

Sidney, Nebraska, May 12, 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 May 12, 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.

Gallaway moved, Arterburn seconded AThat the minutes of the Special Council meeting with SPNRD on April 14, 2015 meeting be approved as printed.@ Roll call vote: Yeas: All council members present. Abstain: Gaston.

Gaston moved, Arterburn seconded AThat the minutes of the Council meeting on April 28, 2015 be approved as printed.@ Roll call vote: Yeas: All council members present. Abstain: Gallaway.

John Vera was present to request permission for the Sidney Gold Rush Days Committee to use Legion Park on June 12 & 13, 2015 and for extended hours for the event. It is noted that permission for firing of blank gunfire and the cannon is now done administratively by the City Manager. Gallaway moved, Gaston seconded "That the request from Sidney Gold Rush Days Committee to use Legion Park on June 12 & 13 and for extended hours for the event be approved." Roll call vote: Yeas: All council members present.

Joel Nienhuser appeared to submit six Special Designated Permits for Two J's Too. Arterburn moved, Gay seconded "That RESOLUTION NO. 20150501 be passed and adopted. Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20150501

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SIDNEY, NEBRASKA:

That the Special Designated License applications for Two J's, Inc/Two J's Too (License #DK-050766) to host an sampling/tasting events at 576 Glover Road, Sidney, Nebraska on June 5, August 28, September 25, October 23, November 20, and December 11, 2015 from 4:00 p.m. to 8:00 p.m. each be recommended for approval to the Nebraska Liquor Control Commission.

Gaston moved, Gallaway seconded "That the Ordinance entitled "AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 56 OF THE CITY OF SIDNEY, NEBRASKA; ESTABLISHING THE OUTER BOUNDARIES OF THE DISTRICT; DESCRIBING THE STREETS TO BE IMPROVED; AND TO MAKE SPECIAL ASSESSMENTS" be designated as Ordinance No. 1728." Roll call vote: Yeas: All council members present. Gaston moved, Gallaway seconded "That the Statutory requirement requiring the ordinance to be read by title three different days be suspended." Roll call vote: Yeas: Gallaway, Gaston, Nienhueser and Gay. Nays: Arterburn. The motion having been concurred in by three-fourths of the Council be declared passed and adopted and said statutory requirement suspended. The Clerk then read the Ordinance by number. Gay moved, Gallaway seconded "That Ordinance No. 1728 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, Gay seconded "That Ordinance No. 1728 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: All council members present.

Public Service Director John Hehnke was asked what the City's responsibility was in Street Improvement District #56 which was the northeast corner, the traffic signal and the left hand turn.

Tim Reganis, owner of Reganis Commercial Subdivision, was present to review the plans for Street Improvement District #56 and specifically the sidewalks which are shown in the plans as being at the curb line. Mayor Nienhueser was not in favor of this as he felt there should be a green space between the curb and the sidewalk, and one of the sidewalks needed to be eight feet wide to match the existing trail system. Discussion was held re: the eight foot walking trail that was meant to connect with the one on the Cabela's campus and the one on 11th Avenue. There was a difference of opinion as to whether there was an agreement regarding the trails. There was also some discussion about moving the eight foot sidewalk/trail to the ROW of Old Post Road.

Arterburn moved, Gaston seconded "That Resolution No. 20150502 re: SID56 plans and specifications, etc. be passed and approved." Roll call vote: Yeas: Arterburn and Gaston. Nays: Gallaway, Nienhueser and Gay. Motion failed.

Jonathon McBride appeared to request an amendment to his franchise agreement with the City for yard waste. His lending agency is asking for language within the agreement that could potentially carry through ten years of a loan. Gaston moved, Gallaway seconded "That the amendment to McBride's Yard Waste's franchise agreement with the City of Sidney be approved." Roll call vote: Yeas: All council members present.

Mayor Nienhueser announced he would be abstaining in voting for the Ranch Subdivision agenda items. Gay moved, Gallaway seconded "That RESOLUTION NO. 20150503 be passed and approved." Roll call vote: Yeas: Gallaway, Gaston, Gay and Arterburn. Nays: None. Abstain: Nienhueser.

RESOLUTION NO. 20150503

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, BSB Construction, Inc., the contractor, has performed the work for constructing of Sanitary Sewer Extension District #24; and the engineer, Martin/Martin has filed with the City Clerk certificates showing the performance of said contracts as follows: SANITARY SEWER EXTENSION DISTRICT #24; PAYMENT NUMBER 1; and AMOUNT DUE CONTRACTOR \$66,073.54. A warrant in the amount now due the contractor 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; AND

That the Mayor and Council hereby find and determine that pursuant to contracts heretofore made, Nienhueser Construction & Excavation Co., the contractor, has performed the work for construction of Water Extension District #23; and the engineer, Martin/Martin has filed with the City Clerk certificates showing the performance of said contracts as follows: WATER EXTENSION DISTRICT #23; PAYMENT NUMBER 1; and AMOUNT DUE contractor \$90,406.11. A warrant in the amount now due the contractor 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.

Barry Swanson of Baker & Associates presented the bids for the 11th Avenue/Old Post Road landscaping, decorative wall and Sidney Sign. City Manager Person presented a report on the budgeted amounts for these projects vs. what the bids were coming in at plus engineering – results being a shortfall in the budget of \$25,698. This agenda item was tabled due to need of more information.

Gaston moved, Gay seconded "That the following claims for April 2015, 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 Arterbuarn. Nays: None. Abstain. Nienhueser. (Abbreviation for claims: aw awards, ct contract, du dues, eq equipment, ex expenses, in insurance, re reimbursements, sa salaries, se service, su supplies, tr transfers, tt travel/training , tx tax, ut utilities) Hillside Ventures se 2420.00.

Gallaway moved, Gay seconded "That the following claims for April 2015, 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: aw awards, ct contract, du dues, eq equipment, ex expenses, in insurance, re reimbursements, sa salaries, se service, su supplies, tr transfers, tt travel/training , tx tax, ut utilities):

21st Century Equipment eq 6060.80, 9.19; A-1 Sports su 53.21; Accelerated Receivables se 78.43; Acco Brands su 114.25; Action Communications su 100.00; Alexander, Tim se 975.00; Altec Industries su 739.03; Amateur Sports se 269.00; American Water Works du 178.00; Atco Int'l su 126.50; B&C Steel su 31.20; Bailey Nurseries su 1888.20; Baker & Asso se 11558.11; Barker Rinker Seacat se 27147.68; Beachler Enterprises su 312.55; Beacon Athletics su 510.00; Bleck, Rebecca re 97.42; Bomgaars su 82.45, 129.99, 389.88, 14.32, 36.52, 147.61, 119.99; Brauer, Casey tt 318.50; Brenntag Great Lakes eq 3775.30; Brestel, Gerald rt 570.28; Bush, Jim tt 109.88; Campbell, Rob tt 296.75; Canon Financial se 161.00; Cardmember Svc eq su 26.39, 5643.69, 409.18; Caselle ct eq 1080.33, 4875.00; Centurylink se 96.89; Charter su 7.89, 62.99; Cheyenne Co Chamber se 1691.67, 500.00; Cheyenne Co Community Center se 10000.00; Cheyenne Co Emergency Comm Center se 19203.64; Cheyenne Co Treasurer su 15.00, 9407.78; Chief su 228.90, 61.83; Childers, Cody tt 181.50; City of Sidney bd se ex 26.44, 19750.00, 1575.00, 1000.00, 4935.71, 68912.00, 383671.45, 68430.40, 50927.55, 4171.97, 300.0, 1375.55; sa in 102799.38, 102799.38, 86236.61, 12057.09, 12076.69, 17763.11, 18454.63, 28305.06, 28874.88, 11640.80, 11639.77, 7039.31, 7296.48, 5128.54, 644140.70, 905.09, 11353.01, 816.89, 12151.34, 1650.77, 217226.23, 932.88, 13229.70, 669.52, 7850.03; ut 2001.352001.35, 2357.18, 284.40, 3050.81, 79.017, 531.94, 5686.30, 577.81, 10949.32, 86.79; Clothes Hamper se 120.00; Consolidated Management se 92.00; Country Printer su 221.00, 147.00; Cranmore Pest/Fire se 270.00, 85.00, 48.00; Croelle su 99.00, 595.00; Cruise Master prisms su 223.90; Darin's Auto se 35.17; Day & Night se 590.00, 91.70; Department of Energy ut 19543.60, Diamondback Engineering se 9400.00; Ditch Witch su 111.82; DP Electronics su 1312.05, 254.95, 26.86, 26.25; E&S Auto su 93.96, 737.45, 1354.46, 12.11, 12.68; Eakes Office su 974.77, 140.01; Easy Picker Golf su 235.09; EcoResource su 152.00, 977.50; Eisinger Smith se 275.49; Electric Power Systems se 7268.00; Elliott Equipment su 804.29; Emergency Service marketing se 300.00; Endurance Flag su 142.50, 63.00; Enviro se 72.00; Environmental Resources se 989.31; Fastenal su 13.98; Finney's su 358.93, 187.74, 27.00, 189.34, 44.57; Floyd's Truck su 64.16; Foster Lumber su 495.96, 38.32, 31.41, 142.30; Fremont Nat'l ct 13014.17; Frenchman Valley su 4222.61, 974.31, 1019.46, 5228.12, 1080.81, 237.15, 204.76; Fry & Asso eq 233.86; Fyr Tek eq 2696.58; Galls su 90.85, 2408.55; GLEC su 1893.70; Golf & Sport su 453.15; Grainer su 617.75, 58.92; Gurney su 5822.00; Hamilton su 255.89, 99.90, 49.95, Hehnke, John tt 64.00; Hein Construction se 75000.00; Hometown Leasing ct 978.32; Horizon West du 59.76; Huber & Asso se 81.00; Ideal Linen su 42.46, 319.45, 52.84, 24.82, 63.42, Interstate Batteries su 109.95, 101.65; Intoximeters su 178.50; Jirdon su 7129.23, 978.12; Johnson, Kris tt 125.93; Kampfe, Paul tt 318.50; Kevin's Electric su 218.75, 47.30; Kriz Davis su 167.60; KSID se 25.00, 841.40; LL Johnson su 1091.64, 619.11; Landis & Gyr su 850.00; Langley Trucking su 508.80; Laser This su 85.90; League of NE se du 1484.00, 176.25, 4312.00, 80.00, 95.00; Leal, Ron se 450.00; Live View GPS se 479.40; Lloyd, Derek tt 218.50; Long, Tyson tt 218.50; Matthes, Joan se 625.00; McGown, Megan re 372.60; Midwest Labs su 1248.00; Midwest Underground su 45473.38; Milestone su 960.75, 205.88, 641.65, 419.35, 205.33, 591.00; Miller Office su 1135.77, 79.59, 58.74, 93.49; Miracle Recreation su 7187.00; MEAN ut 3779.67; Murphy Tractor su 82.68; Napa Auto su 6.69; NE Environmental su 261.61; NE Forest se 110.00; NE law Enforcement Training Cntr se 150.00; NE Municipal Power Pool du 220.00, 475.00; NE Rural Water du 750.00; NE State Treasurer se 87.30; NT&T se 1494.29, 129.93, 197.00, 311.03, 165.72; Neland Tire su 262.48, 33.51, 11.43; NEDA su 250.00; Newman Traffic su 4498.07; Nike su 48.79, 3189.61; NMC su 241.35; Northwest Pipe su 7382.66; NPZA du 180.00; NWAGA du 25.00; NWEA du 160.00; Old Dominion su 558.06; Olsen, Eleanor su 275.00; Olsson Asso se 265.44, 546.88, 4738.26; Omaha World Herald se 234.00; One Call se 82.78, 82.77; Palmer, Mike tt 57.50, 1635.08; Panhandle Concrete Products su 1115.00; Pepsi su 319.90; Person, Gary tt 464.60; Points West in 78801.00, 28251.00, 44312.00, 31165.00, 22863.00, 18428.00; Police Officer's Asso du 32.00; Prestige Flag su 3002.78, 439.58; Professional Software su 189.47; QA Balance se 150.00; Quality Inn se 66.60; R&R su 429.69; Radar Shop se 236.00; Radtke, Hank tt 115.00; Ramada se 280.00, 83.00; Randy's Auto su 209.90, 68.28, 189.62; Rauner & Asso se 28325.00; Ray O'Heeron se 348.14, 530.80; Reams su 113.41; Reeves su 134.49; RWMC ct 5948.66; Respond First Aid su 58.16, 26.98, 30.37, 93.70; Ritec su 320.00, 290.00; Rood's su 1886.74, 130.95, 22.95; S&S Tool su 110.00; Sauder Auto su 178.81; Scotties Potties su 630.00; Segelke, Carla se 1050.00; Shirt Tales su 149.97; Sidney Glass su 65.00; SRMC se 312.52; Sidney Rehabilitation se 430.00; Sidney Soft Water se 29.95, 29.95; Sidney Sun Telegraph su 999.92, 188.00; Sidney Volunteer Fire su 1307.36; Sonntag, Goodwin & Leef se 6834.00; Source Gas su 513.02, 1164.35, 153.32, 206.69, 88.90, 71.50, 76.66, 2037.38; Splish Splash se 117.60, 16.00, 35.00; Star Herald se 296.40; Steffens, Deloris se 20.00; Stone, Eloise rt 400.00; Stone, Keith re 53.71; Stotz Equip eq 41700.00; Swire

Coca Cola su 305.76; Telnet su 61.32; Total Funds by Hasler su 128.03; Triple O's su 710.07, 15.28, 53.57; USA Bluebook su 2001.82; Verizon se 795.21, 66.51, 33.26, 193.14, 33.26, 66.52; VonSeggern, Tom tt 53.84; Walmart su 206.54; Wesco eq 367.32; Western NE Human Resource du 100.00; Western United Electric su 5505.08; Wheatbelt su 8840.64; Whitebluffs ct 392.00; Whiting, Roger se 149.95; Wolf Auto se 148.51; Wolford, Marie rt 916.47; Woodis, Bob se 2480.00; WPCI se 232.00; Zep su 93.37; Omaha World Herald se 283.40; NLA Public Library se 120.00; Baker & Taylor su 1093.04; City of Sidney su 975.41; Cranmore Fire se 48.00; Culligan su 19.95; Demco su 143.52; Elan Visa su 527.43; Floyd's eq 1196.47; Guideposts su 53.22; Frenchman Valley su 145.56; Broad Reach su 228.98; Cenage su 252.51; Houchen Bindery su 89.85; Ideal Linen su 29.04; Journal Office su 35.00; Stephanie Mika re 96.60; NE Link su 72.00; Sandra Nelson re 8.00; OCLC su 193.76; Andrew Sherman su 69.46; Segelke Janitorial su 1050.00; Sidney Sun Telegraph su 5.73; U Store It su 60.00.

Gay moved, Gallaway seconded "That the Budget Reports for All City Departments for April, 2015 be approved." Roll call vote: Yeas: All council members present.

City Attorney Leef requested and the Mayor allowed that Agenda #6B be revisited. She read Section 1024.12 of the Codified Ordinances re: sidewalks in commercial areas and their regulations. She also reported the landscaping ordinance that is being worked on should come before the Planning Commission and the City Council soon.

City Manager's Report consisted of reports on recent and upcoming meetings and events: i.e. Megan leaving by the end of May and a farewell reception is to be held for her and her husband, James, on May 19 at the Hillside Grill; Golf course is closed until the storm damage can be rectified; all crews were thanked for their response to the recent storm; Historic Preservation 5/12; annual Firemen's banquet honored Larry Chaon for 40 years of service and Rob Roderick as Firefighter of the Year; Firemen's Ball 5/15; Virginia Smith Converter Station anniversary 5/22; DED strategy sessions 5/1; Planning Commission 5/18; SMAC ceremonies; Civils Service Commission soon; MEAN negotiations continue; and JESWA 5/13; etc.

Council Member Arterburn inquired as to the plan for the Verde Lane canyon area – work to be done soon. Council Members Gallaway and Gaston congratulated the Sidney Track Team. Council Member Gaston shared information about using cell phones to get historic information for historic sites. Mayor Nienhueser asked that staff inquire about JESWA's funding sources for our upcoming budget. He also congratulated those involved with SMAC (100% finished the class) and encouraged continuing to keep it a priority. Kudos for SMAC to Curtis Hofrock and Carla Brauer. He requested an agenda item for the next meeting for a schedule of the upcoming Ft. Sidney Road bridge renovation.

Meeting adjourned at 8:48 p.m.

/s/MARK NIENHUESER, MAYOR

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

