold Pool su 74.92, 2250.00; Baker & Asso se 5151.50; Ben Meadows su 59.18; Bomgaars su 194.35, 529.99, 37.95, 36.96, 43.99, 55.55, 132.91, 65.97; Brestel, Gerald rt 570.28; Bridgestone su 2643.34; Bug Off se 110.00; Cake & Creations se 97.50; Cardmember su 1007.54, 269.69; Carolina Software su 200.00; Caselle ct 1080.33; Cashwa su 8.45; Central States su 16595.33; CenturyLink se 96.89; Chaon, Larry tt 290.37; Charter se 62.99; Cheyenne Co Chamber se 1666.66, 480.00; Cheyenne Co Community Cntr se 10 45.00; Cheyenne Co Court 85.00 Cheyenne Co Emergency Cntr se 17263.58, 26239.61; Cheyenne Co Treasurer se 14.00; Chief su 137.79; City of Sidney ex se 135.93, 4.32; bd 6779.38, 19682.08, 160.00; ct 1425.00, 1000.00; tx 2842.57, 21.02, 103.00, 1392.50, 1491.97; sa in 108399.37, 11938.65, 17568.02, 26579.06, 12143.58, 7549.08, 44158.64, 8001.08, 1092.89, 13005.86, 8652.72, 5158.87, 2854.363, 555.96, 489.57, 1088.96, 433.86, 2809.71, 524.71, 489.57, 1088.96, 45662, 433.86, 111102.43, 1031.64, 12414.98, 18641.08, 25759.02, 11219.01, 456.62, 7854.65, 105736.00, 12616.88, 18424.37, 26491.48, 1300.90, 7921.61; ut 2558.81, 3299.48, 158.36, 941.81, 75.81, 365.40, 9051.02, 603.44, 9695.32, 99.95; Cleveland Golf su 3912.55; Clothes Hamper se 144.00, 48.00; Cobitco su 1043.54, 521.52; Conney Safety su 217.10; Cranmore Pest/Fire se 226.00, 102.00, 85.00, 456.75, 341.49; Crescent Electric su 130.68; Croell Redi Mix su 157.25; Darin's Auto se 652.66; Day & Night su 82.80, 91.24; Dayton, Ben tt 324.92; Dept of Energy se 24054.89, 25462.96; Ditch Witch su 101.05, 416.55; DP Electronics su 1778.38, 159.99; Duinick Inc su 108546.12; E&S Auto se 801.14, 308.09, 1863.37, 54.53, 129.83, 674.07; Eakes Office su 776.89; Ed Roehr su 81.50; Endurance Flag su 26.32; Engravers se 102.50; Finney's su 610.18, 39.98, 205.74, 470.73, 146.44; Floyd's Truck su 843.51, 7425.96; Foster's se 118.58, 25.99; Fremont Nat'l Bank ct 13224.17; Frenchman Valley se 8367.38, 5333.56, 3243.86, 7187.09, 2403.45, 569.58; Fyrtek su 972.60; Galeton Gloves su 175.44; Galls su 234.08; Golden West su 323.66; Gordon's Body Shop su 250.00; Graff's su 3159.00; Graybar su 38953.39, 15086.02; H2 Golf su 323.55; Hach su 537.17; Hamilton se 274.80, 258.19, 99.90, 49.95; Hampton Inn se 136.22; Harper Industries su 306.61; HOA Solutions su 96600.00; Holiday Inn se 348.10, 999.70; Holtz Industries su 98.01; Hometown Leasing ct 978.32; Horizon West su 10.48; Huber & Asso se 5441.00; Ideal Linen su 141.63, 441.96, 51.10, 22.58; Int'l Code Council se 388.10; Intoximeters se 176.50; IPMA HR se 149.00; Jirton su 1188.21; Johnson, Kris tt 298.53, 181.44; Keep Sidney Beautiful se 364.45; Kelly Supply su 49.00; Kimball Midwest su 76.49; Kriz Davis su 11572.61, 30265.95; KSID se 645.00, 1050.00; LG Everist su 38.88; LL Johnson su 353.59, 3710.66; Laser This su 34.00; League of NE se 3514.00; Leal, Ron se 450.00; Lyle Signs se 221.26; MC Schaff & Asso se 3250.00; Masek Golf su 812.00; Joan Matthes ct 625.00; McGown, Megan tt 184.24, 427.83; Midwest Hydraulic se 426.43; Milestone su 1274.40; Miller & Sons Golf Cars su 880.10; Miller Office su 688.02, 44.95, 72.99, 25.98; MEAN uy 419266.01; Municipal Supply su 12132.94; Murphy Tractor su 56.45; Napa su 126.32 NAPC du 25.00; NDEQ ct 2597.50; NE Code Official Asso du 100.00; NE Dept of Revenue tx 66182.85; NE Environmental su 36.60, 373.16; NE Secretary of State du 30.00; NT&T Se 1452.89, 129.83, 196.61, 307.23, 166.01; Neland Tire su 62.99, 251.32; Nienhueser Const se 665.04, 2683.86; NE Machinery eq 3206.66, 36.30; Northwest Pipe su 2450.09, 1825.50; Olsen, Eleanor su 275.00; Olsson Asso se 5198.69; One Call se 69.50, 69.50; Otto Environmental su 13928.00; Panhandle Geotechnical se 505.16; Panhandle RC&D se 300.00; PCHelp LTD se 177.00; Points West ins 875.50, 83.00; Pond World su 405.09; Prairie States se 120.00; PSAN du 160.00; Raffelson Rock su 6042.00; Ragan Communications se 53.90; Randy's se 536.75, 584.26; Region I OHD su 260.00; RWMC se 5948.66; Respond First Aid su 121.25, 74.27; Ritec su 357.00; Rood's Tire su 10.00, 77.71, 370.80, 187.70; Sanitas Technologies su 295.00; Sapp Bros su 39.38, 466.30; Scotties Potties se 630.00; Segelke, Carla se 1050.00; Shirt Tales su 217.80, 110.00; Sidney Feed su 26.19; Sidney Public Schools su 45.00; Sidney Regional Medical se 285.32; Sidney Rehabilitation se 125.00; Sidney Roofing su 150.00; Sidney Soft Water se 56.00, 3.50, 3.50, 14.00, 3.50; Sidney Sun Telegraph se 2072.56, 108.00, 18.01; Sidney Volunteer Fire su 2410.67; Smith, Tim re 326.30; Sonntag, Goodwin & Leef se 5291.00; Sonny's su 126.16; Source Gas se 84.18, 58.51, 3504.80, 42.92, 68.49, 59.70, 65.84; Southwestern Equipment su 859.19; Splish Splash se 29.60, 113.40, 14.60; State of NE Dept of Agriculture se 51.56; Steffens, Deloris se 15.00; Stone,

Eloise rt 400.00; Stone, Keith re 39.98; Thompson Co su 197.87; Triple O's su 35.18; UPRR ct 2700.00; US Postal se 7500.00; USA Bluebook su 1821.32; Verizon se 331.29, 72.48, 33.25, 378.03, 99.75; Viaero se 390.97; Volkmer, Deanna tt 191.90; Walmart su 98.71; Waller, Kathryn tt 190.68; Werner se 3920.70; Wesco eq 1537.25, 20349.75; Western Pathology su 224.40; Western United Electric su 203.02; Wheatbelt su 9949.24; Whitebluffs su 1004.00; Wingate se 179.90; WNCC se 20.00; Wolf su 105.00; Wolford, Marie rt 814.36; Baker & Taylor se 728.42; Book & Coffee Corner su 196.54; City of Sidney se 157.81; Gale su 463.07; Day & Night su 164.40; Demco su 4.84; Culligan su 19.95; Elan Visa su 405.85; Finney's su 12.32; Fischers su 65.00; Frenchman Valley su 201.27; Ideal su 97.84; Journal Office su 43.16; Kevin's Electric su 354.50; NE Link su 36.00; NT&T se 153.32; OCLC su 215.50; Segelke Janitorial se 1050.00; Sidney Sun Telegraph su 108.00, 5.73; Sonny's su 14.85; U Store It su 60.00; Doug White se 105.00; D&H su 40.00; Guideposts su 17.74; Council State Government su 58.50; City of Sidney se 540.14.

Nienhueser moved, Gay seconded "That the Treasurer's Report for all City Departments for July, 2014 be approved." Roll call vote: All Council Members present.

Nienhueser moved, Gallaway seconded "That Resolution No. 20140803 be passed and approved." Roll call vote: Yeas: All council members present.

RESOLUTION NO.20140803
SIGNING OF A PROFESSIONAL CONSTRUCTION SERVICES AGREEMENT
CITY OF SIDNEY

WHEREAS: City of Sidney is developing a transportation project for which it intends to obtain Federal Funds;

WHEREAS: City of Sidney as a sub-recipient of Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project;

WHEREAS; City of Sidney and M.C. Schaff & Associates, Inc. wish to enter into a Professional Construction Engineering Services Agreement to provide construction engineering services for the Federal-aid project.

BE IT RESOLVED: by the City Council of the City of Sidney, Nebraska that:
Wendall Gaston, Mayor of the City of Sidney, is hereby authorized to sign the attached construction engineering services agreement between the City of Sidney, Nebraska and M.C. Schaff & Associates, Inc.
NDOR Project Number: URB-6350(1) NDOR Control Number 51486 NDOR Project Description: Fort Sidney Road, US-30 – 11th Avenue.

Adopted this 12th day of August, 2014 at Sidney, Nebraska.

Gallaway moved, Arterburn seconded "That Kathy Wilson be appointed to the Historic Preservation Board." Roll call vote: Yeas: All council members present.

City Manager's Report included recent and upcoming meetings and events; i.e. JESWA 8/13; Leadership Nebraska in Sidney 8/14; this week Public Transportation Director interviews; Planning Commission 8/18, Nebraska Community Foundation in Sidney 8/21; new Executive Director for DED in Sidney 8/26; City Council 8/26 finalize budget for notice of public hearing on 9/9; League of Nebraska Municipalities meeting in North Platte 9/24-26; Progress Rail meeting. Chief of Police Wilkinson reported on his current staff situations.

Mayor Gaston reported on conversations with the swimming pool consultants with hopes for a presentation from them in September or October.

Council adjourned at 9:24 p.m.

/s/ WENDALL GASTON, MAYOR

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