

Sidney, Nebraska, February 26, 2019 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 26, 2019 in the Council Room. Present were: Mayor Gallaway and Council Members: Arterburn, Sherman, and Radcliffe. Absent: Olsen. 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 Gallaway informed the public of the location of the posted Open Meetings Act.

Radcliff moved, Sherman seconded "That Council Member Olsen be excused from this meeting." Roll call vote: Yeas: All council members present. Absent: Olsen.

Arterburn moved, Sherman seconded "That the minutes of the February 12, 2019 meeting be approved as printed." Roll call vote: Yeas: All council members present. Absent: Olsen.

Assistant City Manager Dawn Martin reported on the noncompliance violation that had been received from the Nebraska Department of Natural Resources due to the size of the Wildlife Dam being increased while under construction in 1997. During NDNR's June, 2018 inspection of the City dams it was brought to the City's attention that there was a fourth dam, the Wildlife Dam, north of the current landfill and that new aerial images indicated that the dam was larger than originally indicated and that we would not fall within the exempt category. Dawn reported on her research of the project. A noncompliance violation letter was received on February 15, 2019 which gives the City 60 days from receipt of the Notice to submit the required application to rectify the situation. Dawn presented four scenarios to use to get the dam into compliance; i.e. (1) Remove the Wildlife Dam completely for an estimated cost of \$36,031.10 minus labor; (2) Bring the Wildlife Dam into compliance with an Emergency Action Plan for an estimated cost of \$6,110 to \$8,914 + ongoing maintenance costs; (3) Shrink the size of the Wildlife Dam, become exempt by lowering the dam by 1.7' of the top of the Dam, lowr the pipe, and cut 1.5' off the spillway for an estimated cost of \$12,811.75 minus labor; and (4) Cutting only the spillway out completely for an estimated cost of \$31,663.60 minus labor.

Radcliffe moved, Sherman seconded "That the proposed Option #3 be accepted to correct the noncompliance violation for the Wildlife Dam." Roll call vote: Yeas: All council members present. Absent: Olsen.

Sidney Public Library Director Andrew Sherman presented a request to appoint Kim Hofrock to fill a vacancy on the Library Board. The vacancy was advertised. Arterburn moved, Radcliffe seconded "That Kim Hofrock be appointed to the Sidney Library Board." Roll call vote: Yeas: All council members present. Absent: Olsen.

Sherman moved, Radcliffe seconded "That **AN ORDINANCE TO AMEND CHAPTER 270 TREE BOARD SECTIONS 270.01 CREATION; COMPOSITION; APPOINTMENTS; AND SECTION 270.04 DUTIES AND RESPONSIBILITIES; ALL OF THE SIDNEY MUNICIPAL CODE TO PROVIDE FOR THE CITY PARKS**

SUPERINTENDENT AS A PERMANENT MEMBER OF THE TREE BOARD AND TO FURTHER AUTHORIZE THE CITY PARKS SUPERINTENDENT TO PROVIDE STAFF ASSISTANCE TO THE TREE BOARD; TO REPEAL SUCH SECTION AS HERETOFORE EXISTING, AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE be designated as Ordinance No. 1804.” Roll call vote: Yeas: All council members present, Absent: Olsen. No motion was made to waive the readings so Ordinance 1804 was read by Title.

City Manager Sadler reported that Don Ogle’s term on the Tree Board expires April 24, 2019 and that the vacancy will be advertised.

City Manager’s Report: NexGen had an open house to announce their web site and that another event will be held on March 8th. Melissa and Ed are continuing work on LB840 funding. Ed will be absent from the next meeting.

Council Member’s Comments: Sherman, Olsen and Gallaway had good reports on their attendance at the League of Nebraska Municipalities’ recent Mid-Winter Conference. Arterburn congratulated NexGen and the Sidney Lady Raideers and Bridgeport for going to State.

Meeting Adjourned at 7:46 p.m.

/s/ROGER GALLAWAY, MAYOR

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

