

Sidney, Nebraska, May 10, 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 May 10, 2016 in the Council Room. Present were: Mayor Nienhueser and Council Members: Gallaway, Gaston, Gay, and Arterburn. 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, Gallaway seconded "That the minutes of the April 21 and 26, 2016 meetings be approved ." Roll call vote: Yeas: All council members present.

John Vera appeared on behalf of Gold Rush Days to request approval for their annual celebration in Legion Park on June 10, 11 & 12, 2016. Also requested was a variance for open fires (bonfires and camp fires); cannon and weapons firing of blanks; occupancy of the Park after the designated closure time with security personnel on site, etc. Proof of insurance will be provided by the organization for the event. Arterburn moved, Gallaway seconded "That the Gold Rush Days Committee be granted approvals and variances as requested for June 10-12, 2016." Roll call vote: Yeas: All council members present.

Tina Hochwender, on behalf of the Downtown Sounds Committee, appeared to request that 10th Avenue from Illinois to Hickory Street be closed in order to utilize Hickory Street Square on June 17, July 15 and August 5, 2016 for the 2016 Downtown Sounds Concert Series from approximately 6 to 10 p.m. with the stage set up at 8 a.m. as amended. Gallaway moved, Gay seconded "That the Downtown Sounds Committee's request for Hickory Square closure be approved as amended." Roll call vote: Yeas: All council members present.

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 the rezoning request of Cheyenne County for the Fairgrounds to rezone same from R-1 (Single Family Residential) to A (Agricultural) 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: County Attorney Paul Schaub. All persons having been heard, Mayor Nienhueser closed the public hearing at 7:27 p.m.

Gaston moved, Gay seconded "That the Ordinance entitled "AN ORDINANCE PROVIDING FOR THE REZONING OF PROPERTY COMPRISING PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, AND PART OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 14 NORTH, RANGE 50 WEST OF THE 6TH P.M., CHEYENNE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT MARKED FOR SECTION CENTER QUARTER CORNER, WHICH POINT CHECKED 1316.5= EASTERLY FROM ONE INCH PIPE FOR SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, AND 1320.3= WESTERLY FROM ON INCH PIPE BY STONE PIECES FOR SOUTHEAST CORNER OF SOUTHWEST QUARTER OF NORTHEAST QUARTER; THENCE EAST ALONG SOUTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, FOR A DISTANCE OF 400=; THENCE SOUTH AT RIGHT ANGLES FOR A DISTANCE OF 200=; THENCE EAST AT RIGHT ANGLES; PARALLEL WITH SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER FOR A DISTANCE OF 730.6=; THENCE N05°02=30@E FOR A DISTANCE OF 200.8=, TO SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, AT A POINT 172.1= WESTERLY FROM SAID PIPE ON THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE CONTINUING N05°02=30@E ALONG THE WESTERLY LINE OF FENSKE ADDITION, JUST WESTERLY OF AND PARALLEL WITH POWER TRANSMISSION LINE, FOR A DISTANCE OF 1085.2=, TO THE NORTHWEST CORNER OF LOT 1, FENSKE ADDITION; THENCE ALONG HIGHWAY RIGHT OF WAY, WHICH IS A LINE PARALLEL WITH AND 100= SOUTHERLY FROM THE PAVEMENT CENTERLINE, MEASURED AT RIGHT ANGLES, AND/OR RADIALLY, N78°18=00@W, FOR A DISTANCE OF 4.17=, TO A POINT OF CURVE; THENCE ON A CURVE LEFT, CENTRAL ANGLE 13°29=, TANGENT 439.72=, RADIUS 3719.83=, FOR A DISTANCE OF 875.4=, TO POINT OF TANGENT; THENCE S88°13=00@W FOR A DISTANCE OF 505.1= FEET; THENCE LEAVING THE HIGHWAY RIGHT OF WAY LINE, S00°52=30@W FOR A DISTANCE OF 1141.5=, TO THE SOUTH LINE OF THE NORTHWEST QUARTER; THENCE S89°55=00@E FOR A DISTANCE OF 153.00=, TO THE POINT OF BEGINNING, COMPRISING AN AREA OF 38.543 ACRES, MORE OR LESS, FROM R-1 (SINGLE FAMILY RESIDENTIAL) ZONE TO A (AGRICULTURAL) ZONE; AMENDING THE SIDNEY ZONING CODE AND ZONING MAP OF THE CITY OF SIDNEY, NEBRASKA, ADOPTED BY ORDINANCE NO.

1049 OF THE CITY OF SIDNEY, NEBRASKA, WHICH IS NOW CODIFIED AS TITLE SIX OF PART TWELVE OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA, TO SO PROVIDE; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN DIRECT CONFLICT HEREWITH” be designated as Ordinance No. 1776.” Roll call vote: Yeas: All council members present. Gaston moved, Gay seconded “That the Statutory requirement requiring the ordinance to be read by title three different days be suspended.” Roll call vote: Yeas: Gaston, Nienhueser and Gay. Nays: Gallaway and Arterburn. The motion not having been concurred in by three-fourths of the Council be declared not passed. The City Clerk 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 the rezoning request of The Ranch at Sidney, LLC to rezone an unplatted parcel from A (Agricultural) to C-1 (Light Commercial) Zone; and that a public hearing would now be held at 7:29 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: Dan Garneau from Cabela’s. All persons having been heard, Mayor Nienhueser closed the public hearing at 7:30 p.m.

Gay moved, Gaston seconded “AN ORDINANCE PROVIDING FOR THE REZONING OF A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 14 NORTH, RANGE 49 WEST OF THE 6TH P.M., IN THE CITY OF SIDNEY, CHEYENNE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SECTION 33, THENCE NORTHERLY ON THE WEST LINE OF SECTION 33, ON AN ASSUMED BEARING OF N02°03’46”E, A DISTANCE OF 988.99 FEET, TO THE POINT OF INTERSECTION WITH THE WESTERLY EXTENSION OF THE NORTH LINE OF TRACT 1, SIDNEY REGIONAL MEDICAL CENTER, AS PLATTED, THENCE BEARING S88°23’47”E, ON SAID WESTERLY EXTENSION OF THE NORTH LINE OF TRACT 1, SIDNEY REGIONAL MEDICAL CENTER, A DISTANCE OF 40.00 FEET, TO THE NORTHWEST CORNER OF SAID TRACT 1, SIDNEY REGIONAL MEDICAL CENTER, SAID POINT ALSO BEING THE POINT OF BEGINNING, THENCE BEARING N02°03’46”E, ON A LINE BEING 40.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SECTION 33, A DISTANCE OF 250.01 FEET, TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF BLOCK 1, ABRAMS SUBDIVISION, AS PLATTED IN DEED BOOK 135, PAGE 314, THENCE S 88°23’47” E ON THE SOUTH LINE OF BLOCK 1, ABRAMS SUBDIVISION AND THE EXTENSION THEREOF A DISTANCE OF 1012.20 FEET, THENCE S 01°41’08”W A DISTANCE OF 250.01 FEET TO THE INTERSECTION OF THE NORTHEAST CORNER OF TRACT 1, SIDNEY REGIONAL MEDICAL CENTER, THENCE N 88°23’47”W, ON THE NORTH LINE OF SAID TRACT 1, SIDNEY REGIONAL MEDICAL CENTER, A DISTANCE OF 1013.88 FEET TO THE NORTHWEST CORNER OF SAID TRACT 1, SIDNEY REGIONAL MEDICAL CENTER, SAID POINT ALSO BEING THE POINT OF BEGINNING, CONTAINING 5.82 ACRES MORE OR LESS , FROM A (AGRICULTURAL) ZONE TO C-1 (LIGHT COMMERCIAL) ZONE; AMENDING THE SIDNEY ZONING CODE AND ZONING MAP OF THE CITY OF SIDNEY, NEBRASKA, ADOPTED BY ORDINANCE NO. 1049 OF THE CITY OF SIDNEY, NEBRASKA, WHICH IS NOW CODIFIED AS TITLE SIX OF PART TWELVE OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA, TO SO PROVIDE; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN DIRECT CONFLICT HEREWITH” be designated as Ordinance No. 1777.” Roll call vote: Yeas: All council members present. No motion was made to suspend the rules regarding reading the title three different days. The City Clerk read the ordinance by title.

Gay moved, Gaston seconded “That Resolution No. 20160501 be passed and approved.” Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20160501

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

That the Mayor and Council hereby approve Payment Request No. 9 in the amount of \$94,488.88 for construction of Street Improvement District No. 58 Pole Creek Crossing & 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 9; AMOUNT DUE ENGINEER **\$14,924.00**; AMOUNT DUE CONTRACTOR **\$79,564.88**. 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.

Gallaway moved, Arterburn seconded “That Resolution No. 20160502 be passed and approved.” Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20160502

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

That the Mayor and Council hereby approve Payment Request No. 3 in the amount of \$219,724.45 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 3; AMOUNT DUE ENGINEER **\$19,653.50**; AMOUNT DUE CONTRACTOR **\$200,070.95**. 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.

Gay moved, Gaston seconded "That the following claims for April 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, Gay and Arterburn. Nays: None. Abstain: Nienhueser. (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 April 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. (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 su 11.50, 79.66; Absolute Solutions se 40.00; Accelerated Receivables se 23.49; Amateur Sports Promotion se 269.00; American Environmental se 567.00; Anderson Auto Group eq 54398.00; Arbor Day du 40.00; Arnold, Larry re 7.92; ASP Enterprises se 2502.00; Atco su 188.25; Award=s Plus su 52.00; Bailey Nurseries su 1324.00; Barker Rinker Seacat Architecture se 17481.96; Bavco Backflow se 416.40; Black, Alston re 4.02; Bomgaars su 81.96, 278.90; Borgmann, Chad tt 267.25; Brandt Appraisal se 1750.00; Busted Knuckle se 55.48; Cabela=s su 197.18; Canon Financial se 112.90; Cardmember su 430.75, 500.00; Carolina Software ct 200.00; Caselle ct 1594.00; Cashwa su 60.90; Centurylink se 97.89; Charter se 23.74, 82.20, 87.99; Cheyenne Co Chamber se 1666.67; Cheyenne Co Clerk se 1338.72; Cheyenne Co Comm Center ct 10000.00; Cheyenne Co Emergency Comm Center ct 23567.93; Cheyenne Co Title & Escrow se 5917.18; Cheyenne Co Treasurer se 9978.90; Chief su 208.10; Childers, Cody tt 329.89; City of Sidney su bd ct 4687.16, 51.16, 21201.01, 19750.00, 450.00, 2890.00, 2556.26, 4.13, 320.10, 12.08, 20.00, 74357.65, 425151.35, 67335.91, 55682.70, 2154.77, sa in 96790.14, 92009.00, 13017.41, 12183.78, 16320.75, 16822.23, 11300.45, 25845.73, 25014.33, 14688.35, 14903.59, 5660.01, 5556.80, 5681.70, 63127.25, 1042.89, 13266.08, 905.39, 2267.27, 25023.70, 864.94, 10661.34, 704.16, 5707.10, ut 5260.47, 192.63, 2906.40, 762.21, 115.63, 7070.65, 1062.90; Clothes Hamper se 84.00; Colorado Water Well Pump se 736.25; Consolidated Management se 157.50, 204.00; Contractors Materials se 52.00, 72.00, 367.87; Country Printer su 339.00; Cranmore Pest & Fire se 65.00, 60.00, 90.00, 108.00; Crouch eq 6782.00; Cruise Master Prisms eq 919.75; Culligan su 42.06, 7.50, 29.95; Danko Emergency Equipment su 1710.00; Darin=s Auto se 2457.38; Day & Night su 148.75; Daylight Donuts su 45.00; Department of Energy ut 19543.60; Design Solutions se 28412.15; Diamondback Engineering se 9475.00, 34749.00; Digital Alley se 215.00; DP Electronics su 2183.23, 48.33, 1197.52; Dude=s Steak House su 140.33; E&S se877.26, 559.33, 482.36, 1403.63, 170.03, 143.50; Eakes su 515.15, 15.64; Easy Picker su 105.96; Eco Resource Solution se 152.00; Emergency Service se 300.00; Endurance Flag su 48.00, 30.00; Enviro se 90.00; Environmental Resources se 1006.78; Falcon labs se 267.02; Fedex 29.63; Finney=s su 382.98, 284.34, 202.39, 267.30, 83.41; Floyd=s Truck eq 102.68, 5598.91, 305.52; Ford, Jeanette re 90.67; Foster Lumber su 362.45, 591.58, 104.09, 63.90, 34.38; Fremont Nat=l ct 13175.84; Frenchman Valley su 5109.93, 1141.43, 2565.78, 1101.40, 29.93, 132.29; Fyr-Tek eq 5607.10, 27500.00; Geigers Const se 2000.00; Gempler=s su 76.50; Golden West su 202.27; Gordon=s Body Shop su 209.00; Grainger su 551.95; Grimms Pump su 465.64; H2 Golf su 240.75; Hamilton se 160.85, 99.90, 49.95; Hochwender, Tina tt 349.28; Holiday Inn su 199.36, 199.90, 549.75; Holtz Industries su 1056.35; Hometown Leasing ct 978.32; Horizon West su 15.80; Huber & Asso se 81.00; Ideal Linen su 12.73, 241.91, 69.00, 42.84; IIMC du 250.00; Jirdon su 6440.20; JJ Plumbing se 373.52, 94.40; Johnson, Kris tt 88.56; Kampfe, Paul tt 343.25; Kevin=s Electric su 35.40, 132.23; Kriz Davis eq 1492.63, 18048.00; KSID se 100.00; Kuhns, Robert tt 57.50; LL Johnson eq 3834.40, 31.82; Landis & Gyr ct 850.00; LaQuinta se 284.85, 284.85; Laser This su 42.95; Lawson Products su 155.87, 150.25; League of NE du 117.50, 5103.00; Leal, Ron se 450.00; Lloyd, Derek tt 343.25; Loghry, Justin tt 367.25; Long, Tyson tt 243.25; Lyle Signs eq 1622.02; Maddox Motor se 55.00; Matthes, Joan se 625.00; Mid plains Community College tt 270.00; Miller & Sons se 2546.24; Miller Office su 920.85, 53.32, 90.54; MEAN ut 482609.64; Municipal Graphics se 1204.75; Municipal Supply su 816.48; Musco Sports eq 65000.00; Napa su 456.11, 475.70; Nat=l Animal Care du 35.00; NDEQ se 2276.25; NE Dept of Revenue tx 56244.15; NMPP se du 3088.88, 475.00; NE Public Health se 48.00; NE Rural Water du 900.00; NT&T se 1501.15, 128.11, 199.01, 301.27, 169.97; Neland Tire eq 235.48; Nienhueser Const se 261.00; Nike su 1812.93, 314.85; NMC se 2302.04; Northwest Pipe su 4935.66; Olsen, Eleanor se 275.00; Olsson Asso ct 7215.88, 4607.59; One Call se 61.66, 61.67; Panhandle Auto se 46.11, 5.07, 37.30, 7.15; Panhandle Geotechnical se 1915.50, 1214.75; Pepsi su 461.88; Plainsman Electric se 4600.00, 9009.31; Prairie States se 171.95; Prestige Flag se 389.62; Quality Inn se 80.56; Radar Shop se 258.00; Raffelson Rock su 30.00; RWMC ct 5948.66; Respond First Aid su 36.05; Rood=s Tire su 1720.23, 782.54, 46.95; Sadler, Ed re 750.00; Sandberg Implement su 118.50; Saunders Construction su 973.59; Scotties Potties su 700.00; Segelke, Carla se 1050.00; Sidney Glass su 147.36; SRMC se 176.52; Sidney Sun Telegraph se 1340.21; Simon Contractors se 2095.75, 977.18; Sonntag, Goodwin & Leef ct 5029.00; Source Gas ut 1151.42, 1537.67, 284.62, 201.41, 118.74, 127.31, 142.32, 142.32; Splish Splash se 217.28; Star Herald se 519.00; Sterling Monument se 1115.00; Stone, Eloise rt 400.00; Superior Lamp su 643.79; Swire Coca Cola su 331.68; Sybert, Lloyd se 9.35; Thomson Reuters su 200.00; Titleist su

2084.61, 230.90; Triple O=s su 11.64, 120.76; Utility Service se 9012.69; Velocity Constructors eq 361551.30; Verizon se 223.28, 69.67, 70.75, 33.38, 194.50, 100.14; Walmart su 16.56; Wesco eq 69702.73; Westman, Michael tt 243.25; Wheatbelt ut 9179.37; Whitebluffs ct 1045.00; Wolford, Marie rt 916.47; Woods & Aitken se 234.00; WPCI se 143.10, Zep su 404.60; Sandra Nelson rt 183.60; Elan Visa su 917.32, 563.53; Baker & Taylor su 1129.83; Cranmore Fire se 338.00; City of Sidney se 1220.32; Culligan se 19.95; Demco su 76.66; Frenchman Valley se 94.27; Guideposts su 53.22; Ideal Linen su 27.41; Journal Office su 70.00; Miller Office su 87.99; NT&T se 94.75; NE Link su 36.00; OCLC se 200.71; Quality Books su 801.66; Quill su 61.80; Regional Books su 288.24; Segelke Janitorial su 1050.00; Sidney Sun Telegeraph se 5.73; Sonny=s su 8.99.

City Manager Report:

City Manager Sadler reported that he and Tina had requested and received a Leakage Report for the businesses that might work for Sidney. Discussion was held on how to present this to the current retailers. DED tour will be on May 16 & 17. Five Chief of Police candidates will be interviewed next week. Building Inspector and Assistant City Manager open positions have been advertised and some applications have been received. The new Scottsbluff City Manager visited this week.

City Manager Sadler reviewed the Preliminary Findings Report from the Goal Setting Retreat that was held on April 21st. After a brief discussion, it was decided to bring this back at the next meeting. It was felt that the report should be posted on the City of Sidney website with a request for comments from the public.

Mayor Nienhueser stated that he would entertain a motion to go into closed session for the protection of the public interest to discuss possible litigation strategy. Gallaway moved, Gay seconded AThat the Council go into closed session for the protection of the public interest to discuss possible litigation strategy.@ Roll call vote: Yeas: All council members present. Mayor Nienhueser announced that the City Council will now go into closed session at 8:05 p.m. Upon the Council=s return from the closed session, Gallaway moved, Gaston seconded A That 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 8:38 p.m.

Meeting adjourned at 8:38 p.m.

/s/ MARK NIENHUESER, MAYOR

ATTEST: /s/G F ANTHONY, CITY CLERK

