

Sidney, Nebraska, August

28, 2012 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 August 28, 2012 in the Council Room. Present were: Mayor Gaston and Council Members: Nienhueser, Gallaway and Van Vleet. Absent: Weiderspon. Others present: City Manager Person, Tom Sonntag, City Attorney Firm representative, 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 Gaston informed the public of the location of the posted Open Meetings Act.

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

Nienhueser moved, Van Vleet seconded "That the minutes of the August 14, 2012 meeting be approved." Roll call vote: Yeas: All council members present. Absent: Weiderspon.

Teens In Prevention appeared to report on their activities in inquiring with all alcohol licensees about the 2<sup>nd</sup> Annual Cheyenne County Responsible Alcohol Merchant. Members present were: LaNaya Gutierrez, Amber Arellano, Michael Sukup, Jacob Schaub, Scott Bagnell, Ryan Birner, Abbigale Heller, and Analise Lecher. Sponsors present were Jordan Sukup, Jan Lawler, and Cassie Challburg. They announced their Merchant of the Year as Perkins Restaurant.

City Manager Person explained LB357 regarding additional sales tax for infrastructure projects, the resolution to put said issue on the 2012 General Election ballot, meetings with the SPNRD regarding an interlocal agreement, the ability to change the percentages in the resolution, etc. Council Member Nienhueser reported on the SPNRD meeting and that he favored keeping the percentage for the stormwater portion at 5%. He also asked that the resolution be amended to enumerate the ½ percent number throughout. Council Member Gallaway stated he thought this was a good way to get the citizen input on the question as well as sales tax being a very fair tax. Jan Lawler spoken in favor of this ballot issue as she has personal experience in the need for storm water solutions in Sidney.

Nienhueser moved, Gallaway seconded "That Resolution No. 20120804 be passed and adopted." Roll call vote: Yeas: All council members present. Absent: Weiderspon.

#### **RESOLUTION NO. 20120804**

WHEREAS, a Local Option Sales Tax Proposal has been prepared, which proposal complies with the statutory requirements for such a local option sales tax and, after proper public notice of the August 14, 2012 Council Meeting said sales tax proposal was presented to receive public comment and discussion.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sidney hereby adopts the "Local Option Sales Tax Proposal," which is incorporated in this Resolution of Adoption by this reference and which:

- a. Allows local option sales and use taxes to increase one half (½) percent over existing sales and use tax for a total levy at two percent for ten years, with all increased sales tax revenue from said Local Option Sales Tax will be used to fund local public infrastructure projects as follows:
  - i. 50% of funding would go towards Street Improvements, estimated to generate

an average of \$500,000 annually or \$5 million total over 10 years.

- ii. 30% of funding would go towards the construction of a new Swimming Pool, estimated to generate an average of about \$300,000 annually or \$3 million over 10 years.
- iii. 12% of funding would go towards a new irrigation system, water pumping units and other infrastructure improvements to Hillside Golf Course, estimated to generate an annual average of \$120,000 annually or \$1.2 million over 10 years.
- iv. 5% of funding would go towards storm water mitigation projects working through an inter-local government agreement with the South Platte Natural Resources District to alleviate flood prone areas in Sidney, estimated to generate \$50,000 annually or \$500,000 over 10 years.
- v. 3% of funding would go towards Parks infrastructure improvements, such as lighting or restroom facilities, estimated to generate \$30,000 annually or \$300,000 for 10 years.

b. Eliminates the one percent occupation tax on restaurants in the City of Sidney, currently used to fund street improvements.

c. Assists in funding an interlocal agreement with the South Platte Natural Resources District to address flood prone areas in the City of Sidney.

IT IS

FURTHER RESOLVED by the City Council of the City of Sidney that an election be conducted by the Cheyenne County Clerk on November 6, 2012 submitting the question of adoption of the "Local Option Sales Tax Proposal" authorizing the use of the additional one-half percent sales and use tax for a period of ten years beginning April 1, 2013 through March 30, 2023.

IT

IS FURTHER RESOLVED that the following question in the form shown below shall be submitted to the qualified electors of the City of Sidney, Nebraska for their approval or disapproval at the election on November 6, 2012; and shall be published as required by law as notices in the *Sidney Sun-Telegraph*, a legal newspaper of general circulation in the City and by posting as required by law. The ballot and notices shall be substantially the following form:

Question Submitted

Shall the City of Sidney establish a one-half (1/2) percent local option sales and use tax to fund local public infrastructure projects for ten (10) years beginning April 1, 2013 through March 30, 2023?

de  
Yes (for the Proposal)

de  
(against the Proposal)

No

Electors desiring to vote in favor of the question shall blacken the oval completely preceding the words "YES" (for the Program).

Electors desiring to vote against the question shall blacken the oval completely preceding the words "NO" (against the Program).

#### Description of Local Option Sales Tax Proposal

a. Allows local option sales and use taxes to increase one half ( $\frac{1}{2}$ ) percent over existing sales and use tax for a total levy at two percent for ten years, with all increased sales tax revenue from said Local Option Sales Tax will be used to fund local public infrastructure projects as follows:

i. 50% of funding would go towards Street Improvements, estimated to generate an average of \$500,000 annually or \$5 million total over 10 years.

ii. 30% of funding would go towards the construction of a new Swimming Pool, estimated to generate an average of about \$300,000 annually or \$3 million over 10 years.

iii. 12% of funding would go towards a new irrigation system, water pumping units and other infrastructure improvements to Hillside Golf Course, estimated to generate an annual average of \$120,000 annually or \$1.2 million over 10 years.

iv. 5% of funding would go towards storm water mitigation projects working through an inter-local government agreement with the South Platte Natural Resources District to alleviate flood prone areas in Sidney, estimated to generate \$50,000 annually or \$500,000 over 10 years.

v. 3% of funding would go towards Parks infrastructure improvements, such as lighting or restroom facilities, estimated to generate \$30,000 annually or \$300,000 for 10 years.

b. Eliminates the one percent occupation tax on restaurants in the City of Sidney, currently used to fund street improvements.

c. Assists in funding an interlocal agreement with the South Platte Natural Resources District to address flood prone areas in the City of Sidney.

IT IS FURTHER RESOLVED that the election shall be conducted by the Cheyenne County Clerk at polling places established by the Clerk for each of the City's precincts. The polls shall be open from 7:00 a.m. to 7:00 p.m. on the day of the election. The election shall be in the manner required by law for elections of cities of the First Class.

NOTICE IS GIVEN that on Tuesday, November 6, 2012, at the usual polling places for each precinct in the City of Sidney, a City election will be held at which there will be submitted to the electors of the municipality for their approval or rejection, the foregoing question.

The polls will be open from 7:00 a.m. through 7:00 p.m. on the election day. Absent, disabled and confined voters' ballots may be obtained from the Cheyenne County Clerk as provided by law. Copies of the question may be obtained from the Office of the Sidney City Clerk at the Administration Building, 1115 - 13<sup>th</sup> Avenue, Sidney, Nebraska 69162.

IT IS FURTHER RESOLVED that the Local Option Sales Tax Proposal be filed with the City Clerk and a certified copy of this Resolution adopting the Local Option Sales Tax Proposal be filed by the City Clerk with the Cheyenne County Clerk.

PASSED AND APPROVED this 28<sup>th</sup> day of August, 2012.

Gallaway moved, Van Vleet seconded "That RESOLUTION NO. 20120805 be passed and adopted." Roll call vote: Yeas: All council members present. Absent: Weiderspon.

#### RESOLUTION NO. 20120805

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 final report regarding the rezoning request of the Sidney Housing Authority for the rezoning of Tract No. 1, Wellner's Third Addition and a portion of Tract No. 2, Wellner's Third Addition, Cheyenne County, Sidney, Nebraska, from R-1 (Single Family Residential) to R-3 (Heavy Density Multi-Family) Zone; and

That the Council of the City of Sidney proposes to consider said report; that a public hearing will be held thereon in the Municipal Building of the City of Sidney, Nebraska, at 7:15 o'clock P.M. on the 11<sup>th</sup> day of September, 2012 at which time and place parties in interest and citizens shall have an opportunity to be heard; and that the City Clerk is hereby directed to give the proper notice of said hearing in compliance with the law at least ten days prior to said hearing.

Mayor Gaston thanked Roger Gallaway who is a member of the Housing Authority, and Nancy Bentley, the manager in charge, for their vision and determination to make Sioux Villa an asset to the community.

Nienhueser moved, Gallaway seconded "That RESOLUTION NO. 20120806 be passed and adopted." Roll call vote: Yeas: All council members present. Absent: Weiderspon.

#### RESOLUTION 20120806

##### SIGNING OF A PROFESSIONAL SERVICES AGREEMENT

**Whereas:** the City of Sidney is developing a transportation project for which it intends to obtain Federal funds;

**Whereas:** the City of Sidney as a sub-recipient of Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project;

**Whereas:** City of Sidney and Baker & Associates, Inc. wish to enter into a Professional Services Agreement to provide preliminary engineering and environmental documentation services for the Federal-aid project.

**Be It Resolved:** by the City Council of the City of Sidney, Nebraska that: Wendall Gaston, Mayor of the City of Sidney, is hereby authorized to sign the attached preliminary engineering and environmental documentation services agreement between the City of Sidney, Nebraska and Baker & Associates, Inc.

NDOR Project Number: URB-6359(1)  
NDOR Control Number: 51486  
NDOR Project Description: Fort Sidney Rd., US 30 - 11<sup>th</sup> Avenue, Sidney  
Adopted this 28<sup>th</sup> day of August, 2012 at Sidney, Nebraska

Tom Sonntag, representing the City Attorney firm, reported on the Award of Appraisers from the County Court of Cheyenne County, Nebraska re: the eminent domain action for a utility easement across Lot 120, Grandview Estates owned by Hal Zalesky. The appraisers found and assess the damages that will be suffered by Zalesky by reason of the taking of real estate described in the Petition for Appointment of appraisers filed by the City of Sidney in the following amount: \$10,000.00. Nienhueser moved Gallaway seconded "That the Award of Appraisers be accepted and that \$10,000 be paid to Cheyenne County Court for same within the next week." Roll call vote: Yeas: All council members present. Absent: Weiderspon.

Nienhueser moved, Gallaway seconded "That the City Council go into closed session re: personnel matters.." Roll call vote: Yeas: All council members present. Absent: Weiderspon The Mayor adjourned to closed session at 7:47 p.m. and reconvened in open session at 8:04 p.m.

The 2012-2013 proposed budgets were discussed. City Manager Person reviewed the public hearing process. Gallaway moved, Van Vleet seconded "That the City Council file the proposed 2012-2013 budget statements with the City Clerk for all funds including the tax levy for General Fund, Street Department and Debt Service and set public hearings for September 11, 2012 for said budgets and for setting a property tax request different from last year if needed." Roll call vote: Yeas: All council members present. Absent: Weiderspon.

City Manager's report consisted of updates of recent and upcoming meetings and/or events; i.e.: SPNRD, UNL survey team, Planning Commission, Congressman Smith visit 8-21, Senator Johannes visit 8/21, League Legislative Committees in Lincoln, meeting of mayors, managers, etc. in Bridgeport to address mutual concerns, Main Street Executive Director in Sidney this week, 10<sup>th</sup> Avenue Project meeting with Utilities, Scott Day, downtown planner, League Annual Meeting 9/19-21, 2<sup>nd</sup> Annual Mayors Cup Labor Day weekend to raise funds for trees for the golf course, etc. Re-certification application for the Nebraska Economic Development Certified Community status is being drawn up by Megan McGown.

John Hehnke, Public Works Director, reported on the Utilities meeting re: 10<sup>th</sup> Avenue project on 8-28, the Open House for the 10<sup>th</sup> Avenue project 9/13 from 4-7 p.m. NEMA meeting this week and the chip seal project for the year is completed.

Council Member Gallaway expressed his regret that the recent eminent domain process had to be used instead of settling it peacefully. Council Member Nienhueser thanked John and the Street Department for all the projects that were accomplished this summer. Mayor Gaston thanked the Bridgeport Mayor and Administrator for the recent meeting, relayed good comments about the chip seal program, agreed with Roger's comments about eminent domain, and relayed information regarding the Mayor's Cup.

The meeting adjourned at 8:18 p.m.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

















