

Sidney, Nebraska, February 9, 2010 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 February 9, 2010 in the Council Room. Present were: Mayor Weiderspon and Council Members: Gaston, Filsinger, Van Vleet and Hiett. Others present: City Manager Person, City Attorney Ball 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 Weiderspon informed the public of the location of the posted Open Meetings Act.

Gaston moved, Filsinger seconded "That the minutes of the January 26, 2010 meeting be approved as printed." Roll call vote: Yeas: All council members present.

Comments by public: Austin Hrbek made an apology to the City Council for a bad decision he made when he broke a window at the Power Plant. John Katos suggested that when a property owner has received a building permit for their property that the property owner be required to post said permit.

Rob Rauner of Rauner & Associates presented the 2008-2009 Audit which his firm had performed on the City of Sidney financial records. He explained the report is a combination of cash, full accrual and modified accrual accounting. This was also a year that there was a single audit required due to the City more than reaching the Federal funds received threshold. The important point made by Mr. Rauner was that this was a clean audit and that the City had a good year despite the loss of sales tax revenues due to refunds and the state of the economy. Mayor Weiderspon questioned the paragraph re: Pension Plan and the percentage shown - which Mr. Rauner explained how the 4.75% number was an average due to not all employees contributing 6%. Council Member Filsinger asked for an explanation of the Compensated Absences and Mr. Rauner explained it was a liability that had to be accounted for in the overall financial picture. Council Member Gaston inquired about the depreciation calculations and how they relate to replacement of capital improvements.

Hiett moved, Van Vleet seconded "That the 2008-2009 Audit be accepted." Roll call vote: Yeas: All council members present.

Joe Baxter of Olsson Associates presented a progress report for the WWTF project. Gaston moved, Hiett seconded "That RESOLUTION NO. 20100201 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20100201

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 contractor, Industrial Process Technology, has performed the work for constructing the Sidney Waste Water Treatment Project of this city and the engineer for this project, Olsson Associates, has filed with the City Clerk certificates showing the performance of said contract as follows: CERTIFICATE OF PAYMENT NUMBER 8; AMOUNT DUE CONTRACTOR \$290,303.11; AMOUNT DUE THE ENGINEER \$12,737.42. Payment in the amount now due the contractor and the engineer is hereby authorized and charged to said project in the City of Sidney Waste Water Department budget.

John Hakonson, Superintendent of Sidney Public Schools presented a request re: permanent diagonal parking along the south side of Jackson next to the new High School and to re-stripe the parking stalls and painting of curb and including the east entrance curb of the parking lot. Street Superintendent Hank Radtke and Public Services

Director John Hehnke gave their input towards the request. The drainage issues were also mentioned by Council Member Filsinger. Filsinger moved, Van Vleet seconded "That RESOLUTION NO. 20100202 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20090202

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

That in accordance with the power vested in them by Sections 424.01, 460.01 and 460.02 of the codified Ordinances of the City of Sidney, 1977, the following traffic regulatory markings be placed as hereafter indicated and that all vehicles using the streets of the City comply with the regulations and prohibitions hereafter set forth: **DIAGONAL PARKING** 45 degree parking spaces on the South side of Jackson Street; beginning at a point no closer than 25 feet West of the intersection of the curb lines at the southeast corner of the intersection of 19th Avenue and Jackson Street and continuing West to a point no closer than 15 feet east of the southerly extension of the east right of way line of 21st Avenue; excluding access drives established by the construction of the Sidney High School.

All markings and signs shall be placed in accordance with the most current edition of the "Manual on Uniform Traffic Control Devices" and the regulation and prohibitions of such signs and markings shall be effective twenty-four hours each day.

Doris Jensen, Director of the Sidney Public Library introduced Amy Hackelman one of the Library Board Members and then presented the Library's Annual Report for 2009.

Julie Young, citizen of Sidney, presented questions to the City Council and requested them to provide answers to same as follows: A. Open Meetings - Intent of this question was to keep meetings open. Some closed sessions of Council were questioned (May 12 & May 26, 2009) and the legal reasons for same; whether another city attorney can be hired before you actually need one; personnel issues are closed if the person involved wants it in closed vs. open session; it was questioned - did Jordan Ball or Gary Person know that the personnel issues were about them; Council expects public to follow laws that they pass and the public expects the Council to follow the rules also; County Attorney has the responsibility to make sure closed sessions are in compliance with the Open Meetings Laws; recent comments by Council during the manager/economic development position were worded in such a way that could have suggested a meeting on re-construction proposals prior to bringing any proposal to an open meeting; understanding the open meetings is necessary for all council members; a January, 2009 meeting where all council members appeared at the same place at the same time to look at a pickup truck, etc. Others speaking - Mike Rowland, Jordan Ball, Gary Person David Young, John Katos, Ibs, Young, Marvin Filsinger, and Mayor Weiderspon. Dalan Hiett suggested that in the future we insure it discusses closed sessions with the City Attorney to make sure everything is in order and get the legal advice he can provide. B & C. Public Records & Council Interference with City Personnel - exercising her freedom of right to information had asked if anyone had asked for personnel information - Day after two city employees spoke at the January 26, 2010 meeting, a request was made regarding the personnel information of these two employees. Public perception is this is retribution and sends a negative message to all employees. Questions regarding job description of one of these employees was asked for by Mike Rowland the day after the January 26, 2010 meeting. Others speaking other than the council members - Tammy Nelson, Ibs Young, Jordan Ball, and Gary Person. D. Money received by any business owned by any council member for services rendered to the City - Disclosure Statements required by the Nebraska Accountability & Disclosure Commission were explained, which council members had these on files and those that do not; the storm water project that involved Council Member Filsinger and Mr. Filsinger's explanation of said project and that he didn't charge for his personal time - only materials and equipment used, his employee time were billed; purpose of the question was to encourage council members to follow the rules including the accountability and disclosure and to keep business open and above board. Others speaking besides council members: Jordan Ball, David Young and Kathy Wilson. Councilman Van Vleet stated that he will no longer present any further claims to the City.

At the conclusion of these requested questions the following spoke: David Young stated that no one feels any council member ran for council with bad intent and that no accusation was being made, but that they were requesting more openness at meetings so citizens can have the opportunity to participate in the formation of public policy. Jo Houser who spoke as a citizen and a 20 year veteran as city employee commented that she had

never had her integrity questioned before and that it was now being questioned now in regards to her original position and current position as well as her son's position with the City. She said she had nothing to do the decisions to hire her son or his promotions or his pay raises. Mike Palmer asked why his personnel file was pulled. Bob Van Vleet said he did not ask for a personnel file but he had asked for clarification of the position and that Gary had provided information to satisfy his questions.

City Manager gave a report regarding the agreement with the State of Nebraska Department of Roads re: Sidney Deadwood Trail-Interchange Path as per discussion at the last Council meeting as to continuing forward, realigning the path, or rescinding said agreement. He reviewed the e-mails from the State regarding whether the State would be accepting of another change in the path alignment. The State's answer was that it was highly anticipated that another change would not be granted. If the project is terminated, the State would require the City to re-pay the State for federal funds reimbursed to this date. WNCC's grant for an outdoor classroom is also pending the outcome of the Council's decision on this contract. The following is a list of some of the persons and/or comments that contributed to the discussion: Mayor Weiderspon - he had hoped that the path alignment could be a possibility but after these discussions he felt we needed to continuing on with the current plan even though it is perceived as trail to nowhere. He asked how much is in this year's budget for this project - \$500,000 State share and \$171,000 City funds was the answer. Ralph Castner of Cabela's - re: their commitment to this project, their occupation tax for public infrastructure which they envisioned to be a walking path on their campus, that they are willing to re-direct those funds up to \$200,000 to getting the City's path near the interchange area; and that future funds would be used for their original plan. Cabela's is involved because they feel it is a great public amenity for their employees and the citizens of Sidney. Dr. Carl Cornelius - in favor of completion of the path, that it would be a safer place for the public to walk, and that with the current economy, it is very likely that the bids would come in under bid. Council Member Van Vleet - asked for clarification of possible costs, that it was too much money when there were other things that needed funding, and he also asked if would be a Davis Bacon project (yes). Council Member Gaston - in favor of going forward with the project and possible future paths could conceivably be possible. Council Member Hielt - we should not refuse the grant which would give it to another community instead. Council Member Filsinger - the project could be done cheaper on our own; it's actually reckless spending; thought there was a better and cheaper route. John Katos - what would the City's chances be of getting another grant in the future if we turn this one back - answer was that it could affect Sidney negatively. Ramona Joyce of the Visitor's Committee - in favor of the path and felt that the possibility of other economic benefits such as bike rentals, etc. could be a reality. In response to the comment of a trail to nowhere, she said it is the same scenario as to how the original path starts and stops. She also said that from her experience with grants, turning one down was definitely a black spot on a community. Jim Joyce - also spoke in favor of the project; that the interstate is a gold mine with number of people that stop and want things to do and we should capitalize on it. Dr. Clint Dorwart - commented on what the original path cost and that he didn't believe a new path could be done cheaper. Ralph Castner made the following points: 1. He had no doubt privately we could do the path cheaper but that he did doubt we could do it \$500,000 cheaper. 2. If the council decided to vote no tonight, he would want to put a reasonable time limit on Cabela's commitment. 3. If we cannot work something out, we would intend to go forward with original plans for the path on their campus. 4. If the council would decide to go forward today and the bids came in higher than anticipated, he would request that Cabela's be notified of the short fall in the budget. Before you say no to a bid that was a small amount over budget, please consult us before you say no. Mayor Weiderspon - if the trail was built without the grant, in order for the City to accept it would still have to be built to State standards. At this time if we can stay within the decided upon budgeted amount, we should go forward. Keith Nienhueser - asked for clarification of costs to date and anticipated budgeted costs. Mike Rowland - questioned the parliamentary procedure in handling motions and the discussion of same.

Gaston moved, Hielt seconded "That the staff be directed to continue forward with the path project as per the current agreement with the State of Nebraska." Roll call vote: Yeas: Gaston, Filsinger, Weiderspon and Hielt. Nays: Van Vleet. Motion carried.

City Manager Person gave an update of the proposed sales tax legislation. A hearing before the Revenue Committee will be on February 24th.

Gaston moved, Filsinger seconded "That the following claims for January 2010 are hereby approved and should be paid as provided by law out of the respective funds in the city treasury:" Roll call vote: Yeas: Gaston, Filsinger, Weiderspon and Hiett. Nays: Van Vleet. Motion carried. (Abbreviation for claims: ex expenses, rt retirement, re reimbursements, sa salaries, se service, su supplies, tr transfers, tx tax, co capital outlay) Endurance Flag su 15.00; Sidney Farm Supply su 19.16, 900.00, 128.00, 72.30.

Gaston moved, Hiett seconded "That the following claims for January 2010 are hereby approved and should be paid as provided by law out of the respective funds in the city treasury:" Roll call vote: Yeas: Gaston, Van Vleet, Weiderspon and Hiett. Abstain: Filsinger. (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 2250.91.

Gaston moved, Filsinger seconded "That the following claims for January 2010 are hereby approved and should be paid as provided by law out of the respective funds in the city treasury:" Roll call vote: Yeas: Gaston, Van Vleet, Filsinger and Hiett. 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 se 683.00.

Gaston moved, Hiett seconded "That the following claims for January 2010, are here by 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, co capital outlay) 21st Century su 597.19, 426.26, 128.12; Accelerated Receivables se 74.68; Action Communications se 54.86; AlSCO se 633.01, 80.32; Altec su 676.98; Amateur Sports su 159.00; American Environmental se 5235.53; Atco Int'l se 536.50; B&K Rep & Supply su 249.30; Baker & Asso se 5128.17; BNSF se 600.00; Brestel, Gerald rt 570.28; Bridgestone su 722.65; Bush, Leslie su 20.00; Business Office su 146.53; Busted Knuckle se 1700.88; California Constructors su 364.18; Cardmember se 154.59, 69.00; Carolina Software su 200.00; Cashwa su 104.10; Chey Co Court su 46.00; Chey Co Emergency Comm Cntr se 21752.84; City of Sidney ex, rt, re, sa, se, su tr, tx, co 33266.08, 18064.66, 137.50, 16.97, 106.97, 5.85, 103.00, 20.00, 20.00, 103492.50, 202.09, 59.52, 81216.99, 10680.33, 6037.81, 15518.72, 26276.73, 10970.38, 7077.08, 9401.85, 425.33, 78052.00, 6205.60, 16907.86, 25743.53, 10472.21, 6491.43, 34255.81, 5550.33, 3043.76, 8064.40, 13109.74, 6005.30, 4058.78, 2593.27, 235.76, 613.40, 1455.74, 423.80, 327.28, 16.62, 5.90, 2689.39, 213.83, 2402.00, 4061.54, 1383.89, 89.93, 8594.69, 3901.72; CommSource se 45.00, 2648.26, 107.59; Conrad Fire Equip su 47.27; Contractor Materials su 387.00; Country Printer su 223.00; Cranmore Fire su 172.00, 185.00, 129.00; Cranmore Pest se 80.00; Darin's Auto Repair se 446.17; Day & Night Plumbing se 50.96; Days Inn se 299.75; DP Electronics se su 1448.32, 1008.97, 37.45, 49.99; E&S Auto su 193.64, 204.42, 518.50, 1376.83, 590.13, 695.91, 519.81; Eakes su 585.08; Energy Lab su 1760.00; Engineering Unlimited su 319.69; Enviro se 98.00, 56.00; ESRI su 2140.00; Exline su 928.19; Farm Plan su 58.99, 4.06, 15.99, 54.96, 806.17, 150.66, 5.75, 236.46, 99.98; Finney's su 337.81, 256.74, 104.09, 545.82, 106.66, 370.32, 317.61, 57.80; Floyd's Truck Center se 802.79, 180.74; Foremost Promotions su 1736.98; Foster Lumber su 254.08, 10.96, 61.26, 94.19; Franklin Covey su 7.16, 117.26, 34.55; Fremont Nat'l co 11601.05; Frenchman Valley su 6039.94, 2557.63, 209.13, 5821.94, 880.74, 769.85, 278.96; Fries, Rod re 55.00; Fugro Horizon su 37380.00; Galeton Gloves su 365.31; Gaston, Roger re 242.84; GCSAA se 100.00; Gehrig, Don re 34.50; Golden West Industrial su 361.89; Grainger su 188.85, 92.75; Grandma Jo's se 26.59; Great Plains se 14.14, 14.14; Hamilton se 463.60, 99.90, 49.95, 99.90, 49.95; Harding & Shulz su 133.02; Hargreaves, Joe se 204.00; Harmon, James re 34.50; HD Supply su 1831.93, 1911.00; Hehnke, John re 86.75; Horizon West su 18.12, 155.67, 34.36; Houk, Jason re 69.00; IAPMO se 150.00; Ideal su 435.06, 88.98, 183.16, 14.00, 320.33, 381.59, 54.96; Industrial Process su 322562.38; Interstate Batteries su 196.00, 89.95, 83.60; Iron Works su 20.33, 99.25; JED Rentals su 150.00; Johnsen Corrosion se 1493.00; Johnson Distributing su 673.00; Johnson, Kris re 199.30; Karl W Schmidt & Asso se 294.00, 743.00; Kevin's Electric su 300.94, 49.20; Kriz Davis su 7704.22; Kroll Factual Data su 95.00; Kronos su 2068.41, 157.76, 157.88, 157.88, 210.40, 105.20, 157.76; L&P Financial su 1339.71, 199.80; Lab Safety su 491.60; League of NE se 130.00; Leal, Ron su 450.00;

Lincoln Nat'l se 230.85; Matt Friend Equip su 1443.50; Matthes, Joan se 450.00; Matthew Bender su 152.44; Max's Vacuum su 66.90; Memorial Health se 122.12; Mid States Organized Crime se 100.00; Midwest Cabling su 1325.00; Miller Office su 919.17, 23.89, 50.50, 44.33, 25.68, 33.36; Morrison, Karen su 250.34; Mudhead su 31.96; MEAN su 275992.91; Municipal Supply su 14772.11; Napa su 71.76, 29.99, 33.42; NE Chamber of Commerce se 110.00; NE Dept Environmental Quality se 2197.50; NE Dept of Revenue se 45120.35; NE Golf

Asso se 992.00; NE Public Health se 36.00, 122.00; NE Safety/Fire su 198.28, 245.00; NE Salt & Grain su 422.50; NE Supreme Court su 63.00; NT&T se 1287.77, 118.05, 302.57, 198.63, 288.85, 47.08, 97.97; NEland Tire su 35.00, 40.00; NEC Financial se 329.65; NE Machinery su 727.11, 103.65; Northwest Pipe su 110.32, 489.03; Olsen, Eleanor se 275.00; Olsson Asso se 21231.30; OMB Express su 316.97, 189.96; Paul Reed Const se 9074.34, 26859.89; Person, Gary su 348.45; Plainsman Electric su 350.56; Prestige Flag su 83.03; R&R Products su 136.75; Ray's Auto se 286.41; Reganis Motors su 20.67; Regional West su 5506.71; Respond First Aid su 56.17; Robert Nichols Const su 2150.00; Roderick, Rob re 34.50; Rood's Tire su 256.38, 2371.79, 356.27, 594.97, 13.28, 500.00; Sauder Auto su 913.90; Scotties Potties se 840.00; Segelke, Carla se 1050.00; Sidney Glass su 210.83, 80.76, 450.00; Sidney Soft Water se 162.55, 7.50, 2.50; Sidney Sun Telegraph se 492.49, 99.00, 6.87; Snap On Tools su 31.30; Source Gas su 584.65, 1307.50, 389.96, 386.39, 2244.90, 1091.12, 4201.76; Splish Splash se 69.90, 6.40, 11.00; Stone, Eloise rt 400.00; Sukup, Todd re 119.300; Textron se 9500.00; Turfwerks su 476.44; US Dept of Energy su 18796.00; US Postal svc 4000.00, 643.44, 355.63; Verizon se 346.81, 61.42, 28.83, 223.61, 58.46, 28.83, 605.42; VonSeggern, Tom re 115.00; Wesco su 1797.60; Western Pathology su 27.10; Wheatbelt su 7430.72, 6917.66; Wills, Randy re 100.00; Wolford, Marie rt 814.36; Woodis Welding se 70.00; Wyoming Tribune se 222.25, Baker & Taylor se 184.25; Bibliographical Center su 118.16; Borchert, Lyle se 175.00; Cashwa se 42.95; Cengage Learning se 270.86; City of Sidney se 1892.51; Culligan su 17.30; Charter se 134.97; Susan Davis se 13.00; DP Electronics su 44.99; Elan Visa su 663.18; Farmer Elevator se 82.00; Floyd's Truck Center su 258.97; Journal Office su 30.90; Leisure Time se 166.37; NT&T se 105.26; Petty Cash su 13.88; Random House su 6.00; Recorded Books su 68.95; Segelke Janitorial se 1050.00; Showcases su 846.05; Sidney Sun Telegraph se 6.54; U Store It se 60.00; World Book su 4395.00; NE Supreme su 67.41; Book Page su 270.00, Ideal Linen su 22.87.

City Manager's Report included information about recent and upcoming meetings; i.e. Historic Preservation February 10, Leadership Group to Lincoln, League Meeting February 22-23, LB967 hearing February 24, High Plains Compass presentation at February 23 council meeting, etc. Announcements: Megan McGown elected as President of the State Chamber. Economic Development project to soon be announced. Public Service Director John Hehnke commented on items for next council meeting; i.e. 1&6 Year Street Improvement Plan and bids for a transformer. Council Member Hielt and Mayor Weiderspon thanked the public for their participation in this meeting. Council Member Van Vleet said he had some complaints re: the sound system for the council meetings.

The meeting adjourned at 10:04 p.m.

MAYOR

ATTEST: _____
CITY CLERK

