

Sidney, Nebraska, April 28, 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 April 28, 2015 in the Council Room. Present were: Mayor Nienhueser and Council Members: Gaston, Gay and Arterburn. Absent: Gallaway. 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.

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

Arterburn moved, Gay seconded "That the minutes of the April 14, 2015 meeting be approved." Roll call vote: Yeas: All council members present. Absent: Gallaway.

Mayor Nienhueser proclaimed May 1-7, 2015 as Youth Week for the Elks Lodge 1894. He also thanked the Elks for their commitment to the Youth of Sidney.

Mayor Nienhueser introduced and called forward former Sidney Mayors Lee Ellen Matzke, Dr. D.J. Garcia, Dr. Dave Weiderspon, Dr. Wendall Gaston, and City Clerk Treasurer Geri Anthony. On behalf of past Mayors, Mayor Nienhueser presented Geri Anthony with a "Key to the City" for an outstanding half century of dedication to the City of Sidney government and community.

Arterburn moved, Gay seconded "That RESOLUTION NO. 20150406 be passed and adopted. Roll call vote: Yeas: All council members present. Absent: Gallaway.

RESOLUTION NO. 20150406

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

That the Special Designated License application for Weldon L. Stewart (License #C-078886) to host an event for the Sidney Fine Arts Center at 1000 11th Avenue, Sidney, Nebraska on June 6, 2015 from 6:30 p.m. to 9:00 p.m. be recommended for approval to the Nebraska Liquor Control Commission; AND

That the Special Designated License application for Weldon L. Stewart (License #C-078886) to host an event for the Sidney Fine Arts Center at 1000 11th Avenue, Sidney, Nebraska on July 11, 2015 from 6:30 p.m. to 9:00 p.m. be recommended for approval to the Nebraska Liquor Control Commission.

Brett Meyer of Baker & Associates presented the bids for Street Improvement District Nos. 53 and 54 that were received on 4/21/15 as follows: Schedule A-Silverburg – Paul Reed Construction, Gering - \$337,114.90 and Fuller Construction, Chadron - 353,979; Schedule B-Storm Drain Improvements - Paul Reed Construction - \$101,333.14 and Fuller Construction - \$101,486; Schedule C-Jennifer Lane - Paul Reed Construction, \$136,622.34 and Fuller Construction - \$128,425.50; Totals for Paul Reed Construction - \$575,070.38; Fuller Construction - \$583,890.50; Totals Engineer's Estimate \$521,414. Engineer's recommendation was to award to Paul Reed Construction. Gaston moved, Gay seconded "That the bids for Street Improvement District Nos. 53 and 54 be awarded to Paul Reed Construction in a total amount of \$575,070.38." Roll call vote: Yeas: All council members present. Absent: Gallaway.

Brett Meyer of Baker & Associates presented the bids for the 11th Avenue/Old Post Road intersection as received on 4/21/15. The bids were advertised in three separate categories; i.e. Construction landscaping improvements (three bids received); Construction of a decorative wall (no bids received); and Sidney sign improvements (one bid received). The bids were tabled until the next meeting with the hope a negotiated bid could be available for the wall in order that all three categories could be considered together.

Brett Meyer of Baker & Associates presented the Change Order No. 3 for the 11th Avenue Walking & Biking Trail in the amount of \$4,872.20. Gay moved, Gaston seconded "That Change Order No. 3 for the 11th Avenue Walking & Biking Trail in the amount of \$4,872.20 be approved." Roll call vote: Yeas: Gaston, Nienhueser and Gay. Nays: Arterburn. Absent: Gallaway.

Mayor Nienhueser announced he would be abstaining in voting for the Ranch Subdivision agenda items. Gaston moved, Gay seconded "That RESOLUTION NO. 20150407 be passed and adopted. Roll call vote: Yeas: Gaston, Gay and Arterburn. Nays: None. Abstain: Nienhueser. Absent: Gallaway.

RESOLUTION NO. 20150407

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

That the Mayor and Council hereby find and determine that pursuant to contracts heretofore made, Martin/Martin, the engineer, has performed the work for engineering of Water Extension District #23; for the construction of Water Extension District #23; and the engineer, Martin/Martin has filed with the City Clerk certificates showing the performance of said contracts as follows: WATER EXTENSION DISTRICT #23; INVOICE NUMBER 52942 AND INVOICE NUMBER 14.0137-00002 in the AMOUNT DUE ENGINEER

\$24,759.33 AND \$5,466.36 FOR A TOTAL OF \$30,225.69. A warrant in the amount now due the engineer is hereby authorized and charged to said district. Said warrant shall draw interest at a rate of 1.0% per annum and be held by the City of Sidney Investment Account; AND

That the Mayor and Council hereby find and determine that pursuant to contracts heretofore made, Martin/Martin, the engineer, has performed the work for engineering of Sanitary Sewer Extension District #24; for the construction of Sanitary Sewer Extension District #24; and the engineer, Martin/Martin has filed with the City Clerk certificates showing the performance of said contracts as follows: SANITARY SEWER EXTENSION DISTRICT #24; INVOICE 52943 AND INVOICE NUMBER 14.0138-00002 in the AMOUNT DUE ENGINEER \$19,023.75 AND \$5,724.21 FOR A TOTAL OF \$24,747.96. A warrant in the amount now due the engineer is hereby authorized and charged to said district. Said warrant shall draw interest at a rate of 1.0% per annum and be held by the City of Sidney Investment Account.

Gaston moved, Arterburn seconded "That Resolution No. 20150408 be passed and adopted." Roll call vote: Yeas: All council members present. Absent: Gallaway.

RESOLUTION NO. 20150408

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 Randy Miller for Lots 1, 2, & 3, Block 1, Miller Subdivision 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 of Lots 1, 2, & 3, Block 1, Miller Subdivision in the City of Sidney, Cheyenne County, Nebraska.

Scott Day of Urban Development Services appeared to update the City Council on the most recent concepts for Hickory Street Square and feedback on same. Some concepts included street closure, a water feature, decorative paving, and other various elements. It was suggested that the planning committee for this project touch base with the public as to their wants and expectations. This will all be discussed again at a later date with the hope of having more input from the committee, the business owners in the area and the public.

City Manager's Report consisted of reports on recent and upcoming meetings and events: i.e. Arbor Day and Tree Give-away 4/25 (kudos to the Parks staff, Tom, the Tree Board, NRD, and LVYC); KSID Expo, Health Fair, Shooting Park Shoot 4/25; J. & Gary met with Charter executive; Regional Emergency Management met, planned a training event and elected Police Chief Wilkinson as the new Chairman; Landfill open Saturdays ongoing; Firemen's 136th Annual Ball 5/15 and awards banquet 5/2; job openings being advertised; Communications Board 4/27; NMPP with staff; Governors Economic Task Force 5/1; etc.

Mayor Nienhueser spoke re: the positive things that are going on in our community as well as some current challenges. He asked that the citizens stay positive and have patience that the fact finding process will proceed forward. The Mayor also voiced some concerns about the application for city services be reviewed so our citizens know what to expect. He recommended three items that need to be reviewed: i.e. certificate of occupancy-compare with other municipalities; possibility of a more thorough application for services be devised; and put a written procedure together for submitting items for the Council Agenda Packets with a definite deadline for submittal of items for consideration.

Council Member Arterburn congratulated Gary on his appointment to the Governor's task force and he commended the Police Department for their handling of the recent hard times. Council Member Gay echoed what Joe had contributed plus commented on the nice job the Boy Scouts had done on the City welcome sign at the corner of MacDonald's property. Council Member Gaston reported on the recent conference he had attended re: dealing with disasters.

Mayor Nienhueser stated that he would entertain a motion to go into closed session for the protection of the public interest to discuss personnel matters. Gay moved, Gaston seconded AThat the Council go into closed session for the protection of the public interest to discuss personnel matters.@ Roll call vote: Yeas: All council members present. Absent: Gallaway. 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, Gaston moved, Gay seconded AThat the Closed session end and the Open session be reconvened.@ Roll call vote: Yeas: All council members present. Absent: Gallaway. Mayor Nienhueser announced that the Council has come out of the closed session at 9:00 p.m.

Meeting adjourned at 9:00 p.m.

MARK NIENHUESER, MAYOR

ATTEST:

G.F. ANTHONY, CITY CLERK

