

Sidney, Nebraska, May 8, 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 May 8, 2012 in the Council Room. Present were: Mayor Gaston and Council Members: Weiderspon, Nienhueser, 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.

Weiderspon moved, Nienhueser seconded "That the minutes of the April 24, 2012 meeting be approved." Roll call vote: Yeas: All council members present.

Pat Keane representing the 15 Acre Home Owners Association presented a petition for a street improvement district for Trail Road in the 15 Acre Development subdivision. The property owners are anxious to have a street constructed during the 2012 construction season and asked that the process be started as soon as possible. Nienhueser moved. Van Vleet seconded "That the petition for a street improvement district for Trail Road in the 15 Acre Development subdivision be accepted." Roll call vote: Yeas: All council members present.

Nienhueser moved, Van Vleet seconded "That the Ordinance entitled "AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 51 OF THE CITY OF SIDNEY, NEBRASKA FOR PAVING OF TRAIL ROAD THEREIN; ESTABLISHING THE LOCATION OF THE DISTRICT IN WHICH IT IS PROPOSED; TO MAKE SPECIAL ASSESSMENTS AND PROVIDING FOR OTHER NECESSARY INCIDENTAL IMPROVEMENTS" be designated as Ordinance No. 1676." Roll call vote: Yeas: All council members present. Nienhueser moved, Weiderspon seconded "That the Statutory requirement requiring the ordinance to be read by title three different days be suspended." Roll call vote: Yeas: All council members present. 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. Weiderspon moved, Nienhueser seconded "That Ordinance No. 1676 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, Weiderspon seconded "That Ordinance No. 1676 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: All council members present.

Tim Ryder of TE Connectivity presented a progress report on the Cable Transfer & Expansion Project at their Sidney facility of which most is complete and has created a net 23 full time jobs since its inception. The City of Sidney was thanked for its participation and commitment to this expansion.

Jordan Ball, special attorney appointed for this case, presented a proposed agreement with Wheat Belt Public Power District re: issues in the electrical retail service area from annexation of Hillcrest Farms Subdivision, etc. The method of calculating the payment for the electrical retail service was as per statute and explained by Ryan Borges of Wheat Belt Public Power District. Council Member Nienhueser had issue with the amount being paid for said

settlement. Van Vleet moved, Weiderspon seconded "That Resolution No. 20120501 be passed and adopted." Roll call vote: Yeas: Weiderspon, Gaston and Van Vleet. Nays: Nienhueser.

RESOLUTION NO. 20120501

WHEREAS, on April 26, 2011, the final plat of Hillcrest Farm Subdivision, a 5.66 acre tract of land which is contiguous and adjacent to, but lying outside, the corporate limits of the City, was passed and adopted by the City Council; and

WHEREAS, on May 10, 2011, the City Council at a properly advertised public meeting included and annexed said subdivision; and

WHEREAS, the City owns its electrical system and serves the municipality at retail within its established service area which generally corresponds to the corporate limits of the City; and

WHEREAS, there is presently an action pending before the State of Nebraska Power Review Board *In the Matter of the Application of the City of Sidney, Nebraska to Amend Retail Service Area Agreement No. 105* to include Hillcrest Farm Subdivision and abutting county roads right-of-ways in the electrical retail service area of the City of Sidney; and

WHEREAS, the City and Wheat Belt Public Power District have exchanged views and arrived at mutually acceptable terms relating to reaching an agreement for the transfer of the subdivision and abutting county road right-of-ways to the City.

NOW,
THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Sidney hereby direct staff to continue their efforts to secure amendment of the Retail Service Area Agreement 105 to include Hillcrest Farm Subdivision and all abutting county roads and rights-of-way within the retail service area of the City of Sidney.

IT IS
FURTHER RESOLVED that the proposed Agreement presented with this Resolution between the City of Sidney and Wheat Belt Public Power District is adopted and approved and staff is directed to submit said proposed Agreement to Wheat Belt Public Power District for their consideration with payment as provided therein.

IT IS
FURTHER RESOLVED that the City Manager is authorized to execute the proposed Agreement on behalf of the City of Sidney at such time as the executed Agreement may be presented and to take whatever other administrative actions are necessary to carry the Agreement into force and effect.

Discussion was held re: the proposed contract with Burbach Aquatics in regards to a feasibility and facility planning for a municipal swimming pool. Due to unresolved language in the contract, no action was taken at this time.

Chris
Gay on behalf of Cabela's presented a request for a permit to amplify music/entertainment on speakers in front of the Sidney High School from 12:00 to 4:00 p.m. on June 6, 2012 in conjunction with Cabela's Annual Shareholders Meeting. Van Vleet moved, Weiderspon seconded "That the request for a permit to amplify music/entertainment on speakers in front of the Sidney High School from 12:00 to 4:00 p.m. on June 6, 2012 in conjunction with Cabela's Annual Shareholders Meeting be approved." Roll call vote: Yeas: Weiderspon, Gaston, and Van Vleet. Nays: None. Abstain: Nienhueser.

City
Manager Person presented a request from Wells Fargo Bank to donate certain real property located at 1643 10th Avenue to the City of Sidney. After discussion, the Council declined to take action on this request.

Van
Vleet moved, Weiderspon seconded "That Resolution No. 20120502 be passed and adopted." Roll call vote: All council members present.

RESOLUTION NO. 20120502

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, the engineer, McCaslin Consulting, Inc., and Nienhueser Construction, the contractor, have performed the work for the engineering and construction of sanitary sewer improvements in Sanitary Sewer Extension District No. 20 of this city and has filed with the City Clerk certificates showing the performance of said contract as follows: Engineers Estimate Number 5; Sanitary Sewer Extension District #20; AMOUNT DUE ENGINEER \$2,715.00; and Contractor's Estimate Number 3; Sanitary Sewer Extension District #20; AMOUNT DUE THE CONTRACTOR \$12,622.65. Warrants in the amounts now due the contractor and the engineer are 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 Electric Department as an investment.

City
Attorney Leef presented information to the Council for the need to set a public hearing to consider acquiring by eminent domain the necessary ground for a utility easement across property known as Lot 10, Grandview Subdivision currently owned by Hal Zalesky in order to complete the construction of the sanitary sewer line being built along 11th Avenue from Summit Drive and across Old Post Road. After discussion, Nienhueser moved, Van Vleet seconded "That a Public Hearing be set for 7:15 P.M. on May 22, 2012 re: acquiring by eminent domain the necessary ground for a utility easement across property known as Lot 10, Grandview Subdivision currently owned by Hal Zalesky in order to complete the construction of the sanitary sewer line being built along 11th Avenue from Summit Drive and across Old Post Road and that the City Clerk be instructed to provide the required notification for same." Roll call vote: Yeas: Nienhueser, Gaston and Van Vleet. Nays: Weiderspon.

Van Vleet moved, Weiderspon seconded "That the following claims for April 2012 are hereby approved and should be paid as provided by law out of the respective funds in the city treasury:" Roll call vote: Yeas: Weiderspon, Gaston and 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) Cabela's su 170.95, 1024.20

Weiderspon moved, Gaston seconded "That the following claims for April 2012 are hereby approved and should be paid as provided by law out of the respective funds in the city treasury:" Roll call vote: Yeas: Weiderspon & Gaston. 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 April 2012 are hereby approved and should be paid as provided by law out of the respective funds in the city treasury:" Roll call vote: Yeas: Nienhueser, Gaston and Van Vleet. 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 su 544.00

Weiderspon moved, Nienhueser seconded "That the following claims for April 2012, are here by approved and should be paid as provided by law out of the respective funds in the city treasury." Roll call vote: 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 9.10, 24.93; 3F Chimica America su 700.30; A-1 Sports su 364.83; Absolute Natural Resources su 718.25; Accelerated Receivables se 1239.83; ALS Group su 1076.17; Alsco su 281.70, 69.94, 99.17; American Chamber of Commerce su 170.00, 170.00; American Environmental Consult se 3469.77; Andrew, Keith re 169.00, 196.75; Applied Concepts su 2095.00; ASCAP se 320.00; B&B Water Well se 920.00; B&C Steel su 8.77; Bailey Nurseries su 2938.00; Ball, Jordan se 1291.25; Barco su 43.90; Bartling, Mitch re 58.50; Best Western se 329.97; Bomgaars su 23.96, 108.74; Brauer, Casey re 207.00; Brestel, Gerald rt 570.28; Bridgestone su 2008.75; C&M Golf su 990.96; Campbell, Rob re 10.00; Cardmember su 63.55, 71.70, 606.80; Carolina Software su 200.00; Centurylink sue 211.92, 224.01, 95.90; Cheyenne Co Chamber se 1250.00; Cheyenne Co Clerk se 15.00; Cheyenne Co Comm Center se 10000.00; Cheyenne Co Court su 150.00; Cheyenne Co Emergency Cnt se 17363.11; Cheyenne Co Treasurer se 16.00, 6784.66; Chief su 529.04, 584.99; City of Sidney ex rt re sa se su tr tx co 2.97, 17888.91, 32869.25, 9576.09, 1000.00, 4464.15, 103.00, 20.00, 4816.74, 16904.05, 7769.73, 9429.22, 10661.28, 24255.85, 87677.37, 9488.99, 5214.44, 6401.06, 7563.02, 13066.80, 1093.10, 44788.75, 522.97, 426.76, 429.21, 399.51, 2970.85, 17407.56, 7984.57, 9134.74, 10623.05, 24354.44, 85060.10, 1722.55, 9560.10, 106.870, 5036.82, 1338.08, 172.47, 515.76, 101.02, 3144.04, 85.88; Clark Int'l su 100.00; Clothes Hamper su 35.00; Colorado Water Well su 2995.77, 722.50; Commercial Air se 936.25; Conney Safety Products su 242.24; Conserv Flag su 96.00; Continental Divide su 3057.32; Contractor Material su 815.30; Craig, Tim re 69.00; Cranmore Pest su 85.00, 66.00; Crimson Fire su 480.88; Curley's Machine se 382.52; Darin's Auto se 62.26; DBS Irrigation su 412.59, 363.14; Department of Energy su 19601.71; DP Electronics se 12.00, 7.49, 89.85, 23.53, 224.69, 363.19; E&S Auto su 447.68, 119.54, 51.40, 638.50, 94.37, 504.90; Eakes su 563.82; Edwards Glove su 712.47; Enviro Service se 120.00; Environmental Resources su 937.60; Fedex se 51.87; Finney's su 179.88, 173.96, 901.18, 18.99, 696.08, 710.51; Floyd's Truck se 151.16; Foster Lumber su 500.55, 7.58, 9.09, 300.01, 24.66; Fremont Nat'l co 13116.67; Frenchman Valley su 5130.53, 391.60, 4489.40, 1938.88, 4260.311; G&L Laser su 348.00; Galeton Gloves su 968.65; Gempler's su 419.25; GLEC su 133.58; Golden West su 539.56; Grainger su 861.00; Great Plains One Call se 42.56, 42.57; Groundwater Foundation se 50.00; Hail Masters se 3172.13; Hamilton se 99.90, 49.95, 334.70; Hampton Inn se 120.52; Holiday Inn se 420.00, 225.91; Horizon West se 145.16; Houser, Jo re 162.26; Ideal Linen se 57.00, 49.46, 21.65, 546.59; IIMC se 210.00; Inland Truck su 310.35; Interstate Batteries su 79.95; J N J Steamway se 64.20; Jirdon Agri Chemicals su 3216.00, 790.87, 6173.54; Kampfe, Paul ex 367.00; Kevins Electric se 61.50; Kimball Midwest su 480.23; Kriz Davis se 1056.82, 15086.52; L&P Financial se 781.74; LL Johnson su 3036.65, 1148.78; League of NE se 172.50, 95.00; Leal, Ron se 450.00; Lincoln Nat'l Life se 203.85; Long, Tyson ex 207.00; Masek Golf se 40.00, 72.29; Master's Transportation se 235.45; Mathes, Joan se 450.00; McGown, Megan re 125.36; MHC se 136.00, 425.00; Midwest Labs se 1649.88; Milestone se 688.03, 89.35, 738.30, 369.15; Miller Office su 27.83, 60.97, 400.56, 37.76, 399.99, 1092.60; MEAN se 226995.63; MWC Enterprises se 8175.00; Napa su 215.67, 96.76, 217.12; Nationwide Environmental se 130.26; NDEQ se 2256.25; NE Dept of Revenue tx 50126.04; NE Law Enforcement se 150.00; NE Municipal Power Pool se 375.00, 95.00; NE Observer se 27.00; NE Planning & Zoning se 480.00; NE Public Health se 84.00; NE Safety se 225.00; NT&T se 250.24, 147.07, 120.21, 283.50, 1091.87; Neland Tire su 67.22; NEC Financial se 329.65; Nienhueser Const se 16082.45, 447.83; NE Machinery su 2457.05; Noble Industry su 253.90; NWAGA su 25.00; Olsen, Eleanor rt 275.00; Omaha World Hearld se 84.00; Pepsi su 190.00; Pizza Hut su 16.21; Points West se 315.00, 369.00; Prairie States Communication se 741.25, 147.50, 3497.35, 147.50, 3007.45, 687.50, 1472.50; Reams su 921.46; Reganis se 522.67, 11.31, 85.16, 126.80; Region I se 22.00; Regional West se 5567.56; Respond First Aid su 60.01; Ritec Industrial se 615.00; Rood's se 1006.76, 62.45, 35.25, 36.00, 118.95, 53.40; S&S Tool se 120.00; Sapp Bros se 452.10, 468.05; Scott Merriman se 608.70; Scotties Potties su 650.00; Segelke, Carla se 1050.00; Shirt Tales se 139.20; Sidney Soft Water su 314.58, 3.75, 55.00; Sidney Sun Telegraph se 1477.78, 20.87; Sirchie Finger Print se 487.85; Smith Wholesale se 207.23; Snap On Tools se 30.95; Sonntag se 5325.00; Sonny's su 18.95; Source Gas su 401.64, 1037.70, 315.27, 693.33; South Platte NRD se 347.50; Spic and Span se 4377.30; Splish Splash se 31.40; Star Herald se 278.00; Stone, Eloise rt 400.00; Sukup, Todd ex 82.00; Team Effort se 579.88; Thompson Co se 135.08; Triple O's se 9.66, 67.38; Unitech se 358.00; US Postal se 330.00; USA Bluebook se 1438.21, 509.63; Vera, John ex 917.87;

Verizon se 34.10, 102.67, 68.20, 607.91, 102.30; Viaero se 415.17; Walmart su 33.77, 391.10; Western Pathology se 145.00; Western United Electric Supply co 44465.77; Wheatbelt su 4542.08; Wieser Const se 10436.60, 7900.00; Wingate Inn se 299.80; Wolford, Marie rt 814.36; Zep su 96.50; Culligan su 18.00; Baker & Taylor su 475.66; Barker Cleaners se 12.00; Charter se 113.99; City of Sidney se 864.55; Computype se 1165.58; Cranmore Fire se 48.00; Thomas Bouregy se 139.50; DP Electronics su 120.00; Eland Visa se 462.51; Eddy Construction se 686.64; Finney's su 26.01; Floyd's Truck se 1314.10; Frenchman Valley su 141.43; Gale su 151.43; Guideposts su 17.74; Ideal Linen su 26.90; Doris Jensen re 46.20; Journal Office su 31.61; League of NE se 57.50; Vickie Morlock re 85.47; NT&T se 142.23; OCLC su 117.28; Panhandle Library su 199.00; Perma Bound su 316.37; Petty Cash su 3.31; Leisure Time se 106.23; Quill su 145.38; Respond First Aid su 44.33; Sidney Sun Telegraph se 8.83; Segelke Janitorial se 1050.00; Sonny's Super Foods se 78.27; U Store It su 60.00; Western NE se 38.00; WNFRHC su 796.00; Omaha World Herald su 263.12; DP Electronics se 35.00

As per the Notice of Vacancy for the elective office that had been held by Dalan Hiett and that the term for said office expires December 9, 2014, Mayor Gaston announced that letters of interest/resume had been received from six individuals and that each person would be given two minutes to say a few words about their interest in the position. The following candidates were heard: Roger Gallaway, Chris Gay, Joe Arterburn, Garth Ferris, Tamara Nelsen, and Jordan M. Ball.

Nienhueser moved, Gaston seconded "That Jordan Ball be appointed to fill the existing city council vacancy." Roll call vote: Yeas: Nienhueser and Gaston. Nays: Weiderspon and Van Vleet. Motion failed.

Weiderspon moved, Van Vleet seconded "That Garth Ferris be appointed to fill the existing city council vacancy." Roll call vote: Yeas: Weiderspon and Van Vleet. Nays: Nienhueser and Gaston. Motion failed.

Nienhueser moved, Gaston seconded "That Chris Gay be appointed to fill the existing city council vacancy." Roll call vote: Yeas: Nienhueser and Gaston. Nays: Weiderspon and Van Vleet. Motion failed.

Nienhueser moved, Gaston seconded "That Joe Arteburn be appointed to fill the existing city council vacancy." Roll call vote: Yeas: Nienhueser and Gaston. Nays: Weiderspon and Van Vleet. Motion failed.

Nienhueser moved, Gaston seconded "That Roger Gallaway be appointed to fill the existing city council vacancy." Roll call vote: Yeas: Nienhueser and Gaston. Nays: Weiderspon and Van Vleet. Motion failed.

Gaston moved, Nienhueser seconded "That Tamara Nelsen be appointed to fill the existing city council vacancy." Roll call vote: Yeas: Nienhueser and Gaston. Nays: Weiderspon and Van Vleet. Motion failed.

City Attorney Leef advised that these six candidates can be re-considered at the May 22, 2012 council meeting as well as accepting other applications. The position will again be advertised and the deadline for accepting additional letters of interest will be 5:00 P.M. on May 17, 2012.

City Manager's report consisted of updates of recent and upcoming meetings and/or events; i.e.: Trash Race resulted in 305 volunteers—Amanda Glenn was present and was thanked for a great program; Board of Health 5/2; Transportation Building's Ribbon Cutting and dedication 5/2; Convention Center consultants meeting on study 5/3; Firemen's Banquet 4/28 with honors going to Don Misegadis and LaVerne Bown; 4-27 meeting re: housing project, 5/8 Historic Preservation Committee and announcement of a Grant received to create a historical preservation plan (Megan McGown and the Board was acknowledged for their work on this grant); 4/26 meeting w/NDOR re: L17J construction and public meeting for same to be 5/23; recent Kids Plus Gala; panhandle strategic planning in Gering; Volunteer luncheon 5/23; SPNRD drainage meetings; tree give away; Pool Committee meeting cancelled due to the

contract not being approved yet. The Golf Course pumping system problems were discussed and possible expenditures needed to repair same. In an effort to stamp out rumors regarding the current swimming pool, it was announced that the Pool will be opening this year after Memorial Day.

Public Services Director Hehnke reported on the vandalism at Northside Park. Port-a-potties have been removed by the Company that own them due to this vandalism. Residents near the Park are asked to please call and report suspicious activity that may occur at Northside Park.

Mayor Gaston thanked the candidates that had been present at this meeting and invited them to be present at the May 22nd meeting.. He also asked Amanda Glenn how much trash had been picked up by her Volunteers (2.4 tons) and thanked her for a job well done.

The meeting adjourned at 9:24 p.m.

MAYOR

ATTEST: _____
CITY CLERK

