

Sidney, Nebraska, May 26, 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 May 26, 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, Gaston seconded AThat the minutes of the Council meeting on May 12, 2015 be approved as printed.@ Roll call vote: Yeas: All council members present.

Marc Munford of Ameritas Investment Corp presented the proposed ordinance for Bond Anticipation Notes Series 2015. He explained this is interim financing until the districts have been certified complete. Mayor Nienhueser announced he would be abstaining in voting on this ordinance due to SID60, 61 & 62 being for the Ranch Subdivision.

Gallaway introduced Ordinance No. 1760 entitled: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES OF THE CITY OF SIDNEY, NEBRASKA, IN THE PRINCIPAL AMOUNT OF THREE MILLION THIRTY-FIVE THOUSAND DOLLARS (\$3,035,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR THE COSTS OF CONSTRUCTING STREET IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NOS. 53, 54, 58, 60, 61 AND 62, FOR THE COSTS OF CONSTRUCTING SANITARY SEWER IMPROVEMENTS IN SANITARY SEWER EXTENSION DISTRICT NOS. 21 AND 24 AND WATER IMPROVEMENTS IN WATER EXTENSION DISTRICT NOS. 21 AND 23 OF SAID CITY PENDING THE ISSUANCE OF PERMANENT GENERAL OBLIGATION VARIOUS PURPOSE BONDS OF THE CITY; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE THE CITY'S GENERAL OBLIGATION VARIOUS PURPOSE BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

Gay moved "That the statutory rule requiring ordinances to be fully and distinctly read on three different days be suspended and that Ordinance No. 1760 be read by number only and placed on final passage." Gaston seconded the motion to suspend the rules and upon roll vote on the motion the following Council Members vote: "AYE": Gallaway, Gaston, Gay and Arterburn. The following voted "NAY": none. Abstain: Nienhueser. The motion to suspend the statutory rules was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said Ordinance No. 1760 was then read by number and thereafter Gay moved for final passage of said Ordinance. Gaston seconded the motion. The roll was called and the following voted "AYE": Gallaway, Gaston, Gay and Arterburn. The following voted "NAY": None. Abstain: Neinhueser. Motion carried.

Gallaway moved, Gay seconded "That ORDINANCE NO. 1760 be published in pamphlet form." Roll call vote: Yeas: Gallaway, Gaston, Gay, Arterburn. Nays: None. Abstain: Nienhueser.

Megan McGown, Economic Development Director, presented an LB840 Fund Request that had been considered by the Economic Development Advisory Review Committee in the amount of \$24,000 for Ultra Fold Buildings, Inc. The Committee voted unanimously to recommend Council approval of the \$24,000 in the form of rent assistance. A video of one of the Ultra Fold buildings was shown. Morris Hartman, representative of Ultra Fold was available to share information about their proposed operations. Starr Lehl from the State of Nebraska DED spoke of the available grants or loans for this project. Gaston moved, Gallaway seconded "That the application for LB840 Fund Request from Ultra Fold Buildings, Inc. be approved in the amount of 24,000." Roll

call vote: Yeas: All council members present.

Pedro Peralta appeared to explain his application for preliminary plat of two tracts and rezoning for both tracts. Gaston moved, Gay seconded "That RESOLUTION NO. 20150504 be approved and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20150504

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 Pedro Peralta to subdivide a tract of land located within the Northeast Quarter of Section 23, T14N, R49W of the 6<sup>th</sup> P.M. more particularly described as 2468 Road 109, into two residential tracts in Cheyenne County, Nebraska; and

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

Galloway moved, Arterburn seconded "That RESOLUTION NO. 20150505 be approved and adopted." Roll call vote: Yeas: All council members present.

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RESOLUTION NO. 20150505

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 final report regarding the request of Pedro Peralta to rezone Tract 1, Peralta's Paradise Subdivision (2468 Road 109) from A (Agricultural) to AR (Agricultural Residential) Zone.

That the City Council of the City of Sidney proposes to consider said reports; that a public hearing will be held thereon in the Municipal Building of the City of Sidney, Nebraska, at 7:15 o'clock P.M. on the 9<sup>th</sup> day of June, 2015 at which time and place parties in interest and citizens shall have an opportunity to be heard; and that the City Clerk is hereby directed to give the proper notice of said hearing in compliance with the law at least ten days prior to said hearing.

Gaston moved, Galloway seconded "That RESOLUTION NO. 20150506 be approved and adopted as corrected." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20150506

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 final report regarding the request of Pedro Peralta to rezone Tract 2, Peralta's Paradise Subdivision (2468 Road 109) from A (Agricultural) to R-1a (Rural Residential Estate) Zone.

That the City Council of the City of Sidney proposes to consider said reports; that a public hearing will be held thereon in the Municipal Building of the City of Sidney, Nebraska, at 7:15 o'clock P.M. on the 9<sup>th</sup> day of June, 2015 at which time and place parties in interest and citizens shall have an opportunity to be heard; and that the City Clerk is hereby directed to give the proper notice of said hearing in compliance with the law at least ten days prior to said hearing.

Gay moved, Gaston seconded "That RESOLUTION NO. 20150507 be approved and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20150507

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 a contract heretofore made, M.C. SCHAFF & ASSOCIATES, the engineer, has performed the work for engineering of the Pole Creek Crossing/Greenwood Road Phase 1 and 2 projects in Street Improvement District #58 & #59; and the engineer has filed with the City Clerk certificates showing the performance of said contracts as follows: APPLICATION

FOR PAYMENT NUMBER 14 FINAL: STREET IMPROVEMENT DISTRICT #58; AMOUNT TO ENGINEER \$5,178.19; STREET IMPROVEMENT DISTRICT #59: AMOUNT DUE ENGINEER \$1,726.06. Payments in the amount now due the engineer are hereby authorized and charged to said districts. Said payments shall be paid from the 2014 Construction Fund.

Don Dye of M.C. Schaff & Associates, engineer for the Reganis Subdivision, reviewed the revised plans for Street Improvement District #56 as per the developer's instructions. Discussion was held regarding the sidewalks in the subdivision, need for updating the city code and the compromises that had been made by all parties. Jordan Ball, attorney for the developer, reviewed the city codes for developments as well as what was presented on the preliminary plat and in the redevelopment plan that was accepted by the City Council. He also urged the Council to please go forward with the project so it can be built in this construction year. Mayor Nienhueser went on the record as to his concern about the connectivity of the trails throughout this entire area as well as concern for public safety and the efficiency of cleaning snow for the Street Department.

Arterburn moved, Gallaway seconded "That RESOLUTION NO. 20150502 be approved and adopted." Roll call vote: Yeas: Gallaway, Gaston, Nienhueser and Arterburn. Nays: Gay.

RESOLUTION NO. 20150502

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

That a contract be authorized for engineering services with M.C. Schaff & Associates for Street Improvement District No. 56; and

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. 56 (Anna Drive & Outfitter's Way), as prepared by M.C. Schaff & Associates, engineers employed by the City to prepare same, and filed in the office of the City Clerk on May 21, 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 May 29, June 5, and June 12, 2015 with the bid opening being set for June 17, 2015 at 2:00 P.M.

Barry Swanson of Baker & Associates reviewed the bids for the three projects for the 11<sup>th</sup> Avenue/Old Post Road intersection landscaping, signage and wall. City Manager Person reviewed the budget items for this project and that there was a shortfall of \$25,698.40. Discussion was held on what could be eliminated to bring the projects in

line with the budget without compromising the integrity of the project. Tom Von Seggern was present to answer questions regarding his department's ability to construct some of the pieces of this landscaping project. He felt that

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Gay moved, Gallaway seconded "That the bid for the 11<sup>th</sup> Avenue & Old Post Corner Landscaping Improvements be awarded to Cement Products, Inc, North Platte, NE in the amount of \$223,145.25." Roll call vote: Yeas: Gallaway, Gaston, Nienhueser and Gay. Nays: Arterburn.

Gay moved, Gaston seconded "That the bid for the 11<sup>th</sup> Avenue & Old Post Corner Decorative Wall be awarded to RNI Masonry, Scottsbluff, NE in the amount of \$20,593." Roll call vote: Yeas: Gallaway, Gaston, Nienhueser and Gay. Nays: Arterburn.

Gay moved, Gallaway seconded "That the bid for the 11<sup>th</sup> Avenue & Old Post Corner Sidney Sign & Lighting be awarded to Tri-City Sign Company, Grand Island, NE in the amount of \$16,715.00." Roll call vote: Yeas: Gallaway, Gaston, Nienhueser and Gay. Nays: Arterburn.

Don Dye of M.C. Schaff & Associates reported on the phasing plan and current construction schedule for

Pole Creek Crossing Phase 2 and the Fort Sidney Road Bridge/Intersection. Construction is planned to start on June 1, 2015 with Phase 1 which will be the demolition of the existing Fort Sidney Road Bridge, construction of the replacement bridge and pavement between Virginia Lane and Pole Creek Crossing. During this phase of construction, **traffic will be detoured using Parkland Drive, 11<sup>th</sup> Avenue and Pole Creek Crossing (formerly Toledo Street west of Fort Sidney Road)**. During this phase, we will make every effort to keep the Fort Sidney Road and Pole Creek Crossing intersection open as possible during this entire project. Some work in Phase 2, such as the storm drain and paving between Greenwood Road and the Pole Creek Crossing bridge will proceed while Phase 1 work is ongoing. Projected completion date of first bridge is October, 2015 and the entire project is June 2016. Media releases have already gone out as well as to the social media so the public will be informed of the plan for traffic.

City Manager's Report consisted of reports on recent and upcoming meetings and events: Congratulations to the Sidney Red Raiders Track team for winning State; Swimming Pool opened today-temperature of the water will be posted daily; staff received an update on the new pool complex and there are still some issues as far as meeting budget restraints-some items will have to be bid as add ons; Planning Commission will be discussing rezoning of some lots on the south side of the Industrial Park for C-3 rather than Heavy Industrial; Firemen's Ball had light attendance; video filming of Sidney highlights 5/27; annual City Manager Conference 6/3-5; Gold Rush Days 6/12-13; Reappointments due for three Planning Commission Members – Egging, Phillips and Smith – all have said they would accept another term; Megan leaving 5/29; thanked all the attendees at Megan's farewell reception; announcement of appointment of Tina Hochwender as Economic Development Director effective 6/15 as well as thanking Chris Gay for sitting in on the interviews for the new director; etc.

All council members congratulated the Sidney Track Team and thanked Megan for her service to the City and wished her best of luck in her future endeavors. Council Member Arterburn inquired about burnt cardboard recycling container in the Park. Park Superintendent Von Seggern reported that it had been due to vandalism. Council Member Gallaway he shared that in addition to their achievements, he had received complements in regards to the Sidney Track Teams; i.e. they represented themselves, the school and their community both on and off the field with honor.

Mayor Nienhueser spoke in regards to the potential zoning issue. He asked everyone to not be short sighted to save a deal—to look and listen to all the facts and do it right to expand the base and protect the Comprehensive Study.

City Attorney Leef, in regards to the counter proposal of the contract for the purchase of the Sadona Subdivision property from LEEBRH, reviewed the steps that had been taken to get where we are now with the deletion change made by the property owner.

Mayor Nienhueser stated that due to the agenda item regarding a real estate purchase agreement he would entertain a motion to go into closed session as per State Statute 84-1410(1a) for the protection of the public interest to discuss real estate purchase. Gaston moved, Gallaway seconded AThat the Council go into closed session for the protection of the public interest to discuss real estate purchases.@ Roll call vote: Yeas: All council member present. Mayor Nienhueser announced that the City Council will now go into closed session at 8:59 p.m. for the discussion of strategy regarding real estate purchases. Upon the Council=s return from the closed session, Arterburn moved, Gay seconded AThat 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 for discussion of real estate purchases and that the open meeting be reconvened at 9:13 p.m.

Gaston moved, Arterburn seconded “That the proposed contract with LEEBRH be accepted as amended by the property owner.” Roll call vote: Yeas: All council members present.

Meeting adjourned at 9:14 p.m.

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MARK NIENHUESER, MAYOR

ATTEST: \_\_\_\_\_  
G.F. ANTHONY, CITY CLERK







