

Sidney, Nebraska, December 22, 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 December 22, 2014 in the Council Room. Present were: Mayor Nienhueser and Council Members: Gallaway, Gaston, and 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.

Gaston moved, Gallaway 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 December 9, 2014 meeting be approved as amended." Roll call vote: Yeas: All council members present. Absent: Gay.

Mayor Nienhueser announced that a public hearing would now be held as advertised for the Retail Class D liquor license application for Cheema Capital dba Thrifty's Gas & Liquor at 675 Sidney Chase Drive, Sidney, Cheyenne County, Nebraska. The following filed written objections to said application: None. The following appeared in person or by agent or by attorney and were heard: Kuldip Singh answered questions in regards to the license application. All persons having been heard, the Mayor closed the public hearing.

Gallaway moved, Gaston seconded That Resolution No. 20141207 be passed and approved. Roll call vote: Yeas: All council members present. Absent: Gay.

**RESOLUTION NO 20141207**

**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 D liquor license to Cheema Capital dba Thrifty's Gas & Liquor at 675 Sidney Chase Drive; and

That the Mayor and Council of the City of Sidney, Nebraska hereby recommends approval of the manager application of Kuldip Singh for the Thrifty's Gas & Liquor; and

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

Street Superintendent Hank Radtke presented the bids for Crack Sealing as received on 12/12/14 as follows: Hein Construction, Fairbury, NE - \$0.32 per lineal foot; Bader's Hwy. & Street Maint., Norfolk, NE - \$0.36 per lineal foot, and American Pavement Solutions, Green Bay, WI - \$0.44 per lineal foot. Staff's recommendation was to award the low bid. Gaston moved, Arterburn seconded "That the bid for the Crack Sealing be awarded to Hein Construction in the amount of \$.032 per lineal foot with Start Date being 1/5/15 and End Date being 4/1/15." Roll call vote: Yeas: All council members present. Absent: Gay.

**ORDINANCE NO. 1752** entitled "AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF SIDNEY, NEBRASKA, PARCEL NOS. 1 and 2 AS PROPOSED BY THE CITY COUNCIL MORE PARTICULARLY DESCRIBED HEREIN; TO PROVIDE FOR UTILITY AND OTHER CITY SERVICES FOR THE ANNEXED LAND BY THE CITY OF SIDNEY; TO REPEAL ANY CONFLICTING ORDINANCES; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE" was read by title for the second time.

ORDINANCE NO. 1749 entitled "AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, TO AMEND IN ITS ENTIRETY CHAPTER 1274 HOME OCCUPATIONS OF THE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA; TO PROVIDE FOR MAJOR AND MINOR HOME OCCUPATION CLASSIFICATIONS, REGULATIONS AND REQUIREMENTS IN THE CITY OF SIDNEY, NEBRASKA, AND IN THE UNINCORPORATED AREA TWO MILES BEYOND AND ADJACENT TO ITS CORPORATE BOUNDARIES, TO PROVIDE FOR THE ISSUANCE OF PERMITS AND THE COLLECTION OF FEES IN ASSOCIATION THEREWITH; TO REPEAL ANY ORDINANCES OR PART OF ORDINANCES IN CONFLICT THEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE" was read by title for the third time. Gaston moved, Arterburn seconded "That Ordinance No. 1749 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. 1749 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: All council members present. Absent: Gay.

Mark Nienhueser declared on the record that the creation of street improvement districts to be discussed involved Cabela's Inc. and other Cabela's related entities; that he is an employee, officer and shareholder of one or more Cabela's related entities and thus could benefit financially from a proposed arrangement; that he would not vote on any matters relating to these districts other than the suspension of rules, and that he will not act for the City or its governing body as to inspection or performance related to such actions.

Pat Maher representing Cabela's appeared to request street improvement districts for The Ranch Subdivision. Gallaway moved, Gaston seconded "That the Ordinance entitled "AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 60 OF THE CITY OF SIDNEY, NEBRASKA; ESTABLISHING THE OUTER BOUNDARIES OF THE DISTRICT; DESCRIBING THE STREETS TO BE IMPROVED; AND TO MAKE SPECIAL ASSESSMENTS" be designated as Ordinance No. 1755." Roll call vote: Yeas: Gallaway, Gaston, and Arterburn. Nays: None. Abstain: Nienhueser. Absent: Gay. Gaston moved, Gallaway seconded "That the Statutory requirement requiring the ordinance to be read by title three different days be suspended." Roll call vote: Yeas: All council members present. Absent: Gay. The motion having been concurred in by three-fourths of the Council be declared passed and adopted and said statutory requirement suspended. The Clerk then read the Ordinance by number. Gallaway moved, Gaston seconded "That Ordinance No. 1755 be finally passed." Roll call vote: Yeas: Gallaway, Gaston, and Arterburn. Nays: None. Abstain: Nienhueser. 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. 1755 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: Gallaway, Gaston, and Arterburn. Nays: None. Abstain: Nienhueser. Absent: Gay.

Gallaway moved, Gaston seconded "That RESOLUTION NO. 20141208 be passed and adopted." Roll call vote: Yeas: Gallaway, Gaston, and Arterburn. Nays: None. Abstain: Nienhueser. Absent: Gay.

RESOLUTION NO. 20141208

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

That a contract be authorized for engineering services with Martin & Martin, Inc. for Street Improvement District No. 60; 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. 60, as prepared by Martin & Martin, Inc., special engineers employed by the City to prepare same, and filed in the office of the City Clerk on December 22, 2014 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 December 30, 2014, January 6, 2015, and January 13, 2015 with the bid opening being set for January 20, 2015 at 2:00 P.M.

Galloway moved, Arterburn seconded "That the Ordinance entitled "AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 61 OF THE CITY OF SIDNEY, NEBRASKA; ESTABLISHING THE OUTER BOUNDARIES OF THE DISTRICT; DESCRIBING THE STREETS TO BE IMPROVED; AND TO MAKE SPECIAL ASSESSMENTS" be designated as Ordinance No. 1756." Roll call vote: Yeas: Galloway, Gaston, and Arterburn. Nays: None. Abstain: Nienhueser. Absent: Gay. Gaston moved, Galloway seconded "That the Statutory requirement requiring the ordinance to be read by title three different days be suspended." Roll call vote: Yeas: All council members present. Absent: Gay. The motion having been concurred in by three-fourths of the Council be declared passed and adopted and said statutory requirement suspended. The Clerk then read the Ordinance by number. Arterburn moved, Galloway seconded "That Ordinance No. 1756 be finally passed." Roll call vote: Yeas: Galloway, Gaston, and Arterburn. Nays: None. Abstain: Nienhueser. 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, Gaston seconded "That Ordinance No. 1756 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: Galloway, Gaston, and Arterburn. Nays: None. Abstain: Nienhueser. Absent: Gay.

Arterburn moved, Galloway seconded "That RESOLUTION NO. 20141209 be passed and adopted." Roll call vote: Yeas: Galloway, Gaston, and Arterburn. Nays: None. Abstain: Nienhueser. Absent: Gay.

RESOLUTION NO. 20141209

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

That a contract be authorized for engineering services with Martin & Martin, Inc. for Street Improvement District No. 61; 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. 61, as prepared by Martin & Martin, Inc., special engineers employed by the City to prepare same, and filed in the office of the City Clerk on December 22, 2014 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 December 30, 2014, January 6, 2015, and January 13, 2015 with the bid opening being set for January 20, 2015 at 2:00 P.M.

Arterburn moved, Galloway seconded "That the Ordinance entitled "AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 62 OF THE CITY OF SIDNEY, NEBRASKA; ESTABLISHING THE OUTER BOUNDARIES OF THE DISTRICT; DESCRIBING THE STREETS TO BE IMPROVED; AND TO MAKE SPECIAL ASSESSMENTS" be designated as Ordinance No. 1757." Roll call vote: Yeas: Galloway, Gaston, and Arterburn. Nays: None. Abstain: Nienhueser. Absent: Gay. Gaston moved, Galloway seconded "That the Statutory requirement requiring the ordinance to be read by title three different days be suspended." Roll call vote: Yeas: All council members present. Absent: Gay. The motion having been concurred in by three-fourths of the Council be declared passed and adopted and said statutory requirement suspended. The Clerk then read the Ordinance by number. Galloway moved, Arterburn seconded "That Ordinance No. 1757 be finally passed." Roll call vote: Yeas: Galloway, Gaston, and Arterburn. Nays: None. Abstain: Nienhueser. 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, Gaston seconded "That Ordinance No. 1757 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: Galloway, Gaston, and Arterburn. Nays: None. Abstain: Nienhueser. Absent: Gay.

Gaston moved, Gallaway seconded "That RESOLUTION NO. 20141210 be passed and adopted." Roll call vote: Yeas: Gallaway, Gaston, and Arterburn. Nays: None. Abstain: Nienhueser. Absent: Gay.

RESOLUTION NO. 20141210

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

That a contract be authorized for engineering services with Martin & Martin, Inc. for Street Improvement District No. 62; 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. 62, as prepared by Martin & Martin, Inc., special engineers employed by the City to prepare same, and filed in the office of the City Clerk on December 22, 2014 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 December 30, 2014, January 6, 2015, and January 13, 2015 with the bid opening being set for January 20, 2015 at 2:00 P.M.

Resolution No. 20141211 authorizing City Manager to execute documents for The Ranch improvement districts WAS NOT CONSIDERED.

Gaston moved, Gallaway seconded "That RESOLUTION NO. 20141212 be passed and adopted." Roll call vote: Yeas: All council members present. Absent: Gay.

RESOLUTION NO. 20141212

BE IT RESOLVED, that the American National Bank, the Security First Bank, and the Points West Bank, of Sidney, Nebraska, as designated depositories of this municipality are hereby requested, authorized, and directed to honor checks, drafts or other orders for the payment of money drawn in the City's name, including those payable to the individual order of any person or persons whose name or names appear thereon as signers thereof, when bearing or purporting to bear the facsimile signatures of any two of the following persons:

<u>NAME</u>	<u>TITLE</u>	<u>FACSIMILE SIGNATURE</u>
Mark Nienhueser	Mayor	
G.F. Anthony	Treasurer	

BE IT FURTHER RESOLVED that the Banks shall be entitled to honor and to charge the City for such checks, drafts, or other orders, regardless of by whom or by what means the actual purported facsimile signature or signatures thereon may have been affixed thereto, if such signature or signatures resemble the facsimile specimens duly certified to the Bank by the Clerk of this City herein or in any similar, subsequent certificate delivered by the Clerk to the Banks.

BE IT FURTHER RESOLVED that the City shall deliver to the Banks a signature card containing copies of the facsimile signatures certified above, and that the powers and authorities set forth herein and on such signature card shall continue in full force and effect until written notice to the contrary has been delivered to the Banks.

Discussion was held regarding an agreement with Baker & Associates for the Sidney Industrial Park platting and infrastructure. Gaston moved, Gallaway seconded "That the proposed agreement with Baker & Associates for the Sidney Industrial Park be approved and signatures authorized." Roll call vote: Yeas: All council members present. Absent: Gay.

City Manager's Report consisted of reports on recent and upcoming meetings and events: i.e. Historic Preservation 12/16 designation of five landmarks w/four more to be considered at January meeting-City Council

consideration of all 9 on January 27; Planning Commission 12/29 to continue public hearing for conditional use permit; Staff conference call with pool architect and workshop in January; SPNRD groundwater annual meeting and public hearing in spring re: water allocations for the next three years; City/County government day 12/19; thank you to County Commissioner's McMillan and Winkleman for 10 and 20 years of service respectively; condolences to the family of former City of Sidney Police Chief Larry Cox; etc.

All council members expressed their condolences to the Cox family, their gratitude to County Commissioner's McMillan and Winkleman, and Merry Christmas and Happy New Year to all. Council Member Arterburn reported on seeing Police Chief Wilkinson on the Today Show commenting on the Colorado marijuana issue. Council Member Gallaway inquired about the JESWA grants – answer was - no success so far.

Meeting adjourned at 8:00 p.m.

/s/ MARK NIENHUESER, MAYOR

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





