

Sidney, Nebraska, December 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 December 22, 2015 in the Council Room. Present were: Mayor Nienhueser and Council Members: Gallaway, Gaston, and Arterburn. Absent: Gay. Others present: Interim City Manager Anthony, Deputy City Clerk Heilbrun and City Attorney Leef. 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, Gallaway seconded "That Councilman Gay be excused from the meeting." Roll call vote: Yeas: All council members present. Absent: Gay.

Arterburn moved, Gallaway seconded "That the minutes of December 8, 2015 meeting be approved as printed." Roll call vote: Yeas: Arterburn, Gallaway, and Nienhueser. Abstain: Gaston. Absent: Gay.

Mayor Nienhueser opened a public hearing at 7:18 p.m. regarding the retail class B liquor license of Love's Travel Stop, 645 Chase Drive; and Resolution No. 20151204 making a recommendation for same to the Nebraska Liquor Control Commission. There were no objections to the request. The public hearing was closed at 7:19 p.m. at which time the Mayor asked for a motion to approve Resolution No. 20151204.

Gallaway moved, Arterburn seconded "That Resolution No. 20151204 be passed and adopted." Roll call vote: Yeas: All council members present. Absent: Gay.

RESOLUTION NO 20151204

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 hereby recommends approval of the issuance of a Class B liquor license to Love's Travel Stops & Country Stores, Inc. at 645 Chase Drive, Sidney, Cheyenne County, Nebraska; and

That the Mayor and Council of the City of Sidney, Nebraska hereby recommends approval of the manager application of Jeremy Thiry for said license; and

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

Jarrod Konz, Chairman of the Airport Authority, appeared to present the Authority's recommendation and credentials for Jason Petik to replace Jim Joyce on the Airport Authority Board. This term expires in December 2018.

Gaston moved, Gallaway seconded "That Jason Petik be appointed to the Airport Authority to fulfill the unexpired term of Jim Joyce." Roll call vote: Yea: All council members present. Absent: Gay.

Gaston moved, Gallaway seconded "That Resolution No. 20151205 be passed and adopted." Roll call vote: Yeas: All council members present. Absent: Gay.

RESOLUTION NO. 20151205

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

That the Mayor and Council hereby approve Change Order No. 3 for construction of Street Improvement District No. 58; and

That the Mayor and Council hereby find and determine that pursuant to contracts heretofore made, M.C. Schaff & Associates, the engineer, has performed the work for engineering of Street Improvement District #58; and the contractor, Nienhueser Construction for constructing same have filed with the City Clerk certificates showing the performance of said contracts as follows: STREET IMPROVEMENT DISTRICT #58; PAYMENT NUMBER 16 FINAL; AMOUNT DUE ENGINEER **\$4,110.25**; AMOUNT DUE CONTRACTOR **\$54,301.97**. Warrants in the amount now due the contractor and the engineer are hereby authorized and charged to said district. Said warrants 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. 20151206 be passed and adopted." Roll call vote: Yeas: All council members present. Absent: Gay.

RESOLUTION NO. 20151206

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

That the Mayor and Council have approved the construction of the Aquatic Center; and

That the Mayor and Council hereby find and determine that pursuant to contracts heretofore made, Saunders Construction has performed the work for constructing of the Aquatic Center; and the contractor, Saunders Construction, has filed with the City Clerk certificates showing the performance of said contracts as follows: AQUATIC CENTER; APPLICATION FOR PAYMENT NO. 3; AMOUNT DUE CONTRACTOR **\$518,525.00**. A warrant in the amount now due the contractor is hereby authorized and charged to said project. Said warrant shall draw interest at a rate of 1.0% per annum and be held by the City of Sidney Investment Account.

Mayor Nienhueser presented three loan options as proposed by US Bank of Lincoln as an alternative to bonding the Aquatic Center Project. He explained that these options are being considered due to the fact that the bonding companies will not bond the project because of the uncertain atmosphere surrounding Cabelas. Review of the three options resulted in a consensus that **Option 1: a \$4,000,000.00 loan at 2.9% interest with an annual payment of approximately \$380,000.00 and a principal balloon payment of 1,878,000.00 at the end of eight years** would be the best choice. Payment of the annual \$380,000 would coincide with the receipt of sales tax revenues to the City.

Derek Breier of Saunders Construction, contractor for the Aquatic Project, updated the Council on the project. He stated that they are moving "full steam ahead" and are actually ahead of schedule for the May opening date. He noted that the project could be scaled back, but questioned what community expectations are.

Gaston moved, Gallaway seconded, "That a loan agreement with US Bank for Option 1 regarding financing of the Aquatic Center project be brought forward at the next City Council meeting for consideration." Roll call vote: Yeas: All council members present. Absent: Gay.

Arterburn moved, Gallaway seconded "That the Budget Reports for all City departments for November, 2015 be approved." Roll call vote: Yeas: All council members present. Absent: Gay.

Staff Reports:

Geri Anthony: 1) Gave an update on the JESWA meeting held on 12/21 where a suggestion was made to combine the storm water portion of the new swimming pool with the JESWA project. It was proposed that the SRF grant could be used to pay for upsizing of the pipes on the pool project to accommodate the 30" diameter required for JESWA. Galen Wittrock of SPNRD proposed a joint meeting of the NRD and City Council at their offices in January to discuss options. A meeting date was not finalized. 2) She thanked Jo Houser and the Employee Committee for their work on the Awards Banquet held on December 16th.

Council: All wished everyone a Merry Christmas and safe holiday travels.

Councilman Gaston acknowledged Jim Trowbridge on his 45 years of service with the City of Sidney and thanked him for his dedication. He was glad to see that the bridge on Ft. Sidney Rd. is open.

Mayor Nienhueser gave an update on the search for a new City Manager, reporting that applications had been taken through December 15th resulting in 18 applications from 16 states. Eleven are current or former city managers with 10+ years of experience. He further reported that the J.D. Gray Group is ready to move forward quicker than anticipated. They will be in town January 4th - 6th with a short list of candidates. Interviews will be conducted the last week of January with a potential offer in early February. Jo Houser noted that she is working on setting up meetings with the selection committee the 5th or 6th of January, with interviews to follow with the City Council.

Mayor Nienhueser stated that he would entertain a motion to go into closed session for the protection of the public interest to discuss real estate negotiations. Gallaway moved, Gaston seconded AThat the Council go into closed session for the protection of the public interest to discuss real estate negotiations.@ Roll call vote: Yeas: All council members present. Absent: Gay. Mayor Nienhueser announced that the City Council will now go into closed session at 7:55 p.m. Upon the Council=s return from the closed session, Gaston moved, Arterburn seconded AThat the Closed session end and the Open session be reconvened.@ Roll call vote: Yeas: All council members present. Absent: Gay. Mayor Nienhueser announced that the Council has come out of the closed session at 8:39 p.m.

Meeting adjourned at 8:41 p.m.

Mayor

ATTEST:

Deputy City Clerk

