

Sidney, Nebraska, February 24, 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 February 24, 2015 in the Council Room. Present were: Mayor Nienhueser and Council Members: Gallaway, Gaston, Gay and Arterburn. Others present: City Manager Person, City Attorney Sonntag 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.

Gaston moved, Gallaway seconded That the minutes of the February 10, 2015 meeting be approved. Roll call vote: Yeas: All council members present.

In compliance with Section 39-2119, R.R.S. Nebraska 1943, notice has been published that the Mayor and Council would hold a hearing at this time and place for the purpose of hearing support, criticism, suggestions, or observations relating to the City of Sidney, Nebraska 2015 One Year & Six Year Street Improvement Plan. The Mayor then stated that the Council was in session for such purpose & all persons would be heard. Hank Radtke, Street Superintendent, presented the One Year & Six Year Street Improvement Plan via a power point format & answered questions regarding the Plans. The following appeared & were heard: None. After all persons had been heard, Mayor Nienhueser closed the public hearing.

Gay moved, Arterburn seconded "That Resolution No. 20150204 be passed and adopted." Roll call: Yeas: Gaston, Nienhueser, Gay and Arterburn. Nays: Gallaway.

RESOLUTION NO. 20150204

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SIDNEY, NEBRASKA: That the 2015 One Year and Six Year Street Improvement Plan has been presented to the Council of said City and that said Council deems it in the best interest of the City to adopt said plan as presented and said Plan be and hereby is approved and adopted.

Jonathon McBride presented a proposal for a grass clipping/yard waste service pickup for residential areas of Sidney. Due to his need to use the city public streets in the residential areas and not to conflict with the City's curbside pickup of waste collection, it was felt to be best to consider granting Mr. McBride's company a franchise agreement. Mr. McBride would be able to use the City's free grass clipping compost pile to dispose of the clippings that he picks up. The franchise agreement would also specify that the City will not compete with this service through the duration of the franchise period of time. Gaston moved, Arterburn seconded "That the franchise agreement with McBride's Yard Waste, LLC be approved." Roll call vote: Yeas: All council members present.

A phone conference was held with Mike Jones of Olsson & Associates re: more info on the Electric Master Plan for the City of Sidney. Mike Jones, Mike Palmer and John Hehnke led a discussion re: priority to find another 115 kV source out of the WAPA substation which appears to be congested and if there is lack of space, it would leave minimal options left to route a line from the WAPA source into the City of Sidney. A possible tap into an existing WAPA line on the southwest end of said line which is located on the west side of Sidney may prove to be a possibility for another source if the City were allowed to do so. Scenario would have to be researched. Once another source becomes viable, other priorities of the Electric Master Plan would then be considered as well as a study of possible line loss if other scenarios were implemented. Gallaway moved, Gaston seconded "That negotiation of an agreement with Olsson's and the City for the staff and the consultant to contact WAPA regarding another source and for creating a line loss computer model be authorized." Roll call vote: Yeas: All council members present.

Gay moved, Gallaway seconded "That the Ordinance entitled "AN ORDINANCE CREATING WATER EXTENSION DISTRICT NO. 22 OF THE CITY OF SIDNEY, NEBRASKA; ESTABLISHING THE OUTER BOUNDARIES OF THE DISTRICT; DESIGNATING THE SIZE, LOCATION AND TERMINAL POINTS OF THE WATER MAINS WITHIN SAID DISTRICT; AND REFERRING TO PLANS AND SPECIFICATIONS AND COST ESTIMATE AS PREPARED BY THE CITY'S ENGINEER IN CONNECTION THEREWITH AND ON FILE WITH THE CITY CLERK" be designated as Ordinance No. 1726." Roll call vote: Yeas: All council members present. Gallaway moved, Gay seconded "That the Statutory requirement requiring the ordinance to be read by title three different days be suspended." Roll call vote: Yeas: Gallaway, Gaston, Nienhueser and Gay. Nays: Arterburn. 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. Gay moved, Gallaway seconded "That Ordinance No. 1726 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, Gay seconded "That Ordinance No. 1726 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: All council members present.

Gaston moved, Arterburn seconded "That Resolution No. 20150205 be passed and adopted." Roll call vote: Yeas: All council members present.

#### RESOLUTION NO. 20150205

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

That a contract be authorized for engineering services with M.C. Schaff & Associates for Water Extension District No. 22; and

That the detailed specifications including the general stipulations thereto attached for the construction of sanitary sewer improvements and all other necessary incidental improvements thereto, as applicable, for Water Extension District No. 22, as prepared by M.C. Schaff & Associates, special engineers employed by the City to prepare same, and filed in the office of the City Clerk on February 20, 2015 be and the same are hereby accepted.

RESOLVED FURTHER, that all bids for the construction of said improvements shall be subject to said specifications and general stipulations and the instructions to bidders set forth in specifications on file.

RESOLVED FURTHER, that the City Clerk be and she is hereby authorized and empowered and directed, for and on behalf of the City of Sidney to advertise for bids for said construction on February 27, March 6 and March 13, 2015 with the bid opening being set for March 17, 2015 at 2:00 P.M.

Gallaway moved, Gay seconded "That the Ordinance entitled "AN ORDINANCE CREATING SANITARY SEWER EXTENSION DISTRICT NO. 23 OF THE CITY OF SIDNEY, NEBRASKA; ESTABLISHING THE OUTER BOUNDARIES OF THE DISTRICT; DESIGNATING THE SIZE, LOCATION AND TERMINAL POINTS OF THE SEWER MAINS WITHIN SAID DISTRICT; AND REFERRING TO PLANS AND SPECIFICATIONS AND COST ESTIMATE AS PREPARED BY THE CITY'S ENGINEER IN CONNECTION THEREWITH AND ON FILE WITH THE CITY CLERK" be designated as Ordinance No. 1727." Roll call vote: Yeas: All council members present. Gay moved, Gallaway seconded "That the Statutory requirement requiring the ordinance to be read by title three different days be suspended." Roll call vote: Yeas: Gallaway, Gaston, Nienhueser and Gay. Nays: Arterburn. 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, Gay seconded "That Ordinance No. 1727 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. Gay moved, Gallaway seconded "That Ordinance No. 1727 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: All council members present.

Gaston moved, Gay seconded "That Resolution No. 20150206 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20150206

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

That a contract be authorized for engineering services with M.C. Schaff & Associates for Sanitary Sewer Extension District No. 23; and

That the detailed specifications including the general stipulations thereto attached for the construction of sanitary sewer improvements and all other necessary incidental improvements thereto, as applicable, for Sanitary Sewer Extension District No. 23, as prepared by M.C. Schaff & Associates, special engineers employed by the City to prepare same, and filed in the office of the City Clerk on February 20, 2015 be and the same are hereby accepted.

RESOLVED FURTHER, that all bids for the construction of said improvements shall be subject to said specifications and general stipulations and the instructions to bidders set forth in specifications on file.

RESOLVED FURTHER, that the City Clerk be and she is hereby authorized and empowered and directed, for and on behalf of the City of Sidney to advertise for bids for said construction on February 27, March 6 and March 13, 2015 with the bid opening being set for March 17, 2015 at 2:00 P.M.

Gay moved, Gallaway seconded "That Resolution No. 20150207 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO.20150207

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 a contract heretofore made, M.C. SCHAFF & ASSOCIATES, the engineer, has performed the work for engineering of the Pole Creek Crossing/Greenwood Road Phase 1 projects in Street Improvement District #58 & #59; and the engineer has filed with the City Clerk certificates showing the performance of said contracts as follows: APPLICATION FOR PAYMENT NUMBER 13; STREET IMPROVEMENT DISTRICT NOS. 58 & 59; AMOUNT TO ENGINEER \$52,530.00. Payments in the amount now due the engineer are hereby authorized and charged to said districts. Said payments shall be paid from the 2014 Construction Fund.

Gaston moved, Gallaway seconded "That Resolution No. 20150208 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20150208

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 OMNI Investments, LLC for Block 1, Munson Third Subdivision, part of the Northwest Quarter of Section 32, T14N, R49W of the 6<sup>th</sup> P.M. in the City of Sidney, Cheyenne County, Nebraska; 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 Block 1, Munson Third Subdivision, part of the Northwest Quarter of Section 32, T14N, R49W of the 6<sup>th</sup> P.M. in the City of Sidney, Cheyenne County, Nebraska.

The Ordinance entitled "AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, TO DESIGNATE HISTORICAL LANDMARKS; TO DEFINE THE LOCATIONS OF SAID LANDMARKS; AND TO REPEAL ANY CONFLICTING ORDINANCES AND SECTIONS" was read by title for the third time. Arterburn moved, Gallaway seconded "That Ordinance No. 1758 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. Gaston moved, Arterburn seconded "That Ordinance No. 1758 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: All council members present.

Arterburn moved, Gay seconded "That E. Todd Sherlock be appointed to the City of Sidney Planning Commission. Roll call vote: Yeas: All council members present.

City Manager Person and Chuck Musgrave of Water Technology Inc. (via telephone) presented a swim pool project update. Two options were discussed; i.e. Option B. Estimated Site Costs-\$575,855, Aquatics Outdoor Elements-\$1,471,754.64, Architectual Building Components- \$1,110,150, Contingencies, etc. \$842,021, Total Project Cost \$3,999,780.64. Option D. Estimated Site Costs-\$575,855, Aquatics Outdoor Elements-\$1,274,554.64, Architectual Building Components- \$1,325,750, Contingencies, etc. \$823,821, Total Project Cost \$3,999,980.64,

Alternate 1. Lazy River +211,584, Alternate 2. Larger slide +\$348,000, Alternate 3. Increases leisure pool +68,289.20. Adding alternates requires the bath house to be larger. Size and dimensions of the current pool were discussed as well as pools being in meters vs. yards. Staff was asked to research the current pool dimensions and bring back information for the record what is required for competition pools. Megan McGown reported on grants and donations that she is pursuing for this project. If these come to fruition, the alternates could be considered. An update and time line of the Sidney Swimming Pool project was given and the interview and approval of the Construction Manager at Risk would be done on March 10, along with other decisions to be made by the council that evening.

City Manager Person presented an update on the Sidney Industrial Park infrastructure project and the possible agreement between the City of Sidney and Wheat Belt Public Power District re: electrical service territory. It was announced that Wheat Belt has accepted and signed the proposed agreement with the City of Sidney for the Industrial Park electrical service territory. Gallaway moved, Gay seconded "That RESOLUTION NO. 20150209 be passed and adopted." Roll call vote: Yeas: All council members present.

#### RESOLUTION NO. 20150209

**WHEREAS**, the City Council of the City of Sidney, Nebraska has on February 10, 2015 voted unanimously to make a specific offer of settlement to Wheat Belt Public Power District regarding the City of Sidney acquiring the right to provide electrical service to city owned land more commonly known as the industrial park; and

**WHEREAS**, Wheat Belt Public Power District has accepted the City's offer and signed a joint application to amend the retail service agreement regarding said real estate;

**NOW, THEREFORE**, be it resolved by the City Council of the City of Sidney, Nebraska, that: the joint application by Wheat Belt Public Power District and the City of Sidney to amend the retail service area agreement between the parties dated this February of 2015 is hereby approved.

Adopted this 24th day of February, 2015, at Sidney, Nebraska by The City Council of Sidney, Nebraska

City Manager's Report consisted of reports on recent and upcoming meetings and events: i.e. Nebraska League of Municipalities Conference 2/22-24 in Lincoln attended by Mayor Nienhueser, Vice-Mayor Gaston, City Attorney Leef and the City Manager. (conference dealt numerous legislative matters currently underway before the Unicameral, including three bills up for hearing that would hamper cities' ability to use tax increment financing in redevelopment projects--Person submitted written testimony on all three bills to be entered into the hearing--The next priority legislation for Sidney would deal with the Municipal Equalization Fund issue with the hearing set for 3/12 and the city manager plans to testify at the hearing); Panhandle Area Development District, Sidney Planning Commission, Historical Preservation Board, Economic Development Advisory Committee, City Department Heads, Chamber of Commerce annual meeting; sargent testing 2/27; etc. The City Manager had participated in a documentary video regarding the historic perspective of Warren Air Force Base interaction with the community and its citizens throughout its 50 year history for use in its national museum and archives. Condolences for former city street superintendent Jeff Wernsman and his family with acknowledgment that his wife, Dena had recently passed in her battle with cancer and that a memorial service would be held in Sidney on 2/28.

All Council Members expressed their condolences to the Wernsman family as well as their congratulations to the Sidney wrestling and basketball teams. The Mayor and Council Member Gaston both said they would share more about the League conference that they had attended at a future meeting.

Meeting adjourned at 9:53 p.m.

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MARK NIENHUESER, MAYOR

ATTEST:

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G.F. ANTHONY, CITY CLERK





