

Sidney, Nebraska, October 11, 2016, 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 October 11, 2016 in the Council Room. Present were: Mayor Nienhueser and Council Members: Gallaway, Gaston, and Gay. Absent: Arterburn. Others Present: City Manager Sadler, City Clerk Anthony and City Attorney Leef. 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.

Gaston moved, Gallaway seconded "That Council Member Arterburn be excused from this meeting." Roll call vote: Yeas: All council members present. Absent: Arterburn.

Gaston moved, Gallaway seconded "That the minutes of the September 27, 2016 meeting be approved as printed." Roll call vote: Yeas: All council members present. Absent: Arterburn.

Coleen Langdon, Program Director for Cool Kids Club/No Limits appeared to ask the Council to pass the Proclamation for Lights on After School Day on October 20, 2016. The following Cool Kids read the Proclamation and passed out invitations for their 15th birthday party: Quinn Arellano, Lucas Booe, Luckas Davenport, Dru Weimer, Haley Havorka, JaShwan Davenport and Blake Davenport. Gallaway moved, Gaston seconded "That October 20, 2016 be proclaimed Lights on After School Day in Sidney." Roll call vote: Yeas: All council members present. Absent: Arterburn.

Mayor Mark Nienhueser made a statement regarding the Cabela's/Bass Pro relationship and it's consequences for Sidney's citizens. A copy of this statement is attached to these minutes.

Whereupon Mayor Nienhueser announced that the Planning Commission of the City of Sidney, NE has submitted to the City Council its final report recommending approval of an ordinance to adopt an addition of Chapter 1284 Chronic Nuisances and definitions regarding same to the Codified Ordinances; and that a public hearing would now be held at 7:30 p.m. and parties in interest would be heard as advertised. The following filed written comments: None. The following appeared in person or by agent or by attorney and were heard: Ben Dayton, City Zoning Administrator, reviewed the proposed ordinance. All persons having been heard, Mayor Nienhueser closed the public hearing at 7:35 p.m.

Gaston moved, Gallaway seconded "AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, TO CREATE CHAPTER 1284 CHRONIC NUISANCES OF PART TWELVE-PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA; TO DEFINE CHRONIC NUISANCES; TO ESTABLISH AN ENFORCEMENT PROCEDURE FOR DEALING WITH PROPERTIES THAT HAVE CHRONIC NUISANCE VIOLATIONS, INCLUDING ESTABLISHING THE DURATION OF THE DESIGNATION OF CHRONIC NUISANCES PROPERTY AND ESTABLISHING THE PROCEDURE FOR APPEAL OF SUCH DESIGNATION; TO PROVIDE PROCEDURES FOR COMPLIANCE INCLUDING THE CREATION AND APPROVAL OF A MAINTENANCE AND ABATEMENT PLAN, REQUIRING FINANCIAL SECURITY, AND ESTABLISHING A DUTY TO PREVENT NEW NUISANCES; TO

PROVIDE FOR A PENALTY FOR VIOLATIONS; TO REPEAL ANY ORDINANCE OR PART OF ORDINANCE IN CONFLICT THEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE” be designated as Ordinance No. 1780.” Roll call vote: Yeas: All council members present. Absent: Arterburn. No motion was made to suspend the Statutory requirement requiring the ordinance to be read by title three different days. The City Clerk then read the Ordinance by title.

Don Dye, engineer in charge of Street Improvement District No. 56 (Anna Drive, etc.) presented Change Order No. 2 and Contractor’s Application for Payment No. 6. Gaston moved, Gallaway seconded “That Resolution 20161001 be approved.” Roll call vote: Yeas: All council members present. Absent: Arterburn.

RESOLUTION NO. 20161001

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

That M.C. Schaff has submitted Change Order #2 for the Street Improvement District No. 56 (Anna Drive, etc. in the amount of a decrease of \$22,258.50; and

That the Mayor and Council hereby find and determine that pursuant to contracts heretofore made, the contractor, Nienhueser Construction for constructing same has filed with the City Clerk certificates showing the performance of said contracts as follows: STREET IMPROVEMENT DISTRICT #56; PAYMENT NUMBER 6 AMOUNT DUE CONTRACTOR **\$86,056.94**. 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.

Dawn Martin, Assistant City Manager, presented a recommendation to Council to make the final payment to Velocity Constructors for their work on the East Booster Pump Station Project and release the retention amount. We have held this payment for some time due to problems with the final pump installation. Those issues are now resolved. More information regarding savings in relation to variable drive pumps was requested. Gallaway moved, Gay seconded “That the final payment due Velocity Constructors in the amount of \$57,876.65 be approved for payment.” Roll call vote: Yeas: All council members present. Absent: Arterburn.

Gaston moved, Gallaway seconded “That the low bid from Paul Reed Construction for the L17J’s 16 inch water pipeline project be awarded to same.” Roll call vote: Yeas: All council members present. Absent: Arterburn.

Gaston moved, Gay seconded “That the addendum to Diamondback Engineering’s contract for the L17J’s 16 inch water project be approved.” Roll call vote: Yeas: All council members present. Absent: Arterburn.

Tina Hochwender presented the proposed contract for the 2016 CLG Grant for an intensive level survey on US Highway 30/Illinois Street Corridor with Front Range Research Associates, Inc. Gaston moved, Gallaway seconded “That the contract with Front Ranch Research Associates, Inc. be approved.” Roll call vote: Yeas: All council members present. Absent: Arterburn.

City Clerk Geri Anthony reviewed the revisions to the 2016-17 budget reports to the State Auditors of Nebraska. Gay moved, Gaston seconded “That RESOLUTION NO. 20160901 AS REVISED be passed and adopted as revised.” Roll call vote: Yeas: All council members present. Absent: Arterburn.

RESOLUTION NO. 20160901

REVISED 10-11-16

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the City of Sidney passes, by a majority vote, a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interests of the City of Sidney that the property tax request for the current year be a different amount than the property tax request for the prior year. The total amount of tax dollars was correct. However, there was a typo in the minutes re: the breakdown between General/Street and Bond.

NOW, THEREFORE, the City Council of the City of Sidney, Nebraska, by a majority vote resolved that:

1. The 2016-2017 property tax request be set at \$2,089,077.94 (\$1,366,804.94 for the General/Street and \$722,273.00 for Debt Service).

2. A copy of this resolution be certified and forwarded to the County Clerk prior to October 13, 2016.

Gallaway moved, Gaston seconded "That Bob Long be appointed to fill the unexpired term of Dave McCarville to the City of Sidney Planning Commission." Roll call vote: Yeas: All council members present. Absent: Arterburn.

Gay moved, Gaston seconded "That the following claims for September 2016, 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 and Gay. Nays: None. Abstain: Nienhueser. Absent: Arterburn. (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 AThat the following claims for September 2016, 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. Absent: Arterburn. (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 eq 1694.66, 71.46; 3M eq 5272.00; Accelerated Receivables se 259.44; Accent Wire Tie eq 3479.38; Adams Industries ct 51047.53; Advantage Co eq 450.00, 5.00; American Environmental se 1038.64; American Legal su 495.00; Arellano, Steve se 500.00; Baird Holm Attorneys se 412.00; Baker & Taylor su 3471.86, 34.36; Barker Cleaners se 30.00; Barker Rinker Seacat se 780.25; Best Plumbins se 86.58; Better Electric se 8420.00; Bomgaars su 35.97, 39.92, 59.99, 29.99, 32.23; Borgmann, Chad tt 26.00; Brauer, Casey tt 57.50; Brigestone su 564.33; Brown, Dorrie re 75.00; C&M Golf su 27.37; Canon Financial se 122.90, 112.90; Cardmember su 4605.32, .20, 1549.48, 407.47, 554.73, 33.39; Carlson Software se 375.00; Caselle se 1594.00; CCL Supply su 264.00; CenturyLink se 97.89, Charter se 15.85, 82.20, 87.99; Cheyenne Co Chamber se 1930.66, 26.38; Cheyenne Co Community Center se 10000.00; Cheyenne Co Court se 66.00; Cheyenne Co Emergency Comm Cntr se 23029.79; Chroma Design se 2375.00; City of Sidney se ct ut 553.24, 360.00, 2246.80, 20.00, 20.00, 1000.00, 2316.20, 79.80, 67.19, 103492.50, 1123.91, 82.83, 10631.37, 187.50, 192.44, 1093.06, 487.95, 114.23, 12015.10, 12265.65 bd 78985.29, 12283.28, 19750.00, sa in 96750.89, 94633.17, 5660.59, 12497.30, 12483.69, 462.93, 14884.52, 14178.04, 560.52, 28525.85, 28522.28, 11974.71, 10839.16, 954.87, 7248.98, 7292.70, 724.83, 5807.59, 70446.31, 996.73, 13165.15, 585.07, 9274.66, 2223.04, 26482.01, 395.09, 4729.41, 800.31, 8460.65; Cleveland Golf su 337.00, 2283.79; Clothes Hamper se 72.00, 72.00; Cobitco su 5082.50, 393.00; ConServ Flag su 827.16; Contractor Materials eq 38.16, 6171.52; Coyote Caller su 16.00; Cranmore Pest/Fire se 90.00; Croell Redi-Mix su 1620.00, 608.45, 1212.61; Culligan su 19.95, 120.40, 10.00, 29.95; Darin=s Auto se

1238.59; Day & Night Plumbing se 233.29; Dayton, Ben tt 38.25; Demco su 114.79; Dept of Energy ut 25388.19; Diamondback Engineering se 37000.00; Digital Alley su 820.00; Ditch Witch su 74.45; DP Electronics su 519.95, 312.97, 1047.99, 9.98, 44.95, 3444.22, 6139.23, 42.99, 179.97; E&S Auto eq 291.02, 629.43, 271.85, 823.46, 64.25, 399.97; Eakes su 945.97, 144.28; Elan Visa su 55.52, 22.84, 24.62, 697.38, 5.25, 894.97, 168.84, 1.91, 3980.99, 31.92, 16.95; Elliott Equipment eq 11487.00; Enviro Service se 162.00, 72.00; Finneys su 13.67, 307.33, 198.79, 137.61, 308.29, 331.74, 391.71; Floyd=s Truck se 743.98, 5204.67; Force Protection Video se 150.00; Foremost Promotions se 2200.16; Foster Lumber su 1215.04, 407.51, 10.79, 64.17, 13.16; Fraser Stryker su 12634.74; Fremont Nat=l ct 9118.54; Frenchman Valley se 80.64, 8263.36, 1988.69, 1436.05, 779.871, 1668.89, 1649.43, 3385.91, 1103.55, 812.91, 628.09; Fyr-Tek eq 18933.30; Gale/Cenage su 69.72, 196.63; Gempler=s su 1237.45; General Traffic Controls eq 8154.77; Grainger su 18.93; Guidepost su 13.95, 3.79; Hach su 92.39; Hall=s Safety Equip su 262.70; Hamilton se 319.99, 99.90, 49.95; Harper Industries eq 2424.02; Hochwender, Tina tt 158.96; Hoffman, Deryl re 74.85; Holtz Industries eq 1680.50; Hometown Leasing se 978.32; Houser, Jodene tt 156.51; Huber & Asso se 84.00; Ideal Linen se 55.96, 622.69, 41.66, 69.90, 95.17, 184.95; Inland Truck eq 641.18; JNJ Steamway se 650.00; Jirton su 50.70, 5803.78; Johnson, Kris tt 233.16, 132.72; Journal Office su 35.00; JT Heating se 107.76, 1675.00; Kelly Supply su 531.63; Kevin=s Electric se 180.00, 622.50, 12.90, 2935.00; Knappen, Tony tt 265.25, 26.00; Kois Brothers eq 219234.00; Kriz Davis eq 593.40, 33283.08, 452.64; KSID se 765.00; Kubo, Kevin tt 38.25; LL Johnson eq 96.08; Lacial Equipment eq 1181.44; Leal, Ron se 450.00; Lenstrom, Cory tt 26.00; Loghry, Justin tt 26.00; Mail Finance eq 9576.00; Matthes, Joan se 625.00; Mikkelson Plumbing se 486.00; Miller Office su 3357.53, 514.55, 133.96, 231.13, 104.24, 51.97; MEAN ut 506925.00; Municipal Supply su 3769.88; MWC Enterprises eq 11395.00; Nancy Ann=s Window su 3586.83; Napa eq 287.69; NDEQ se 7750.00; NE Dept of Revenue tx 82329.22; NE Golf Asso du 306.00; NE Public Health Environmental Lab se 1285.00; NE State Treasurer se 69.84; NE Statewide Arboretum du 45.00; NT&T se 1552.74, 129.20, 202.74, 314.47, 169.12, 129.18; NE Library Co se 758.10; NE Link se 270.00; Neland Tire eq 10979.01; Neutron Industries su 115.99, 18.00; Nienhueser Construction se 215.00; Nienhueser, Mart tt 464.21; Nike USA su 1854.06; NMC eq 4959.40, 250.10; NMVCA du 30.00; Northwest Pipe su 25.35, 50.00; NPZA du 50.00; NuCO2 eq 77.73; OCLC eq 207.88; Olsen, Eleanor se 275.00; One Call se 63.42, 63.42; Oriental Trading su 1307.63; Otto Environmental Sys su 7525.00; Palmer, Mike tt 183.29; Panhandle Area Dev se 5237.29; Panhandle Geotechnical su 300.50; PDS eq 23859.63; Pepsi su 278.70; Perfection Door su 61.00; Pond World su 214.36; Prestige Flag su 233.52, 146.76; PSI Digital Imagins se 440.25; Qtech Automation su 587.24; Raffelson Rock su 798.00; Reams Sprinkler su 380.53; Region I OHD se 325.00; RWMC ct 5948.66; Respond First Aid su 133.57, 39.20, 14.49; Rhomar Industries su 51.44; Ried, David se 755.00; Ringleman, Jim se 621.54; Rood=s su 1024.08, 169.85, 16032.86, 597.46; Sadler, Ed tt 385.52; Sandberg Implement eq 550.23; Scholastic Library su 152.10; Scotties Potties se 700.00; Segelke, Carla se 1050.00, 1050.00; Sherwin Williams su 535.00; Shirt Tales su 680.00; Sidney Glass su 198.0, 208.00; SRMC se 67.72; Sidney Sun Telegraph su 5.73, 1061.99; SVFD re 1590.86, 1750.00; Sinnett, Ross tt 26.00; SOA Enterprises se 1718.75, 406.25; Sonntag, Goodwin & Leef se 5000.00; Source Gas ut 5530.36, 3788.90, 31.01, 60.55, 62.02, 117.79, 74.47, 30.29, 142.94; Spick And Span su 1022.00; Splish Splash Car Wash se 109.25; State of NE se 25.00; Stone, Eloise rt 400.00; Sukup, Todd tt 15.00; Swire Coca Cola su 120.24; Tait=s Electric se 555.00; Terry Durin eq 33701.25; Thompson Co su 341.45; Titleist eq 2389.54, 119.71; To Golf eq 1573.00; Tobler, Scott tt 26.00; Transit Works su 5320.18; Tri State Oil Reclaimers su 187.50; Triple O=s su 54.86; Tri State eq 187.50; U Store It se 432.00; US Postal se 5769.00; USA Bluebook su 526.98, 46.63, 48.24; Verizon se 1366.96, 524.15,

70.78, 33.40, 194.56, 100.20; Walmart su 389.34, 204.25; Wesco eq 6350.00, 1693.00, 64870.88; Western United eq 6348.51, 49303.49; Wheat Belt ut 9405.14; Whitebluffs se 1502.00; Wolford, Marie rt 916.47; WPCI se 29.00; Wyoming Tribune se 203.58, Young=s Plumbing se 127.10.

Gaston moved, Gay seconded "That the Budget Reports for all funds for September, 2016 be approved." Roll call vote: Yeas: All council members present. Absent: Arterburn.

Gallaway moved, Gay seconded "That the agreement between the City of Sidney and the Cheyenne County Chamber of Commerce for various services for the 2016-2017 fiscal year be approved." Roll call vote: Yeas: All council members present. Absent: Arterburn.

City Manager's Report: Ed said that he and his wife enjoyed their first Oktoberfest in Sidney. He also described the City's Trunk or Treat event that will be held on October 31st in Hickory Square. Anyone interested should contact Lori Borchert, Kim Phillips or Jo Houser at City Hall.

Council Comments: Council Member Gaston welcomed Bass Pro and was in agreement with the Mayor's remarks regarding possible merger regarding taking the challenge of making this all work for the Citizens of Sidney. Council Member Gallaway said "ditto" to Council Member Gaston's remarks as well as complementing the staff for going the extra mile to take the challenge head on. Mayor Nienhueser reminded the citizens of Sidney that the sales tax renewal measure that is on the November ballot is not for a new tax. It is a renewal of an existing sales tax for economic and community development.

Meeting adjourned at 8:14 p.m.

/s/MARK NIENHUESER, MAYOR

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

