

Sidney, Nebraska, September 23, 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 September 23, 2014 in the Council Room. Present were: Vice-Mayor Nienhueser and Council Members: Gallaway, Gay, and Arterburn. Absent: Mayor Gaston. 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.

Vice-Mayor Nienhueser informed the public of the location of the posted Open Meetings Act.

Arterburn moved, Gallaway seconded "That Mayor Gaston be excused from this meeting." Roll call vote: Yeas: All council members present. Absent: Gaston.

Arterburn moved, Gay seconded "That the minutes of the September 9, 2014 meeting be approved as printed." Roll call vote: Yeas: All council members present. Absent: Gaston.

Lauren Benton of Diamondback Engineering, engineers for the Water Master Plan, reviewed the Master Plan's five projects along with a proposal to begin working on some of the proposed improvements. A proposal for Engineering Services for Project 1 of 5 for the design and construction administration for water distribution pipelines and improvements to the existing booster pump station –specifically approximately 10,800 lineal feet of distribution piping to be designed and constructed as well as replacement of three existing booster pumps that are nearing the end of their useful life with larger capacity booster pumps. Projected timeline for the entire Plan (possibly five plus years) as well as financing scenarios were discussed; i.e. bonding or State of Nebraska SRF loans. Gallaway moved, Gay seconded "That the engineering services proposal from Diamondback Engineering for Project #1 be approved, that the City Manager be authorized sign said proposal, and that the staff be authorized to proceed with applications to the State of Nebraska for SRF funding." Roll call vote: Yeas: All council members present. Absent: Gaston.

Gay moved, Gallaway seconded "That the Treasurer's Report for all City Departments for August, 2014 be approved." Roll call vote: All council members present. Absent: Gaston.

Arterburn moved, Gallaway seconded "That the order of the agenda be changed to consider Item #8 and an additional item at this time." Roll call vote: All council members present. Absent: Gaston.

Nienhueser moved, Arterburn seconded That Resolution No. 20140908 be passed and approved. Roll call vote: Yeas: All council members present. Absent: Gaston

#### RESOLUTION NO 20140908

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 recommends approval of the Manager Application of David Strong for the Perkins Restaurant & Bakery liquor license at 655 Cabela Drive, Sidney, Cheyenne County, Nebraska; and

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

After a discussion regarding same, the City Council acknowledged that Street Improvement District No. 55 and Sanitary Sewer Extension District No. 22 which are part of the Weiser development projects in Glover Business Park No. 2 may be built thru the private sector vs. the City's district process. If the districts are completed by the private sector, the Ordinances creating said districts will be rescinded at a later date.

Vice-Mayor Nienhueser stated that the next item on the agenda is a proposed closed session for real estate and litigation issues and that he would entertain a motion to go into closed session for the protection of the public interest to discuss strategy regarding real estate purchase and litigation which is imminent. Gallaway moved, Gay seconded "That the Council go into closed session for the protection of the public interest to discuss strategy

regarding real estate purchase and litigation which is imminent.” Roll call vote: Yeas: Gallaway, Nienhueser, Gay and Arterburn. Nays: None. Absent: Gaston. Vice Mayor Nienhueser announced that the City Council will now go into closed session at 8:00 p.m. for the discussion of strategy regarding real estate purchases and litigation which is imminent. Upon the Council’s return from the closed session, Gallaway moved, Gay seconded “That the Closed session end and the Open session be reconvened.” Roll call vote: Yeas: Gallaway, Nienhueser, Gay and Arterburn. Nays: None. Absent: Gaston. Vice-Mayor Nienhueser announced that the Council has come out of the closed session for discussion of strategy regarding real estate purchase and imminent litigation and that the open meeting be reconvened at 8:45 p.m. He also announced that there was only discussion held during the closed session regarding the real estate purchase and imminent litigation - no decision will be requested at this time so the City staff can do more research on the items discussed.

Agenda Item No. 7 re: a City counter offer to LEEBRH for 1.44 acres on the far east end of the Sadona Subdivision Tract 3 property and permanent resolution of any alleged outstanding easement issues was tabled.

City Manager’s Report included recent and upcoming meetings and events; i.e. PRT 10/1, Emergency Management, JESWA 10-15; League of Nebraska Municipalities Annual Conference and Legislative Committee meetings 9-24-26; Staff meeting with MEAN-they plan to attend a Council meeting in the near future; Trails project starting; Industrial Tour to the Depot area – well attended and successful – thanks to Council Members Gallaway and Arterburn for attending; Newcomer’s Picnic was successful with the grilled cheese competition won by the Police Department team of B.J. Wilkinson and Joe Aikens; Oktoberfest 10/3-5, etc.

Public Service Director John Hehnke reported on the street projects; i.e. Fort Sidney overlay, 10<sup>th</sup> open from Illinois to Maple – 1 ½ weeks to completion, Greenwood/Pole Creek Crossing making good progress, and Weiderspon easement will be forth coming for the 11<sup>th</sup> Avenue project. Electric Master Plan will be coming soon from Olsson Associates.

Council Members Gallaway and Arterburn complimented the recent Industrial tour at the Depot – good information – amazing how many businesses are located out there –very enlightening. Vice-Mayor Nienhueser complimented the public for their patience during this time of major street construction projects – thanked them for driving safe.

Council adjourned at 8:55 p.m.

/s/ MARK NIENHUESER, VICE-MAYOR

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



