

Sidney, Nebraska, August 11, 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 6:03 P.M. on August 11, 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.

Gallaway moved, Gaston seconded "That the minutes of the July 28, 2015 meeting be approved as amended and the minutes of July 29 & 30, 2015 be approved as printed." Roll call vote: Yeas: All council members present.

Mayor Nienhueser stated that he would entertain a motion to go into closed session for the protection of the public interest to discuss personnel and/or contractual issues. Gay moved, Gallaway seconded AThat the Council go into closed session for the protection of the public interest to discuss personnel and/or contractual issues.@ Roll call vote: Yeas: All council members present. Mayor Nienhueser announced that the City Council will now go into closed session at 6:07 p.m. Upon the Council=s return from the closed session, Gaston 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 at 7:09 a.m.

Meeting recessed for the CDA meeting at 7:15 P.M. and reconvened at 7:25 P.M.

Comments by the public: Larry Nelson asked for support of B.J. Wilkinson. He also questioned the too early pool closing and what we are doing to remedy for the future.

Gaston moved, Gay seconded "That RESOLUTION NO. 20150801 be approved as to the intent to issue bonds for the Wieser Development as amended to add the legal description." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20150801

A DECLARATION OF OFFICIAL INTENT OF THE CITY OF SIDNEY REGARDING THE PROPOSED ISSUANCE OF A TAX INCREMENT REVENUE BOND OF THE CITY OF SIDNEY COMMUNITY DEVELOPMENT AGENCY AND AGREEMENT TO CONSENT TO THE ALLOCATION OF CERTAIN TAX INCREMENT RECEIPTS TO PAYMENT OF SAME.

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

Section 1. The Mayor and Council of the City of Sidney, Nebraska (the "City") hereby find and determine that it is necessary and appropriate to declare their official intent on behalf of the City to enter into an agreement in connection with the proposed project as described below:

(a) pursuant to the provisions of the Community Development Law (Neb. Rev. Stat. §§ 18-2101 to 18-2144), the City of Sidney Community Development Agency (the "Agency") and the Mayor and City Council have previously approved a redevelopment plan entitled "Redevelopment Plan for East Old Post Road Area" (the "Plan");

(b) the purpose of the Plan with respect to the Project Area and overall planning of the City will be served by the construction of street improvements and sanitary sewers for Lots 1 and 2, Block 1, Glover Business Park No. 2 within the Project Area (the "Wieser Project Area") for the benefit of the Project Area, and the City hereby finds and determines that Wieser Construction (the "Redeveloper") agrees to privately construct such public improvements pursuant to the City engineer's existing plans and specifications;

(c) pursuant to the Plan, the Agency intends to issue a Tax Increment Revenue Bond (the "Wieser Bond") to the Redeveloper to reimburse the Redeveloper for such costs; and

(d) pursuant to the Plan, the City and the Agency intend that the additional tax increment receipts attributable to the Wieser Project Area (and no other parcels within the Project Area) be allocated to the Wieser Bond; and for such purposes, it shall be necessary to divert certain tax increment receipts from the payment of the existing Development Revenue Bond (East Old Post Road Project), Series 2011, issued by the Agency on July 1, 2011, in the amount of \$510,000, which bond is currently held by the City (the "City Bond").

Section 2. This Resolution shall stand as a statement of the City's official intent to enter into an agreement whereby the City would consent to the issuance of the Wieser Bond and the allocation and diversion
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of additional tax increment receipts attributable to the Wieser Project Area to payment of the Wieser Bond and the corresponding non-application of such receipts to payment of the City Bond.

Glenna Phelps-Aurich presented the annual reports for the Cheyenne County Chamber of Commerce and for High Plains Compass. They are requesting \$15,000 for the Chamber and \$5,000 for The Compass.

There was no one present from the Communication Center to present the budget for the Cheyenne County Communications Center. City Manager Person spoke briefly of their possible funding request of either \$277,180 or \$294,080.

There was no one present to present the budget for the Boot Hill/Camp Look Out funding. City Manager Person read their letter of request for \$10,000 again for the coming year.

Jarrod Konz and John Leever presented the Sidney Airport Authority's request for an allocation from the City's levy authority for FY2015-16 in the amount of \$171,804.26. They also gave an update of the projects at the Airport. Gay moved, Gallaway seconded "That RESOLUTION NO. 20150802 be passed and approved." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20150802

WHEREAS, pursuant to Section 77-3443 of the Nebraska Revised Statutes, the Airport Authority of the City of Sidney, Nebraska, may be allocated property taxes as authorized by law which are authorized by the City and are counted in the City levy limit provided by section 77-3442, Nebraska Revised Statutes, which limitation does not apply to property tax levies for judgments, preexisting lease-purchase contracts approved prior to July 1, 1998, for bonded indebtedness approved according to law and secured by a levy on property, and repayment of interest-free loans from Department of Aeronautics in the amount of \$25,320.00 and \$9,099.96; and

WHEREAS, the Airport Authority submitted a preliminary request for levy allocation to the City Council in the amount of \$171,804.26 for the fiscal year beginning on October 1, 2015; and

WHEREAS, the City Council has reviewed the levy request for purposes of determining a final allocation of levy authority for the Airport Authority.

NOW, THEREFORE, the City Council of the City of Sidney, Nebraska, resolves that the Airport Authority is allocated levy authority in the amount of \$171,804.26 for the fiscal year beginning October 1, 2015.

Derek Breier from Saunders Construction and City Manager Person updated the Council on the Aquatics Center. Final numbers (\$4,725,858), contingencies, operational costs, fees, proposed schedule, amount and years of bond issue were discussed. Bond issue will be in the amount of \$4,000,000 with the remaining costs hopefully coming from other sources. Gay moved, Nienhueser seconded "That Saunders Construction be given the Notice to proceed for the Aquatics Center." Roll call vote: Yeas: Gaston, Gay and Nienhueser. Nays: Gallaway and Arterburn. Motion carried.

Whereupon Mayor Nienhueser announced that the Planning Commission of the City of Sidney, NE has submitted to the City Council its final report recommending approval of the rezoning request of Earl and Pamela Hauge for Tract 1 of the Hauge Subdivision to rezone same from A (Agricultural) to AR (Agricultural Residential) Zone and that a public hearing would now be held at 8:03 P.M. and parties in interest would be heard as advertised. The following filed written comments: None. The following appeared in person or by agent or by attorney and were heard: Earl Hauge. All persons having been heard, Mayor Nienhueser closed the public hearing at 8:05 p.m.

Gaston moved, Gallaway seconded "That the Ordinance entitled "AN ORDINANCE PROVIDING FOR THE REZONING OF TRACT 1 HAUGE SUBDIVISION, TO THE CITY OF SIDNEY, NEBRASKA, FROM A (AGRICULTURAL) TO AR (AGRICULTURAL RESIDENTIAL) ZONE; AMENDING THE SIDNEY ZONING CODE AND ZONING MAP OF THE CITY OF SIDNEY, NEBRASKA, ADOPTED BY ORDINANCE NO. 1049 OF THE CITY OF SIDNEY, NEBRASKA, WHICH IS NOW CODIFIED AS TITLE SIX OF PART TWELVE OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA, TO SO PROVIDE; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN DIRECT CONFLICT HEREWITH" be designated as Ordinance No. 1766." Roll call vote: Yeas: All council members present. There being no motion to suspend the rule that the ordinance be read by title on three different days, the City Clerk read the ordinance by title.

Whereupon Mayor Nienhueser announced that the Planning Commission of the City of Sidney, NE has submitted to the City Council its final report recommending approval of the rezoning request of Longhorn Investments, LLC and the City of Sidney for Lots 1-3, Block 1, the Sidney Business Park Subdivision to rezone same from M-2 (Heavy Manufacturing) to C-3 (Heavy Commercial) Zone and that a public hearing would now be

held at 8:06 P.M. and parties in interest would be heard as advertised. The following filed written comments: Letter from Casey Courtney, member of the Planning Commission asking for support of the Planning Commissions decisions. The following appeared in person or by agent or by attorney and were heard: City

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Manager Person, Jerry Spiker, Chairman of the Planning Commission in support of this rezoning. Tim Reganis, John Wieser, Mike Wieser spoke in opposition. All persons having been heard, Mayor Nienhueser closed the public hearing at 8:39 P.M. Mayor Nienhueser presented his reasons for being in opposition to this rezoning. Council Member Gallaway Gaston and Gay spoke in favor of the rezoning.

Gallaway moved, Gaston seconded "That the Ordinance entitled "AN ORDINANCE PROVIDING FOR THE REZONING OF LOTS 1, 2, 3, BLOCK 1, SIDNEY BUSINESS PARK SUBDIVISION, TO THE CITY OF SIDNEY, NEBRASKA, FROM M-2 (HEAVY MANUFACTURING) TO C-3 (HEAVY COMMERCIAL) ZONE; AMENDING THE SIDNEY ZONING CODE AND ZONING MAP OF THE CITY OF SIDNEY, NEBRASKA, ADOPTED BY ORDINANCE NO. 1049 OF THE CITY OF SIDNEY, NEBRASKA, WHICH IS NOW CODIFIED AS TITLE SIX OF PART TWELVE OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA, TO SO PROVIDE; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN DIRECT CONFLICT HEREWITH" be designated as Ordinance No. 1767." Roll call vote: Yeas: Gallaway, Gaston, and Gay. Nays: Nienhueser and Arterburn. There being no motion to suspend the rule that the ordinance be read by title on three different days, the City Clerk read the ordinance by title.

Whereupon Mayor Nienhueser announced that the Planning Commission of the City of Sidney, NE has submitted to the City Council its final report recommending approval of the proposed Landscaping Ordinance and that a public hearing would now be held at 8:40 P.M. and parties in interest would be heard as advertised. The following filed written comments: None. The following appeared in person or by agent or by attorney and were heard: City Manager Person and Ben Dayton. All persons having been heard, Mayor Nienhueser closed the public hearing at 8:48 P.M.

Arterburn moved, Gay seconded "That the Ordinance entitled "AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, TO CREATE TITLE ONE-LANDSCAPING CODE CHAPTER 1410 OF PART FOURTEEN-BUILDING AND HOUSING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA; TO ESTABLISH LANDSCAPING REQUIREMENTS FOR NEW BUILDINGS, BUILDINGS THAT HAVE NEW CONSTRUCTION AND/OR BUILDINGS THAT HAVE A CHANGED USE; TO SPECIFICALLY EXEMPT NON-SINGLE OR TWO-FAMILY DETACHED DWELLINGS ON THEIR OWN LOTS; TO ESTABLISH AREAS THAT ARE REQUIRED TO BE LANDSCAPED, TO PROVIDE LANDSCAPING DESIGN AND MAINTENANCE STANDARDS, TO PROVIDE PROCEDURES FOR COMPLIANCE, TO PROVIDE FOR THE PRESERVATION OF EXISTING TREES; TO PROVIDE FOR A PENALTY FOR VIOLATIONS; 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. 1768." Roll call vote: Yeas: All council members present. There being no motion to suspend the rule that the ordinance be read by title on three different days, the City Clerk read the ordinance by title.

The City Clerk read Ordinance No. 1763 for the third time by title as follows "That the Ordinance entitled "AN ORDINANCE PROVIDING FOR THE REZONING OF LOTS 1 AND 2, BLOCK 1, SNYDER SUBDIVISION, TO THE CITY OF SIDNEY, NEBRASKA, FROM A (AGRICULTURAL) TO AR (AGRICULTURAL RESIDENTIAL) ZONE; AMENDING THE SIDNEY ZONING CODE AND ZONING MAP OF THE CITY OF SIDNEY, NEBRASKA, ADOPTED BY ORDINANCE NO. 1049 OF THE CITY OF SIDNEY, NEBRASKA, WHICH IS NOW CODIFIED AS TITLE SIX OF PART TWELVE OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA, TO SO PROVIDE; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN DIRECT CONFLICT HEREWITH" Gaston moved, Gallaway seconded "That That Ordinance No. 1763 be finally passed." Roll call vote: Yeas: All council members present. 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. 1763 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: All council members present.

The City Clerk read Ordinance No. 1764 for the second time as follows: "That the Ordinance entitled "AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, NAMING THE UNNAMED ROAD AS RECORDED ON THE PLATS OF CONESTOGA SUBDIVISION LOTS A1 AND A2, BLOCK 2; CONESTOGA SUBDIVISION LOT 2, BLOCK 2; CONESTOGA SUBDIVISION BLOCK 3; SMIKAHL'S SUBDIVISION LOT 1; A PORTION OF THAT REAL PROPERTY DESCRIBED IN THE DEED RECORDED IN BOOK 153 OF OFFICIAL RECORDS, PAGE 648 IN THE OFFICE OF THE COUNTY RECORDER OF CHEYENNE COUNTY, STATE OF NEBRASKA; A PORTION OF THAT REAL PROPERTY DESCRIBED IN THE DEED RECORDED IN BOOK 151 OF OFFICIAL

RECORDS, PAGE 286 IN THE OFFICE OF THE COUNTY RECORDER OF CHEYENNE COUNTY, STATE OF NEBRASKA; A PORTION OF THAT REAL PROPERTY DESCRIBED IN

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THE DEED RECORDED IN BOOK 129 OF OFFICIAL RECORDS, PAGE 716 IN THE OFFICE OF THE COUNTY RECORDER OF CHEYENNE COUNTY, STATE OF NEBRASKA; AND A PORTION OF THAT REAL PROPERTY DESCRIBED IN THE DEED RECORDED IN BOOK 143 OF OFFICIAL RECORDS, PAGE 93 IN THE OFFICE OF THE COUNTY RECORDER OF CHEYENNE COUNTY, STATE OF NEBRASKA; AND PROVIDING CERTIFICATION AND RECORDING OF THE ORDINANCE". Gaston moved, Gallaway seconded "That That Ordinance No. 1764 be finally passed." Roll call vote: Yeas: All council members present. 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. 1764 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: All council members present.

Arterburn moved, Gallaway seconded "That RESOLUTION NO. 20150806 be passed and adopted." Roll call vote: Yeas: All Council Members present.

RESOLUTION NO. 20150806

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SIDNEY, NEBRASKA: That in accordance with the power vested in them by Sections 424.01, 460.01, 460.02 and 460.13 of the codified Ordinances of the City of Sidney, 1977, the following traffic regulatory markings shall be placed as hereafter indicated and that all vehicles using the streets of the City comply with the regulations and prohibitions hereafter set forth:

STOP SIGNS

Stop signs shall be placed as follows:

- (a) At the northeast corner of the intersection of Greenwood Road and Dixon Drive. Said sign shall be placed facing westbound traffic on Dixon Drive.

All markings and signs shall be placed in accordance to the "Manual on Uniform Traffic Control Devices" and the regulation and prohibitions of such signs and markings shall be effective twenty-four hours each day.

Jack Baker of Baker & Associates, requested the Council to authorize re-bidding for the water and sewer for the Sidney Business Park with a new bid date of September 3, 2015. Gallaway moved, Gaston seconded "That Baker & Associates be authorized to re-bid the water and sewer projects for the Sidney Business Park." Roll call vote: Yeas: All Council Members present.

Gallaway moved, Gay seconded "That RESOLUTION NO. 20150803 be passed and adopted." Roll call vote: Yeas: All Council Members present.

RESOLUTION NO. 20150803

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, Baker & Associates, the engineer, has performed the work for engineering of Street Improvement District #53; and the contractor, Paul Reed Construction for constructing same have filed with the City Clerk certificates showing the performance of said contracts as follows: STREET IMPROVEMENT DISTRICT #53; PAYMENT NUMBER 5; AMOUNT DUE ENGINEER \$13,815.23; PAYMENT NUMBER 2; AMOUNT DUE CONTRACTOR \$215,605.79. 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; AND

That the Mayor and Council hereby find and determine that pursuant to contracts heretofore made, Baker & Associates, the engineer, has performed the work for engineering of Street Improvement District #54; and the contractor, Paul Reed Construction for constructing same have filed with the City Clerk certificates showing the performance of said contracts as follows: STREET IMPROVEMENT DISTRICT #54; PAYMENT NUMBER 9; AMOUNT DUE ENGINEER \$8,528.45; PAYMENT NUMBER 2; AMOUNT DUE CONTRACTOR \$121,144.20. 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.

Arterburn moved, Gaston seconded "That RESOLUTION NO. 20150804 be passed and adopted." Roll call vote: Yeas: All Council Members present.

RESOLUTION NO. 20150804

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, M.C. Schaff & Associates, the engineer, has performed the work for engineering of Street Improvement District #56 for the construction of Street Improvement District #56; and the engineer, M.C. Schaff &

Associates has filed with the City Clerk certificates showing the performance of said contracts as follows: STREET IMPROVEMENT DISTRICT #56; PAYMENT NUMBER 2 in the AMOUNT DUE

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ENGINEER \$3,364.00. 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; AND

That the Mayor and Council hereby find and determine that pursuant to contracts heretofore made, M.C. Schaff, the engineer, has performed the work for constructing of Sanitary Sewer Extension District #23; and the contractor, Midwest Underground, Inc. have filed with the City Clerk certificates showing the performance of said contracts as follows: SANITARY SEWER EXTENSION DISTRICT #23; PAYMENT NUMBER 3 FINAL; AMOUNT DUE ENGINEER \$1,698.00; AND AMOUNT DUE CONTRACTOR \$1,421.64. 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; AND

That the Engineer's Certificate of Completion for Sanitary Sewer Extension District #2 has been filed with the City Clerk and that the certificate of the engineer is approved and the Council finds that said improvements have been constructed according to the contract and have been completed and said improvements in said district are hereby accepted by the City, AND

That the Mayor and Council hereby find and determine that pursuant to contracts heretofore made, M.C. Schaff, the engineer, has performed the work for constructing of Water Extension District #22; and the contractor, Midwest Underground, Inc. have filed with the City Clerk certificates showing the performance of said contracts as follows: WATER EXTENSION DISTRICT #22; PAYMENT NUMBER 3; AMOUNT DUE ENGINEER \$6,839.00; AND AMOUNT DUE CONTRACTOR \$41,131.74. 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

Gallaway moved, Gay seconded "That RESOLUTION NO. 20150805 be passed and adopted." Roll call vote: Yeas: All Council Members present.

RESOLUTION NO. 20150805

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, 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 12; AMOUNT DUE ENGINEER \$11,872.50; PAYMENT NUMBER 12; AMOUNT DUE CONTRACTOR \$65,094.00. STREET IMPROVEMENT DISTRICT #59: AMOUNT DUE CONTRACTOR \$356.25. 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 2014/15 Construction Fund; 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, Perrett Construction Ltd. for constructing same have filed with the City Clerk certificates showing the performance of said contracts as follows: STREET IMPROVEMENT DISTRICT #58; PAYMENT NUMBER 2; AMOUNT DUE ENGINEER \$32,028.00; PAYMENT NUMBER 2; AMOUNT DUE CONTRACTOR \$611,194.29. 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.

Mayor Nienhueser stated that he would abstain from voting on the resolution for The Ranch. Gaston moved, Gallaway seconded "That RESOLUTION NO. 20150807 be passed and adopted." Roll call vote: Yeas: Gallaway, Gaston, Gay and Arterburn. Nays: None. Abstain: Nienhueser.

RESOLUTION NO. 20150807

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 Sanitary Sewer Extension District #24; and the contractor, BSB Construction, Inc., have filed with the City Clerk certificates showing the performance of said contracts as follows: SANITARY SEWER EXTENSION DISTRICT #24; PAYMENT NUMBER 4; AMOUNT DUE CONTRACTOR \$45,915.38 AND Invoice #14.0138-00005 DUE THE ENGINEER in the amount of \$21,851.07. 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; AND

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 contractor, Nienhueser Construction & Excavation Co., Inc. have filed with the City Clerk certificates showing the performance of said contract as follows: WATER EXTENSION DISTRICT #23; PAYMENT NUMBER 3; AMOUNT DUE CONTRACTOR \$19,195.01 AND Invoice #14.0137-00005 DUE THE ENGINEER in the amount of \$2,482.50. Payments in the amount now due the engineer and the contractor

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 #60 for storm

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sewer improvements; and the engineer, Martin/Martin and BSB Construction, Inc. have filed with the City Clerk certificates showing the performance of said contracts as follows: STREET IMPROVEMENT DISTRICT #60 STORM SEWER; PAYMENT NUMBER 2 in the AMOUNT DUE CONTRACTOR \$41,843.00. Payments in the amount now due the contractor is 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 #60 for road improvements; and the engineer, Martin/Martin and Paul Reed Construction have filed with the City Clerk certificates showing the performance of said contracts as follows: STREET IMPROVEMENT DISTRICT #60 ROAD; PAYMENT NUMBER 1 in the AMOUNT DUE CONTRACTOR \$179,800.24 AMOUNT DUE THE ENGINEER \$7,082.04. Payments in the amount now due the engineer and contractor 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 #61 for storm sewer improvements; and the engineer, AND BSB Construction, Inc., Martin/Martin has filed with the City Clerk certificates showing the performance of said contract for the Contractor, BSB Construction, Inc. as follows: STREET IMPROVEMENT DISTRICT #61 STORM SEWER; PAYMENT NUMBER 2 in the AMOUNT DUE CONTRACTOR \$140,859.09 AMOUNT DUE THE ENGINEER \$749.87. Payments in the amount now due the contractor and the engineer are hereby authorized and charged to said districts. 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 storm sewer improvements; and the engineer, Martin/Martin has filed for the contractor, BSB Construction, with the City Clerk certificates showing the performance of said contracts as follows: STREET IMPROVEMENT DISTRICT #62 STORM SEWER; PAYMENT NUMBER 2 in the AMOUNT DUE CONTRACTOR \$69,444.53 AMOUNT DUE THE ENGINEER \$911.41. Payments in the amount now due the contractor and the engineer are hereby authorized and charged to said districts. Said payments shall be paid from the 2015 Construction Fund.

Arterburn moved, Gay seconded "That a Public Hearing be scheduled for August 25, 2015 at 7:15 P.M. for acquiring an interest by purchase or eminent domain in the following: Property No. 1: All of an 18.96 Acre tract of land as recorded in Deed Book 146, Page 233, situated in the Northeast Quarter of Section 32, Township 14 North, Range 49 West of the 6th P.M., Cheyenne County, Nebraska. Tax ID No. 021-136A-3439 AND Property No. 2: All of Tract 3, Sadonna Subdivision as recorded in Deed Book 152, Page 145. Tax ID No. 052-041A-2589, AND that the property owners be given notice." Roll call vote: Yeas: All council members present.

Gallaway moved, Gaston seconded "That the following claims for July 2015, are hereby approved and should be paid as provided by law out of the respective funds in the city treasury." Roll call vote: Yeas: Gallaway, Gaston, Gay and Arterburn. Nays: None. Abstain: Nienhueser. (Abbreviation for claims: aw awards, ct contract, du dues, eq equipment, ex expenses, in insurance, re reimbursements, sa salaries, se service, su supplies, tr transfers, tt travel/training , tx tax, ut utilities) Cabela's su 559.42

Gay moved, Gaston seconded "That the following claims for July 2015, are hereby approved and should be paid as provided by law out of the respective funds in the city treasury." Roll call vote: Yeas: Gallaway, Gaston, Gay and Arterburn. Nays: None. Abstain: Nienhueser. (Abbreviation for claims: aw awards, ct contract, du dues, eq equipment, ex expenses, in insurance, re reimbursements, sa salaries, se service, su supplies, tr transfers, tt travel/training , tx tax, ut utilities) Hillside Ventures se 2420.00

Arterburn moved, Gallaway seconded "That the following claims for July 2015, are hereby approved and should be paid as provided by law out of the respective funds in the city treasury." Roll call vote: Yeas: All council members present. (Abbreviation for claims: aw awards, ct contract, du dues, eq equipment, ex expenses, in insurance, re reimbursements, sa salaries, se service, su supplies, tr transfers, tt travel/training , tx tax, ut utilities) 21st Century su 216.53, 294.92; Accelerated Receivables se 144.76; All Star Pro Golf su 133.21; ALS Group su 2177.00; Altec su 535.00, 322.50; American Environmental su 1793.31; Arnold Pool su 3258.00; Barker Rinker Seacat Architecture ct 22751.28; Behavioral Medicine se 218.00; Ben Meadows su 148.73; Best Excavating se 1718.42; BLR se 456.95; Bomgaars su 88.35, 39.99, 61.36, 39.99; Brenntag Great Lakes su 3775.30; Brestel, Gerald rt 570.28; Bridgestone su 397.98; Brown Transfer se 253.40; Bug Off se 110.00; California Contractors su 479.76; Canon Financial se 122.90; Cardmember su 129.20, 84.25; Caselle su 1080.33, 850.00; Cashwa su 60.90; Centurylink su 96.89; Charles Machine Works eq 4094.78; Charter se 7.89, 67.99; Cheyenne Co Chamber se 3333.32; Cheyenne Co Community Center se 10000.00; Cheyenne Co Emergency Comm Cntr se 20639.18; Cheyenne Co Visitors se 2600.00; City of Sidney in sa 112207.94, 12039.73, 17324.81, 24428.70, 11234.69, 7235.23, 65767.96, 11314.55, 12151.34, 21726.23, 13229.70, 7850.03, 105242.45, 12066.12, 15722.89, 25899.36, 11776.38, 7531.89, 4960.54, 842.63, 789.89, 1538.71, 913.38, 653.02 ex 95.541317.50, 74.94, 45.75, 1350.00, 2000.00, 3246.26, 61.80, 103492.50, 1934.35, bd 16186.54, 19750.00, ut

6975.37, 184.00, 149.31, 959.63, 426.37, 116.15, 9200.65, 10753.87; Civic Plus se 6585.30; Clothes Hamper su 120.00, 96.00; Cobitco su 590.49; Country Printer su 199.00; Cranmore Pest/Fire se 310.00, 554.00, 279.00; Crimson Fire se 1970.00; Croelle Redi Mix se 412.00, 678.98, 193.77, 144.27; Cummins eq 1079.93; Danko Equip eq 404.95; Darin's Auto se 279.13, 165.92; Day & Night se 142.64; Department of Energy ut 25388.19; Diamondback Engineering se 5500.00; Ditch Witch eq 343.45; DP Electronics su 903.48, 45.00, 59.99, 218.91,

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4.98; E&S Auto se 1364.48, 975.54, 132.60, 33.93, 96.87; Eakes su 962.36; Egging Co se 1358.56; Endurance Flag su 8.50, 111.50; Enviro se 72.00; Finney's su 859.18, 25.99, 217.22, 361.78, 376.49, 290.66, 188.50; Floyd's Truck se 860.22, 1497.16; Foster Lumber su 618.54, 38.15, 129.82, 18.30, 178.32; Fremont Nat'l ct 13014.17; Frenchman Valley se 8220.12, 2250.08, 5110.53, 1383.64, 944.29, 605.85; Galls su 19.01; Gempler's su 1160.90; Gold Rush Committee re 5000.00; Golden West Industrial eq 725.77; Grainger eq 807.46; Graybar eq 823.46; H2 Golf su 208.75; Hach su 301.79; Hamilton se 264.80, 99.90, 49.95; Hampton Inn se 249.00; Heartland Operators Conference se 60.00; Hillside Golf se 1000.00; Hochwender, Tina ex 2500.00; Hometown Leasing ct 978.32; Horizon West su 320.76, 72.92; Houser, Jodene re 196.27; Huber & Asso se 81.00; Ideal Linen se 255.79, 664.56, 52.84, 24.82, 63.42; Interstate Batteries su 233.90; Int'l Code Council du 135.00; IPMA du 149.00; JNJ Steamway se 80.00; Jirdon Agri Chemicals su 1133.32; JMK Sports se 252.52; Johnson, Kris ex 246.30, 246.30; KAAQ-FM se 61.25; Kevin's Electric se 88.00; Kois Brothers se 28.64; Kriz Davis eq 37965.21; KSID se 603.00; LG Everist se 903.70; LL Johnson su eq 2172.06; Laclede Equipment su 185.20; Landis & Gyr eq 850.00, 850.00; Langley Trucking se 582.84; Lara, Brenda re 150.00; Lawson Products su 366.05; Leal, Ron se 450.00; Logan Contractors su 241.44; Martin Marietta Materials eq 3710.28, 8660.68; Matthes, Joan se 625.00; McGown, Megan ex 333.49; Midwest Labs su 748.50; Midwest Underground eq 124943.92; Milestone se 744.50, 346.02; Miller Office su 724.83, 14.48, 30.09, 151.32, 19.99; Miracle Recreation su 4914.00; MEAN su 448898.54; Municipal Supply eq 5583.72; Murphy Tractor eq 6717.44; MWC Enterprises se 5400.00; Napa su 82.42; NATP du 70.00; NDEQ du 150.00; NE Dept of Roads se 1970.45; NE DOL/Boiler Inspection du 36.00; NE Environmental Products su 2643.53; NE Main Street ex 1750.00; NMPP ct 3088.88; NT&T se 1495.45, 128.36, 196.52, 309.16, 170.60; Neland Tire su 18.97; NE Machinery eq 35111.65; Old Dominion Brush su 758.99; Oliverius, Jolene ex 150.00; Olsen, Eleanor se 275.00; Olsson Asso se 80.82; One Call Concepts se 121.73, 121.72; PDS eq 5520.13; Pepsi Cola su 417.35; Phillips, John re 60.11; Points West Ins in 1037.50; Pond World Distributing su 209.51; PSI Digital su 309.26; Qtch Auto su 222.42; Ragan Communications su 29.95; Rapp, Hannah re 150.00; Ray O'Heeron Co su 673.05; RCIS su 614.00; Reams Sprinkler su 244.32, 271.25; Region I OHD se 300.00; RWMC se 5948.66; Renner Sports Services se 96469.00; Respond First Aid su 98.64; Rick Tanquary Painting se 2300.00; Ringleman, Jim se 820.00; Ritec su 255.00; Rood's su 15.00; Sandberg Implement su 329.09; Schumacher Electric se 244.56; Scotties Potties su 630.00; Segelke, Carla se 1050.00; Shirt Tales se 306.00; Sid Dillon eq 22748.00; Sidney Glass su 379.00, 12.00; SRMC se 544.00; Sidney Rehabilitation se 250.00; Sidney Soft Water se 69.95, 29.95, 7.50; Sidney Sun Telegraph se 2326.48; Sidney Volunteer Fire Dept re 3188.89; Smith, Jonathan re 150.00; SOA Enterprises se 250.00, 450.00; Sonntag, Goodwin & Leef se 5018.50; Source Gas se 2066.49, 44.97, 27.27, 88.90, 64.94, 22.49, 107.13; Spic & Span Cleaners su 590.00; Splish Splash se 118.40; State of NE Power Review Board se 1026.14; Stone, Eloise rt 400.00; Sukup, Todd se 87.50; Swire Coca-Cola su 318.96; Tait's Electric se 2871.00; Taser Int'l se 40.75; Terry-Durin su 19535.90; Thompson Co su 261.02, 129.09; Thomson Reuters su 86.67; Titleist su 1162.20; Top Promotional Products su 160.00; Total Funds by Hasler se 131.45; Triple O's su 271.80, 25.85; US Federal Contractor Registration se 599.00; US Postal se 6000.00; US Yellow Pages se 916.00; Verizon Wireless su 337.43, 628.72, 72.52, 33.27, 194.02, 99.81; WS Darley su 511.63; Walmart su 116.43; Wesco Distribution su 5964.71; Western Enterprises su 12000.00; Wheatbelt su 10036.06; Whitebluffs se 1683.00; Wingate se 209.90; WNCC se 250.00; Wolford, Marie rt 916.47; Baker & Taylor su 756.18; Gale/Cengage se 448.09; City of Sidney se 1227.59; Culligan su 19.95; Elan Visa su 425.13; EBSCO su 2148.81; Frenchman Valley se 81.40; Floyd's Truck se 7.56; Guideposts su 53.22; Ideal Linen su 29.36; Journal Office su 41.09; NE Link su 36.00; NT&T se 128.02; North Platte Telegraph su 161.20; OCLC su 193.76; Petty Cash su 6.22; Quill su 568.59; Segelke Janitorial se 1050.00; Sidney Sun Telegraph su 5.73; Sonny's Super Food su 54.34; U Store It se 60.00.

Consensus of the Council was to set a special meeting on August 17, 2015 at 5:00 p.m. to include a budget workshop and other business as needed.

City Manager's Report included highlights of events or meetings attended as well as future dates as follows: Historic Preservation 8/11, Ramona Joyce's retirement 8/11, Senator Sasse 8/12, JESWA 8/12, Workforce Development 8/14, Leadership Nebraska 8/14, Night of Hope 8/14, Allo Communications next week, Statewide Task force to make long range plans, John and Mike at NMPP next week, Water Sustainability meeting; Concert in Hickory Square 8/23; NE Chamber Legislative Form 8/24, NRD annual meeting re: water allocations; etc.

Mayor Nienhueser stated that he would entertain a motion to go into closed session for the protection of the public interest to discuss personnel strategy matters. Arterburn moved, Gaston seconded AThat the Council go into closed session for the protection of the public interest to discuss personnel strategy matters.@ Roll call vote: Yeas: All council members present. Mayor Nienhueser announced that the City Council will now go into closed session at 9:32 p.m. Upon the Council's return from the closed session, Gaston 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 at 11:37 p.m.

Meeting adjourned at 11:39 a.m.

MARK NIENHUESER, MAYOR

ATTEST:

G.F. ANTHONY, CITY CLERK

