

Sidney, Nebraska, March 24, 2015 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 March 24, 2015 in the Council Room. Present were: Mayor Nienhueser and Council Members: Gallaway, Gaston, Gay and Arterburn. 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.

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

Arterburn moved, Gallaway seconded That the minutes of the March 10, 2015 meeting be approved. Roll call vote: Yeas: All council members present.

Police Chief B.J. Wilkinson presented a one year renewal contract with White Bluffs Veterinary Clinic for animal impoundment and veterinary services. The current contract expires on March 31, 2015. It was noted that the proposed contract reflected a rate increase. Gallaway moved, Gaston seconded "That a one year renewal contract with White Bluffs Veterinary Clinic for animal impoundment and veterinary services be approved." Roll call vote: Yeas: All council members present.

Gary Person presented the Construction Manager at Risk contract for the Swimming Pool project between the City of Sidney and Saunders Construction. Discussion was held re: insurance questions, litigation vs. arbitration, fees, etc. Gaston moved, Gallaway seconded "That the contract with Saunders Construction be approved contingent on validation of answers to the discussed questions." Roll call vote: Yeas: All council members present.

Don Dye of M.C. Schaff & Associates presented the bids that had been received for Water Extension District #22 (Reganis Commercial Center) on 3/17/15 as follows: Midwest Underground \$126,974.00, Paul Reed Construction \$134,257.92, Nienhueser Construction \$181,916.60, Engineer's Estimate \$128,010.00, Engineer's Recommendation – Midwest Underground \$126,974.00. Gallaway moved, Gay seconded "That the bids for Water Extension District #22 be awarded to Midwest Underground in the amount of \$126,974.00." Roll call vote: Yeas: All council members present.

Don Dye of M.C. Schaff & Associates presented the bids that had been received for Sanitary Sewer Extension District #23 (Reganis Commercial Center) on 3/17/15 as follows: Midwest Underground \$69,724.00, Paul Reed Construction \$79,748.14, Nienhueser Construction \$146,056.00, Engineer's Estimate \$91,770.00, Engineer's Recommendation – Midwest Underground \$69,724.00. Arterburn moved, Gaston seconded "That the bids for Sanitary Sewer Extension District #23 be awarded to Midwest Underground in the amount of \$69,724.00." Roll call vote: Yeas: All council members present.

Jack Baker of Baker & Associates presented revised plans and specification for the 11th Avenue/Old Post Road project with it being divided into three separate contracts; i.e. landscaping, wall and sign. Discussion was held on the revised plans for the three separate contracts as well as the color of the lettering and of the stone and a possible alternate to bid man-made stone and changing the verbage to reflect "Small-town Values Big-time Opportunities". Gay moved, Gallaway seconded "That the plans and specifications be approved and bids be authorized for the three separate contracts for landscaping, wall and sign at the 11th Avenue/Old Post Road project with three amendments; i.e. have an alternate for man-made stone for the wall; alternate for the color of the letters; and consult with Council Member Arterburn to make sure the verbage is correct." Roll call vote: Yeas: All council members present.

Jack Baker of Baker & Associates presented the plans and specifications for Street Improvement District #53 (Silverburg Drive) and Street Improvement District #54 (Jennifer Lane) in the Runza 3rd Addition. Gaston moved, Gallaway seconded "That RESOLUTION NO. 20150307 be passed and adopted. Roll call vote: Yeas: All

council members present.

RESOLUTION NO. 20150307

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

That the detailed specifications including the general stipulations thereto attached for the construction of street improvements and all other necessary incidental improvements thereto, as applicable, for Street Improvement District No. 53 for Silverburg Drive AND Street Improvement District No. 54 for Jennifer Lane, as prepared by Baker & Associates, special engineers employed by the City to prepare same, and filed in the office of the City Clerk on March 23, 2015 be and the same are hereby accepted.

RESOLVED FURTHER, that all bids for the construction of said improvements shall be subject to said specifications and general stipulations and the instructions to bidders set forth in specifications on file.

RESOLVED FURTHER, that the City Clerk be and she is hereby authorized and empowered and directed, for and on behalf of the City of Sidney to advertise for bids for said construction on April 1, 8, and 15, 2015 with the bid opening being set for April 21, 2015 at 2:00 P.M.

Discussion was held re: the traffic study on Jennifer Lane Access on to L17J by Schemmer Associates who had been hired by the State of Nebraska. City Manager Person also gave a report on additional information that he had received from the State re: never asking for a signal light at the intersection of Jennifer Lane and L17J as well as the need for changes to the City of Sidney Comprehensive Plan.

Electric Superintendent Mike Palmer presented background information on the contract between the City of Sidney and Western Area Power Administration as well as Sidney's past relationship with WAPA. The Council expressed their appreciation to Mike for his report. Arterburn moved, Gaston seconded "That RESOLUTION NO. 20150306 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20150306

BE IT RESOLVED by the City Council of the CITY OF SIDNEY, NEBRASKA, that Mayor Mark Nienhueser is authorized to execute for and on behalf of the CITY OF SIDNEY, NEBRASKA, Contract No. 14-RMR-2533 with the Western Area Power Administration, which was duly presented to the City Council and which contract is hereby approved.

Gallaway moved, Gay seconded "That Resolution No. 20150308 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20150308

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 the City of Sidney to subdivide a 22.3 acre tract of land located in the W/2 of the E/2 of Section 33, T14N, R49W of the 6th P.M. in the City of 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 which incorporates Option B (the three lot option) for the Sidney Business Park in the City of Sidney, Cheyenne County, Nebraska.

City Manager Person presented information about a purchase offer on a lot at the Sidney Business Park by Longhorn Investments LLC. Dr. Evertson was present to discuss his offer with the Council. This company met with the Sidney Economic Development Advisory Committee on 2/26/15 when the concept was for 4.48 acres each for the front two lots. The appraisal, offers, counter offers, change in the lots sizes, the advantage of having a quick initial development, and the legal process that must be followed to sell municipally owned property were reviewed.

Mayor Nienhueser stated that the real estate item on the agenda could be a session for a strategic session re: property negotiations and that he would entertain a motion to go into closed session for the protection of the public

interest to discuss property negotiations. Arterburn moved, Gay seconded That the Council go into closed session for the protection of the public interest to discuss property negotiations. Roll call vote: Yeas: Gallaway, Nienhueser, Gay and Arterburn. Nays: Gaston. Mayor Nienhueser announced that the City Council will now go into closed session at 8:34 p.m. Upon the Council s return from the closed session, Gay moved, Gallaway seconded 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 8:50 p.m.

Mayor Nienhueser announced that a counter offer be given to Longhorn Investments in the amount of \$240,000 with the City furnishing the roads, water, sewer and electricity to the property boundary All service lines are the responsibility of the purchaser. The proposed agreement should address subdividing only once and should the property be subdivided, that the nature of what will be placed on the other space be shared with the City. Gaston moved, Gallaway seconded “That a counter offer be given to Longhorn Investments in the amount of \$240,000 and if accepted the City would construct the roads, water, sewer and electricity to the property; and that a proposed purchase agreement should address subdividing only once and should the property be subdivided, that the nature of what will be placed on the other space be shared with the City.” Roll call vote: Yeas: All council members present.

Robert R. Rauner, Jr. of Rauner & Associates presented the audited financial statement that his firm had prepared for the City of Sidney’s 2013-2014 Fiscal Year. He announced that there was no need for a Single Audit this year because of the small amount of Federal funds received. He also reported that this was what they considered a clean audit. A power point presentation was used to explain Governmental Activities, Business-Type Activities, Government-wide Statement of Activities, Revenues/Expenditures, Changes in Fund Balances, Changes in Net Position, Long-Term Liability Balances, etc. He also thanked the City Staff for their assistance throughout the audit activity. Gay moved, Gallaway seconded “That the Fiscal Year 2013-2014 Audit be accepted and approved.” Roll call vote: Yeas: All council members present.

City Manager’s Report consisted of reports on recent and upcoming meetings and events: i.e. Legislative Report; meeting with Marc Munford of Ameritas on 3/19 re: future bonding needs; Department Head meeting 3/26; DED Director in Sidney 3/31; Joint meeting with SPNRD at 5 P.M. 4/14 with regular Council meeting following; Emergency Planning Committee 4/15; etc. Public Services Director reported on testing of sirens at 10 a.m. 3/25 and Landfill starts Saturday openings this week.

Council Member Arterburn expressed his concerns re: fracking salt water into the ground water. Council Member Gallaway thanked the staff for providing the traffic study. Mayor Nienhueser congratulated the Sidney Boys Basketball team for 2nd place at State.

Meeting adjourned at 9:22 p.m.

MARK NIENHUESER, MAYOR

ATTEST:

G.F. ANTHONY, CITY CLERK

