

Sidney, Nebraska, September 8, 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 8, 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.

Arterburn moved, Gallaway seconded "That the minutes of the August 25, 2015 meeting be approved as printed." Roll call vote: Yeas: All council members present.

Kristin Narjes, Kristin Schmidt, Rachel Smith and Allison Benzel, representing the "Dash for the Splash Triathlon," thanked everyone who helped make the event a success. They presented the City with a check for \$4,000 towards the new aquatic center from the proceeds of the event.

Marla Sprenger of New York Life appeared to request permission to use the City's vacant lot at 9th & Hickory for a fundraising Pancake Feed on October 3, 2015 before the Oktoberfest Parade. Proceeds from the event will be donated to the Cheyenne County Pavilion Project. It is their hope that this will become an annual event to support this and future community projects. Gaston moved, Gallaway seconded "That the request of Marla Sprenger of New York Life to use the City's vacant lot at 9th & Hickory for a fundraising Pancake Feed on October 3, 2015 before the Oktoberfest Parade be approved." Roll call vote: Yeas: All council members present.

Gallaway moved, Gaston seconded "That Resolution No. 20150901 be approved." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20150901

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 (Silverburg Drive); and has filed with the City Clerk certificates showing the performance of said contracts as follows: STREET IMPROVEMENT DISTRICT #53; PAYMENT NUMBER 6; AMOUNT DUE ENGINEER \$4,969.00. 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, Baker & Associates, the engineer, has performed the work for engineering of Street Improvement District #54 (Jennifer Lane); and has filed with the City Clerk certificates showing the performance of said contracts as follows: STREET IMPROVEMENT DISTRICT #54; PAYMENT NUMBER 10; AMOUNT DUE ENGINEER \$3,956.50. Payments in the amount now due the engineer are hereby authorized and charged to said districts. Said payments shall be paid from the 2015 Construction Fund.

Brett Meyer of Baker and Associates presented the bids for Water and Sewer at the Industrial Park. He explained that this was a re-bid of the project, with the original bids coming in over the engineer estimates for the project. The re-bid generated two bidders, one coming in under the engineer's estimate for the projects. It was the engineer's recommendations that both contracts be awarded to the low bidder, Midlands Contracting, Inc. of Kearney, NE.

Gay moved, Gallaway seconded "That the Bids for Water and Sewer at the Industrial Park be awarded to Midlands Contracting, Inc. of Kearney, NE, in the amount of \$139,985 for the waterline project and \$239,784 for the sanitary sewer project." Roll call vote: Yeas: All council members present.

Gallaway moved, Arterburn seconded "That Resolution No. 20150902 be approved." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20150902

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 #59; 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 #59; PAYMENT NUMBER 13; AMOUNT DUE ENGINEER \$11,218.00; PAYMENT NUMBER 13; AMOUNT DUE CONTRACTOR \$109,191.66. 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 3; AMOUNT DUE ENGINEER \$40,688.15; PAYMENT NUMBER 3; AMOUNT DUE CONTRACTOR \$868,470.71. 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 at this time that he would abstain from voting on the Resolution for The Ranch.

Gallaway moved, Gaston seconded "That Resolution No. 20150903 be approved." Roll call vote: Yeas: Gallaway, Gaston, Gay and Arterburn. Nays: None. Abstain: Nienhueser.

RESOLUTION NO. 20150903

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 engineer, Martin/Martin, has filed for the contractor, BSB Construction, Inc., with the City Clerk certificates showing the performance of said contracts as follows: SANITARY SEWER EXTENSION DISTRICT #24; PAYMENT NUMBER 5; AMOUNT DUE CONTRACTOR \$30,816.02 AND Invoice #14.0138-00006 DUE THE ENGINEER in the amount of \$19,516.12. 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 engineer, Martin/Martin, has filed for the contractor, Nienhueser Construction & Excavation Co., Inc., with the City Clerk certificates showing the performance of said contract as follows: WATER EXTENSION DISTRICT #23; PAYMENT NUMBER 4; AMOUNT DUE CONTRACTOR \$47,724.77 AND Invoice #14.0137-00006 DUE THE ENGINEER in the amount of \$11,242.79. 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 sewer improvements; and the engineer, Martin/Martin, has filed for the contractor, BSB Construction, Inc., with the City Clerk certificates showing the performance of said contracts as follows: STREET IMPROVEMENT DISTRICT #60 STORM SEWER; PAYMENT NUMBER 3 in the AMOUNT DUE CONTRACTOR \$5,685.50. 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, has filed for the contractor, Paul Reed Construction, with the City Clerk certificates showing the performance of said contracts as follows: STREET IMPROVEMENT DISTRICT #60 ROAD; PAYMENT NUMBER 2 in the AMOUNT DUE CONTRACTOR \$42,090.37. 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, Martin/Martin, has filed for the contractor, BSB Construction, Inc., with the City Clerk certificates showing the performance of said contracts as follows: STREET IMPROVEMENT DISTRICT #61 STORM SEWER; PAYMENT NUMBER 3 in the AMOUNT DUE CONTRACTOR \$184,575.66; AMOUNT DUE THE ENGINEER \$5,531.71. 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, Inc., with the City Clerk certificates showing the performance of said contracts as follows: STREET IMPROVEMENT DISTRICT #62 STORM SEWER; PAYMENT NUMBER 3 in the AMOUNT DUE CONTRACTOR \$72,298.37. Payments in the amount now due the contractor are hereby authorized and charged to said districts. Said payments shall be paid from the 2015 Construction Fund.

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 for the contractor, Paul Reed Construction, with the City Clerk certificates showing the performance of said contracts as follows: STREET IMPROVEMENT DISTRICT #62 ROAD; PAYMENT NUMBER 1 in the AMOUNT DUE CONTRACTOR \$111,492.32; AMOUNT DUE THE ENGINEER \$2,135.94. 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.

The Deputy Clerk read Ordinance No. 1766 by Title for the third time as follows: "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." Gay moved, Arterburn seconded "That Ordinance No. 1766 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. 1766 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: All council members present.

The Deputy Clerk read Ordinance No. 1767 by Title for the third time as follows: "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." Gaston moved, Gallaway seconded "That Ordinance No. 1767 be finally passed." Roll call vote: Yeas: Gallaway, Gaston, Gay and Arterburn. Nays: Nienhueser. 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. 1767 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: All council members present.

The Deputy Clerk read Ordinance No. 1768 by Title for the third time as follows: "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." Gaston moved, Gay seconded "That Ordinance No. 1768 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. 1768 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: All council members present.

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

Tina Hochwender presented a report on the Nebraska Environmental Trust Fund Grant Application. She noted that the grant application deadline was midnight on September 8th, so she would be submitting the application following the meeting, pending council approval.

Gaston moved, Gallaway seconded "That Resolution No., 20150904 be approved." Roll call vote: Yeas: Gallaway, Gaston, Gay and Arterburn. Nays: None. Abstain: Nienhueser.

RESOLUTION NO. 20150904

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT A NEBRASKA ENVIRONMENTAL TRUST FUND GRANT IN PARTNERSHIP WITH CABELA'S FOR THE PROPOSED RANCH NATURE AREA AND POND PROJECT.

WHEREAS, in November 2013 Cabela's and the City of Sidney presented to the Community an East Sidney Master Plan that included the development of approximately 800-900 new single family housing units and an approximately 95 acre nature area and pond called "The Ranch" development; and

WHEREAS the housing development is expected to reach full build-out within the next ten years; and

WHEREAS the proposed 95 acre nature area and pond is comprised of 83+ acres of Cabela's property and 12+ acres of adjacent vacant City property; and

WHEREAS Cabela's and the City have been coordinating with the South Platte Natural Resources District, Nebraska Game and Parks Commission, Nebraska Forest Service and Ducks Unlimited to gather input on the design and funding of the possible pond, wetlands and nature area called the Ranch Nature Area and Pond project; and

WHEREAS the proposed Ranch Nature Area and Pond, will have a roughly 10 surface acre lake that will provide fishing, recreational, and educational opportunities; a combination of wetland and upland habitat areas; and a series of trails that will connect to the City's existing trails system; and

WHEREAS a preliminary design concept and project budget totaling approximately \$6 million over a three (3) year period beginning spring 2016 has been prepared for the proposed Ranch Nature Area and Pond project; and

WHEREAS funding includes Cabela's at approximately \$2.6 million, Nebraska Environmental Trust Funds \$2.5 million, and remaining funds in-kind contributions for the project, including City funds in the amount of \$20,000 for the operation and maintenance of the park following project completion, anticipated in 2018; and

WHEREAS, the Nebraska Environmental Trust (NET) fund is a source of funding to conserve, enhance and restore the natural environments of Nebraska; and

WHEREAS, an application for said funds is in the best interest of the City; and

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

That the Mayor is hereby authorized and directed to partner with Cabela's to submit an application to the Nebraska Environmental Trust (NET) fund in the amount of approximately \$2.5 million for the proposed Ranch Nature Area and Pond; and contingent upon approval of the award of NET funds:

1. enter into an agreement with Cabela's to reimburse Cabela's the expended associated project costs awarded with the NET funds; and
2. accept the donation of the approximately 83 acres of Cabela's property to be combined with the City's adjacent parcel for the proposed Ranch Nature Area and Pond upon project completion; and
3. consider modifying the current agreement between The City of Sidney and Cabela's "Employment Enhancement Tax", which is the additional one-half percent sales tax on all sales from the Cabela's store in Sidney, which are used to develop public features, such as trails, recreational facilities and storm water projects, in the enhanced employment zone.

Mayor Nienhueser announced that a public hearing would now be held, at 8:24 p.m., for the purpose of hearing support, opposition, criticism, suggestions, or observations relating to the 2015-2016 proposed budget statement for all City departments, the tax levy, unused budget authority, and to consider amendments relative thereto. Interim City Manager Anthony presented a power point presentation of the proposed budget statement

and reviewed same. She thanked the City Council and staff for the time they dedicated to getting this budget to final form. There being no further public comment, the hearing was closed at 8:40 p.m.

Mayor Nienhueser announced that a public hearing would now be held, at 8:41 p.m., for the purpose of hearing support, opposition, criticism, suggestions, or observations relating to adopting a tax request different than the prior year tax request and that all persons would be heard. The following filed written objections: None. The following appearing in person or by agent or by attorney and were heard: Interim City Manager Anthony. All persons who desired a hearing having been heard, Mayor Nienhueser closed the hearing at 8:42 p.m.

Gallaway moved, Gay seconded "That Resolution 20150905 be approved." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20150905

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the City of Sidney passes, by a majority vote, a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interests of the City of Sidney that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the City Council of the City of Sidney, Nebraska, by a majority vote resolves that:

1. The 2015-2016 property tax request be set at \$1,931,402.80 (\$1,492,770.66. for the General/Street and \$525,074.00 for Debt Service).
2. A copy of this resolution be certified and forwarded to the County Clerk prior to October 13, 2015.

Gaston moved, Gallaway seconded "That the City Council approve a 1% increase in restricted funds for the tax levy lid calculations for FY2015-2016." Roll call vote: Yeas: All council members present.

Gaston moved, Gay seconded "That the Ordinance entitled "AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL, TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR THE ALL PURPOSE LEVY FOR ALL OBJECTS OR PURPOSES; TO PROVIDE FOR FILING OF COPIES OF THE BUDGET DOCUMENT WITH THE AUDITOR OF PUBLIC ACCOUNTS AND THE CHEYENNE COUNTY CLERK; AND TO PROVIDE FOR AN EFFECTIVE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT" be designated as Ordinance No. 1769." Roll call vote: Yeas: All council members present. Gay moved, Gaston 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. The motion having been concurred in by three-fourths of the Council be declared passed and adopted and said statutory requirement suspended. The Deputy Clerk then read the Ordinance by number. Gallaway moved, Gay seconded "That Ordinance No. 1769 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, Gay seconded "That Ordinance No. 1769 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: All council members present.

Gay moved, Gallaway seconded "That RESOLUTION NO. 20150906 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20150906

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

That the American National Bank, the Security First Bank, the Points West Bank, and Sidney Federal Savings & Loan of Sidney, Nebraska, banking corporations all with their present place of business within Sidney, Cheyenne County, Nebraska, and all authorized to engage in the business of banking within said City of Sidney, Nebraska, be hereby designated as the depositories for City funds as set forth below for the year beginning October 1, 2015 and ending September 30, 2016:

American National Bank: Electric Plant Operation & Maintenance Account, Electric Customer Deposit Account, Street Department Account, Bond Payment Account, and Investment Account.

Security First Bank: Sewer and Water Operation & Maintenance Accounts, Water Customer Deposit Account, City Payroll Account, City General Fund, City Investment Account, Repair & Replacement Account, CDBG Account, Bond Account, Golf Department, Boy Scout Trust, Crime Prevention Account, Insurance Reserve Account, 2014 Construction Fund and 2015 Construction Fund

Points West Bank: Investment Account, SASWA Landfill Closure Fund, Landfill Enterprise Fund, Paying Agent for Tax Increment Financing, and Accounts Receivable.

Sidney Federal Savings & Loan: Boy Scout Trust

BE IT FURTHER RESOLVED that the following collateral is pledged by said banks and is approved by the Council and the joint custody receipts for this collateral are to be kept in the vaults of the City Treasurer's office and this place of safekeeping is hereby approved:

American National Bank: 3137EADG1-\$250,000; 3134G42X5-\$500,000; 912828TN0-\$500,000; 3136G2F36-\$500,000; 3130A4LK6-\$500,000; 3130A4EK4-\$500,000; 313380EC7-\$500,000; 3130A4K43-\$500,000; 3136G2F51-\$500,000; 313383G88-\$500,000; 3134G3N22-\$500,000; 3135G0PQ0-\$250,000; 3134G3M31-\$500,000; 3135G0MZ3-\$500,000; 3136FPYA9-\$250,000; 313383HQ7-\$500,000; 3134G34F4-\$500,000; 3136G1FV6-\$500,000; 3136G1BE8-\$250,000

Security First Bank: 3130A3LE2-\$2,000,000; 3137A4MT1-\$364,403.77; 31326HSU9-\$1,550,474.69; 256435HF8-\$65,000; 256435HG6-\$500,000; 823732AA0-\$400,000; 829594KG4-\$155,000; 00839AAG9-\$365,000; 157285DQ7-\$1,000,000; 160751BB8-\$485,000; 207135UZ5-\$740,000; 384694CL7-\$545,000; 407594EU0-\$220,000; 44276NBP8-\$115,000; 487573BH9-\$430,000; 487573BJ5-\$225,000; 527048EN8-\$535,000; 667488NC0-\$625,000; 698873VU7-\$100,000; 708349VW2-\$485,000; 73474MHE8-\$55,000; 757060BT4-\$10,000; 803770LW4-\$105,000; 80378HAP3-\$60,000; 80378LAP4-\$15,000; 80378LAQ2-\$60,000; 869231KV1-\$100,000; 938119BJ2-\$90,000; 259228FC3-\$150,000; 259257AJ2-\$25,000; 44442AAV3-\$300,000; 79517YAC9-\$35,000; 947659CZ9-\$200,000; 96254LJB1-\$200,000; 3137B0Q49-\$1,100,000; 25929MBH8-\$45,000; 514028FX2-\$45,000; 514028F27-\$180,000; 845196ES9-\$530,000; 845196ET7-\$220,000

Points West Bank: 353127BN2-\$205,000; 82608PAK4-\$100,000; 486800DB8-\$370,000; 3130A3C77-\$490,000; 3130A3C77-\$140,000; 148015CW8-\$15,000; 534366AA7-\$250,000; 31410LB50-\$694,179.31; 534366AF6-\$300,000; 3128MMNQ2-\$760,575.84; 231795AJ4-\$160,000; 166807DC8-\$1,000,000; 639918BY6-\$100,000; 534366AN9-\$145,000; 534366AN9-\$150,000

Mayor Nienhueser announced that a public hearing would now be held, at 8:53 p.m., on the issuance of the City's Flood Control Bonds in the form of single promissory note issued to evidence indebtedness to the Nebraska Department of Environmental Quality. There being no public comment the public hearing was closed at 8:55 p.m.

Gallaway moved, Arterburn seconded "That the Ordinance entitled "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: be designated as Ordinance No. 1770." 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 Deputy Clerk read the ordinance by title.

Arterburn moved, Gay seconded "That Resolution No. 20150907 be approved." Roll call vote Yeas: All council members present.

RESOLUTION NO. 20150907

WHEREAS, Nebraska Revised Statutes 39-1359 requires that a closure of state highways through a municipality must be requested to the Nebraska Department of Roads; and

WHEREAS, the annual Oktoberfest Celebration sponsors a parade in downtown Sidney more specifically on Illinois Street/State Highway No. 30, and

WHEREAS, the City of Sidney, Nebraska, does hereby request the Nebraska State of Nebraska Department Road's permission for closure of Illinois (Highway 30) Street for the Oktoberfest Parade. The closure would be on October 3, 2015 from 9:00 a.m. and reopen to traffic at 1:00 p.m. The closure will be between the intersection of 23rd Avenue and Highway 30 and the intersection of Fort Sidney Road and Highway 30. The City of Sidney accepts the duties as set forth in subsection (2) of Nebraska Revised Statutes 39-1359 and agrees to indemnify, defend, and hold harmless the State from all claims, demands, actions, damages, and liability, including reasonable attorney's fees, that may arise as a result of the special event. The City staff will place all required barricades and detour signage in order to have all streets accessing Highway 30 closed for the parade and will follow directly behind the parade removing all barricades and opening Highway 30 back to normal traffic. Most intersections along the parade route will have barricades closing them. However, certain intersections along the parade route will have police officers manning them to allow traffic to cross Highway 30 until the start of the parade. Once the barricades have been placed, anyone wishing to cross Highway 30 will have to use one of the intersections manned with a police officer; and

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF SIDNEY, NEBRASKA, does hereby approve making said request to the Nebraska Department of Roads.

Gaston moved, Gallaway seconded "That the City's membership in the Panhandle Area Development District for FY 2015-2016 be approved; and that Tina Hochwender be designated as the professional staff person, Geri Anthony as alternate, and Joe Arterburn as City Council Member for the City of Sidney on the PADD Board of Directors." Roll call vote: Yeas: All council members present.

Arterburn moved, Gay seconded "That Resolution No. 20150908 be approved." Roll call vote: Yeas: All council members present.

Member Resolutions for Appointments

RESOLUTION NO. 20150908

Representative and/or Alternate Representative to NMPP Members' Council

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sidney, State of Nebraska, that:

1. Such City be and hereby is a member of the Nebraska Municipal Power Pool.
2. The City Council of the City of Sidney, State of Nebraska, do hereby appoint GERI ANTHONY as the alternate representative of the City of Sidney, State of Nebraska, to the Members' Council of the Nebraska Municipal Power Pool.

Director and/or Alternate Director to ACE Board of Directors

WHEREAS, the City of Sidney, State of Nebraska, is a party to the Interlocal Agreement creating the Public Alliance for Community Energy and, pursuant to the terms of said Agreement, it is the responsibility of the City to designate a representative of the City of Sidney to the Public Alliance for Community Energy Board of Directors provided for under the terms of said Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Sidney, that:

1. The City Clerk is hereby directed to give written notice to the Public Alliance for Community Energy of the appointment of MIKE PALMER as the City's representative to said Board of Directors.
2. The City Clerk is hereby directed to give written notice to the Public Alliance for Community Energy of the appointment GERI ANTHONY as the City's alternate representative to said Board of Directors.

Representative and/or Alternate Representative to MEAN Management Committee

WHEREAS, the City of Sidney, State of Nebraska, is a part to the Electrical Resource Pool Agreement and, pursuant to the terms of such Agreement, it is the responsibility of the City of Sidney to designate a representative and alternate representative to the Municipal Energy Agency of Nebraska Management Committee provided for under the terms of said Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sidney, State of Nebraska, that:

1. The City Clerk is hereby directed to give written notice to the Municipal Energy Agency of Nebraska of the appointment of GERI ANTHONY as alternate representative to said MEAN Management Committee.

Director and/or Alternate Director to MEAN Board of Directors

This is to certify that the City Council of the City of Sidney, State of Nebraska, duly appointed GERI ANTHONY to serve as alternate director to represent the City of Sidney on the Board of Directors of the Municipal Energy Agency of Nebraska (MEAN). The appointment will run for a term of 3 years with the powers and duties incident to such office. This certificate is issued in compliance with the Municipal Cooperative Financing Act contained in the Nebraska Revised Statutes §18-2401 et. seq. (1987).

Gay moved, Arterburn seconded "That Tamara Nelson be re-appointed to the Sidney Housing Authority for another 5-year term." Roll call vote: Yeas: All council members present.

Gay moved, Gallaway seconded "That Resolution No. 20150909 be approved." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20150909

City of Sidney, Nebraska

Whereas: The State of Nebraska desires to make improvements on a portion of Highway US-30 within the Corporate Limits of Sidney, Nebraska under a highway improvement project denoted as Project No. RD-30-1(1020), and

Whereas: this highway improvement project will also improve Municipal infrastructure at various locations with the project limits as shown in the agreement, and

Whereas: the improvements to be completed within the municipal boundaries are adequately described in the agreement, and

Whereas: the municipality's responsibilities under this agreement are adequately described in the agreement and are understood by the municipality, and

Whereas: the City of Sidney, Nebraska concurs to enter into this agreement with the State of Nebraska, Department of Roads, for said improvement,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SIDNEY, NEBRASKA that the Mayor is authorized by this City Council to execute this agreement with the State of Nebraska, Department of Roads for Project Number 4 No. RD-30-1 (1020).

Gaston moved, Gallaway seconded "That Geri Anthony be appointed as the City of Sidney's representative and Bill Taylor be appointed as the City's alternate on the JESWA board." Roll call vote: Yeas: All council members present.

Gaston moved, Gay seconded "That the following claims for August 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 eq 559.42.

Gaston moved, Gay seconded "That the following claims for August 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.

Gay moved, Arterburn seconded "That the following claims for August 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 Equipment eq 103.50, 7758.04, 341.78, 40.64; 3M eq 10537.50; A-1 Sports se 11.85; Absolute Solutions ct 10472.17, 35954.70; Accelerated Receivables se 93.68; AG Teck Repair se 21.44, 136.82; Alexander Tim se 500.00; Altec Industries eq 343.56; American AED su 74.00; Arnold Pool se 58.90; Baker & Assoc ct 6810.18, 44076.56; Barker Cleaners su 45.00; Barker Rinker Seacat Architecture se 2890.36; Behavioral Medicine se 416.00; Bobcat of Casper eq 258.48; Bomgaars su 79.66, 135.92; Boot Hill Committee se 7056.42; Brandt Appraisal se 1950.00; Bridgestone su 371.82; Bronson, Cina re 94.51; Brown Transfer se 211.58; Burco Printing su 145.00; Busted Knuckle se 447.00; CC&M Air cooled Engine se 345.98; C&M Golf su 582.36; Canon Financial se 122.90; Capital City Concepts se 13500.00; Cardmember se 835.62, 72.43, 114.46; Carolina Software se 200.00; Caselle ct 1080.33; CenturyLink se 96.89; Charter se 7.89, 67.99; Cheyenne Co Chamber se 1666.66, 1683.00; Cheyenne Co Community Center se 10000.00; Cheyenne Co Court se 48.00; Cheyenne Co Emergency Comm Cntr se 24318.13; Cheyenne co Treasurer se 14.00; Chief su 721.43, 51.25; City of Sidney se 25.00, 2340.00, 20.00, 6240.00, 4680.00, 2600.00, 125.00, 657.98, 1000.00, 3133.49, 45.30, 1728.93, bd 19750.00, sa 108114.78, 1198.11, 95307.56, 12443.78, 11726.57, 18838.69, 15903.52, 1198.11, 29429.06, 30621.54, 24144.19, 11951.20, 12579.60, 7591.36, 7907.85, in 5133.11, 66044.89, 862.13, 11314.55, 816.89, 12151.34, 1601.71, 21726.23, 932.88, 13229.70, 669.52, 7850.03; ut 9433.41, 167.00, 914.74, 499.39, 116.15, 16148.50, 10707.80; Clothes Hamper se 156.00, 108.00; Club Prophet eq 1889.00; Cobitco su 88528.55, 5244.91; Contractors Materials su 191.40, 368.50, 184.80; Cranmore se 85.00, 84.00; Croell Redi Mix su 105.35; Culligan se 136.45, 12.50, 29.95; Darin's Auto se 2105.39; Day & Night se 84.23, 808.23, 1690.00; Deaver Tire se 65.00; Dept of Energy su 28074.04; Design Solutions ct 4379.79; Diamondback Engineering ct 7550.00; Digital Alley se 85.00; DP Electronics su 996.68, 2890.63; Dutton Lainson su 6834.25; E&S Auto se 836.04, 1023.88, 2374.52, 46.28, 315.95, 52.68; Eagle Communications su 57.50; Eco Resource Solutions su 152.00; Electric Power Systems su 24404.25; Enviro Service se 108.00, 72.00; Environmental Resources su 274.92; Fairfield Inn se 284.46; Farwest Line su 800.32; Finney's su 722.83, 265.36, 116.48, 271.80, 396.71, 124.67; Flagship Publishing su 480.00; Floyd's Truck Center se 135.89; Forestry Suppliers su 345.67; Foster Lumber su 269.44, 13.70, 129.33, 80.12; Fremont Bank & Trust ct 13175.82; Frenchman Valley su 9056.74, 2687.16, 3610.22, 1522.44, 1137.60, 874.80; Gemplers su 981.87; GLEC su 926.45; GoldenWest Industrial su 877.26; Golf & Sport Solutions su 432.77; Gordon's Body Shop su 59.50; Graff's Turf su 5024.00; Grainger su 319.29, 109.80; Hall's Safety Equip su 495.15; Hamilton se 264.80, 99.90, 49.95; Hometown Leasing ct 978.32; Horizon West su 98.82; Houser, Jodene su 95.18; Housman Kasey se 72.71; Huber & Asso se 5441.00; Ideal Linen su 364.31, 64.14, 68.05, 24.82, 80.18; Intermountain Sales eq 2861.99; Interstate Batteries su 105.72, 191.10, 227.90; Jirdon Agri Chemicals su 7701.22, 308.82; Johnson, Kris re 109.83, 487.60; Kevin's Electric se 22.00, 143.00; Kriz Davis eq 3622.85, 9891.89; KSID se 1793.20; L&P Financial se 6182.62; LL Johnson eq 2561.01, 1780.41; Landis & Gyr eq 850.00; Langley Trucking su 547.92, 485.92 19203.12; Leaf Construction se 1032.00; League of NE

Municipalities se 15543.00; League of NE - Utilities Sec du 300.00, 300.00, 500.00, 1580.00, 300.00, 430.00; Leal, Ron se 450.00; Lincoln Winwater eq 12173.30; Lynn Peavey se 68.25; MC Schaff & Asso se 2296.50; Mail Finance ct 2064.00; Martin Marietta se 1210.72; Matthes, Joan se 625.00; Merchant JT&S se 550.00; Midwest Connect se 250.00; Midwest Lab se 746.00; Midwest Underground se 39960.68; Miller & Sons Golf se 365.91, 50.99; Miller Office su 3455.92, 41.69, 47.28; Miracle Recreation se 3962.00; MEAN su 494323.08; Municipal Supply su 4374.876, 2420.57; Murphy Tractor su 96.64; Musco Sports Lighting su 48000.00; MWC Enterprises su 557.72, 12030.00; NAPA Auto su 91.48; NDEQ su 2851.25; NE Dept of Revenue su 69121.29; NE Dept of Roads su 11241.84; NE Environmental Products su 204.00; NE Public Health Environmental Lab se 798.00; NE Rural Water du 25.00; NE State Treasurer se 66.93; NT&T se 1525.16, 128.51, 198.13, 304.20, 168.29; NE Land Tire su 466.76, 550.48, 142.38; Nienhueser Const se 60979.55; NE Machinery eq 251.97, 59.31; Northern Safety su 402.13; Northwest Pipe eq 4406.53; Olsen, Eleanor se 275.00; Olsson Asso se 2387.76; One Call se 86.35, 86.35; Palmer, Mike tt 74.00; Panhandle Auto se 6.50; Panhandle Concrete su 2619.00; PCHelp se 284.00; Pepsi su 641.60; Person, Gary re 34.45; Pins & Needles Embroidery se 395.83; Points West Ins se 68.00, 375.00; Pond World su 274.64; Prestige Flag su 33.14; Quality Construction se 481.00, 3600.00; R&R Products su 215.87; Radtke, Hank tt 229.50; Ray O'Heeron Co su 102.58, 157.94; Region I OHD se 375.00; RWMC se 5948.66; Respond First Aid su 83.38; Rick Tanquary Painting su 700.00; Ringleman, Jim se 1120.00; Ritec su 450.00; Rood's se 363.10, 15.00, 1059.51; Russell Industries su 927.40; Sam Gingrich & Sons se 43.00; Sandberg Implement eq 272.81, 94.82; Sargent Drilling se 3150.00; Sauder Auto se 1024.70, 873.16; Scotties Potties se 630.00; Segelke, Carla se 1050.00; Sherwin Williams su 1980.00, 420.00; Shirt Tales su 300.00; Sidney Glass se 374.22; SRMC se 54.40, 54.40; Sidney Sun Telegraph se 65.00, 1136.88; Silver Dollar su 342.00; Skarshang Testing se 700.83; SOA Enterprises su 2498.00; Sonntag, Goodwin & Leef se 5003.15; Sonny's su 15.36, 83.05; Source Gas su 1081.92, 44.44, 88.90, 64.95, 22.23, 106.88; SPNRD se 1268.00; SPL Int'l su 231.40; Splish Splash su 89.40, 5.60; State of NE Business se 100.00; Sterling Monument su 145.00; Sterling Trailers su 9400.00; Stern Oil su 789.68; Stone, Eloise rt 400.00; Superior Outdoor Power su 166.47; Swire Coca Cola su 486.72; Thompson Co su 97.18, 114.89; Thomson Reuters su 200.00; Total Funds by Hasler se 49.66; Transit Works se 112.90; Triple O's su 574.30, 183.26, 27.95; US Postal Service su 6000.00, USA Bluebook su 90.29; Utility Services Asso se 14799.00; Van Diest su 5088.05; Verizon su 67.29, 70.53, 33.27, 194.02, 99.81; WS Darley su 255.66; Walmart su 181.31; Wesco su 4020.50, 5012.74; Western Engineering su 7722.00; Western NE Tourism du 100.00; Western United Electrical eq 128946.97; Wheatbelt ut 9758.27; Whitebluffs se 993.00; Wolford, Marie rt 916.47; WPCI se 398.40; Zep su 359.51; Elan Visa su 597.55; Sidney Sun Telegraph se 108.00; Keith County News su 114.00; Baker & Taylor su 1488.02; City of Sidney su 922.14; Culligan su 19.95; Demco su 215.25; Elan Visa su 431.50; Cenage Learning su 114.54; Guideposts su 53.22; Ideal Linen su 100.67; Journal Office su 35.00; NE Link su 36.00; NT&T se 31.81; NE Library Commission su 770.24; OCLC su 200.71; Quill su 133.96; Segelke Janitorial su 1050.00; Andrew Sherman re 39.96; Sidney Sun Telegraph su 5.73; Sidney Glass su 75.00; Smartshield su 51.38; U Store It se 60.00.

Council comments included appreciation to department heads and administrative staff for work on the budget, as well as extra efforts to keep the City running smoothly; possible walking path for kids on Haskill Hill; surface condition at the end of walking trail where it dead-ends on west King Street; suggestion to add trails around the pond and Cabela's to the trails map to qualify for additional funding; search for city manager.

Interim City Manager Anthony reported on 1)NDOR clean-up of petroleum leak at 9th & Illinois; 2) attendance at JESWA meetings; 3) Marriott groundbreaking on September 4th; 4) Sandhills Energy meeting on solar energy to be held on September 10th with Tina Hochwender attending on behalf of the City; 5) Trails meeting attended by Tina Hochwender and Tom VonSeggern, with map of project provided by Ben Dayton; 6) Meeting on September 29th with Love's regarding the placement of a water tower; 7) Water Project – addendum #1 for the East Booster Pump Station, pre-bid meeting on September 22nd at 2 p.m.

Meeting adjourned at 9:26 p.m.

/s/MARK NIENHUESER, MAYOR

ATTEST: /s/CYNTHIA K. HEILBRUN, DEPUTY CITY CLERK

