

Sidney, Nebraska, July 13, 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 July 13, 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.

Filsinger moved, Gaston seconded "That the minutes of the June 22, 2010 meeting be approved as printed. Roll call vote: Yeas: All council members present.

Public Comments: Connie Siefer, 1526 Forrest re: marking of crosswalks at 13th & Forrest and need for more public transportation. City Staff responded to the questions; i.e. crosswalks will be painted soon and another bus system at designated stops will be in place in the next couple of months.

Pursuant to the publicized notice that the Mayor and Council would hold a public hearing at this time and place for the purpose of discussing a proposed City of Sidney Wellhead Protection Plan, the Mayor called the public hearing to order. The following filed written objections: None. The following appeared in person or by agent or by attorney and were heard: Ryan Reisdorff of SPNRD explained the process and informed the Council that there were no comments received at any the sites that provided a copy of the plan for public review; i.e. SPNRD, Sidney Public Library and the City Offices. NDEQ representatives were introduced. There being no need for amendments and all persons having been heard, Mayor Gaston closed the public hearing.

Hiett moved, Filsinger seconded "That RESOLUTION NO. 20100701 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20100701

WHEREAS, there has been presented to the Sidney City Council a Wellhead Protection Plan for the City of Sidney, Nebraska developed by City and South Platte Natural Resources District staff, titled "Sidney Wellhead Protection Area"; and

WHEREAS, Ordinance 1640 establishing the wellhead protection areas was read by title on each of the following dates: May 25, 2010, June 8, 2010 and June 22, 2010 and was adopted by Council on June 22, 2010; and

WHEREAS, Resolution 20100503 passed by the Sidney City Council on May 25, 2010, provided a 30-day period for public comment on the Wellhead Protection Plan which comment period expired on June 30, 2010, and which Resolution 20100503 also provided that a public hearing be held on July 13, 2010, which hearing has been held; and

WHEREAS, the plan has been made available for more than thirty days for public review, said time frame having been provided for public comment and no comments having been received; and

WHEREAS, adoption of a Wellhead Protection Plan will focus attention and provide a procedure for protection of areas wherein the flow of ground water towards City wells is protected and will also make the City eligible for financial support for actions and land control which may be adopted in the future.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIDNEY, NEBRASKA that the Wellhead Protection Plan being that document entitled "Sidney Wellhead Protection Area" is hereby approved and adopted as the Wellhead Protection Plan for the City of Sidney, Nebraska.

Joe Baxter of Olsson Associates presented an update of the Wastewater Treatment Facilities project, presented Change Order #2, a resolution to pay expenses, and an acceptance of substantial compliance for Industrial Process Technology.

Gaston moved, Filsinger seconded "That Change Order #2 for the Wastewater Treatment Facilities project be approved." Roll call: All council members present.

Hiett moved, Gaston seconded "That Resolution No. 20100702 be passed and adopted." Roll call: All council members present.

RESOLUTION NO. 20100702

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 13; AMOUNT DUE CONTRACTOR \$554,569.08; AMOUNT DUE THE ENGINEER \$16,911.92. 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.

Gaston moved, Filsinger seconded "That the Mayor be authorized to sign the acceptance of substantial compliance for Industrial Process Technology for the Wastewater Treatment Facilities project." Roll call: All council members present.

Mayor Weiderspon announced the resignation of Oscar Glover from the Housing Authority. Hiett moved, Van Vleet seconded "That Oscar Glover's resignation be accepted and that RESOLUTION NO. 20100703 be passed and adopted." Roll call: All council members present.

RESOLUTION NO. 20100703

WHEREAS, Oscar J. Glover has submitted a resignation letter as a Commissioner of the Housing Authority of the City of Sidney and it is necessary for the Mayor and City Council of the City of Sidney to take action on said resignation so that the Mayor can accept applications to fill the vacancy and present his selection to Council for confirmation.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SIDNEY, NEBRASKA that the resignation of Oscar J. Glover as Commissioner for the Housing Authority of the City of Sidney is hereby accepted.

BE IT FURTHER RESOLVED that the City Clerk is directed to advertise the vacancy by one publication in the *Sidney Sun-Telegraph* calling for application by letter to fill the unexpired term which ends September 30, 2014 from interested qualified residents of the City of Sidney. Said letter of application should be directed to Mayor David Weiderspon, at the City Administrative Office, 1115 13th Avenue, Sidney, Nebraska or the Housing Authority Office at Sioux Villa at 1844 Ash Street, Sidney, Nebraska. Application period will end at 5:00 P.M. July 23, 2010.

Gaston moved, Filsinger seconded "That Resolution No. 20100704 be passed and adopted." Roll call: All council members present.

RESOLUTION NO. 20100704

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

That the Planning Commission of the City of Sidney, Nebraska has submitted to the City Council of the City of Sidney, Nebraska, its recommendation of approval of the preliminary plat application of Trevor Black and Travis Allen for a re-plat of Lots 1, 2, and 3, Preslie Estates Subdivision in Cheyenne County, Nebraska; and

That the City Council of the City of Sidney, Nebraska, does hereby approve the foregoing preliminary plat for same; and

That the City Council of the City of Sidney, Nebraska, does hereby approve the Final Plat of Lots 1A and 2A, Preslie Estates Subdivision a re-plat of Lots 1, 2, and 3, Preslie Estates Subdivision in Cheyenne County, Nebraska.

City Manager Person presented information on the needed paperwork to put an improvement district in place for the Old Post Road project.

Gaston moved, Filsinger seconded "That the Ordinance entitled "AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 50 AND PROVIDING FOR GRADING, STORM SEWER, PAVING AND ALL OTHER RELATED INFRASTRUCTURE IMPROVEMENTS THEREIN" be designated as Ordinance No. 1644. Roll call vote: Yeas: All council members present. Filsinger moved, Hiett 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. Filsinger moved, Hiett seconded "That Ordinance No. 1644 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. Hiett moved, Gaston seconded "That Ordinance No. 1644 be published in *The Sidney Sun-Telegraph*." Roll call vote: Yeas: All council members present.

Filsinger moved, Van Vleet seconded "That Resolution No. 201007056 be passed and adopted." Roll call: All council members present.

RESOLUTION NO. 20100705

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

That ratification of retainage of M.C. Schaff & Associates as special engineers for the City of Sidney for the preparation of plans, specifications and estimates for the necessary work needed for Street Improvement District No. 50 and for the supervision and inspection of such work in said district; and for the performance of any other engineering services in connection therewith.

That the detailed specifications and engineer's cost estimates, including the general stipulations thereto attached for the construction of paving, curb and gutter improvements, and all other necessary incidental improvements thereto, as applicable, for Street Improvement District No. 50, as prepared by M.C. Schaff & Associates, engineers employed by the City to prepare same, and filed in the office of the Public Services Director on July 7, 2010 be and the same are hereby approved.

RESOLVED FURTHER, that all bids for the construction of said improvements shall be subject to said specifications and general stipulations and the instructions to bidders set forth in specifications on file.

RESOLVED FURTHER, that it is ratified that the City Clerk on behalf of the City of Sidney advertised for bids for said construction on July 1, July 8, and July 15, 2010 with the bid opening being set for July 22, 2010 at 2:00 P.M.

The County Clerk's certification of the abstract of votes as prepared by the county canvassing board for the Primary Election held May 11, 2010, showing the following results was presented by the City Clerk and attached to these minutes: Sidney City Council - 4 Year Term: Jimmie Hansel 65, Marvin Filsinger 667, Zane E. Hall 287, Roger M. Gallaway 346, Dalan Hiett 621, Wendall F. Gaston 902, Tim Hackleman 238, Mark Nienhueser 766, Tracy M. Hruza 182, Tamara Nelsen 288, Scatterings 23. Van Vleet Moved, Hiett seconded "That the foregoing County Clerk certification be received and filed in the City records." Roll call: Yeas: All council members present.

City Manager Person presented a report on the damage resulting from the July 6, 2010 storm and explained the Governor's and subsequently the Mayor's Declaration of Emergency.

City Inspector Jim Pelster presented a draft ordinance re: licenses for roofers. The ordinance is to be brought back at the next Council meeting.

Van Vleet moved, Gaston seconded "That the following claims for June 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, Weiderspon, Van Vleet and Hiett. Nays: None. 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.

Van Vleet moved, Filsinger seconded "That the following claims for June 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, Van Vleet and Hiett. Nays: None. 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 768.00.

Gaston moved, Filsinger seconded "That the following claims for June 2010, are here by approved and should be paid as provided by law out of the respective funds in the city treasury." Roll call: 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 85.74, 130.00; A-1 Sports su 5.95, 51.36; Absolute Natural Resources su 147.00; Accelerated Receivables su 286.85; Action Communication su 117.82, 46.00; Adams Mega Service se 600.00; Alamar Uniforms su 232.58; AlSCO su 415.61; Altec Industries su 44.29; American Enviromental su 1933.63; Arnold Pool su 4251.35; Arrow Seed su 250.55; B& C Steel su 331.51; Bavco su 61.25; Black Hills Ammunition su 489.50; Borchert, Lori re 243.00; Bown, LaVern se 597.62; Brekel, Greg su 100.00; Brestel, Gerald rt 570.28; Busted Knuckle se 809.79; C&M Golf su 505.94, 550.32; Cabela's Retail su 759.77; Cardmember se 191.75, 95.00; Cashwa su 225.35, 49.20; Cheyenne Co Chamber su 1250.00; Cheyenne Co Community Center su 10000.00; Cheyenne Co Emergency Comm Center su 18190.91; City of Sidney ex rt re sa se su tr ts co 24240.96, 11619.66, 12126.21, 5948.48, 95106.45, 9830.60, 7379.79, 15510.86, 4030.37, 33043.25, 5498.18, 3034.29, 7988.64, 5531.18, 20.08, 33266.08, 18064.66, 2728.04; 73.30, 103.00, 103492.50, 2604.12, 33.00, 55868.40, 3765.25, 648.18, 276.29, 937.64, 1929.71, 666.98, 448.87, 89290.00, 10735.72, 7843.45, 15956.78, 24956.82, 12197.26, 6548.43, 150.50, 255.85, 1047.98, 2087.79, 137.99, 14.65, 2457.56, 1572.80, 64.94, 333.64, 5093.42, 342.19, 4750.24, 102.74; Clothes Hamper se 35.00, 60.00; Cobitco su 261.12; Colorado Paint su 801.80; Colorado State University se 330.00; CommSource se 53.19, 90.06; Country Printer su 193.00; Cranmore Fire su 220.00; Cranmore Pest su 80.00; David's Plumbing se 450.00; Day & Night su 61.03, 128.00; Dead Short Broadcasting su 30.00; Dept of Energy su 24054.89; Dept of Revenue tx 42386.74; DP Electronics su 922.09, 127.98, 18.62, 314.92, 41.72; E&S Auto 125.72, 68.90, 139.85, 218.96, 571.36, 52.70, 18.95, 17.72; Eakes su 210.16; Energy Labs su 1825.00; Enviro se 84.00, 42.00; Falcon Labs su 425.93; Farm Plan su 594.42, 3.49, 20.45, 144.99, 8.97, 34.38, 273.61, 79.99; Farmers Feed & Seed su 23.42; Finney's su 306.47, 119.30, 621.75, 61.96, 425.01, 348.39, 348.62; First Nat'l Ins su 26450.48, 330.00, 8209.36, 2052.32, 15082.87, 17589.14, 9653.36, 7167.15; Floyd's Truck se 100.50, 24.58; Foster Lumber su 184.50, 4.72, 390.83, 22.93, 4.76, 54.51; Fox Valley su 88.52; Fremont Nat'l co 10383.20; Frenchman Valley su 7240.70, 1789.80, 242.01, 6380.28, 1251.34, 101.67, 1061.39; 146.61; G&L Laser Memories se 32.90; Galetton Gloves su 219.86; Golf Solutions su 532.80; Grainger su 35.74, 82.29; Great Plains One Call se 75.39, 75.39;

Hamilton se 363.70, 49.95, 99.90, 49.95; Hampton Inn se 1786.02; Hargreaves, Joe se 318.00; Harper su 315.48; HD Supply su 2579.50; Heiman Fire su 30.40; Hofrock, Curtis se 297.00; Holiday Inn su 70.00; Horizon West su 11.79, 68.29; Ideal Linen su 819.54, 426.70, 77.22, 21.42, 301.36, 69.15; Industrial Process su 227549.18; Interstate Batteries su 73.95; Jirton Agri Chemical su 377.00, 232.00; Johnson Distributing su 533.10, 4838.04, Johnson, Kris re 489.00; Kevin's Electric su 100.00, 525.75, 1637.64, 614.39; Kriz Davis su 888.31, 14.34; L&P Financial se 736.62; Langley Trucking su 1320.96; Lawson Products su 354.40; League of NE su 2586.50; Leal, Ron se 450.00; Lincoln Nat'l Life su 196.20, 217.35; Logan Contractors su 966.78; Luke's Spraying se 225.00; Main St Program se 5000.00; Masek Golf Car su 42.40; Matthes, Joan se 450.00; Memorial Health se 380.80; Midwest Cabling su 450.00; Milestone su 440.00, 117.18; Miller Office su 533.95; 8.00, 59.27, 523.58, 2147.93, 1047.14, 564.93; MEAN su 203584.76; Munciple Supply su 2037.24, 267.50, 882.76; Napa su 63.39, 108.54, 100.36, 20.36, 555.85; Nat'l Animal Control se 35.00; Nat'l Tactical Officers Asso se 150.00; NE Law Enforcement su 190.00; NE Public Health su 36.00; NE Safety & Fire su 97.00; NT&T su 1340.59, 118.24, 306.08, 203.93, 283.25, 147.45; Neland Tire su 73.94, 165.52; NEC Financial se 329.65; NEDA su 200.00; Nike su 6022.07; NE Machinery su 706.39, 146.08; NWEA se 55.00; Olsen, Eleanor se 275.00; Olsson Asso se 25080.37; OMB Express su 106.89, 366.12; Panhandle Geotechnical se 3000.00; Panhandle RC & D 300.00; Paul Reed Construction se 89777.20; Pepsi su 254.80; Person, Gary re 170.00, 244.19; Pheasants Forever se 169.84; Phillips, John re 56.73; Plainsman Electric se 3847.00, 200.00; Powell, Jim re 57.50; Prestige Flag su 128.62; Quality Inn se 80.01; R&R Products su 225.38; Reganis Motors su 121.21, 1535.44, 84.52; Region I se 70.00; Regional West Medical se 5506.71; Respond First Aid se 69.82; Rinder Printing su 315.48; Rood's Tire su 30.60, 657.64, 107.00, 24.00, 14.50, 15.45, 19.25; Rural Community Ins se 1041.00; Sapp Bros su 148.04; Sargent Drilling su 200.00; Sauder Auto su 119.18; Schaff & Asso se 13574.00, 4365.00; Scotties Potties se 770.00; Segelke, Carla se 1050.30; Sidney Glass su 587.63; Sidney Greenhouse su 475.08; Sidney Soft Water se 24.00, 7.50, 5.12; Sidney Sun Telegraph su 199.29, 144.00, 6.87, 298.44; Sidney Wranglers se 45.00; Smith Hardware su 12.46; Snap On Tools su 16.95; Source Gas su 102.72, 360.17, 93.03, 198.90, 171.15, 131.45, 11453.86, 45.92, 46.48, 538.15, 316.65; South Platte NRD 50.00; Spic & Span se 809.50; Splish Splash se 30.40, 31.60, 5.55; Star Herald se 133.00; State of NE se 1159.67; Stone, Eloise rt 400.00; Storage Battery se 1525.40; Sukup, Todd ex 107.50; Thompson Co, GA su 221.62; US Postal se 110.00; USA Bluebook su 670.81; Verizon su 66.54, 68.27, 33.14, 215.71, 110.51, 475.30; Walmart su 146.02, 11.94, 62.00, 23.41; Western Enterprises su 85000.00; Western Pathology su 406.00; Wheatbelt su 9041.71, 9527.37; Wolfe Sand su 132.00; Wolford, Marie rt 814.36; Zep su 321.72; Alliance Times se 99; Star Herald su 133.00; Gaylord rt 88.40; Ideal Linen su 26.50; Journal Office su 32.97; Kevin's Electric se 76.00; Leisure Time su 169.46; NT&T se 146.06; Petty Cash su 12.09; Baker & Taylor su 3169.95; Barker Cleaners su 119.00; Borchert, Lyle se 75.00; Bibliographical Center su 119.49; City of Sidney su 589.53; Cornhusker State su 44.55; Culligan su 17.00; Charter su 134.97; EBSCO se 3241.32; Elan Visa su 828.07; Finney's su 33.43; Panhandle Library su 24.00; Quill su 809.45; Segelke Janitorial se 1050.00; Show Me Books su 240.00; Sidney Sun Telegraph su 6.54; Sonny's su 9.18; U-Store It se 60.00; Sidney Wranglers se 25.00; Gale su 299.78; Council of State su 58.50; Sterling Journal Advocate su 143.74; Panhandle Library su 15.00; Frenchman Valley su 93.00; Recorded Books su 6.95.

Hiatt moved, Van Vleet seconded "That the Financial Statements for all departments for une, 2010 be approved. Roll call vote: Yeas: All council members present.

The 2010 Schedule of Budgets was presented for Council's. Workshops will be held on at 6:30 p.m. on August 2 & 3, 2010 and on August 4 at 1:00 p.m. if needed.

City Manager's Report included information about recent meetings and events; i.e. State & Federal transportation officials this week, Special Olympics Torch Run 7/14, Hearing with County re: valuation increase on Verde Lane Dam because of a lease for pasture usage, Communications Center Board; Planning Commission 7/19, DED trade & investment conference 7/21, Mike Linder of NDEQ tour of WWTF 7-22, conference call with State Senators re: sales tax issues, Newcomers Picnic. He also thanked all the volunteers involved in the July 4th festivities and the anvil firing. He also announced it was the last year that Jerry Spike and Don Egging will be doing the anvil firing. Council Member Gaston questioned the need to revisit the appointment of one of the last Planning Commission members. He also thanked the firemen for the fireworks display on July 3rd.

Council Member Gaston questioned that a recent Planning Commission appointment should be revisited. He also thanked the firemen for the July 3rd event. Council Member Hiatt thanked all the City crews for their efforts during the recent storm as did Mayor Weiderspon. The Mayor also question the change in locations of the civil defense sirens and the Public Services Director explained the change and that he had personally spoke with some of the questioning public.

Council adjourned at 8:54 p.m.

MAYOR

ATTEST:

CITY CLERK