

Sidney, Nebraska, June 24, 2014 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 June 24, 2014 in the Council Room. Present were: Mayor Gaston and Council Members: Gallaway, Nienhueser & Arterburn. Absent: Gay. 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 Gaston informed the public of the location of the posted Open Meetings Act.

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

Gallaway moved, Arterburn seconded "That the minutes of the June 10, 2014 meeting be approved." Roll call vote: Yeas: All council members present. Absent: Gay.

Comments by the Public: Mae Leslie and a resident of Conestoga.

Jack Baker of Baker & Associates, engineers for the Patel Development projects, reported bids had been received for Street Improvement District #53 (\$466,358.53 vs. Eng. Estimate-\$337,460), Street Improvement District #54 (\$351,655.92 vs. Eng. Estimate-\$254,967), Water Extension District #21 (\$174,172.00 vs. Eng. Estimate-\$141,599.04), and Sanitary Extension District #21 (\$207,975 vs. Eng. Estimate-\$177,595). Each of the bids were considerably higher than the estimate. However, the paving districts were closer to when earthwork is factored in. Earthwork will be handled through a private bid and contract by the developer. Developer would like the City to reject the utility bids and table the paving bids for further discussion and negotiations. Developer is looking into the time line for the paving work and possibly extending the working schedule to allow for the utility work to be completed. Engineer agrees with the Developer and recommends the same. Gallaway moved, Nienhueser seconded "That the bids for Street Improvement District #53 & #54 be tabled and that the bids for Water Extension District #21 and Sanitary Extension District # 21 be rejected and negotiated." Roll call vote: Yeas: All council members present. Absent: Gay.

Jack Baker of Baker & Associates, engineers for the Weiser Development projects, reported bids had been received for Street Improvement District #55 (\$272,253.46 vs. Eng. Estimate-\$149,135) and Sanitary Extension District #22 (\$597,580.5 vs. Eng. Estimate-\$28,050). Both bids were considerably higher than the estimate and the Developer does not want to proceed with these costs. Developer is considering providing a quote to the City to install the work. Engineer recommendation is to reject both bids. Arterburn moved, Nienhueser seconded "That the bids for Street Improvement District #55 and Sanitary Extension District # 22 be rejected and negotiated." Roll call vote: Yeas: All council members present. Absent: Gay.

Sanitary sewer issue at 336 Pole Creek Crossing was postponed.

Mayor Gaston asked the City Clerk to read the annexation proposal (Tracts 1-4) Ordinance No. 1737 by Title for the third time. Nienhueser moved, Gallaway seconded "That Ordinance No. 1737 be finally passed." Roll call vote: Yeas: All Council members present. Absent: Gay. The passage and adoption of said ordinance having been concurred in by a majority of all members of the City Council was declared passed and adopted and the Mayor in the presence of the City Council signed and affixed his signature thereto. Gallaway moved, Arterburn seconded "That Ordinance No. 1737 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: All council members present. Absent: Gay.

Mayor Gaston asked the City Clerk to read the annexation proposal (Tracts 6 & 7) Ordinance No. 1738 by Title for the third time. Gallaway moved, Arterburn seconded "That Ordinance No. 1738 be finally passed." Roll call vote: Yeas: All Council members present. Absent: Gay. The passage and adoption of said ordinance having been concurred in by a majority of all members of the City Council was declared passed and adopted and the Mayor in the presence of the City Council signed and affixed his signature thereto. Arterburn moved, Gallaway seconded "That Ordinance No. 1738 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: All council members present. Absent: Gay.

Mayor Gaston asked the City Clerk to read Ordinance No. 1739 re: adoption of the 2012 International Property Maintenance Code by Title for the third time. City Manager Person reported that this ordinance references the height of weeds and grass before violation can be cited is 12 inches. This coincided with the previous statutory language by the State of Nebraska which as been now been amended giving Cities more local control of weed issues and the notification process. There is a possibility by establishing a shorter notification process, the issue of resolving weed and grass issues could be resolved. Discussion was held re: 8" vs 12" violations amounts. Amending Ordinance No. 1739 to allow for the new notification laws could give staff a necessary tool to deal with weed/grass complains sooner. Gallaway moved, Arterburn seconded "That Ordinance No. 1739 be amended to acknowledge the new notification laws that will be addressed in the proposed Ordinance No. 1740 and the ordinance be finally passed as amended." Roll call vote: Yeas: All Council members present. Absent: Gay. The passage and adoption of said ordinance having been concurred in by a majority of all members of the City Council was declared passed and adopted and the Mayor in the presence of the City Council signed and affixed his signature thereto. Arterburn moved, Nienhueser seconded "That Ordinance No. 1739 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: All council members present. Absent: Gay.

Gallaway moved, Arterburn seconded "That the Ordinance entitled "AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, TO AMEND CHAPTER 678 "WEEDS" 678.03 'NOTICE TO CUT" OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA TO PROVIDE ADDITIONAL MEANS OF SERVICE; TO REPEAL ANY ORDINANCE OR PART OF ORDINANCE IN CONFLICT THEREWITH AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE" be designated as Ordinance No. 1740." Roll call vote: Yeas: All council members present. Absent: Gay. There being no motion to suspend the Statutory requirement requiring the ordinance to be read by title on three different days, Ordinance No. 1735 was read by Title for the first time.

Nienhueser moved, Gallaway seconded "That RESOLUTION NO. 20140604 be passed and adopted." Roll call vote: Yeas: All council members present. Absent: Gay.

RESOLUTION NO. 20140604

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

1. That in regards to the Greenwood Box Culvert portion of Street Improvement District No. 59, Change Order No. 2 adjusting quantities to final as-built to a total increase of \$8,877.00 be approved; and
2. That the Mayor and Council hereby find and determine that pursuant to a contract heretofore made, M.C. SCHAFF & ASSOCIATES, the engineer have performed the work for engineering of the box culvert portion of street improvements and INFINITY CONSTRUCTION, the contractor for the construction of the box culvert portion of street improvements in Street Improvement District No. 59 of this city and the engineer has filed with the City Clerk certificates showing the performance of said contract as follows: APPLICATION FOR PAYMENT NUMBER 3 FINAL; STREET IMPROVEMENT DISTRICT #59; AMOUNT DUE ENGINEER \$1,766.00; AMOUNT DUE CONTRACTOR \$13,120.68. Warrants in the amount now due the engineer and the contractor 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; and
3. That the City Council finds that M.C. Schaff & Associates, the engineers in charge of the construction of the box culvert portion of improvements in Street Improvement District No. 59 of said City, have certified that the contract for the construction of said improvements have been fully performed by Infinity Construction, the contractor to whom a contract was entered into by the City and that said box culvert improvements have been completed in accordance with said contract and said engineers have recommended the acceptance of the same by the City; and
4. That the certificate of the engineer is approved and the Council finds that said box culvert portion of Street Improvement District No. 59 have been constructed according to the contract and have been completed and said improvements in said district are hereby accepted by the City.

City Manager Person presented a proposal from Dorothy Brauer who wishes to donate a piece of property to the City listed as the West 158 feet of Lot 6, Block 13, Callahan Addition to the City of Sidney. Nienhueser moved, Gallaway seconded "That the City of Sidney accept the donation of Dorothy Brauer for the West 158 feet of Lot 6, Block 13, Callahan Addition to the City of Sidney, Nebraska." Roll call vote: Yeas: All council members present. Absent: Gay.

Electric Superintendent Mike Palmer presented the bids for a new 12//22.3 MVA transformer that had been received on 6/5/14 and reviewed by the City's Electric Engineer, Olsson Associates. Seven bids were received from a low of \$507,615 to a high of \$655,309 (including sales tax). Bids were evaluated based on the guaranteed losses provided with each bid which when added to the original bids made the low being from Delta

Star. Recommendation of Olsson Associates was to award to Delta Star in the amount of \$542,207. Nienhueser moved, Gallaway seconded "That the bid for the new 12//22.3 MVA transformer be awarded to Delta Star in the amount of \$542,207.00." Roll call vote: Yeas: All council members present. Absent: Gay.

Electric Superintendent Mike Palmer presented the two bids for a new boring machine that had been received on 5/5/14 and for the four bids for a Master Boring Contract that had been received on 6/17/14. An analysis of purchasing a boring machine vs hiring a Master Boring company was discussed with the City Council. A return on investment for a boring machine purchased was presented as well as results of the inquiries of other municipalities with their own boring machine. Staff's recommendation was to reject the boring machine bids and to award a Master Boring Contract for two years to Midwest Cabling from Sterling, CO. Nienhueser moved, Gallaway seconded "That boring machine bids be rejected and that Midwest Cabling be awarded the Master Boring Contract for two years." Roll call vote: Yeas: All council members present. Absent: Gay.

In regards to the request of the Council, City Attorney J. Leef provided information regarding special permits that could be administratively considered and approved by the City Manager. After a discussion of the proposals, the City Attorney was instructed to prepare a possible ordinance for same.

Nienhueser moved, Gallaway seconded "That the Budget Reports for all City Departments for May, 2014 be approved." Roll call vote: Yeas: All council members present. Absent: Gay.

Mayor Gaston led a discussion on the new pool; i.e., addition of a splash pool-on or off new pool site, pros and cons of all possible locations for the new pool, outdoor vs. indoor/outdoor, the estimated costs vs. how much the new sales tax will generate, necessary infrastructure for the Site C which adds to the cost as well pedestrian traffic, trails, sidewalks, paved parking lot considerations. Consensus was that the Pool Committee needs to meet as soon as possible. Discussion was held regarding a Master Plan for the entire park property and how that would help make decisions as to location of the new pool. It was suggested to challenge the Community Center to help with the park master plan concepts.

Goals for the upcoming budget were presented by all Council members. The following items for consideration were presented by the group: 1. Continue to follow the latest Comprehensive Plan goals. 2. Infrastructure including existing street repairs and housing issues need to be continually addressed as well the beautification plan of Sidney's corridors i.e., 11th Avenue and around interstate interchange. 3. The new Pool and new location for same was a priority of all. 4. Suggestions were given for more gazebos, smaller family shelters in the parks as well a plan for tennis courts, sand volley ball, and what other programs that need to be offered that currently are not. 5. If there isn't a line item in this year's budget for a Park Master Plan, the Park's portion of the new sales tax could possibly be used towards that. 6. Consider the possibility of a pavilion on Hickory Street Square incorporating the UPRR theme similar to Ogallala's downtown Rendevous area and possibly grants for same. 7. Move up the 13th Street renovations with possible storm water connections between 10th & 13th. 8. Continue with the clean up and beautification efforts including fencing of the dumpsters in the park, and continued road improvement projects.

The proposed Schedule for 2014-15 Budgets was discussed and it was the group's consensus that the Council's workshops begin at Noon on August 4th and 5th and that the Special Interest Groups be address at the regular Council meeting on August 12th.

City Manager's Report included recent and upcoming meetings and events; i.e. 10th Avenue issues and that Werner's had been invited to attend tonight's meeting but had declined; 13th Street railroad crossing closed for repairs by BNSF, Gold Rush Days successful, Golf Project wrapped up, Communications Board to meet with new director regarding budgets, Nebraska Department of Road meetings 6/26 & 27 with a thanks to the Sidney Public

Schools for the use of a bus to tour the community with the NDOR representatives, Department Head meeting 6/26, fireworks display by Volunteer Fire Department on 7/3, many activities in the Parks system, Executive Director of the Peter Kiewit Foundation was hosted at City Hall 6/17, Visitor's Committee hosted 25 traveling journalists, chip sealing schedule for July to be on City website soon, CDA meeting 7/8 and Mark Munford will present a bond issue to the City Council, two vacancies on the Board of Adjustment, storm water grants being finalized, Planning Commission to review home based business zoning designations 7/21, etc.

Public Service Director John Hehnke reported on the street projects. Police Chief Wilkinson announced that Joe Aikens and Joe Rieken had graduated from Cheyenne County Leadership and that two new officers were on board.

Council Member Gallaway gave a report on the Housing Authority and that they had one resignation and anyone interested should get in touch with the Mayor or one of the Board Members. Their Canterbury Estates was being re-evaluated to reduce the costs per square foot. A Master Plan for Sioux Villa is also being discussed. The Housing Authority is now meeting only every other month. A garden plot is being reviewed for Sioux Villa since Western Heritage's was a success.

Council adjourned at 9:21 p.m.

/s/ WENDALL GASTON, MAYOR

ATTEST: /s/ G.F. ANTHONY, CITY CLERK

