

Sidney, Nebraska, February 14, 2017 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 February 14, 2017 in the Council Room. Present were: Mayor Arterburn and Council Members: Gallaway, Gaston, and Utley. Absent: Nienhueser. Others present: City Manager Sadler, 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 Arterburn informed the public of the location of the posted Open Meetings Act.

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

Gallaway moved, Utley seconded "That the minutes of the January 24, 2017 meeting be approved as printed." Roll call vote: Yeas: All council members present. Absent: Nienhueser.

During Comments by the Public: Denise Wilkinson gave an update of the Sesquicentennial celebration. A meeting will be held of all committee chairmen on February 15 for reports.

Gallaway moved Gaston seconded "That RESOLUTION NO. 20170201 be passed and adopted." Yeas: All council members present. Absent: Nienhueser.

RESOLUTION NO. 20170201

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

1. That the Mayor and Council hereby find and determine that pursuant to contracts heretofore made Baker & Associates, the engineer, and Adams Civil Resources LLC, the contractor, has performed the work for constructing of Phase 2 of Street Improvement District #54; and the engineer, Baker & Associates has filed with the City Clerk certificates showing the performance of said contracts as follows: PHASE 2 STREET IMPROVEMENT DISTRICT #54; PAYMENT NUMBER 4 FINAL in the AMOUNT DUE THE CONTRACTOR OF \$22,965.06. Payments in the amount now due the contractor are hereby authorized and charged to said district. Said payment shall be paid from the City of Sidney Bond Account; AND
2. The Council finds that Baker & Associates, the engineers in charge of the construction of improvements in Street Improvement District No. 53 and Phase 1 and Phase 2 of Street Improvement District No. 54 of said City, has certified that the contracts for the construction of said improvements have been fully performed by Paul Reed Construction and Adams Civil Resources LLC, the contractors and Baker & Associates, 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. Street Improvement District No. 53 and Phase 1 and Phase 2 of Street Improvement District No. 54 is hereby approved by this resolution, the Council finds that said improvements have been constructed according to the contracts, have been completed, and said improvements in said districts are hereby accepted by the City.
3. The Council finds that in STREET IMPROVEMENT DISTRICT NO. 53 the total cost of constructing said improvements in said district is \$503,200.00 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 \$503,200.00.

4. The Council further finds that there has been paid Paul Reed Construction, the contractor, for and on account of construction of said improvements: \$438,448.04 for STREET IMPROVEMENT DISTRICT NO. 53 for which payments were made from the 2015, 2015B Notes, and authorized warrants and directed to be issued to said Paul Reed Construction, the same being the full amount due on said contract from the City for said improvements in said district.

5. The Council also finds that there has been paid Baker & Associates, engineers \$50,095.65 for STREET IMPROVEMENT DISTRICT NO. 53 for services performed as such engineers in the construction of said improvements pursuant to this contract and for which payments were made from the 2015 and 2015B Notes, authorized warrants to be issued to said Baker & Associates, 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 \$14,656.31 for STREET IMPROVEMENT DISTRICT NO. 53 for advertising, legal fees, warrant interest and miscellaneous in conjunction with said improvements in said district and a payment 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 STREET IMPROVEMENT DISTRICT #54 PHASE I AND II, the total cost of constructing said improvements in said district is \$463,041.85; 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 \$463,041.85.

8. The Council further finds that there has been paid PAUL REED CONSTRUCTION, the contractor, for and on account of construction of said street improvements \$136,622.34 FOR STREET IMPROVEMENT DISTRICT #54 PHASE 1 for which payments were made from the 2015, 2015B Notes, and authorized warrants directed to be issued to said Paul Reed Construction, the same being the full amount due on said contract from the City for said improvements in said district; AND, The Council further finds that there has been paid ADAMS CIVIL RESOURCES, LLC, the contractor, for and on account of construction of said street improvements \$260,340.17 FOR STREET IMPROVEMENT DISTRICT #54 PHASE 2 for which payments were made from the 2015, 2015B Notes, and authorized warrants directed to be issued to said ADAMS CIVIL RESOURCES, the same being the full amount due on said contract from the City for said improvements in said district.

9. The Council also finds that there has been paid BAKER & Associates, engineers, \$39,922.78 for STREET IMPROVEMENT DISTRICT NO. 54; services performed as such engineers in the construction of said improvements pursuant to this contract and for which payments were made from the 2015, 2015B Notes, and authorized warrants and directed to be issued to said Baker & Associates, the same being the full amount due on said contract from the City for said improvements in said district.

10. The Council also finds that there has been paid SHEMMER & ASSOCIATES, special engineers, \$13,050.00 for STREET IMPROVEMENT DISTRICT NO. 54; services performed as such engineers in the construction of said improvements pursuant to this contract and for which payments were made from the 2015, 2015B Notes, and authorized warrants and directed to be issued to said Shemmer & Associates, the same being the full amount due on said contract from the City for said improvements in said district.

11. The Council also finds that there is due the City of Sidney for STREET IMPROVEMENT DISTRICT NO. 54 \$13,106.56 for advertising, legal fees, warrant interest and miscellaneous in conjunction with said improvements in said district and payment is hereby authorized and directed to be issued to said City of Sidney the same being the full amount due the City.

12. The bond anticipation notes and 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.

13. The Mayor and City Council shall meet as a Board of Equalization on the 28th day of February, 2017 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 STREET IMPROVEMENT DISTRICT NO. 53 and STREET IMPROVEMENT DISTRICT NO. 54; and

BE IT FURTHER RESOLVED that the City Clerk be directed to give notice to all property owners in said Districts 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.

Dave Doty, Director of Transportation, presented the grant application for transportation assistance for the next fiscal year.

Gaston moved, Gallaway seconded "That Resolution No. 20170202 be passed and approved." Roll call vote: Yeas: All council members present. Absent: Nienhueser.

RESOLUTION NO. 20160404

WHEREAS, there are Federal funds available under Section 5311 of the Federal Transit Act (FTA), and for Nebraska Public Transportation Act Funds, and

WHEREAS, the City of Sidney, Nebraska, desires to apply for said funds to be used to provide public transportation within the Corporate Limits of the City of Sidney, Cheyenne County, Nebraska with special emphasis on meeting the needs of the elderly and disabled as well as being available to all of the general public within the Corporate Limits of the City of Sidney, Cheyenne County, Nebraska, and

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Sidney, Nebraska, hereby instructs the City Manager and Transportation Director to apply for the above mentioned funds. Said funds are to be used for fiscal year 2017-2018.

City Manager Sadler reviewed the city codes as they pertain to truck routes. There was an ordinance which would allow the City to designate truck routes by resolution. To date, this has not been done. A proposed resolution and map displaying same were presented and discussed. The proposed resolution designates routes for trucks and other commercial vehicles larger than 14,000 pounds and/or longer than 30 feet to utilize these designated truck routes for travel through and in Sidney. Where trucks are required to make deliveries, or make pickups off of the designated truck routes, the vehicle is required to utilize the shortest possible route to and from the truck route. This is being proposed as a means of promoting traffic safety and reducing damage to city streets. Those present who spoke in regards to the truck route proposal were Kay Nelson, Dallas Langley and Kendra Stettner. The discussion from the public was basically not in favor of the truck routes. Information regarding taxes paid by trucking individuals and companies was shared. City Council expressed their invitation for the trucker's to work with the City to find other ways of protecting the city streets or discuss the truck routes as a way to help everyone. The resolution for truck routes for tabled until the February 28, 2017 Council meeting.

Discussion was held on the proposed changes to the City Code which would allow for liquor consumption on City-owned property as well as update it to the State Statutes. Addition of an appeal process was added by the City Attorney. Denise Wilkinson spoke in favor of the ordinance as the Chamber would probably be the first to utilize the new laws. Andrew Sherman of the Sidney Public Library also spoke in support of the ordinance as it is a good fundraiser for the Library also.

ORDINANCE NO. 1784 entitled "AN ORDINANCE TO AMEND CHAPTER 612 ALCOHOLIC BEVERAGES SECTIONS 612.01 THROUGH 612.99 OF THE SIDNEY MUNICIPAL CODE IN ITS ENTIRETY ; TO REPEAL SUCH SECTIONS AS HERETOFORE EXISTING, AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE" was read by title for the third time. Gaston moved, Utley seconded "That Ordinance No. 1784 be finally passed." Roll call vote: Yeas: All council members present. Absent: 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. Gallaway moved, Gaston seconded "That Ordinance No. 1784 be published in pamphlet form." Roll call vote: Yeas: All council members present. Absent: Nienhueser.

Chief of Police Joe Aikens presented a request for authorization to purchase a 2017 large police service vehicle to replace an existing 2011 Chevy Tahoe. This expenditure was approved by Council when approving the 2016-17 budget. They are requesting authorization to purchase this vehicle using the State Bid Purchasing Contracts system. There were two bids: Ford Expedition \$33,628 and a Chevy Tahoe \$35,173. Gaston moved, Gallaway seconded "That the Police Department be authorized to purchase a 2017 Ford Expedition at the low bid price of \$33,628." Roll call vote: Yeas: All council members present. Absent: Nienhueser.

Gaston moved, Utley seconded "That the Ordinance entitled "AN ORDINANCE CONTINUING THE SIDNEY ECONOMIC DEVELOPMENT PROGRAM; MAKING DETERMINATIONS OF FACT; APPROVING AND ADOPTING THE CITY OF SIDNEY ECONOMIC DEVELOPMENT PLAN 2017, PROVIDING FOR THE CONTINUING OF A CITIZEN ADVISORY REVIEW COMMITTEE; CONTINUING A SEPARATE ECONOMIC DEVELOPMENT FUND; PROVIDING FOR THE ALLOCATION OF FUNDS AND ISSUANCE OF BONDS; PROVIDING FOR THE EFFECTIVENESS OF THIS ORDINANCE AND ITS PUBLICATION" be designated as Ordinance No. 1785." Roll call vote: Yeas: All council members present. Absent: Nienhueser. Gaston moved, Utley seconded "That the Statutory requirement requiring the ordinance to be read by title three different days be suspended." Roll call vote: Yeas: Gallaway, Gaston and Utley. Nays: Arterburn. Absent: Nienhueser. The motion failed due to not having three-fourths of the Council voting yes. The Clerk then read the Ordinance by Title for the first time.

City Manager Sadler presented information regarding terms of the Board of Adjustment. All terms expired on January 1, 2017. He requested the Council's consensus to send letters to the existing members and advertise for applications for the openings as well as adjusting the terms to be staggered so as not to have all terms expiring at the same. Council approved of the request.

Gaston moved, Gallaway seconded "That the Ordinance entitled "AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; AND REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH" be designated as Ordinance No. 1786." Roll call vote: Yeas: All Council Members present. Absent: Nienhueser. Gaston moved, Gallaway seconded "That the Statutory requirement requiring the ordinance to be read by title three different days be suspended." Roll call vote: Yeas: All Council members present. Absent: Nienhueser. The motion having been concurred in by three-fourths of the Council be declared passed and adopted and said statutory requirement suspended. The Clerk then read the Ordinance by number. Gallaway moved, Utley seconded "That Ordinance No. 1786 be finally passed." Roll call vote: Yeas: All council members present. Absent: 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. Gallaway moved, Gaston seconded "That Ordinance No. 1786 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: All council members present. Absent: Nienhueser.

That the following claims for January 2017, 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. Absent: 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; 21<sup>st</sup> Century eq 230.18, 11.19, 762.44, 201.30; Absolute Solutions se 312.00; Accelerated Receivables se 145.64; Action Communications se 200.00; American AED se 164.00; American Environmental eq 2995.25; ASCAP se 341.00; Baker & Taylor su 1331.12. 13.40; Barker Cleaners su 30.00; Beacon Athletics su 472.00; Best Plumbing se 641.65; Black Hills Energy ut 3327.52, 704.01, 301.31, 117.77, 798.75, 352.02,

2830.41; Board of Examiners du 50.00; Bomgaars su 196.96, 6.99, 19.47, 23.99, 5.99, 92.26, 268.03, 35.98, 12.93, 23.57; Brandon Draper Photography se 96.75; Bridgeport News Blade su 30.00; Buffalo Point se 1449.00; Busted Knuckle Garage se 95.00; Cabela's Retail su 144.49; Canon Financial se 112.90; Cardmember se 1346.57, 2461.24, 104.42; Carolina Software se 200.00; Caselle se 1594.00; Cashwa su 54.00; Central Sates Wire eq 10315.85; CenturyLink se 99.89; Charter Communications se 15.85, 87.99; Cheyenne County Gift Certificate su 1050.00; Cheyenne Co Community Center se 1000.00; Cheyenne County Court re 98.00; Cheyenne Co Emergency Comm Center 30535.26; Chief su 81.41, 27.14, 52.47; City of Sidney se, bd tr tx re 2277.24, 6.97, 19750.00, 225.00, 336.94, 40.59, 96.28, 121.38, ut 4496.58, 240.10, 4630.08, 3666.48, 115.63, 6836.06, 13914.06 sa in 92383.65, 85497.25, 13564.35, 13399.36, 17210.38, 17118.29, 32910.72, 32578.62, 12540.38, 12036.24, 7494.92, 7079.78, 5364.18, 58149.83, 1004.43, 11761.54, 914.51, 9995.50, 2232.57, 23571.05, 525.85, 6881.13, 845.16, 7870.09; Contractor Materials 231.77; Cornhusker State Industries su 203.00; Country Printer su 2022.00, 265.00; Cranmore Fire su 167.00, 474.00; Croell Redi Mix su 52.75; Culligan su 19.95, 41.95, 7.50, 29.95; Day & Night se 556.94, 1725.33; Deaver Tire se 40.00; Department of Energy ut 20849.06; Diamondback Engineering se 16808.00; Direct Parts su 401.20; Dorman, Ray tt 15.00; DP Electronics su 538.85, 1229.96, 677.63, 1593.73, 45.00; E&S su 878.19, 224.93, 636.59, 33.79, 263.06; E-470 se 7.10; Elan Visa su 784.88, 67.72, 179.97, 172.96, 3.99; Elliott Equipment eq 272.48; Enviro se 72.00, 72.00; Fair Manufacturing eq 1670.30; Falcon Labs su 220.19; Fedex se 32.01; Filsinger Excavating se 150.00; Finney's su 6.99, 297.52, 151.41, 78.77, 472.28, 335.94, 179.57; Floyd's Truck se 407.52, 48.42, 7055.35, 37.39, 10.32; Foster Lumber su 230.389, 16.98, 31.66; Fraser Stryker se 20161.09; Fremont Nat'l Bank ct 9118.54; Frenchman Valley se 149.36, 4457.98, 1331.76, 3896.70, 1376.16, 425.65, 338.78; Fritz, David re 357.50; Gale/Cenage su 180.12; GCSAA du 425.00; General Traffic Controls su 392.03; Golf Sport Solutions se 426.22; Gordon's Body Shop su 102.00; Governmentjobs.com su 175.00; Graybar eq 6287.58; Hach su 630.92, 90.48; Hometown Leasing ct 978.32; Horizon West su 186.84, 4.51, 43.47; Houser, Greg re 57.50; Huber & Asso se 84.00; IACP du 150.00; ICMA du 225.00; Ideal Line su 28.11, 83.26, 59.26, 228.90; Inoutboard.com se 299.40; Interstate Batteries eq 44.95, 174.90; Int'l Economic Development du 375.00; Johnsen Corrosion Engineering se 1712.00; Johnson, Kris tt 233.16; Jolly Demis se 1200.00; Journal Office su 35.00; Keith County News se 40.00; Kevin's Electric se 28.70, 96.00; Kriz Davis su 354.75; KSID se 50.00; LL Johnson su 538.43, 1181.99; Lawson Products su 548.43; League of NE du 80.00; Leal, Ron se 450.00; Lubrication Engineers su 322.05; MC Schaff & Asso se 1779.00; Martin, Dawn re 402.20, 46.13; Matthes, Joan se 625.00; Matthew Bender se 208.82; Melchior Contracting se 12421.30; Michael Todd & co se 562.97; Mid Plains Community College se 85.00; Midwest Connect se 290.00; Miller Office Products su 1393.70, 41.88, 97.63, 101.24, 227.98; Miller, Randy 3518.10; Municipal Chemical Supply su 1832.33; MEAN su 532821.75; NAPA su 389.98, 128.96, 96.83; Nat'l Animal Care du 35.00; NDEQ du 3880.00; NE Dept of Environmental Quality du 150.00; NE Dept of Revenue tx 63476.59; NE Golf Asso du 125.00; NE Public Health du 247.00; NT&T se 1338.59, 120.16, 204.12, 290.88, 48.30, 111.20, 127.57; NE Link se 36.00; NE Tire eq 113.60, 48.69; Neofunds se 2110.49; NMC eq 169.63, 118.00; OCLC su 207.88; Olsson Asso se 9274.14; One Call se 10.80, 10.80; Palmer, Mike tt 112.50, 157.61; PADD de 30.00; Panhandle Public Health du 275.00; Paul Reed Construction se 328375.32; Perfection Door su 51.59; Petty Cash su 11.79; Pins & Needles se 51.91; Pittam Body Shop se 239.90; Prestige Flag su 3265.09; Qttech Automation se 1930.65; Quill su 259.88, 655.93; Randy's Auto se 24.00; Rankin Sales & Service se 52.64; RWMC ct 5948.66; Respond First Aid se 50.61; Rood's Tire eq 1210.49, 54.52, 335.88, 52.25, 19.25, 40.00; Scotties Potties su 700.00; Segelke Janitorial se 1050.00, 1050.00; Shirt Tales su 119.98, 153.19; SRMC se 81.60, 217.60; Sidney Sun Telegraph se 6.63, 501.37, 341.79; Simon Contractors se 18.80; Slate Rock Safety eq 3671.73; Sonntag, Goodwin & Leef se 5000.00; Sonny's su 107.17; Splish Splash se 183.07; Star Herald se 125.86; Stone, Eloise rt 400.00; Sukup, Todd tt 79.25; Superior Outdoor Power su 364.10; SWANA se 362.00; Thomson Reuters su 210.00; Triple O's su 286.88, 19.58; US Postal se 6000.00, 6000.00; USA Bluebook su 48.23; Verizon se 80.01, 217.57, 652.57, 70.65, 33.33, 194.30, 33.33, 66.66; Vermeer Equip eq 21.20; Viaero se 32.43, 97.29, 32.43; Walmart su 93.06; Western United Electric eq 28033.42; Wheat Belt ut 9804.20; White Bluffs se 985.00; Winter Equipment su 5021.74; Wolff, Steve re 13.03; Wolford, Marie rt 916.47; WPCI se 259.10.

Utlely moved, Gallaway seconded "That the Budget Reports for all City Funds for January, 2017 be

approved.” Roll call vote: Yeas: All council members present. Absent: Nienhueser.

**City Manager’s Report:** Golf Director has been hired. Patrick Kilbride will start February 27<sup>th</sup>. AED’s and KNOX boxes are ordered. Taking applications for Economic Development Director. Water & Sewer rate restructuring discussions will begin in March. Public Hearing for grants for LUKJAN – LB840 and State CDBG. Police Auction plan underway for this spring. Compliments to the Chamber of Commerce for the nice job they did with the recent annual banquet.

**Council Comments: Mayor Arterburn:** Good luck to the Sidney basketball and wrestling teams. **Other Council Member’s Comments:** Roger also wished the Sidney teams good luck. He had comments about the long time street problems, that the truck route is a beginning and that he appreciated the public input. Wendall received a question as to whether a four way stop could be placed at Fort Sidney Road and Pole Creek Crossing due to the visibility problems by the bridge. Staff will be asked about it and what the procedures would be if it were possible. He also wished Sidney’s teams good luck in their State endeavors.

Meeting adjourned at 8:50 p.m.

/s/JOE ARTERBURN, MAYOR

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







