

Sidney, Nebraska, January 13, 2015 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 13, 2015 in the Council Room. Present were: Mayor Nienhueser and Council Members: Gallaway, Gaston, 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 Nienhueser informed the public of the location of the posted Open Meetings Act.

Arterburn moved, Gallaway seconded That the minutes of the December 22, 2014 meeting be approved as amended. Roll call vote: Yeas: All council members present. Abstain: Gay.

Comments by the public: Loya Silvers asked for assistance in remedying the icy city streets in Western Heritage.

ORDINANCE NO. 1752 entitled 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 and 2 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 was read by title for the third time. Gaston moved, Gallaway seconded That Ordinance No. 1752 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. 1752 be published in The Sidney Sun Telegraph. Roll call vote: Yeas: All council members present.

Discussion was held on a proposed Resolution No. 20150101 re: the addition of a Capital Projects Fund to the City's financial statements as per recommendation of Rauner & Associates. The item was tabled and Mr. Rauner will be asked to attend a Council meeting to further explain the need for a Capital Projects Fund addition to the City's Financial Report.

Gallaway moved, Arterburn seconded That RESOLUTION NO. 20150102 be passed and adopted. Roll call vote: Yeas: All council members present.

RESOLUTION NO.20150102

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: APPLICATION FOR PAYMENT NUMBER 9; STREET IMPROVEMENT DISTRICT #58; AMOUNT TO ENGINEER \$6,661.08 ; AMOUNT DUE CONTRACTOR \$23,976.16. 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 Construction Fund.

Gay moved, Gaston seconded That RESOLUTION NO. 20150103 be passed and adopted. Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20150103

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 contracts heretofore made, Baker & Associates, the engineer, has performed the work for engineering of Water Extension District #21; for construction of Water Extension District #21; and the engineer, Baker & Associates has filed with the City Clerk certificates showing the performance of said contracts as follows: WATER EXTENSION DISTRICT #21; PAYMENT NUMBER 8; and AMOUNT DUE ENGINEER \$2,700.00. A warrant in the amount now due the engineer is hereby authorized and charged to said district. Said warrant shall draw interest at a rate of 1.0% per annum and be held by the City of Sidney Investment Account.

Gaston moved, Gallaway seconded That the following claims for December 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, ct contract) Cabela's su 528.92

Gaston moved, Gay seconded That the following claims for December 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. Nays: None. Abstain: Nienhueser. Hillside Ventures (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, ct contract) ct 2420.00

Gaston moved, Arterburn seconded That the following claims for December 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, tr transfers, tx tax, aw awards, ct contract, bd bond, in insurance, ut utilities, eq equipment) 21st Century eq 2999.50, 62.12; Accelerated Receivables se 396.88; Altec su 609.00; American Legal su 2515.40; Arnold Pool eq 2698.50; Atco su 336.90; Baker & Taylor su 1172.72, 11.69; Barker Cleaners su 30.00; Baum Hydraulics su 142.27; Bernan su 273.55; Board of Examiners su 20.00; Bomgaars su 29.99, .66, 14.64, 18.49; Brandt Appraisal su 5900.00; Brestel, Gerald rt 570.28; Bug Off se 110.00; Busted Knuckle su 1147.44; Cardmember su 3013.35, 399.98, 149.58; Caselle ct 1080.33; Cashwa su 104.50; CenturyLink se 96.89; Charter se 15.00, 62.99; Cheyenne Co Chamber se 1666.67, 800.00; Cheyenne Co Community Cntr se 10000.00, 177.00; Cheyenne Co Emergency Comm Center ct 30452.32; City of Sidney ex se su 1451.53, 167.56, 3.96, 1000.00, 6127.77, 103492.50, 51.64, 64.90, 970.00, tx 103.00 bd 19750.00 sa in 89372.99, 84126.25, 10874.40, 10615.83, 16402.25, 16926.82, 25033.38, 27651.54, 11446.25, 11606.52, 6913.27, 7118.74, 27869.43, 4449.33, 5819.13, 8769.02, 5222.30, 2602.66, 65392.32, 4855.91, 10443.79, 861.61, 15336.37, 981.37, 21068.02, 1558.53, 13152.41, 816.59, 7853.19, 639.68, 84126.25, 65264.82, 10615.83, 10425.79, 16926.82, 15309.37, 27651.54, 21006.52, 11606.52, 13132.91, 7118.74, 7836.69 ut 4300.68, 182.89, 2755.57, 1087.37, 114.23, 6039.21, 10021.43; Clothes Hamper se 72.00; Community Publishers se 316.00; Companion se 899.00; Contractor Materials se 3015.38, 87.55; Country Printer se 125.00; CPS se 45.00, 374.00; Cranmore Pest/Fire se 85.00; Croell se 104.00, 45.00; Culligan se 19.95; Danko su 835.48; Darin s Auto se 2527.32; Day & Night se 368.32, 21.83, 7763.67; Demco se 87.33; Department of Energy se 29152.79; Destiny Counseling se 140.00; Diamondback Engineering se 6250.00, 31250.00; Dorman, Ray tt 14.00; Doty, Dave tt 110.36; DP Electronics se 59.99, 50.00, 624.96, 118.97, 234.97, 25.79, 42.99, 39.99; E&S Auto se 945.05, 88.17, 411.78, 1461.29, 141.78, 9.78; Elan Visa su 8.99, 19.90, 388.71, 109.53, 16.95; Enviro se 162.00; Falcon Labs su 286.02; Fastenal su 295.15; FC Organizational su 116.22, 35.22, 48.02, 54.85, 40.56, 48.02; Finney s su 12.66, 538.12, 180.32, 83.54, 21.75, 386.99, 352.28, 101.67; Floyd s se 94.40, 278.49, 19.27; Foster Lumber se 100.93, 157.97, 4.79, 25.42; Fremont Nat l Bank su 13014.17; Frenchman Valley su 98.29, 8453.70, 2383.26, 8840.54, 1902.60, 1758.20, 234.03, 568.59; Fyr Tek su 603.65, 717.00; Gale/Cengage su 155.87; Galls su 2010.46; GCSAA du 125.00; Golden West su 385.95; Guideposts su 27.90, 7.58; Hach su 179.13; Hamilton su 394.70, 99.90, 49.95; Harding & Shultz su 210.00; Hardy Systems 1981.53; Harmon, Barbee re 189.59; Holly, Ron re 1000.00; Hometown Leasing ct 978.32; Houk, Jason tt 14.00; Houser, Jodene re 36.48; Huber & Asso se 581.00, 81.00; Ideal Linen se 255.84, 39.17, 52.84, 24.82, 84.01; Interstate Batteries su 101.65; Int l Code Council se 247.66; Jirdon se 71.52; JJ Plumbing se 105.00; Journal Office su 69.85; Kevin s Electric se 192.43, 96.75, 63.00; Kois su 522.00; Kriz Davis eq 26538.94; KSID su 83.00; L&P Financial se 448.21; LL Johnson se 1975.46, 293.25; Laser This se 250.00; Lawson Products su 566.02, 91.27; Leal, Ron se 450.00; Lubrication Engineers se 364.70; Luthan Electric Meter Testing se 811.47; MC Schaff se 1737.00; Marmon Utility eq 40345.94; Masek Golf se 138.90; Matthes, Joan se 625.00; Miller Office su 1014.81, 187.57, 614.90, 106.38, 16.11; Mosca Design se 18.69; MEAN su 277375.72, 363626.65; Municipal Supply eq 12023.47; Napa su 7.59, 8.16; NE Dept of Revenue tx 53079.50; NE Dept of Roads se 34614.89; NE Municipal Clerks se 70.00; NE Public Health se 78.80; NE Rural Water du 275.00

150.00; NE Safety/Firesu 100.00, 285.00; NE Supreme Court se 105.25, 105.25; NT&T se 1449.58, 127.79, 197.64, 299.46, 52.07, 116.37; NE Link se 36.00; Neland Tire se 11.56; NEDA se 200.00; NE Machinery eq 54.68, 420.49; Northwest Pipe su 8867.40; OCLC se 193.76; Olsen, Eleanor se 275.00; Olsson Asso se 7381.40; One Call se 116.28, 116.27; Pepsi se 58.30; Perfection Door eq 99.32, 249.72; Phillips, John re 40.21; Pittam Body Shop se 80.23; Points West Ins se 72747.00; 23331.00; 44289.00; 15473.00; 21369.00; 16437.00; Prestige Flag se 4006.30; Professional Software se 66.00; Quill su 331.89, 157.96, 119.94; Regional West se 5948.66; Respond First Aid su 31.75; Ritec su 175.00; Roods se 58.95, 216.73, 15.00, 15.00, 667.28, 36.08; Russell Industries su 926.50; SASWA Landfill ct 31306.00; Sauder Auto se 607.68; Scotties Potties se 630.00; Segelke Janitorial su 1050.00, 1050.00; Sidney Glass se 10.00; SRMC se 27.20; Sidney Rehabilitation se 125.00; Sidney Soft Water se 79.95, 5.00, 29.95, 12.50; Sidney Sun Telegraph se 4.91, 302.52, 176.25, 66.41; Sidney Volunteer Fire Dept se 905.84; Sonntag, Goodwin & Leef se 5000.00; Sonny s su 55.46, 38.49, 27.94, 56.93; Source Gas su 396.58, 1814.68, 471.57, 273.38, 230.08, 235.79, 1225.27, 235.79; Splish Splash se 85.80, 40.00; Stone, Eloise rt 400.00; Superior Outdoor Power eq 607.25; SWANA du 200.00; Triple O s su 21.99, 32.19; U Store It se 60.00; US Postal se 272.00; Verizon se 663.59, 70.39, 33.20, 192.90, 66.40, 33.20; WS Darley su 94.34; Walmart su 645.94, 63.36; Wesco du 4850.25; Westco se 1179.21; Western United Elec su 2780.08, 40.89; Wheatbelt su 9113.90; WhiteBluff se 424.00; Willco su 610.41; Wolford, Marie rt 814.36; WPCI du 110.30.

Galloway moved, Gay seconded That the Budget Reports for all departments for December, 2014 be approved. Roll call vote: Yeas: All council members present.

City Manager s Report consisted of reports on recent and upcoming meetings and events: i.e. Legislature in session; Randy Meininger to bring Air Link demo 1/24; Communications Center Board 1/19; Planning Commission 1/19; Conference call with water engineers next week; Civil Service Commission 1/26; etc. He commended Police Chief Wilkinson on his recent media interviews re: the marijuana issues in Colorado. Gary explained the situation of Ben Dayton being elected as County Surveyor and the fact that Ben will be doing this in addition to his duties for the City of Sidney.

Council Member Gaston asked about the progress for the franchise for Charter. City Manager Person stated that he was working on getting them to attend a Council meeting to present a new agreement.

Mayor Nienhueser stated that the next item on the agenda is a proposed closed session for litigation issues and that he would entertain a motion to go into closed session for the protection of the public interest to discuss strategy regarding litigation which is imminent. Gay moved, Arterburn seconded That the Council go into closed session for the protection of the public interest to discuss strategy regarding litigation which is imminent. Roll call vote: Yeas: All council member present. Mayor Nienhueser announced that the City Council will now go into closed session at 7:52 p.m. for the discussion of strategy regarding litigation which is imminent. Upon the Council s return from the closed session, Gaston moved, Gallaway seconded That the Closed session end and the Open session be reconvened. Roll call vote: Yeas: All council members present. Mayor Nienhueser announced that the Council has come out of the closed session for discussion of strategy regarding imminent litigation and that the open meeting be reconvened at 8:45p.m.

Meeting adjourned at 8:46 p.m.

MARK NIENHUESER, MAYOR

ATTEST:

G.F. ANTHONY, CITY CLERK

