

Sidney, Nebraska, September 22, 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 September 22, 2015 in the Council Room. Present were: Mayor Nienhueser and Council Members: Gallaway, Gaston, Gay, and Arterburn. Others Present: Interim City Manager Anthony, City Attorney Leef, and Deputy City Clerk Heilbrun. 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.

Gallaway moved, Gay seconded "That the minutes of the September 8, 2015 meeting be approved as printed." Roll call vote: Yeas: All council members present.

City Parks Superintendent Tom VonSeggern appeared during comments by the public to give an update on the new aquatic center. He informed the gathering that excavation on the lap pool and pump house pit had been completed and that excavation of the leisure pool was approximately six weeks away.

Rob Campbell, Solid Waste Superintendent, appeared to request a burn permit for the City of Sidney Landfill to burn the tree pile as needed. Campbell cited the unavailability of the company that processes the wood into chips/mulch, as well as the lack of demand for woodchips throughout the winter months as reasons for requesting the burn at this time. Chief Stone explained that prior to the Landfill being annexed into the City limits, a burn permit was not required. However, since it is now part of the City, each burn would require a permit approved by the City Council, as per Nebraska Statute 81-520.01. Stone stated that the City Parks department has had a policy since 1999 where they contact the Chief or his designee when needing to conduct a burn. They do not have to come before the City Council. The Landfill is requesting a similar policy. City Attorney Leef was instructed to come up with an administrative policy to allow controlled burns by the City Landfill without prior Council approval.

Gaston moved, Gallaway seconded "That the burn permit request to burn the existing tree pile for the City of Sidney Landfill be approved." Roll call vote: Yeas: All council members present.

Eric Barney of Martin/Martin Consulting Engineers explained the revised agreements for additional services for The Ranch. He noted that the changes were largely due to additional time needed for negotiations on bids and weather delays. He further noted that the costs go to the subdivision and are the responsibility of Cabelas.

Mayor Nienhueser stated at this time that he would abstain from voting on the items for The Ranch.

Gay moved, Gallaway seconded "That the Revised Agreements for SID#60, SSED#24, SID#61, WED#23, and SID#62 for the Ranch be approved." Roll call vote: Yeas: Gallaway, Gaston, Gay, and Arterburn. Nays: None. Abstain: Nienhueser.

Gaston moved, Gallaway seconded "That Resolution 20150910 be approved." Roll call vote: Yeas: Gallaway, Gaston, Gay, and Arterburn. Nays: None. Abstain: Nienhueser.

RESOLUTION NO. 20150910

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 engineering work for constructing of Water Extension District #23; and the engineer, Martin/Martin, has filed with the City Clerk certificates showing the performance of said contract as follows: WATER EXTENSION DISTRICT #23; Invoice #14.0137-00007 DUE THE ENGINEER in the amount of \$2,915.00. Payments in the amount now due the engineer are hereby authorized and charged to said district. Said payments shall be paid from the 2015 Construction Fund; 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 Street Improvement District #62 for road improvements; and the engineer, Martin/Martin, has filed with the City Clerk certificates showing the performance of said contracts as follows: STREET IMPROVEMENT DISTRICT #62; AMOUNT DUE THE ENGINEER \$490.00. Payments in the amount now due the are hereby authorized and charged to said district. Said payments shall be paid from the 2015 Construction Fund

Gallaway moved, Gay seconded "That Resolution No. 20150911 be approved." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20150911

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, Paul Reed Construction has performed the work for constructing of Street Improvement District #53; and has filed with the City Clerk certificates showing the performance of said contracts as follows: STREET IMPROVEMENT DISTRICT #53; PAYMENT NUMBER 3; AMOUNT DUE CONTRACTOR \$12,364.33. Payments in the amount now due the contractor are hereby authorized and charged to said district. Said payments shall be paid from the 2015 Construction Fund.

Gaston moved, Gallaway seconded "That Resolution No. 20150912 be approved." Roll call vote: Yeas: Gallaway, Gaston, Gay and Nienhueser. Nays: Arterburn.

RESOLUTION NO. 20150912

WHEREAS, M.C. Schaff & Associates, Inc., the engineer for Water Extension District #22 for the Reganis Commercial Center has presented the following: A. The Change Order #1, Pay Request #4 FINAL for engineering and the contractor, and the Engineer's Certificate of Completion for Water Extension District #22, AND

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

That the Engineer's Final Change Order #1 in an estimated additional cost of \$4,284.18 for Water Extension District #22 be approved; and That the Mayor and Council hereby find and determine that pursuant to contracts heretofore made, the engineer, M.C. Schaff & Associates, Inc., has performed the work for the engineering water improvements in Water Extension District No. 22 of this city and the contractor, Midwest Underground, Inc. and have filed with the City Clerk certificates showing the performance of said contracts as follows: Engineers Final Estimate Number 4; AMOUNT DUE ENGINEER \$4,974.00 AND AMOUNT DUE CONTRACTOR \$23,795.90. Payments in the amount now due the engineer and the contractor are hereby authorized and charged to said districts. Said payments shall be paid from the 2015 Construction Fund.

The Deputy Clerk read Ordinance No. 1770 by Title for the second time as follows: "AN ORDINANCE AUTHORIZING THE ISSUANCE OF A GENERAL OBLIGATION FLOOD CONTROL BOND OF THE CITY OF SIDNEY, NEBRASKA, IN THE PRINCIPAL AMOUNT OF UP TO ONE MILLION EIGHT HUNDRED NINETY-TWO THOUSAND DOLLARS (\$1,892,000) IN THE FORM OF A SINGLE PROMISSORY NOTE ISSUED TO EVIDENCE INDEBTEDNESS TO THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY ("NDEQ") FOR THE PURPOSE OF PAYING COSTS OF CERTAIN FLOOD CONTROL IMPROVEMENTS; APPROVING THE FORM OF SAID BOND AND RELATED LOAN CONTRACT; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BOND; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; AUTHORIZING THE DELIVERY OF THE BOND TO NDEQ; DETERMINING THAT INTEREST ON SAID BOND SHALL NOT BE EXCLUDABLE FROM GROSS INCOME FOR PURPOSES OF FEDERAL INCOME TAXATION; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM." There being no motion to suspend the rule that the ordinance be read by title on three different days, it will be read for the third time on 10/13/15.

Gallaway moved, Gay seconded "That the Interim City Manager's re-appointment of Greg Huck, Rich Phillips and Kathy Wilson to the Sidney Historic Preservation Board for another 3-year term be ratified." Roll call vote: Yeas: All council members present.

Ben Dayton, GIS/Zoning Administrator, presented the updated Urban Area Boundary map required by the Federal Highway Administration and Nebraska Department of Roads reflecting current census data, urban area boundaries and functional classifications; and recommended approval of same.

Gay moved, Arterburn seconded "That the Mayor be authorized to sign the Urban Area Boundary map as presented." Roll call vote: Yeas: All council members present.

Human Resources Director Jo Houser presented a draft of a Request for Proposal for Executive Search Services for the City Manager recruitment and a legal notice for Council consideration. She gave a report on areas she has explored regarding the search, including costs, publications in which to advertise, and a sampling of prospective firms. Discussion was held as to the date and time to receive proposals, as well as the number of recommendations from each bidding firm.

Gallaway moved, Gaston seconded "That the Request for Proposal for Executive Search Services for the City Manager recruitment be approved as amended: addition to Additional Information Section, Item 1: "a minimum of Four (4) candidates"; and, addition of the bid opening date of October 8, 2015 on the legal publication notice." Roll call vote: Yeas: All council members present.

Interim City Manager Anthony reported 1) that the Village Clerk of Potter had requested a change to their interlocal agreement to use our nuisance officer. It was the opinion of staff and council that the nuisance officer

would not have the time to do this, therefore Potter be contacted with this information; 2) a Civil Service meeting will be held on September 25 at 7:30 a.m. She informed the Council that she had appointed Gary Hawkins to fill the vacancy on the Commission; 3) Pre-bid meeting on the water project was held today and prospective bidders were taken on a tour of the bid project.

Economic Development Director Tina Hochwender 1) presented the new downtown banners; 2) reported that six Nebraska senators were in Sidney for a hearing on the Nebraska Oil & Gas commission, and tour; 3) new Pool groundbreaking at 10:30 a.m. on October 9<sup>th</sup>; 4) DED monitoring visit of Adams Industries and Bell Pole on September 28; 5) Newcomers Social on September 24 from 5-9 p.m.; 6) Meeting on Broadband issues on October 13 at 9:30 a.m.; 7) Activate Sidney Summit on October 14 from 8:30-3:30; 8) Shredding Event in Hickory Square in front of parking lot on October 19 from 4 – 6 p.m.; 9) Rural Futures Institute Job Fair on October 21-23.

HR Director Jo Houser reported that she and Assistant Chief of Police Joe Aikens would be attending the Pre-Conference League meeting on CIR-Bargaining and Wage Setting on September 23<sup>rd</sup>.

GIS/Zoning Administrator Ben Dayton gave an update on Pole Creek Crossing and the Ft. Sidney Bridge. He was asked to bring a date of completion to the next Council meeting.

Council comments included appreciation to department heads and administrative staff for continued extra efforts to keep the City running smoothly; Wendall will be attending the League meeting this week; status of the sand volleyball courts; complaints on birds on Verde Lane; State Senators tour of community and positive impression made; and suggestion to get out and enjoy the 10 ½ miles of trails around the community.

Meeting adjourned at 8:20 p.m.

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MARK NIENHUESER, MAYOR

ATTEST:

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CYNTHIA K. HEILBRUN, DEPUTY CITY CLERK





