

Sidney, Nebraska, November 8, 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 7:16 P.M. on November 8, 2016 in the Council Room. Present were: Mayor Nienhueser and Council Members: Gallaway, Gaston, and Arterburn. Absent: Gay. 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, Arterburn seconded "That Council Member Gay be excused from this meeting." Roll call vote: Yeas: All Council Members present. Absent: Gay.

Arterburn moved, Gaston seconded "That the minutes of the October 25, 2016 meeting be approved as printed." Roll call vote: Yeas: All Council Members present. Absent: Gay.

The "Dash for the Splash Triathlon" organization presented a \$4,000 check that was earned from this year's Triathlon. The check was to be used for needed items at the Aquatic Center.

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The Clerk read Ordinance No. 1780 for the third time as follows: AThat the Ordinance entitled AN ORDINANCE OF THE CITY OF SDNEY, 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". Gaston expressed concern about the penalty in this ordinance being a misdemeanor. Arterburn moved, Gallaway seconded "That Ordinance No. 1780 be finally passed." Roll call vote: Yeas: Gallaway, Nienhueser and Arterburn. Nays: Gaston. Absent: Gay. 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, Gaston seconded "That Ordinance No. 1780 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: All council members present. Absent: Gay.

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 revise Chapter 1252 Mobile Homes of the Codified Ordinances; and that a public hearing would now be held at 7:25 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 7:27 p.m.

Gaston moved, Gallaway seconded “That “AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, TO AMEND CHAPTER 1252 MOBILE HOMES; SECTION 1252.02 OCCUPANCY; LOCATIONS; OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA TO PROVIDE FOR TRAVEL TRAILERS IN MOBILE HOME PARKS WHEN CERTAIN CONDITIONS ARE MET; 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. 1782.” Roll call vote: Yeas: All council members present. Absent: Gay. 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.

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 revise Chapter 1254 Travel Trailers of 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. Don Ogle questioned who would grant the use permit and answered that the Planning Commission considers use permits. All persons having been heard, Mayor Nienhueser closed the public hearing at 7:31 p.m.

Gallaway moved, Arterburn seconded “That “AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, TO AMEND CHAPTER 1254 TRAVEL TRAILERS; SECTIONS 1254.02 OCCUPANCY OF TRAILERS OUTSIDE OF PARKS AND 1254.03 OCCUPANCY OF TRAILER PARKS; OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA TO PROVIDE FOR THE OCCUPANCY OF TRAVEL TRAILERS IN MOBILE HOME PARKS OR TRAVEL TRAILER PARKS WHEN CERTAIN CONDITIONS ARE MET; 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. 1783.” Roll call vote: Yeas: All council members present. Absent: Gay. 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.

Ben Dayton, City Zoning Administrator, reviewed a proposed release of easement and a new easement for Douglas and Victoria Loghry at 1347 Toledo Street. The original easement was for 15 feet in width and the new is for 10 feet. Gaston moved, Arterburn seconded “That the release of easement for 15 feet for Douglas and Victoria Loghry at 1347 Toledo Street be approved and that we seek a new easement for 10 feet from the Loghry’s.” Roll call vote: Yeas: All council members present. Absent: Gay.

Dawn Martin, Assistant City Manager, presented Pay Estimate No. 1 for Adams Civil Resources, LLC for SID#54 (Jennifer Lane Access Project). Gaston moved, Gallaway seconded “That Resolution 201611101 be passed and approved.” Roll call vote: Yeas: All council members present. Absent: Gay.

RESOLUTION NO. 20161101

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

That Baker & Associates has submitted Payment No.1 for Project #066-156-16 Jennifer Lane Hiway Access in the amount of \$61,541.65; and

That the Mayor and Council hereby find and determine that pursuant to contracts heretofore made, the contractor, Adams Civil Resources, LLC for constructing same has filed with the City Clerk certificates showing the performance of said contracts as follows: JENNIFER LANE HIWAY ACCESS (SID54); AMOUNT DUE CONTRACTOR **\$61,541.65**. 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.

Gaston moved, Gallaway seconded AThat the following claims for October 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 Arterburn. Abstain: Nienhueser. Absent: Gay. (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, Arterburn seconded AThat the following claims for October 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: Gay. (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 50.16; Absolute Solutions se 1688.96; Accelerated Receivable se 227.20; Ackerson, Adam aw 115.00; Ady Advantage ct 15000.00; Agostino, Dan aw 230.00; Alamar Uniforms eq 1022.98; Alexander, Larry aw 60.00; ALS Group se 1687.00; Altec Industries eq 271.80; Ambur, Aaron aw 130.00; Anderson, Chuck aw 100.00; Andreas, Ashley aw 125.00; Andreas, Klint aw 150.00; Andrew Sherman re 167.40; Andrew, Keith tt 257.25; B&C Steel eq 79.70; Baird Holm Attorneys se 646.50; Baker & Taylor su 1400.41, 14.78; Barker Cleaners se 30.00; Batt, Bruce aw 100.00; Beier, Mark aw 50.00; Benzel, Allie aw 35.00; Boldt, John aw 90.00; Bomgaars su 142.92, 289.98, 322.49, 30.99; Bowen, Marshall aw 65.00; Bown, LaVerne aw 30.00; Bragg, Chad aw 150.00; Bragg, Jenny aw 60.00; Brandt Appraisal se 3800.00; Bridgestone su 9.00; Burco Promotional se 685.00; Busted Knuckle se 1147.21; Butts, Greg aw 40.00; C&M Golf su 71.51; Cabela=s su 418.44; Campbell, Rob aw 150.00; Canon Financial se 112.90; Cardmember su 1500.24, 655.04, 887.06, 1366.22; Carolina Software se 200.00; Carpenter, Justin aw 200.00; Carte Graph se 1680.00; Caselle ct 1594.00; CenCon Kansas se 7328.80, 170.40; Centurylink se 99.89; Charter se 15.85, 82.20, 87.99; Cheyenne Co Community Center ct 10000.00; Chief su 1116.53; CISM in NE se 75.00; City of Sidney se ex su tx bd 422.42, 19750.00, 675.00, 1000.00, 1457.17, 28.84, 697.70 sa 107852.72, 96219.62, 12529.82, 12893.97, 14268.53, 1653.61, 28630.67, 29844.45, 10064.00, 12115.53, 7875.61, 6107.11, in 5241.01, 5844.13, 61358.53, 996.73, 61358.53, 585.07, 7423.49, 2223.04, 23884.61, 395.09, 6888.82, 800.31, ut 6561.79, 25.50, 180.64, 1015.36, 523.11, 114.23, 10946.48, 12235.46; Civic Plus ct 4814.56; Clothes Hamper se 48.00, 36.00; Club Prophet se 1889.00; Coast To Coast Solutions se 634.56; Conrad, Anthony aw 125.00; Consolidated Management se 8.74; Contractors Materials su 427.40; Country Printer su 537.00; CPS HR Consulting se 393.80; Cranmore Pest Control su 172.00, 90.00; Croell su 1053.00, 135.00; Crosby Guenzel su 925.00; Crouch Recreational se 828.00, 1260.00; Culligan su 19.95, 29.95, 19.95, 7.50, 29.95, 812.70; Day & Night se 48.48; DBC Irrigation su 115.41; Deaver Tire su 158.12; Department of Energy su 22519.17; Diamondback Engineering ct 18000.00; Dickinson, Jay aw 100.00; DP Electronics se 219.91, 45.00; E&S su 493.72, 444.19, 992.71, 17.61, 50.27, 228.32; Eakes su 189.27; Ehler, Jay aw 40.00; Elan Visa su 40.78, 27.89, 66.95, 495.05, 466.30, 84.84; Electromark eq 3164.79; Elwell, John aw 30.00; Endurance Flag su 208.00; Entenmann-Rovin su 149.25; Enviro se 162.00, 72.00; Ernest, Suzy aw 45.00; Estrada, Rich aw 30.00; Falcon Lab su 230.16; Fedderson, Dave aw 110.00; Finneys su 21.99, 385.12, 425.23, 35.17, 240.05, 150.17, 139.68; Floyd=s Truck se 44.22, 7.45; Foster Lumber su 208.02, 14.04, 17.44; Francone, Phil aw 150.00; Fraser Stryker se 16378.70; Fremont Nat=l ct 9118.55; Frenchman Valley su 118.47, 2715.90, 1288.80, 701.21, 407.94; Frerichs, Trevor aw 30.00; Fyr-Tek su 28000.00; Gaston, Wendall aw 25.00; Gempler=s su 309.90; General Traffic Controls eq 13324.00; Golf Enviro su 65.87; Grainger su 201.90; Greenscape Methods su 3426.88; Grosshans, Brad aw 85.00; Guideposts su 41.85, 11.37; Hajek, Brant aw 60.00; Hamilton se 162.85, 99.90, 49.95; Harmon, James aw 30.00; Harshbarger, Karla aw 60.00; Haupt, Richard aw 60.00; Headlee, Brian aw 85.00; Heaton, Pat aw 65.00; Heiman Fire su 301.0;

Heller, Jeff aw 195.00; Higel, Jerold se 5963.48; Hochwender, Tina tt 122.04; Holechek, Jane aw 175.00; Holiday Inn se 269.85, 269.85, 150.05; Hometown Leasing ct 978.32; Horizon West eq 367.36; Huber & Asso se 84.00; Humphreys, Luke aw 40.00; ICMA du 22.75; Ideal Linen su 56.63, 34.14, 445.46, 57.22, 26.55, 68.46; Inland Truck eq 112.06; Interstate Batteries su 104.60, 527.75, 104.60; Int=l Economic Development du 650.00; Jenkins, Greg aw re 130.00, 57.50; Jirdon su 300.44, 376.50; Johnson, Flodman, Guenzel & Widger se 938.50; Jones, Bryon aw 65.00; Journal Office su 37.08; Jung, Jeff aw 60.00; Keith County News se 18.50; Kevin=s Electric su 290.25, 4.30; Kitt, Vann aw 110.00; Kokjer, Carter aw 35.00; Kriz Davis eq 2283.14; KSID se 60.00; Kuhns, Rick aw 70.00; LL Johnson su 153.99; Landis & Gyr eq 850.00, 850.00; Laws, Ty aw 40.00; Lawson, Scott aw 80.00; League of NE du 561.00; Leal, Ron se 450.00; Leininger, Kelly aw 150.00; Leininger, Mike aw 70.00; Lempke, Jake aw 90.00; Logan Contractors su 330.71; Long, Kyle aw 85.00; Lyle Signs su 106.80; MC Schaff & Asso se 14986.50; Maddox Motors su 4.41; Mail Finance ct 750.00; Malzahn, Sarah aw 100.00; Martin, Dawn tt 197.46, 60.25, 267.25; Martin, Tom aw 25.00; Matthes, Joan se 625.00; McCarville, Brett aw 180.00; McCarville, Dave aw 180.00; Midlands Contracting se 129034.57; Midwest lab se 1276.80; Miller Office su 601.25, 8.00, 525.49, 100.96; Miller, Allie aw 150.00; Miller, Dixie aw 40.00; Miller, Tracy aw 100.00; Morrison, Judy aw 50.00; MEAN ut 463140.59; Municipal Supply su 4541.10; Namuth, Jordan aw 85.00; Namuth, Mike aw 40.00; Napa su 55.21, 100.05; NDEQ se 2102.79; NE Dept of Revenue tx 72962.79; NE Law Enforcement Training du 200.00; NE Municipal Clerks Asso du 70.00; NMPP se 1033.29; NE Rural Water du 630.00; NE Safety Council se 699.00; NE Safety/Fire se 320.00; NE Salt & Grain su 28089.90; NE Sate Treasurer se 42.25; NT&T se 1549.53, 129.11, 201.96, 337.32, 52.27, 117.54, 133.30; NE Link se 36.00; NE Tire su 36.06, 470.48, 38.20; Nelson, Mark aw 110.00; Nienhueser Construction se 2157.50; Nienhuser, Scott aw 170.00; NMC eq 10713.96, 2865.63, 176.60; Northwest Pipe eq 176.60, 1336.58; NuCO2 su 77.59; NWEA du 180.00, 100.00; OCLC su 207.88; O=Connell, Mike aw 30.00; O=Connell, Peggy aw 40.00; Olsen, Eleanor se 275.00; Olsson Asso se 842.87; One Call se 60.90, 60.90; Orr, Jason aw 100.00; Peckham, Dave aw 150.00; Peckham, Shelly aw 45.00; Pepsi 81.50; Perfection Door eq 397.20, 1323.00; Library Petty Cash su 10.00; Pile, Tom aw 50.00; Points West Ins in 39161.00, 71111.00, 25926.00, 35404.00, 30135.00, 22362.00, 21663.00; Police Chiefs Asso du 50.00; Police Officer=s Asso du 210.00; Pond World su 125.66; Prairie States se 125.10; Primm, Paul aw 170.00; Public Agency Training Council du 590.00; Public Safety Center su 223.51; Quill su 125.91, 1001.75; Radcliff, Burk aw 35.00; Raffelson, BJ aw 270.00; Randy=s Auto se 578.35; RCIS se 276.42; Recorded Books su 659.97; RWMC ct 5948.66; RepCo Marketing se 43.50; Resource Action Programs se 1870.00; Respond First Aid su 85.75; Richards, Randy aw 30.00; Ritec Industrial su 513.00; Robinson, Julie aw 125.00; Robinson, Rob aw 70.00; Rood =s se 244.80, 57.00, 79.38, 131.63; Rosenbaum, Dan aw 270.00; Russell Industries su 888.70; Sadler, Ed tt 458.52; Sapp Bros su 35.20; Saunders Construction se 14788.89; Sawyer, Erich aw 80.00; Scotties Potties se 700.00; Segelke, Carla ct 1050.00; Shaw, Rob aw 25.00; Sherwin Williams su 557.50; Shields, Justin aw 210.00; Sidney Sun Telegraph se 4.79, 36.00; Simon Contractors se 23.50; Sinnett, Ross tt 165.25; SOA Enterprises se 875.00; Source Gas ut 78.41, 117.79, 73.35, 39.21, 260.67, 39.21; Spic & Span se 1052.00; Splish Splash se 150.09; Star Herald se 20.04; Stark, Ray aw 70.00; Stecher, Jake aw 90.00; Stephanie Mika re 60.34; Sterling, Anne aw 50.00; Sterling, Dean aw 80.00; Stewart, Jim aw 65.00; Stewart, Jolynn aw 75.00; Stitt, Trina aw 75.00; Stone, Eloise rt 400.00; Sukraw, Nathan aw 115.00; Sukup, Todd aw tt 105.00, 60.25; Sutton, Caleb aw 90.00; Swire Coca Cola se 164.88; Sylvester, Eric aw 40.00; Talich, Joe tt 481.04; Thayer, JD aw 150.00; Thomas, Colton aw 130.00; Thompson Co su 36.60; Titleist su 10.58; Tobler, Scott tt 15.00; Traveler=s Haven se 18.21; Triple O=s su 31.21, 28.14, 7.09, 3.98; Truetken, Jared aw 130.00; USA Bluebook su 384.53, 325.33; Velocity Constructors ct 57876.65; Verizon Wireless su 217.84, 521.63; 70.79, 33.40, 194.56, 33.40, 66.80; Walmart su 80.90; Wamsley, Scott aw 30.00; Weathercraft Roofing se 550.00; Welch, Pat aw 175.00; Wells, Terrin aw 35.00; Western Engineering su 1005.90; Western Untied Elec su 4775.12, 5448.24; Wheatbelt ut 9960.64; Whipple,

Matt aw 230.00; Whitebluffs se 759.00; Wolford, Marie rt 916.47; Woodis, Bob aw 60.00; Woddis, Jennifer tt 165.25; Woodis, Randy aw 60.00; WPCI se 199.20; Zoll Medical su 1413.52.

City Manager's Report: Ed reported word has been received that Sidney's Credit Assessment is A+. Selling of the City's current bonds should take place soon. Reminder of the Parade of Lights in and around Hickory Square is December 3rd.

Council Comments: Mayor Nienhueser: Thanked Ed and Geri for their efforts toward receiving the bond rating for Sidney. **Council Members Gallaway and Gaston** congratulated the Lady Raider's volleyball team for winning a berth at State. **Councilman Arterburn** shared that he had attended the Trunk or Treat event.

Meeting adjourned at 7:47 p.m.

/s/MARK NIENHUESER, MAYOR

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

