

Sidney, Nebraska, January 10, 2012 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 January 10, 2012 in the Council Room. Present were: Mayor Gaston and Council Members: Weiderspon, Nienhueser, Hiett, and Van Vleet. 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.

Council Member Van Vleet asked City Attorney Leef for an opinion in regards to paragraph five in the 12/27/12 minutes and whether the Mayor can table an ordinance. City Attorney Leef said that state statutes did not spell out any particular time line for ordinances and that the Mayor being the administrative representative at Council meetings is responsible for how meetings are conducted.

Nienhueser moved, Van Vleet seconded "That the minutes of the December 27, 2011 meeting be approved." Roll call vote: Yeas: All council members present. Abstain: Hiett.

Bids for Sanitary Sewer Extension District No. 20 were presented by Larry McCaslin, engineer for the project. Said bids were received on January 4, 2012 as follows: Nienhueser Construction, Sidney - \$173,097.50; Hennings Construction, Gering - \$225,272.25; Paul Reed Construction, Gering - \$212,425.96; K.L. Wood & Co., Alliance - \$225,554.50; and Midlands, Kearney - \$194,727.50. The engineer's recommendation was to award to the low bidder, Nienhueser Construction. Hiett moved, Van Vleet seconded "That the bid for Sanitary Sewer Extension District No. 20 be awarded to Nienhueser Construction in the amount of \$173,097.50." Roll call vote: Yeas: All council members present.

Nienhueser moved, Weiderspon seconded "That RESOLUTION NO. 20120101 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO.20120101

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, Inc., the engineer have performed the work for engineering of sanitary sewer improvements in Sanitary Sewer Extension District No. 20 of this city and the engineer has filed with the City Clerk certificates showing the performance of said contract as follows: ENGINEERING PHASE ESTIMATE NUMBER 1; SANITARY SEWER EXTENSION DISTRICT #20; AMOUNT DUE ENGINEER \$11,100.00. A warrants 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.

Several months ago a volunteer citizen swimming pool committee was formed to begin the planning discussions for the eventual replacement of the current municipal swimming pool which was built in the mid 1970's. After several meetings and subsequent presentations from two aquatics firms, which specialize in building municipal pools, the committee recommended the council consider entering into a professional services agreement with Burbach Aquatics Inc. Nancy Ronto and David Burbach of Burbach Aquatics presented their company's services, track record, qualifications, fee schedule, and proposed agreement for professional services. Considerable discussion was held between the company and the city council. Concerns were voiced by Council Members Weiderspon and Nienhueser; i.e. how the phases and steps of the contract worked, document ownership, what if referendum fails, what if design comes in over budget, payment schedules, etc. City Attorney is to work with Burbach Aquatics to fine tune a proposed contract to present to the Council in the future with all the points that this discussion had brought forward.

There being no further discussion regarding Ordinance No. 1666 which would amend Chapter 1244 of the Codified Ordinances re: Board of Adjustment, etc., Hiett moved, Nienhueser seconded "That Ordinance No. 1666 be finally passed." Roll call vote: Yeas: Weiderspon, Nienhueser, Gaston and Hiett. Nays: Van Vleet. 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. Weiderspon moved, Nienhueser seconded "That Ordinance No. 1666 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: All council members present.

After a review of Ordinance No. 1671 which relates to fences, walls and hedge regulations, Nienhueser moved, Hiett seconded "That Ordinance No. 1671 be finally passed." Roll call vote: Yeas: Weiderspon, Nienhueser, Gaston and Hiett. Nays: Van Vleet. 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. Hiett moved, Nienhueser seconded "That Ordinance No. 1671 be published in pamphlet form and that a notice be published in The Sidney Sun Telegraph announcing the passage of said Ordinance." Roll call vote: Yeas: Weiderspon, Nienhueser, Gaston and Hiett. Nays: Van Vleet.

Nienhueser moved, Hiett seconded "That the Ordinance entitled "AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, TO AMEND PART TWELVE OF PLANNING AND ZONING CODE, TITLE SIX "ZONING", CHAPTER 1240 "GENERAL PROVISIONS AND DEFINITIONS" OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA; TO ADOPT NEW AND MODIFYING CURRENT DEFINITIONS IN SECTION 1240.03 GOVERNING DEFINITIONS IN THE USE REGULATIONS CHAPTER 1268; TO REPEAL ANY ORDINANCE OR PART OF ANY ORDINANCE IN CONFLICT THEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE " be designated as Ordinance No. 1672." 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 different days, the City Clerk read Ordinance No. 1672 by Title for the first reading.

Discussion was held regarding whether to use Zoning Use Chart A or Chart B in the proposed Ordinance No. 1667. Nienhueser moved, Hiett seconded "That Option B be accepted for Ordinance 1667." Roll call vote: Yeas: Weiderspon, Nienhueser, Hiett and Gaston. Nays: Van Vleet.

Nienhueser moved, Hiett seconded "That Ordinance No. 1667 which incorporates Zoning Use Chart B be finally passed." Roll call vote: Yeas: Nienhueser, Gaston and Hiett. Nays: Weiderspon and Van Vleet. 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. Hiett moved, Nienhueser seconded "That Ordinance No. 1667 be published in pamphlet form and that a notice be published in The Sidney Sun Telegraph announcing the passage of said Ordinance." Roll call vote: Yeas: All council members present.

Nienhueser moved, Weiderspon seconded "That RESOLUTION NO. 20120102 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20120102
CITY OF SIDNEY, NEBRASKA
FUND BALANCE POLICY IN ACCORDANCE WITH GASB #54

WHEREAS, the City of Sidney, Nebraska, needs to comply with the Governmental Accounting Standards Board (GASB) statement issued on March 11, 2009, *GASB #54 Fund Balance Reporting & Governmental fund type Definition*; AND

WHEREAS, a Fund Balance Policy will provide a stable financial environment for the City of Sidney's operations that allows the City to provide quality services to its residents in a fiscally responsible manner designed to keep services and taxes as consistent as possible over time; and

WHEREAS, a Fund Balance Policy is meant to serve as the framework upon which consistent operations may be built and sustained; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SIDNEY, NEBRASKA; that the following are fund definitions from GASB #54 and will serve as the City of Sidney's Fund Balance Policy:

Non-Spendable Fund Balance - describes the amount of a fund balance that cannot be spent because it is not in a spendable form (i.e., inventory).

Restricted Fund Balance - describes the portion of the fund balance that can be spent only for the specific purposes stipulated by constitution, external resource providers, or through enabling legislation.

Committed Fund Balance - describes the portion of the fund balance that reflects constraints that the City has imposed upon itself by formal action of the City council (i.e., an ordinance or resolution passed by the City Council).

Policy - Prior to the end of each fiscal year, the City will report Committed Fund Balance for constraints imposed by formal action of the City Council (i.e. sales tax, occupation taxes, and debt fees).

Assigned Fund Balance - describes the portion of the fund balance that are a) amounts in the general fund that are intended to be used by the government for specific purposes but do not meet the criteria to be classified as restricted or committed and b) all remaining amounts in the governmental funds, other than the general fund, that are classified as non-spendable and are neither restricted nor committed. The authority to assign fund balance is delegated to the City Manager or his designee.

Policy - The authority to assign fund balance is delegated to the City Manager or his designee. Prior to the end of each fiscal year, the City will report Assigned Fund Balance if any has been designated.

Unassigned Fund Balance - describes the residual classification for the City of Sidney's General Fund and includes all spendable amounts not contained in the other classification.

The City of Sidney's Governmental Fund types shall include the general fund, special revenue funds, capital project funds and debt service funds.

Mayor Gaston announced that he had received three applications for the open position on the Planning Commission as follows: Jonathan J. Mueller, Victoria Loghry and Jann Lawler. He thanked all three applicants-although any of the three would be excellent choices, his recommendation was Jann Lawler. Hiett moved, Van Vleet seconded "That Jann Lawler be appointed to the Planning Commission to fill the unexpired term of Ron Rusk." Roll call vote : Yeas: All council members present.

City Manager Person recommended that Kay Hicks and Meagin Smuin be appointed to the Historic Preservation Board. Weiderspon moved Nienhueser seconded "That the City Manager's appointments of Kay Hicks and Meagin Smuin to the Historic Preservation Board be confirmed." Roll call vote : Yeas: All council members present.

Hiett moved, Weiderspon seconded "That the following claims for December 2011 are hereby approved and should be paid as provided by law out of the respective funds in the city treasury:" Roll call: Yeas: Weiderspon, Gaston, and Hiett. Nays: Van Vleet. 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 2388.08.

Van Vleet moved, Nienhueser seconded "That the following claims for December 2011 are hereby approved and should be paid as provided by law out of the respective funds in the city treasury:" Roll call: Yeas: Nienhueser, Gaston, Hiett and Van Vleet. Nays: None. Abstain: Weiderspon. (Abbreviation for claims: ex expenses, rt retirement, re reimbursements, sa salaries, se service, su supplies, tr transfers, tx tax, co capital outlay) Whitebluffs se 942.00

Nienhueser moved, Hiett seconded "That the following claims for December 2011, are here by approved and should be paid as provided by law out of the respective funds in the city treasury." Roll call: Yeas: All council members present. (Abbreviation for claims: ex expenses, rt retirement, re reimbursements, sa salaries, se service, su supplies, tr transfers, tx tax, co capital outlay) 21st Century su 729.68, 2036.40, 3F Chimica Americas su 697.68; A-1 Sports su 364.97; Accelerated Receivables se 226.08; Action Communications se 100.00; AlSCO su 560.59, 93.40, 40.37; American Environmental se 8720.03; American Legal se 2444.60; Barnhart, Ben su 200.00; Bartling, Adam re 50.00; Board of Examiners se 20.00; Bomgaars su 196.47, 101.94, 17.11, 110.36, 22.86, 8.58; Brestel, Gerald rt 570.28; Business & Legal su 320.08; Cardmember se 313.90; Cashwa su 135.95, 48.80; Century Link se 97.08; Cestnik, Miki re 50.00; CGI Fencing su 4468.69; Cheyenne Co Chamber su 5425.00, 176.00; Cheyenne Co Emergency Comm Cntr se 22650.31; Chief su 60.97, 21.99; City of Sidney ex rt re sa se su tr tx 79281.10; 10.93, 17888.91, 32869.25, 4930.55, 2634.06, 4025.22, 2763.08, 8863.32, 27196.26, 330.00, 2000.00, 185.03, 53.94, 103.00, 103492.50, 58.00, 16387.40, 16717.80, 7427.56, 7111.02, 9152.21, 8964.14, 9960.42, 13574.10, 24321.39, 83506.20, 9521.99, 555.97, 5199.44, 411.76, 6401.83, 429.98, 6370.93, 394.59, 12950.57, 931.53, 44029.05, 2778.26, 24133.53, 301.00, 528.90, 1899.48, 10447.97, 5830.83, 157.55, 898.01, 101.02, 3330.59; Cleveland Golf su 2042.00; Clothes Hamper su 49.00; Colonial Research su 834.62; Contractors Materials su 124.40; Country Printer su 526.00; Cranmore Pest/Fire su 80.00; Cummins Central Power su 1486.65; Darin's Auto su 41.55; Day & Night Plumbing su 341.42, 66.82, 124.27; Daylight Donuts su 17.00; Dead Short Broadcasting su 33.00; Department of Energy su 20212.72; DHHS su 36.00; DP Electronics su 39.99, 59.98, 42.79, 92.95, 979.98, 561.40, 441.93, 542.55, 127.42, 487.71, 62.06, 279.34, 19.55; Eakes su 179.25, 452.96; Egging Co su 309.64; Enviro se 112.00; Epic Const 60.00; Farwest Line su 2716.51; Finney's su 37.75, 69.59, 497.60, 68.52, 797.16, 291.24, 210.74; Finyl Vinyl su 259.12, 2400.84; Floyd's Truck su 163.25, 44.13; Foster Lumber su 20.22, 122.15, 271.32, 14.24; Fremont Nat'l su 13470.83; Frenchman Valley su 8014.92, 590.42, 1547.93, 3731.11, 1493.68, 6060.59; Fries, Rod re 57.50; Gall's su 100.18; Great Plains se 25.07, 25.07; Hach Co su 413.45, 214.73; Hamilton su 99.90, 49.95, 179.85, Holiday Inn su 1409.31; Holtz su 279.50; Horizon West su 48.83, 21.60; Ideal Linen su 57.00, 97.88, 29.88, 384.11; Interstate Batteries su 213.90, 106.95; Int'l City/Cty Management se 774.00; Johnson, Kris re 78.81, 372.96; Kevin's Electric 24.50, 25.66, 48.00, 75.00; Kriz Davis su 39676.24; Kronos su 306.26, 612.52, 1868.74; Lab Safety su 317.19; Lawson Products su 1005.29, 179.29; LE Targets su 292.81; Leal, Ron se 450.00; Lincoln Journal Star se 379.60; Lincoln Nat'l Life se 203.85; Matthes, Joan se 450.00; Matthew Bender se 159.31; Memorial Health Center se 122.12; Milestone se 30.70, 146.13; Miller Office su 21.40, 88.91, 1586.66, 1724.00; Minncor Industries su 35.00; Mine Safety Appliances su 300.00; MEAN se 249068.01; Municipal Supply su 11893.42; Murphy Tractor su 265.83; Napa su 98.90; NE Chamber se 325.00; NE Dept of Revenue tx 45488.57; NT&T se 236.50, 98.36, 48.37, 120.04, 285.69, 1455.79; Neland Tire su 6841.44, 1128.63; NEC Financial su 329.65; NEDA su 200.00; Nienhueser Const su 105377.44, 412.50, 24909.50; NE Machinery su 29706.384, 2522.82, 139.30, 55000.00; Northwest Pipe su 3452.32, 3610.24; Olsen, Eleanor se 275.00; Perfection Door su 73.12; Person, Gary su 375.30; Phillips, John re 128.36; Plains

Body su 741.30, 741.30; Points West Ins se 25765.00, 13723.00, 16618.00, 19067.00, 27919.00, 48645.00; Reganis Motors su 40.11, 48.94; Regional West su 5567.56; Respond First Aid su 110.33, 92.98; Rood's Tire su 55.00, 127.00, 23.95, 642.79, 14.00, 805.34, 13.00; Sapp Bros su 658.00; Sauder's se 654.21; Scotties Potties su 630.00; Segelke, Carla se 1050.00; Shirt Tales su 205.20; Sidney Glass su 1739.74; Sidney Soft Water su 5.04, 7.50, 41.00; Sidney Sun Telegraph su 22.51, 20.71, 284.04; Skarshang Testing su 80.08; Society For Human Resource Mgt su 180.00; Sonntag, Goodwin & Leef se 10000.00; Source Gas su 472.67, 2326.05, 49.27, 148.27, 126.25, 2242.62; Splish Splash se 8.60, 28.50; Staples Golf su 3500.00; Steffens, Deloris su 84.00; Stone, Eloise rt 400.00; Security First Bank se 28.00, 28.00; SWANA se 183.00; Talkof the Town Toastmasters se 40.00, 40.00, 40.00; Tech Control se 4237.45; Terex Utilities su 2823.98; Thompson Co su 933.60; Transfer Tif Bond Funds co 3665.04; Triple O's su 327.61; University of NE su 295.00; US Postal se 220.00, 5000.00; USA Bluebook su 512.67, 1410.84, 271.34; Verizon se 33.82, 33.82, 68.40, 67.64, 154.81, 101.46, 416.78; Walmart su 165.78, 65.98; Waterworks su 1193.35; Welton, LaDonna se 50.00; Wesco su 1990.20; Western Pathology su 83.20; Western United Electric su 4027.87; Wheatbelt su 7642.23; Wolford, Marie rt 814.36; NE Library Asso se 345.00; Baker & Taylor su 516.62; Bridgeport Newsblade se 20.00; Charter se 113.99; City of Sidney se 1328.15; Country Printer su 45.00; Culligan se 18.00; Day & Night se 96.84; Demco su 123.54; Elan Visa se 161.91; Frenchman Valley su 204.53; Finneys su 26.16; Gale su 216.70; Guideposts su 35.48; Ideal Linen su 53.80; Journal Office su 52.76; Kronos su 622.91; Leisure Time su 183.06; Miller Office su 143.97; NE Life su 18.00; NT&T se 135.01; OCLC su 119.05; Panhandle Library se 2.50; Quill su 770.47; Raider Electric se 60.00; Reliable Office su 253.81; Scholastic su 152.10; Segelke Janitorial se 1050.00; Sidney Sun Telegraph se 6.87; Sonnys su 4.79; U Store It se 60.00.

City Manager's Report consisted information on recent and upcoming meetings and events; i.e. Planning Commission public hearing on the Comprehensive Plan on 1-16-12-Comprehensive Plan can be viewed on the City's website; Chamber of Commerce Annual banquet; Property Resolution team; need to recreate a Health Board, Housing Authority now meeting on third Wednesdays at noon; new website to be launched this month, SPNRD final report from engineer on flooding issues; New Neighborhood Initiative plan at next meeting.

Public Service Director Hehnke reported on the Fort Sidney, 10th and Pathway projects.

The meeting adjourned at 8:57 p.m.

WENDALL GASTON, MAYOR

ATTEST:

G.F. ANTHONY, CITY CLERK