

Sidney, Nebraska, January 12, 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 January 12, 2016 in the Council Room. Present were: Mayor Nienhueser and Council Members: Gallaway, Gaston, Gay, and Arterburn. Others present: Interim City Manager Anthony, Deputy City Clerk Heilbrun and City Attorney Sonntag. 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 the minutes of December 22 2015 meeting be approved as printed." Roll call vote: Yeas: Arterburn, Gallaway, Gaston, and Nienhueser. Abstain: Gay.

Mayor Nienhueser opened a public hearing at 7:17 p.m. regarding the retail class I liquor license of RMH Franchise Corp. dba Applebee's, 625 Cabela Drive; and Resolution No. 20160101 making a recommendation for same to the Nebraska Liquor Control Commission. Katie Samples Dean of Sonntag, Goodwin and Leef presented the application on behalf of Applebee's. She noted that Margaret Schiefen is the Regional Manager for the Sidney Applebee's, and Dorrie Manske will be the local manager. She introduced both Manske and Paul Hefner, director of operations who resides in Wyoming. Mr. Hefner noted that the Sidney facility will have a capacity of 233, including a banquet room. There were no objections to the request. The public hearing was closed at 7:20 p.m. at which time the Mayor asked for a motion to approve Resolution No. 20160101.

Gallaway moved, Arterburn seconded "That Resolution No. 20160101 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO 20160101

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

That the Mayor and Council of the City of Sidney, Nebraska hereby recommends approval of the issuance of a Class I liquor license to Applebee's Neighborhood Grill & Bar at 625 Cabela Drive, Sidney, Cheyenne County, Nebraska; and

That the Mayor and Council of the City of Sidney, Nebraska hereby recommends approval of the manager application of Margaret Schiefen for said license; and

That the Nebraska Liquor Control Commission be notified of said recommendations.

Andrew Ross of the Nebraska Municipal Power Pool presented an update to the 2015 Cost of Service/Rate Design Electric Financial Proforma. He stated that the numbers represented in the analysis were conservative. The options presented were based on .0%, 1.4%, and 3.5% Sales Growth Base Load, and a 4.7% retail rate increase within the next six months. He recommended a review every two years. Electric Distribution Superintendent Mike Palmer noted that the 4.7% increase would be incorporated into a rate study showing allocation of the increase in the rate structure. The new rates would then be brought back to the Council in ordinance form in March for adoption and implementation in April.

Gaston moved, Gay seconded "That the Council approve a sales growth potential direction to reflect a 1.4% sales growth base load and a 4.7% rate increase which would occur approximately in April 2016." Roll call vote: Yeas: All council members present.

Gallaway moved, Gay seconded "That Resolution No. 20160102 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20160102

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

That the Mayor and Council hereby approve Change Order No. 1 in the amount of +\$29,561.93 for construction of Street Improvement District No. 58/Fort Sidney Road; and

That the Mayor and Council hereby find and determine that pursuant to contracts heretofore made, M.C. Schaff & Associates, the engineer, has performed the work for engineering of Street Improvement District #58; and the contractor, Perrett Construction for constructing same have filed with the City Clerk certificates showing the performance of said contracts as follows: **STREET IMPROVEMENT DISTRICT #58**; PAYMENT NUMBER 7 FINAL; AMOUNT DUE ENGINEER **\$24,179.00**; AMOUNT DUE CONTRACTOR **142,499.32**. Warrants in the amount now due the contractor and the engineer are hereby authorized and charged to

said district. Said warrants 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 "That Resolution No. 20160103 be passed and adopted." Roll call vote: Yeas: Gallaway, Gaston, Gay, and Nienhueser. Nays: Arterburn.

RESOLUTION NO. 20160103

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

That the Mayor and Council hereby approve Change Order No. 1 in the amount of +\$7,005.00 for construction of Street Improvement District No. 56/Anna Drive/Outfitter Way; and That the Mayor and Council hereby find and determine that pursuant to contracts heretofore made, M.C. Schaff & Associates, the engineer, has performed the work for engineering of Street Improvement District #56; and the contractor, Nienhueser Construction for constructing same have filed with the City Clerk certificates showing the performance of said contracts as follows: **STREET IMPROVEMENT DISTRICT #56**; PAYMENT NUMBER 1; AMOUNT DUE ENGINEER **\$17,010.00**; AMOUNT DUE CONTRACTOR **145,533.25**. Warrants in the amount now due the contractor and the engineer are hereby authorized and charged to said district. Said warrants shall draw interest at a rate of 1.0% per annum and be held by the City of Sidney Investment Account.

Jonathan Schubauer of Baker & Associates presented the plans and specifications for the street and stormwater improvement project in the Sidney Business Park; and requested that a bid date of February 4, 2016 be set for opening of construction bids on the project. He estimated the construction costs to be between \$650,000.00 and \$700,000.00.

Gallaway moved, Arterburn seconded "That the Council accept the plans and specifications for the street and stormwater improvements in the Sidney Business Park as presented by Baker & Associates, Inc.; and set the date for opening of construction bids on the project for February 4, 2016 at 2 p.m." Roll call vote: Yeas: All council members present.

Parks Superintendent Tom VonSeggern presented a recommendation to appoint Kelcey Pettit to the Tree Board to replace Don Ogle, who has resigned for personal reasons. The appointment would run from January 2016 to April 2017, with January 19<sup>th</sup> being the date of the next meeting.

Gay moved, Arterburn seconded "That Kelcey Pettit be appointed to the Tree Board to fill an unexpired term to include January, 2016 through April, 2017." Roll call vote: Yeas: All council members present.

Gaston moved, Gallaway seconded "That the Ordinance entitled "AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; AND REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH" be designated as Ordinance No. 1773." Roll call vote: Yeas: All council members present. Gay moved, Gallaway seconded "That the Statutory requirement requiring the ordinance to be read by title three different days be suspended." Roll call vote: Yeas: Gallaway, Gaston, Nienhueser and Gay. Nays: Arterburn. 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. Gallaway moved, Gaston seconded "That Ordinance No. 1773 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. Gay moved, Arterburn seconded "That Ordinance No. 1773 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: All council members present.

Gaston moved, Gay seconded "That the following claims for December 2015, are hereby approved and should be paid as provided by law out of the respective funds in the city treasury." (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." Roll call vote: Yeas: Gallaway, Gaston, Gay and Arterburn. Abstain: Nienhueser.

Gallaway moved, Arterburn seconded "That the following claims for December 2015, are hereby approved and should be paid as provided by law out of the respective funds in the city treasury." (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): 21<sup>st</sup> Century Equipment su 113.61, 165.70, 262.83; A-1 Sports su 153.00; Absolute Solutions se 1463.75; Accelerated Receivables se 91.17;

Acco Brands Direct su 111.80; Allen, Jennifer re 23.36; ALS Group se 1120.00; American Environmental se 7571.50, 4845.13; Anthony, George re 16.57; Applied Concepts se 52.00 Arnold Pool su 3418.20; Baker & Taylor su 530.17, 5.30; Barker Cleaners se 45.00; Beehive su 2350.00; Best Plumbing se 3996.16, 3043.20; Better Electric su 8031.40, 1606.28; Bomgaars su 70.97, 259.88, 27.97, 104.81, 124.99, 33.29; Brandt Appraisal se 3250.00, 5000.00, 1750.00; Bug Off se 110.00; Busted Knuckle se 331.58; Cabela=s Retail su 372.57; California Contractors su 80.00; Canon Financial se 122.90; Cardmember Service su 145.61, 177.59, 236.47, 17.74, 175..68, 17.74; Caselle su 1594.00; Cement Products su 12549.49; CenCon of Kansas se 1161.00; CenturyLink su 97.89, 195.78; Charter se 23.74, 67.99; Cheyenne Co Chamber se 1666.67, 800.00; Cheyenne Co Community Center se 10000.00; Cheyenne Co Emergency Comm Center se 33751.11; Cheyenne County Chamber 220.00; Chief su 206.99, 621.62; City of Sidney sa in 1338.20, 12466.31, 17444.68, 25402.85, 12788.81, 7916.81, 24454.25, 4422.31, 8398.73, 5411.35, 2864.65, 5611.11, 5953.81, 65010.34, 1023.69, 13246.88, 1043.84, 14144.30, 2114.98, 28521.41, 909.83, 10701.73, 900.30, 93146.25, 87823.02, 89444.25, 12042.09, 12980.66, 18159.80, 19276.81, 21490.08, 12370.01, 12351.15, 7736.61, 8345.10, 5833.81, 1004.19, 1016.84, 5507.98, 890.33, 883.80, 21840.79, bd 19750.00, ct ut se 1350.00,108.19, 394.43, 337.15, 1678.10, 200.00, 102.15, ut 1905.59, 2406.60, 146.04, 2534.63, 79.07, 909.10, 6055.80, 1097.26, 10112.84, 73.05, 24.77; Clothes Hamper se 132.00; Comfort Inn se 199.90; Companion su 899.00; Consolidated Management su 328.50, 175.25; Contractors Materials se 423.00; Country Printer su 205.00; Croell su 1346.32, 30.00; Culligan su 19.95, 41.95, 5.00, 29.95; Darin=s Auto se 486.22, 491.02; Davidson, Darci re 39.39; Daylight Donuts se 59.50; Deaver Tire su 183.26; Department of Energy ut 20152.79; Design Solutions se 816.85; DHHS du 1035.00, 115.00, 568.00; Diamondback Engineering se 11140.00; Ditch Witch su 57.08; DP Electronics su 2180.74, 79.98, 161.24, 125.96; E&S Auto se 356.49, 1477.18, 587.11, 161.49, 31.22, 414.20; Elan Visa su 1383.90, 181.89, 4.98, 60.27, 7.10; Endurance Flag su 155.50; Enviro se 72.00, 36.00; Falcon Lab su 63.63; FC Organizational Products su 119.72, 36.72, 49.72, 49.52; Finneys su 595.91, 62.17, 31.05, 389.87, 290.64, 231.53, 20.97; Floyd=s Truck se 1587.85, 152.09; Foster Lumber su 726.73, 111.93; Fremont Nat=l Bank ct 13175.84; Frenchman Valley su 65.54, 6724.82, 1687.52, 3263.99, 1516.12, 1060.20, 336.62, 114.61; Fyr Tek su 21.12; Gale/Cenage Learning su 176.11; Galls su 289.10; Golden West su 298.31; Golf & Sport su 439.19; Grainger su 4785.95, 30.79; Guideposts su 13.95, 3.79; Hamilton se 160.85, 99.90, 49.95; Hardy Systems se 4585.03, 422.28; Heiman Fire Equipment su 1262.70; Hillside Bar su 1420.00; Hochwender, Tina tt 47.73, 87.40; Holtz Industries su 3334.02, 785.25; Hometown Leasing su 978.32; Huber & Asso se 81.00, 581.00; Ideal Linen su 29.36, 153.07, 119.18, 151.19, 126.84; Int=l Code Council du 49.90; Intoximeters su 178.50; JA Traffic Products su 500.00; Jackson Hirsh su 106.63; JC Golf Accessories su 21.50; Johnsen Corrosion se 1646.00; Johnson, Kris tt 246.30; Journal Office su 42.77; Kelly Supply su 190.00; Kevin=s Electric su 236.99, 70.00; Kronos se 2179.45, 726.47, 359.99, 359.99; KSID se 408.00; LL Johnson eq 165.98; Landis & Gyr se 850.00, 850.00; Langley Trucking se 4027.20, 554.76; Law Enforcement Systems se 67.00; Lawson Products su 426.72; Leal, Ron se 450.00; Lei, Travis re 12.50; Leidos Engineering se 441.00; Lincoln Winwater Works se 235.00; Logan Contractors su 465.58; Matt Friend Truck su 77.02; Matthes, Joan F se 625.00; Memories in the Making se 200.00; Midwest Labs su 553.50; Midwest Underground se 22396.54; Milestone su 561.33; Miller Office su 1493.00, 710.74, 22.34, 1895.30, 1446.29, 31.87, 710.74; MEAN se ut 3779.67, 481510.42; Municipal Supply su 22683.92; Napa su 68.32; NAPC su 100.00; Nat=l Industrial su 117.40; NE Chamber of Commerce su 350.00; NE Dept of Revenue tx 54251.42; NE Dept of Roads se 3705.54; NE Environmental su 418.67; NE Safety/Fire su 235.00, 507.50; NE State Treasurer se 53.35; NT&T se 1439.48, 127.89, 195.77, 309.38, 52.14, 114.10, 93.03; NE Link su 36.00; NE Tire su 350.94, 14.63, 548.52; NEDA du 100.00; Nienhueser Construction se 402.50, 3835.00; NMC eq 473.36; Northwest Pipe eq 559.36; NTC se 101.06; OCLC se 200.71; Office Technology se 79.00; Olsen, Eleanor se 275.00; Olsson Asso se 10346.00, 5435.13, 1475.50, 590.20; One Call se 60.75, 60.75; Palmer, Mike tt 52.76; Panhandle Auto se 7252.76, 106.38; Panhandle Geotechnical se 3787.25, 675.00; Pepsi su 79.20; Perfection Door su 175.00, 161.00; SPL Petty Cash su 2.59; Points West Ins in 70718.00, 26250.00, 36507.00, 30161.00, 21312.00, 19733.00; Prairie States se 120.00; Prestige Flag su 558.73, 3215.82; Printz, William re 15.05; PT Catering se 500.00; Quill su 416.40, 84.95, 19.96; RWMC ct 5948.66; Respond First Aid su 96.70; Ritec su 369.00, 1027.50; Roods se 380.09, 352.81, 15.00, 62.95, 39.25; Rowan, Brad tt 87.50; Sargent Drilling eq 1046.79; Saunders Construction ct 392581.00; Scotties Potties se 700.00; Segelke, Carla se 1050.00, 1050.00; Sherwin-Willaims su 312.20; Shirt Tales su 25.00; Sidney Elks se 168.71; Sidney Glass su 127.04; SRMC se 290.00, 27.20; Sidney Roofing se 8685.48, 250.00; Sidney Sun Telegraph se 5.73, 717.20; Simon Contractors 2114.01; SOA Enterprises se 750.00; Society for Human Resource se 190.00; Sontag, Goodwin & Leef se 10246.50; Source Gas su 363.00, 1193.47, 216.23, 203.81, 598.71, 827.51, 1353.85; Splish Splash se 125.40; Sports Promotion se 419.90; Steffens Home Interiors se 199.92; Stone, Eloise rt 400.00; Taser Int=l se 200.00; Fence Post se 86.00; Thomas Oilfield se 3886.00; Thomson Reuters se 33.15, 200.00; Landfill Closure se 558.00; Triple O=s su 63.47, 290.79, 31.02; U Store It su 60.00; US Postal se 274.00, 7000.00; USA Bluebook su 473.08, 507.85; USGA se 110.00; Verizon se 541.51, 217.22, 70.51, 33.26, 193.96, 66.52, 33.26; Walmart su 113.05; Wesco su 13158.00; Wheat Belt ut 7274.20; Whitebluffs se 656.00; WIN 911 Software se 395.00; Windy Prairie

se 1381.00; Wolford, Marie rt 916.47; WPCI se 350.00; Young=s Plumbing se 90.00; Zep su 404.60.” Roll call vote: Yeas: All council members present.

Zoning Administrator Ben Dayton presented a request to schedule a public hearing for authorization to proceed with the purchase of land located near the north water tanks. Gaston moved, Gay seconded, “That a public hearing be set for January 26, 2016 at 7:15 p.m. to consider a land purchase near the north water tanks.” Roll call vote: Yeas: All council members present.

**Staff Reports:**

Tom VonSeggern, Parks Superintendent, gave an update on the Aquatic Center construction project, as well as staffing and training for managers and lifeguards for the upcoming season. He noted that they are looking to hire lifeguards that can work past the start of school. He also stated that they are working on a new rate schedule for the 2016 season and will bring it to Council for approval when it is finalized.

Tina Hochwender, Economic Development Director, and Andrew Sherman, Library Director, presented a concept for a community partnership innovation campus in Sidney that would provide a place where students and members of the community could come to work on vocational projects such as woodworking, sewing, computers, etc. Organizations providing input into the project include the Sidney Public Schools, Educational Service Unit, Sidney Public Library, and City of Sidney. While there is access to skills and equipment, they are in need of a space large enough to accommodate several activities being performed at the same time. They asked for input on locations that would offer room and affordability for this type of operation.

Andrew Sherman, Library Director, gave an update on the “weeding” of library inventory that is taking place at the Sidney Public Library at the present time. He stated that they are following the National Standards CREW on how to weed books that have not been used in an established period of time. Such books are removed from the shelves and placed on the book auction for a period of time, then destroyed if they do not sell. The books on cassettes have been removed from the library inventory and are being offered to patrons of the library who were known users of this type of media, or the nursing homes.

**Council Comments:**

Councilman Arterburn stated that he had been contacted by several citizens regarding the snow-packed icy streets and number of accidents occurring because of this. Councilman Gallaway suggested that alternatives to the current practices should be reviewed during the budget sessions. Geri Anthony will review the current situation with Street Superintendent Hank Radtke and communicate with the public regarding this matter.

Mayor Nienhueser gave an update on the search for a new City Manager. He reported that the search committee had met with the J.D. Gray Group to review the 20 applications that had been submitted, from which 3-4 had been placed on a short list. Interviews will be conducted the 25<sup>th</sup> or 26<sup>th</sup> of January with a potential offer in early February. He clarified that no one that had prior experience with the City of Sidney had applied for the position.

Mayor Nienhueser stated that he would entertain a motion to go into closed session for the protection of the public interest to discuss real estate negotiations. Gallaway moved, Gay seconded AThat the Council go into closed session for the protection of the public interest to discuss real estate negotiations.@ Roll call vote: Yeas: All council members present. Mayor Nienhueser announced that the City Council will now go into closed session at 8:23 p.m. Upon the Council=s return from the closed session, Gaston moved, Gallaway seconded AThat the closed session end and the open session be reconvened.@ Roll call vote: Yeas: All council members present. Mayor Nienhueser announced that the Council has come out of the closed session at 8:39 p.m.

Meeting adjourned at 8:41 p.m.

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Mayor

ATTEST:

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Deputy City Clerk







