

Sidney, Nebraska, April 23, 2013 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 23, 2013 in the Council Room. Present were: Mayor Gaston and Council Members: Gallaway, Nienhueser, Gay and Arterburn. Others present: City Manager Person, Attorney Tom Sonntag, and Deputy City Clerk Heilbrun. 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, Gallaway seconded "That the minutes of the April 9, 2013 meeting be approved as corrected." Roll call vote: Yeas: All council members present.

Mayor Gaston informed the public that because revisions to the ordinance regarding stray cats could not be resolved to the satisfaction of the Council or concerned citizens, he was challenging the public to establish a committee to come up with suggestions to present to Council regarding this issue. He also stated that until a new ordinance is adopted, the current ordinances will be enforced. Valerie Nienhueser, president of Wagon Tails Rescue, presented Council with an information packet on "Trap-Neuter-Return" as a suggestion on how to handle the stray/feral cat issue in Sidney, and agreed to spear-head a public committee to come up with suggestions for amending the ordinance currently in place. Ken Geu and John Eaglin stated that they would like to see the same amount of attention given to other City ordinances as this one.

Korey Stanley and B.J. Raffelson presented landscaping proposals for the South Sidney entrance project. Councilman Nienhueser questioned whether action could be taken on either proposal, as they included both design and construction services and did not appear to fit under a professional services contract. City Attorney Sonntag was instructed to investigate the matter and report back to Council with an opinion on awarding the bid. Both parties were commended on their design ideas as presented.

Don Dye, of M.C. Schaff & Associates, presented the bids for the Illinois Street Project (SID 52) as received on 4-16-13 as follows: Paul Reed Construction & Supply \$710,962.89, and Nienhueser Construction \$843,925.25. He noted that the engineer's estimate for the project was \$731,512.50. It was the engineer's recommendation that the low bid from Paul Reed Construction & Supply be accepted.

Gallaway moved, Nienhueser seconded "That the bid for the Illinois Street Project (SID 52) be awarded to Paul Reed Construction & Supply in the amount of \$710,962.89." Roll call vote: Yeas: All council members present.

Discussion was held regarding proposed Ordinance No. 1693 re: Chapter 404 "Definitions" Section 404.28 "Vehicle". City Attorney Sonntag presented a proposed change to the definition of a vehicle for Council's consideration. Council Member Gallaway suggested that some time be spent in reviewing the Code to make sure the terms "Vehicle" and "Motor Vehicle" are consistent throughout. The suggestions will be given to City Attorney Leef for review and incorporation in the final draft of the ordinance, which will be presented for the third reading at the next council meeting. There being no motion to suspend the statutory requirements requiring the ordinance to be read by title three different days, the Clerk read the Ordinance by title for the second time.

Gallaway moved, Arterburn seconded "That the Supplemental Agreement for the 10th Avenue Federal Aid Road Project be approved, that the Mayor and City Clerk be authorized to sign in the appropriate places, and that RESOLUTION NO. 20130405 regarding same be passed and adopted." Roll call vote: Yeas: All council members present.

SUPPLEMENTAL PROJECT PROGRAM AGREEMENT NO. 1-BL1181
RESOLUTION NO. 20130405

WHEREAS: City of Sidney and Nebraska Department of Roads (NDOR) have previously executed Project Program Agreement BL 1181 for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds;

WHEREAS: City of Sidney understands that it must continue to strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project; and

WHEREAS: City of Sidney and NDOR wish to enter into Supplemental Project Program Agreement No.

1 setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

BE IT RESOLVED: by the City Council of the City of Sidney, Nebraska that: Wendall Gaston, Mayor of the City of Sidney, Nebraska is hereby authorized to sign the attached Project Program Supplemental Agreement No. 1 between the City of Sidney and the NDOR.

City of Sidney is committed to providing local funds for the project as required by the Project Program Agreement and any Supplemental Project Program Agreements.

NDOR Project Number: URB-6363(3)

NDOR Control Number: 51456

Project Location: 10th Street, Hickory - Osage

Arterburn moved, Gallaway seconded "That the Supplemental Agreement for the Fort Sidney Road Federal Aid Road Project be approved, that the Mayor and City Clerk be authorized to sign in the appropriate places, and that RESOLUTION NO. 20130406 regarding same be passed and adopted." Roll call vote: Yeas: All council members present.

SUPPLEMENTAL PROJECT PROGRAM AGREEMENT NO. 1-BM1134

RESOLUTION NO. 20130406

WHEREAS: City of Sidney and Nebraska Department of Roads (NDOR) have previously executed Project Program Agreement BM 1134 for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds;

WHEREAS: City of Sidney understands that it must continue to strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project; and
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WHEREAS: City of Sidney and NDOR wish to enter into Supplemental Project Program Agreement No. 1 setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

BE IT RESOLVED: by the City Council of the City of Sidney, Nebraska that: Wendall Gaston, Mayor of the City of Sidney, Nebraska is hereby authorized to sign the attached Project Program Supplemental Agreement No. 1 between the City of Sidney and the NDOR.

City of Sidney is committed to providing local funds for the project as required by the Project Program Agreement and any Supplemental Project Program Agreements.

NDOR Project Number: URB-6359(1)

NDOR Control Number: 51486

Project Location: Fort Sidney Rd., U.S. 30 - 11th Ave.

Nienhueser moved, Gay seconded That the Budget Reports for March, 2013 be approved." Roll call vote: Yeas: All council members present.

Discussion was held regarding choosing a site for the proposed Swimming Pool project, as requested by Water Technology, Inc. There were three issues that prevented Council from moving forward with the selection of a site: 1) The cost of the project, as proposed in the three bids, is between six and eight million dollars, while the amount of money allocated by the City is only three million dollars. Where will the remaining funds come from, or will the project have to be scaled back to fit the existing budget; 2) Water Technology's failure to produce an estimate of operational costs for each of the proposed sites, or a ballpark figure on the different types of facilities proposed; and 3) Clarification as to what type of expansion the Community Center is proposing adjacent to the current facility, and when such expansion is proposed to take place. Mike Namuth, director of the Cheyenne County Community Center, speaking on behalf of the swimming pool committee, stated that the committee will find a way to fund the costs above \$3 million for the proposed swimming pool. He was also instructed to provide a plan for the Community Center's intention for Site B. Mayor Gaston directed staff to get an estimate of operational costs of an outdoor facility using Site B as an example, and/or a breakdown on each type of pool from Water Technology, Inc.

Public Services Director Hehnke reported that the existing pool has issues which will be fixed and the facility will open. He noted that the diving board no longer meets the criteria for safety and will be taken out. Councilman Nienhueser questioned why it has been safe up until now, and suggested that staff check with our insurance company as to this issue before removing it.

Discussion was held regarding the implementation of paperless council packets. Staff was directed to produce a cost savings analysis as well as cost to implement this process at a future meeting. The City Attorney was directed to research whether personal information would be subject to disclosure should personal electronic devices be used by the Council rather than those provided by the City.

City Manager Person acknowledged and offered sympathy to City Clerk Geri Anthony on the loss of her mother. He reported on recent and upcoming meetings and events: i.e., Legislative report; Leadership Cheyenne County Economic Development Day, Large Working Committee Stormwater Prevention Meeting with SPNRD and Olsson Assoc.; Golf irrigation project design time line; Nebraska Life Magazine interview; Emergency Management tabletop exercise and planning committee meeting; Business After Hours at the Best Western Hotel on May 2; Keep Sidney Beautiful on May 4th; Golf Course Blip Tournament May 4; Men's League opening night May 1; meeting with Potter Village Board regarding an Interlocal Agreement May 6, and Lodgepole Village Board next month; nine police chief applications received with 6 or 7 testing and interviewing in May–selection in June; Landfill opened in April on Saturdays from 8-12; ACE campaign wrapping up 4/25; letter circulating from American Water Resources not sponsored by City, as well as illegal solicitation by a gas provider.

Public Services Director Hehnke reported that the Choice Gas selection period would wrap up on April 25th. He noted that the prices were slightly higher than last year, and encouraged everyone to select ACE as their gas provider.

All council members expressed sympathy to Geri Anthony on the loss of her mother. Council Member Gay stated that since the swimming pool committee has committed to raising the balance of funds needed to fund the swimming pool project, he would ask that they present their pros and cons on the site to the Council for consideration in determining a site location. Council Member Gallaway reported that he had received concerns from several citizens regarding the speed of traffic down Summit Drive. He asked if a radar unit could be placed at the bottom of this street to make people aware of how fast they are going. Acting Police Chief Aikens stated that he would contact highway safety to borrow a unit. Mayor Gaston offered appreciation to all the first responders of the fire and police department for a job well done.

Meeting adjourned at 9:21 p.m.

/s/ WENDALL GASTON, MAYOR

ATTEST: /s CYNTHIA HEILBRUN, DEPUTY CITY CLERK

