

Sidney, Nebraska, January 26, 2016, 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 January 26, 2016 in the Council Room. Present were: Mayor Nienhueser and Council Members: Gallaway, Gaston, Gay, and Arterburn. Others present: Interim City Manager Anthony, Deputy City Clerk Heilbrun and City Attorney Sonntag. 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 January 12, 2016 meeting be approved as printed." Roll call vote: Yeas: All council members present.

Mayor Nienhueser opened a public hearing at 7:18 p.m. regarding the consideration of purchase of Lots 1-3, Block 1, Lots 1-4, Block 2, and Lots 29-32, Block 2, Canady Addition; and approval to execute contract re: same.

Zoning Administrator Ben Dayton explained that Alferd Jung had offered to sell the lots to the City at the tax assessed value, as he no longer has a need for them or desire to develop them. He noted that there is an access to the City of Sidney water tanks through these lots, so it would be to the City's advantage to purchase them. The Mayor closed the public hearing at 7:19 p.m.

Gaston moved, Gay seconded "That the Mayor be authorized to execute the contract for the purchase of Lots 1-3, Block 1, Lots 1-4, Block 2, and Lots 29-32, Block 2, Canady Addition, for a purchase price of \$5,500.00." Roll call vote: Yeas: All council members present.

Nicholas and Cassandra Easterly presented a preliminary and final plat to subdivide property they've purchased from UPRR, located on East Hwy 30 at the site of Sidney Feed & Seed, which will add an area to be used for storage and a parking lot for their customers. The use and zoning of the land will not change.

Gaston moved, Gay seconded "That Resolution No. 20160105 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20160105

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

That the Planning Commission of the City of Sidney, Nebraska has submitted to the City Council of the City of Sidney, Nebraska, its recommendation of approval of the preliminary plat application of Nicholas and Cassandra Easterly for a tract of land located in the Northwest Quarter of Section 32, Township 14 North, Range 49 West of the 6<sup>th</sup> P.M., in the City of Sidney, Cheyenne County, Nebraska, more particularly described as Lot 1, Block 3, Superior Subdivision; and

That the City Council of the City of Sidney, Nebraska, does hereby approve the foregoing preliminary plat; and

That the City Council of the City of Sidney, Nebraska, does hereby approve the Final Plat of Nicholas and Cassandra Easterly as presented for the above mentioned described property in the City of Sidney, Cheyenne County, Nebraska.

Interim City Manager Geri Anthony presented the final costs for improvements in The Ranch Subdivision Phase I. She noted that four lots have already been sold on Cattail Drive, with money being placed in escrow to cover the improvements when finalized. The Board of Equalization hearing will set special assessments on 92 lots, which Cabela's has asked be divided equally between the lots.

Gallaway moved, Arterburn seconded "That Resolution No. 20160104 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20160104

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

1. The Council finds that Martin/Martin, Inc., the engineers in charge of the construction of improvements in Water Extension District No. 23, Sanitary Sewer Extension District No. 24, Street Improvement District #60 Prairie Grass, Street Improvement District #61 Cattail Drive, and Street Improvement District #62 Creekside Drive, of said City, have certified that the contract for the construction of said improvements have been fully performed by Nienhueser Construction & Excavation Co., Paul Reed Construction, and BSB Construction, Inc., the contractors and Martin/Martin, the engineer to whom contracts were entered into by the City and that said improvements have been completed in accordance with said contract and said engineer has recommended the acceptance of the same by the City.

2. The certificate of the engineer has been approved and the Council finds that said improvements have been constructed according to the contracts and have been completed and said improvements in said districts are hereby accepted by the City.

3. The Council finds that in WATER EXTENSION DISTRICT NO. 23 the total cost of constructing said improvements in said district is \$414,547.47 of which there is no cost to adjacent real estate owned by the United States or the State of Nebraska; of which there is no cost to adjacent real estate owned by the City of Sidney; and the cost of constructing the improvements in said District to the abutting property is \$414,547.47.

4. The Council further finds that there has been paid Nienhueser Construction & Excavation, Co, the contractor, for and on account of construction of said improvements: \$322,680.19 for WATER EXTENSION DISTRICT NO. 23 for which warrants were authorized and directed to be issued to said Nienhueser Construction & Excavation, Co., the same being the full amount due said contract from the City for said improvements in said district.

5. The Council also finds that there has been paid Martin/Martin, engineers, \$83,738.90 for WATER EXTENSION DISTRICT NO. 23 for services performed as such engineers in the construction of said improvements pursuant to this contract and for which warrants were authorized and directed to be issued to said Martin/Martin, the same being the full amount due said contract from the City for said improvements in said district.

6. The Council also finds that there is due the City of Sidney \$8,128.38 for Water Extension District No. 23 for advertising, legal fees, warrant interest and miscellaneous in conjunction with said improvements in said district and a warrant is hereby authorized and directed to be issued to said City of Sidney the same being the full amount due the City.

7. The Council finds that in SANITARY SEWER EXTENSION DISTRICT NO. 24 the total cost of constructing said improvements in said district is \$617,783.42 of which there is no cost to adjacent real estate owned by the United States or the State of Nebraska; of which there is no cost to adjacent real estate owned by the City of Sidney; and the cost of constructing the improvements in said District to the abutting property is \$617,783.42.

8. The Council further finds that there has been paid BSB CONSTRUCTION, the contractor, for and on account of construction of said improvements \$523,691.00 for SANITARY SEWER IMPROVEMENT DISTRICT #24, for which warrants were authorized and directed to be issued to said BSB Construction, the same being the full amount due said contract from the City for said improvements in said district.

9. The Council also finds that there has been paid Martin/Martin, engineers, \$81,979.02 for SANITARY SEWER EXTENSION DISTRICT NO. 24 for services performed as such engineers in the construction of said improvements pursuant to this contract and for which warrants were authorized and directed to be issued to said Martin/Martin, the same being the full amount due said contract from the City for said improvements in said district.

10. The Council also finds that there is due the City of Sidney \$12,113.40 for SANITARY SEWER Extension District No. 24 for advertising, legal fees, warrant interest and miscellaneous in conjunction with said improvements in said district and a warrant is hereby authorized and directed to be issued to said City of Sidney the same being the full amount due the City.

11. The Council finds that in STREET IMPROVEMENT DISTRICT #60 PRAIRIE GRASS, the total cost of constructing said improvements in said district is \$444,491.75; of which there is no cost to adjacent real estate owned by the United States or the State of Nebraska; and the total cost of constructing said improvements in said district is to the abutting property is \$444,491.75.

12. The Council further finds that there has been paid BSB CONSTRUCTION, the contractor, for and on account of construction of said road improvements \$136,006.00 and there has been paid \$255,875.37 storm water improvements to Paul Reed Construction for STREET IMPROVEMENT DISTRICT #60 for which warrants were authorized and directed to be issued to said BSB Construction and Paul Reed Construction, the same being the full amount due said contract from the City for said improvements in said district.

13. The Council also finds that there has been paid Martin/Martin, Inc., engineers, \$50,210.38 for STREET IMPROVEMENT DISTRICT NO. 60 PRAIRIE GRASS; services performed as such engineers in the construction of said improvements pursuant to this contract and for which warrants were authorized and directed to be issued to said Martin/Martin Inc., the same being the full amount due said contract from the City for said improvements in said districts.

14. The Council also finds that there is due the City of Sidney \$2,400.00 STREET IMPROVEMENT DISTRICT NO. 60 PRAIRIE GRASS for advertising, legal fees, warrant interest and miscellaneous in conjunction with said improvements in said district and a warrant is hereby authorized and directed to be issued to said City of Sidney the same being the full amount due the City.

15. The Council finds that in STREET IMPROVEMENT DISTRICT #61 CATTAIL DRIVE, the total cost of constructing said improvements in said district is \$946,618.86; of which there is no cost to adjacent real estate owned by the United States or the State of Nebraska; and the total cost of constructing said improvements in said district is to the abutting property is \$946,618.86.

16. The Council further finds that there has been paid BSB CONSTRUCTION, the contractor, for and on account of construction of said road improvements \$529,032.75 and there has been paid \$353,278.33 for storm water improvements to Paul Reed Construction for STREET IMPROVEMENT DISTRICT #61 Cattail Drive for which warrants were authorized and directed to be issued to said BSB Construction and Paul Reed Construction, the same being the full amount due said contract from the City for said improvements in said district.

17. The Council also finds that there has been paid Martin/Martin, Inc., engineers, \$45,746.62 for STREET IMPROVEMENT DISTRICT NO. 61 CATTAIL DRIVE; services performed as such engineers in the

construction of said improvements pursuant to this contract and for which warrants were authorized and directed to be issued to said Martin/Martin Inc., the same being the full amount due said contract from the City for said improvements in said districts.

18. The Council also finds that there is due the City of Sidney \$18,561.16 STREET IMPROVEMENT DISTRICT NO. 61 CATTAIL DRIVE for advertising, legal fees, warrant interest and miscellaneous in conjunction with said improvements in said district and a warrant is hereby authorized and directed to be issued to said City of Sidney the same being the full amount due the City.

19. The Council finds that in STREET IMPROVEMENT DISTRICT #62 CREEKSIDE DRIVE the total cost of constructing said improvements in said district is \$766,381.06; of which there is no cost to adjacent real estate owned by the United States or the State of Nebraska; and the total cost of constructing said improvements in said district is to the abutting property is \$766,381.06.

20. The Council further finds that there has been paid BSB CONSTRUCTION, the contractor, for and on account of construction of said road improvements \$210,516.00 and there has been paid \$484,426.94 storm water improvements to Paul Reed Construction for STREET IMPROVEMENT DISTRICT #62 CREEKSIDE DRIVE for which warrants were authorized and directed to be issued to said BSB Construction and Paul Reed Construction, the same being the full amount due said contract from the City for said improvements in said district.

21. The Council also finds that there has been paid Martin/Martin, Inc., engineers, \$56,411.04 for STREET IMPROVEMENT DISTRICT NO. 62 CREEKSIDE DRIVE; services performed as such engineers in the construction of said improvements pursuant to this contract and for which warrants were authorized and directed to be issued to said Martin/Martin Inc., the same being the full amount due said contract from the City for said improvements in said districts.

22. The Council also finds that there is due the City of Sidney \$15,027.08 STREET IMPROVEMENT DISTRICT NO. 62 CREEKSIDE DRIVE for advertising, legal fees, warrant interest and miscellaneous in conjunction with said improvements in said district and a warrant is hereby authorized and directed to be issued to said City of Sidney the same being the full amount due the City.

23. The warrants hereinabove and previously issued shall be paid out of the proceeds of the sale of Various Purpose Bonds which the City shall cause to be issued; provided, however, before the Various Purpose bonds are issued, there shall be applied to the payment of said costs all moneys collected in cash from the special assessments levied on the property in said districts.

24. The Mayor and City Council shall meet as a Board of Equalization on the 9th day of February, 2016 at 7:15 o'clock P.M. in the regular meeting place in the Municipal Building for the purpose of equalizing all special assessments and levying special assessments for the construction of the improvements in WATER EXTENSION DISTRICT NO. 23, SANITARY SEWER EXTENSION DISTRICT NO. 24; STREET IMPROVEMENT DISTRICT NO. 60 PRAIRIE GRASS; STREET IMPROVEMENT DISTRICT NO. 61 CATTAIL DRIVE, and STREET IMPROVEMENT DISTRICT NO. 62 CREEKSIDE DRIVE; and

BE IT FURTHER RESOLVED that the City Clerk be directed to give notice to all property owners in said District of the meeting of the Council as a Board of Equalization and the time and place thereof by publication of notice thereof at least ten (10) days prior to the date thereof in The Sidney Sun-Telegraph, a newspaper having general circulation in the City, and by mailing of copies of said notice to interested parties as provided by law.

John Enochs of Diamondback Engineering presented two change orders for the Sidney Water System Improvement project.

Gaston moved, Gay seconded "That Change Order No. 1 for Midland's Contracting in the amount of \$60,185.60 be approved." Roll call vote: Yeas: All council members present.

Gay moved, Gaston seconded "That Change Order No. 1 for Velocity Constructors in the amount of \$2,400.00 be approved." Roll call vote: Yea: All council members present.

Gallaway moved, Arterburn seconded "That Resolution No. 20160106 be passed and adopted." Roll call vote: Yeas: All council members present.

#### RESOLUTION NO. 20160106

A RESOLUTION OF THE CITY OF SIDNEY REGARDING THE PROPOSED ISSUANCE OF A TAX INCREMENT REVENUE BOND OF THE CITY OF SIDNEY COMMUNITY DEVELOPMENT AGENCY AND 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 by resolution passed and approved on August 11, 2015, the City stated its official intent to enter into an agreement whereby the City would consent to the issuance of the Tax Increment Revenue Bond (East Old Post Road Area - Wieser Project), Series 2016 (the "Wieser Bond") and the allocation and diversion 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 (the "City Consent").

Section 2. The Mayor and Council hereby approve and adopt the City Consent attached to this Resolution as Exhibit A, and ratify and affirm all previous findings and approvals relating to the City Consent.

Section 3. The Mayor and City Clerk are hereby authorized to execute and deliver the City Consent in substantially the form presented to this meeting but with any changes and /or completions determined by any of such officers as necessary or appropriate for an on behalf of the City.

Section 4. This Resolution shall be in force and take effect immediately upon its adoption.

PASSED AND APPROVED this 26<sup>th</sup> day of January, 2016.

Gaston moved, Gallaway seconded "That the Budget Reports for December, 2015 be approved." Roll call vote: Yeas: All council members present.

**Staff Reports:**

Tom VonSeggern, Parks Superintendent, gave an update on the Aquatic Center construction project. He presented Council with handouts reflecting proposed pool rates. These were compiled based on area rates from latest website figures. He was asked to compare proposed revenues, based on the proposed rates, with earlier projections. It was also suggested that the City consider a hardship policy for individuals/families that cannot afford the established rates. Tom indicated that he will work with the Community Center on this as they have a policy in effect. Council would like to review the entire financial package at one time, include the staffing plan. Tom hopes to present the package at the next council meeting.

Tina Hochwender, Economic Development Director, reported she had attended an NDED Focus Group meeting in Scottsbluff on January 26<sup>th</sup> to discuss how Western Nebraska fits with the Front Range and Denver labor force. She invited parties who are interested in utilization of the old hospital to attend a tour on February 11, at 9:00 a.m. Organizations such as CASA, the Police Dept., Library, WNCC, CCCC, ESU and UNO Extension Office have been invited to attend the tour.

Geri Anthony, Interim City Manager, reported that there have been calls regarding the speed limits and street lights on Greenwood Road leading to the new hospital. According to staff the area is currently designated as 25 m.p.h. In order to change the speed limit the street would need to be designated as a collector or arterial, and a speed survey would need to be conducted by a traffic engineer. It was suggested that this process be conducted after the completion of Pole Creek Crossing, as there will be heavier traffic during the final construction phase. She reported on meetings with Cheyenne County Emergency Management, JESWA-with a joint meeting with Council proposed for the 1<sup>st</sup> meeting in March, and the Aquatic Center group. She invited anyone interested in the aquatic center project to attend the regular Thursday meetings held at 1 p.m. at City Hall.

**Council Comments:**

Mayor Nienhueser gave an update on the search for a new City Manager. He reported that the search committee had conducted interviews of the three finalists on January 26<sup>th</sup> and were prepared to move forward in the process. He stated that the J.D. Gray Group had done an exceptional job in the hiring process.

Mayor Nienhueser stated that he would entertain a motion to go into closed session for the protection of the public interest to discuss personnel matters. Gay moved, Arterburn seconded AThat the Council go into closed session for the protection of the public interest to discuss personnel matters.@ Roll call vote: Yeas: All council members present. Mayor Nienhueser announced that the City Council will now go into closed session at 8:08 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 9:34 p.m.

Gaston moved, Gay seconded "That the Mayor be authorized to negotiate a potential employment agreement with the City Manager candidates." Roll call vote: Yeas: All council members present.

Meeting adjourned at 9:34 p.m.

/s/ MARK NIENHUESER, MAYOR

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





