

Sidney, Nebraska, April 24, 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 April 24, 2012 in the Council Room. Present were: Mayor Gaston and Council Members: Weiderspon, Nienhueser, Hiatt 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.

Nienhueser moved, Weiderspon seconded "That the minutes of the April 10, 2012 meeting be approved." Roll call vote: Yeas: All council members present.

Upon the request of the Sidney Elk's Exalted Ruler W.J. McGowan, Mayor Gaston read and proclaimed May 1-7, 2012 as Elks Youth Week in Sidney.

John Vera presented a request from the Sidney Gold Rush Committee for a permit to have a bonfire, discharge firearms and a cannon (loaded with blank cartridges) in Legion Park on June 8-10, 2012 and for permission for park occupancy after the designated closure time with security personnel being present to observe and report any trespassers or other disturbances. Hiatt moved, Van Vleet seconded "That the request from the Sidney Gold Rush Committee for a permit to have a bonfire, discharge firearms and a cannon (loaded with blank cartridges) in Legion Park on June 8-10, 2012 be approved." Roll call vote: Yeas: All council members present.

Dan Carlson on behalf of the U.S. Sportsmens Alliance and the Cabela's retail store in Sidney presented a request for a permit for a youth event on June 9, 2012 (8:30 A.M. to 4:00 P.M.) which would involve two shooting venues. Weiderspon moved, Hiatt seconded "That the request of U.S. Sportsmens Alliance and the Cabela's retail store in Sidney for a permit for a youth event on June 9, 2012 (8:30 A.M. to 4:00 P.M.) which would involve two shooting venues-archery and air rifles be approved." Roll call vote: Yeas: Weiderspon, Gaston, Hiatt and Van Vleet. Nays: None. Abstain: Nienhueser.

Larry McCaslin, special engineer for Sanitary Sewer District #20 presented Change Order No. 2 for additional work required by Nienhueser Construction for trenching and bedding of the pipe due to a change of anticipated soil conditions at the site. Hiatt moved, Van Vleet seconded "That Change Order #2 for Sanitary Sewer District #20 for Nienhueser Construction in the amount of \$8,400 be approved.." Roll all vote: Yeas: All council members present.

Upon request of Mayor Gaston, the City Clerk read Ordinance No. 1675 by title for the third reading as follows: "AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, TO AMEND CHAPTER 660 "SAFETY, SANITATION AND HEALTH" SECTION 660.02 "STORAGE OF UNLICENSED VEHICLES OR PARTS" OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA TO PROVIDE FOR ABATEMENT AND CRIMINAL PENALTIES RELATED TO VEHICLES UNLICENSED MORE THAN FOUR MONTHS, TO PROVIDE ADDITIONAL MEANS OF SERVICE; TO REPEAL ANY ORDINANCE OR PART OF ORDINANCE IN CONFLICT THEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE". Hiatt moved, Nienhueser seconded "That Ordinance No. 1675 be finally passed." Roll call vote: Yeas: Nienhueser, Gaston, and Hiatt. Nays: Weiderspon and Van Vleet. 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, Hiatt seconded "That Ordinance No. 1675 be published in The Sun-Telegraph." Roll call vote: Yeas: All council members present.

Nienhueser moved, Weiderspon seconded "That Peggy Langley be re-appointed to the Sidney Tree Board for a three year term." Roll call vote: Yeas: All council members present.

Council Member Dalan Hiett announced his resignation from the City Council effective immediately. Nienhueser moved, Van Vleet seconded "That the resignation of Dalan Hiett be accepted." Roll call vote: Yeas: All council members present. Dalan Hiett stepped down from the council bench and joined the audience.

Mayor Gaston made a declaration of VACANCY for the elective office that had been held by Dalan Hiett and that the term for said office expires December 9, 2014.

A discussion was held regarding what process would be implemented to fill the vacancy; i.e. Process A - as per Section 32-569(b) - "pattern of practice" used in the past; or Process B - as per Section 32-568 Paragraph 7 - letters of interest, etc. placed in council packet at which time Council will determine by motion and majority vote which candidate it wishes to appoint.

Van Vleet moved, Weiderspon seconded "That Process B be implemented to fill the vacancy; i.e. that the council vacancy will be filled by requesting letters of interest accompanied by qualifications/resume from qualified registered voters who reside within the corporate limits of the City of Sidney, Nebraska; and that said letters can be mailed addressed as follows: MAYOR & CITY COUNCIL, CITY OF SIDNEY, P.O. BOX 79, SIDNEY, NE 69162 or delivered to the City Offices at 1115 13th Avenue, Sidney, NE.; and that the deadline for said letters of interest is 5:00 P.M. on MAY 3, 2012; and that the appointment to fill the vacancy will be considered at the May 8, 2012 Council meeting; and that the term for this appointment will expire on December 11, 2012." Roll call vote: Yeas: All council members present.

Nienhueser moved, Weiderspon seconded "That the Council determines that the third place finisher in the November 6, 2012 General Election will fill the remaining two years of the term being vacated and that the top two vote-getters in said election will receive the four year terms." Roll call vote: Yeas: All council members present.

City Manager Person expressed his appreciation to Dalan Hiett for his service on the City Council and for his many contributions to the community. He further reported on updates of recent and upcoming meetings and/or events; i.e. Cheyenne County Leadership 4/11-Economic Development sessions; Girls Day Out 4-21, Firemen's Ball 4-20, National Accreditation for the 4th consecutive year of Sidney's Historic Main Street Program; Golf Development Study to be presented soon to the City Council; 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; sales tax issue passage last week; press conference 4-27 re: housing project, etc. Mary & Dick Cabela were thanked for their contribution of holiday decorations to the City of Sidney.

Public Services Director Hehnke reported on 4-26 NDOR meeting re: L17J project; Choice Gas ends 4/26; and the tree give away 4/21 w/82 registered participants. He also expressed his appreciation to Dalan Hiett.

All Council Members expressed their appreciation and best wishes to Dalan Hiett.

The meeting adjourned at 8:19 p.m.

MAYOR

ATTEST: _____ CITY CLERK

