

Sidney, Nebraska, August 26, 2014 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 August 26, 2014 in the Council Room. Present were: Mayor Gaston and Council Members: Gallaway, Nienhueser, Gay, and Arterburn. Others present: City Manager Person, City Attorney Sonntag, 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.

Arterburn moved, Gallaway seconded "That the minutes of the August 12 and 13, 2014 meetings be approved. Roll call vote: Yeas: All council members present.

Marc Munford of Ameritas Investment Corp. presented a proposal for the calling of the remaining bonds in the City of Sidney 2009 Various Purpose Bond Issue and the re-issuance of refunding bonds for same.

Council Member Nienhueser offered the following resolution and moved its passage and adoption:

RESOLUTION NO. 2014080

BE IT RESOLVED by the Mayor and City Council of the City of Sidney, Nebraska:

Section 1. The following bonds of the City of Sidney, Nebraska, in accordance with their option provisions are hereby called for payment on December 1, 2014, after which date interest on the bonds will cease:

Various Purpose Bonds, Series 2009, date of original issue - December 1, 2009, in the principal amount of One Million Eighty Hundred Seventy Thousand Dollars (\$1,870,000), numbered as shown on the books of the Paying Agent and Registrar becoming due and bearing interest as follows:

<u>Principal Amount</u>	<u>Maturity Date</u>	<u>Interest Rate</u>	<u>CUSIP No.</u>
\$275,000	December 15, 2015		3.00826061 LQ4
215,000	December 15, 2016	3.25	826061 LR2
190,000	December 15, 2017	3.50	826061 LS0
200,000	December 15, 2018	3.70	826061 LT8
210,000	December 15, 2019	3.80	826061 LU5
230,000	December 15, 2020	3.90	826061 LV3
175,000	December 15, 2021	4.00	826061 LW1
185,000	December 15, 2022	4.10	826061 LX9
190,000	December 15, 2023	4.20	826061 LY7

Said bonds are hereinafter referred to as the "Refunded Bonds."

Said bonds are subject to redemption at any time on or after December 1, 2014, at the principal amount thereof plus accrued interest, and said interest is payable semiannually.

Section 2. The Refunded Bonds are to be paid off at the office of the Treasurer of the City of Sidney in Sidney, Nebraska (the "Paying Agent"), as paying agent and registrar.

Section 3. A true copy of this resolution shall be filed immediately with the Paying Agent and said Paying Agent is hereby irrevocably instructed to mail notice to each registered owner of said bonds not less than thirty (30) days prior to the date fixed for redemption, all in accordance with the ordinance authorizing said called bonds.

Council Member Gay seconded the motion for adoption of said resolution and upon roll call vote the following voted "AYE": Gallaway, Nienhueser, Gaston, Gay and Arterburn. Nays: None. Council member Nienhueser introduced an Ordinance entitled:

“AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2014, OF THE CITY OF SIDNEY, NEBRASKA, IN THE PRINCIPAL AMOUNT OF ONE MILLION NINE HUNDRED FIFTEEN THOUSAND DOLLARS (\$1,915,000) FOR THE PURPOSE OF PAYING AND REDEEMING THE CITY’S VARIOUS PURPOSE BONDS, SERIES 2009, DATE OF ORIGINAL ISSUE - DECEMBER 1, 2009, IN THE PRINCIPAL AMOUNT OF \$1,870,000; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING AN ESCROW AGREEMENT FOR THE REFUNDED BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.” Said Ordinance was full and distinctly read by title, and by motion of Council Member Nienhueser, seconded by Council Member Gallaway, it was designated as Ordinance No. 1744 and the title thereof was approved. Roll call vote: Yeas: Gallaway, Nienhueser, Gaston, Gay and Arterburn. Nays: None.

Council Member Gallaway moved that the statutory rule requiring ordinances to be fully and distinctly read on three different days be suspended, seconded by Council Member Nienhueser. Roll call vote: Yeas: Gallaway, Nienhueser, Gaston, Gay and Arterburn. Nays: None. The motion to suspend the statutory rule having been concurred in by three-fourths of all members of the Council was declared passed and adopted.

Whereupon Ordinance No. 1744 was read by title and thereafter Council Member Nienhueser moved for final passage of said Ordinance. Council Member Gay seconded the motion. The Mayor state: “the question is, shall Ordinance No. 1744 be passed and adopted?” Roll call vote: Yeas: Gallaway, Nienhueser, Gaston, Gay and Arterburn. Nays: None. The passage and adoption of said Ordinance having been concurred with by a majority of all members elected to the Council, was by the Mayor declared passed and adopted, and the Mayor, in the presence of the Council, signed and approved said Ordinance, and the Clerk attested the passage and approval of the same and affixed the seal of the City thereto. Gallaway moved, Gay seconded “That Ordinance No. 1744 be published in pamphlet form.” Roll call vote: Yeas: All council members present.

Nienhueser moved, Arterburn seconded That Resolution No. 20140805 be passed and approved. Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20140805

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

That the Special Designated License application for Way Out West to serve beer, wine and distilled spirits for a fund raising event at the Sidney Fine Arts Center at 11th Avenue, Sidney, Nebraska on October 11, 2014 from 12:00 p.m. to 12:00 a.m. be recommended for approval to the Nebraska Liquor Control Commission.

City Inspector Brad Rowan presented a request on behalf of Scott Stewart re: construction of a fence into the south right of way of Doe Court at 2390 Whitetail Drive. Council Member Nienhueser stated that as he has stated in the past, it was his opinion for many stated reasons that allowing fences in the right of ways was a bad precedence to allow to continue. Director of Public Services John Hehnke also stated his continued objection to allowing building in the City of Sidney’s right of ways. The Mayor asked if there was a motion to approve the proposed resolution to allow the Stewart’s construction of a fence in the south right of way of Doe Court at 2390 Whitetail Drive. There being no motion, the resolution was not considered.

Director of Public Services John Hehnke presented a letter from Jack Baker of Baker & Associates regarding the receipt of no bids for the Signage & Landscaping, 11th Avenue & Old Post Road which was advertised for 8/19/14. Bakers will be working with City staff to solicit proposals from qualified contractors if any express interest. Gallaway moved, Gay seconded “That the City acknowledges the “no bids received” for the Signage & Landscaping, 11th Avenue & Old Post Road and that negotiations be authorized for said project.” Roll call vote: Yeas: All council members present.

Director of Public Services John Hehnke presented a letter from Jack Baker of Baker & Associates regarding

The one bid that had been received on 6/17/14 for the Silverberg Drive (SID53) and the Jennifer Lane (SID 54). Sid bid was over the engineer's estimate for the projects. It is the property owner's request that the bids be rejected and to rebid both streets later. Gay moved, Arterburn seconded "That the bids for Silverberg Drive (SID53) and Jennifer Lane (SID 54) be rejected and the projects be re-bid at a later date." Roll call vote: Yeas: All council members present.

Nienhueser moved, Gallaway seconded That Resolution No. 20140807 be passed and approved. Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20140807

WHEREAS, Nebraska Revised Statutes 39-1359 requires that a closure of state highways thru a municipality must be requested to the Nebraska Department of Roads; and

WHEREAS, the annual Oktoberfest Celebration sponsors a parade in downtown Sidney more specifically on Illinois Street/State Highway No. 30, and

WHEREAS, the City of Sidney, Nebraska, does hereby request the Nebraska State of Nebraska Department Road's permission for closure of Illinois (Highway 30) Street for the Oktoberfest Parade. The closure would be on October 4, 2014 from 9:00 a.m. and reopen to traffic at 1:00 p.m. The closure will be between the intersection of 23rd Avenue and Highway 30 and the intersection of Fort Sidney Road and Highway 30. The City of Sidney accepts the duties as set forth in subsection (2) of Nebraska Revised Statutes 39-1359 and agrees to indemnify, defend, and hold harmless the State from all claims, demands, actions, damages, and liability, including reasonable attorney's fees, that may arise as a result of the special event. The City staff will place all required barricades and detour signage in order to have all streets accessing Highway 30 closed for the parade and will follow directly behind the parade removing all barricades and opening Highway 30 back to normal traffic. Most intersections along the parade route will have barricades closing them. However, certain intersections along the parade route will have police officers manning them to allow traffic to cross Highway 30 until the start of the parade. Once the barricades have been placed, anyone wishing to cross Highway 30 will have to use one of the intersections manned with a police officer; and

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF SIDNEY, NEBRASKA, does hereby approve making said request to the Nebraska Department of Roads.

Gallaway moved, Nienhueser seconded That Resolution No. 20140808 be passed and approved. Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20140808

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

That in accordance with the power vested in them by Sections 424.01, 460.01, 460.02 and 460.13 of the Codified Ordinances of the City of Sidney, 1977, the following traffic regulatory markings shall be placed as hereafter indicated and that all vehicles using the streets of the City comply with the regulations and prohibitions hereafter set forth:

STOP SIGN

A stop sign shall be placed as follows: At the northeast corner of the intersection of Greenwood Road and Dailey Drive. Said sign shall be placed facing westbound traffic on Dailey Drive.

All markings and signs shall be placed in accordance to the "Manual on Uniform Traffic Control Devices" and the regulation and prohibitions of such signs and markings shall be effective twenty-four hours each day.

Director of Public Services John Hehnke reported on the need of a stop sign for an unnamed street in the area of Greenwood Road directly south of the new SourceGas office that is being constructed at this intersection. Cannot place a stop sign until the road is named. He asked for suggestions. If anyone has a suggestion, he asked they contact him so we can proceed with the naming process and a stop sign placement.

City Inspector Brad Rowan presented the bids that had been received on 8/15/14 for the demolition and cleaning of two lots at 9th Avenue & Hickory Street as follows: Affordable Towing LLC - \$17,497; Best Excavating Services - \$18,000; and Preferred Roofing - \$22,250. It was reported that the City is currently working with the State of Nebraska for the asbestos remediation and the eventual removal process will be prior to the time the selected contract can start the demolition and cleaning process. It was also reported that the low bidder has the

proper insurance to complete the project. Nienhueser moved, Gay seconded "That the bid for the demolition and cleaning of two lots at 9th Avenue & Hickory Street be awarded to Affordable Towing LLC in the amount of \$17,497." Roll call vote: Yeas: All council members present.

Council Member Nienhueser stepped down from the bench to present a preliminary and final plat that Cabela's had presented to the Planning Commission on 8/18/14 and now to the City Council. Planning Commission's report was for approval of said Preliminary Plat. After his proposal, Mr. Nienhueser would not participate in consideration of this item when he returned to the bench.

Arterburn moved, Gallaway seconded That Resolution No. 20140809 be passed and approved. Roll call vote: Yeas: Gallaway, Gaston, Gay and Arterburn. Nays: None. Abstain: Nienhueser.

RESOLUTION NO. 20140809

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 Cabela's Inc. for Lots 3A and 3B, a Replat of Lot 3, Block 1, Cabela's First Addition, Sidney, Cheyenne County, Nebraska, and

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

That the City Council of the City of Sidney, Nebraska, does hereby approve the Final Plat of Lots 3A and 3B, a Replat of Lot 3, Block 1, Cabela's First Addition, Sidney, Cheyenne County, Nebraska.

Discussion was held on the 2014-2014 budget process that the Council and City Staff had been going thru during the last month. City Manager Person reported that due to a 74% increase in rates for health insurance for employees, premiums paid by the employees were adjusted as well as adjustments in the categories of vehicles, equipment, elimination of three new employee positions, as well as many internal operating line items. Director of Services John Hehnke reported that no engineering fees for two of the items prioritized for the Water Department had been included in the proposed budget. Discussion of when the Water and Electric Studies would be brought to the City Council. It is hoped that they will be presented again within the next couple of months.

Nienhueser moved, Gay seconded "That the City Council file the proposed 2014-2015 budget statements with the City Clerk for all funds including the tax levy for General Fund, Street Department and Debt Service; and set public hearings for September 9, 2014 for said budgets and for setting a property tax request different from last year." Roll call vote: Yeas: All council members present.

City Manager s Report included recent and upcoming meetings and events; i.e. Leadership Nebraska in Sidney 8/14; Dave Doty appointed Public Transportation Director; thanks to Darrell Johnson for serving in the interim; DED recruiting team and new director in Sidney 8/26; budget public hearing on 9/9; Legislative Forum 8/27, John held Ft. Sidney Road project pre-construction meeting; Jo had compliance officials this week; City Attorney Leef at conference; thanks to Tom Sonntag for filling in for J.; good luck wishes to Kaitlyn in her new job, etc. Chief of Police Wilkinson reported on how his department took ownership in this year's budget.

Roger reported on beginning of high school activities and on Housing Authority projects and statistics. Mark spoke on how the budget is more than just property tax and how there a good things in this budget, and thanked staff and employees for their commitment in the budget process. He would also like to see an item on a future agenda re: the situation in the Trail Road area. Joe, Chris and Wendall also thanked the staff and employees for the hard work on the budgets.

Council adjourned at 8:32 p.m.

/s/ WENDALL GASTON, MAYOR

ATTEST: /s/ G.F. ANTHONY, CITY CLERK

