

A meeting of the Mayor and Council of the City of Sidney, Nebraska, was convened in open and public session at 7:24 P.M. on October 23, 2012 in the Council Room. Present were: Mayor Gaston and Council Members: Weiderspon, Nienhueser, Gallaway and Van Vleet. Others present: City Manager Person, City Attorney J. Leef, and Deputy City Clerk Heilbrun. 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.

Gallaway moved, Van Vleet seconded "That the minutes of the October 9, 2012 meeting be approved." Roll call vote: Yeas: Weiderspon, Gaston, Gallaway, and Van Vleet. Abstain: Nienhueser.

During Public Comments: **Jann Lawler**, representing the Citizens Group-Sidney for Progress who are speaking out to educate the citizens of Sidney on the half-cent sales tax item on the November ballot, encouraged everyone to check out their website and printed information regarding the issue. **Councilman Nienhueser** stated that he had been approached with the question as to whether the new sales tax would be rebated back to the State if passed. His response was that even if the tax were to be recalled to the State, it would still be advantageous to our community, as it would go toward worthy economic development projects. **Councilman Weiderspon** reinforced this fact, noting that \$23.5 million to date has been rebated back to companies in Sidney for economic development projects. **City Manager Person** explained that this is the first time in two decades that the State has given municipalities a significant new revenue source, allowing the cities to be proactive in placing this type of issue on the ballot, and in turn giving their citizens a chance to vote on this issue. By passing the law for communities to place this type of issue on their ballot, they are giving municipalities an additional revenue source, and if communities do not take advantage of this opportunity, the State can take it away again. He stated that the new sales tax would not be subject to economic development projects creating refunds on projects already completed. In the immediate future the city will earmark 100% of the new sales tax for infrastructure improvements. If economic development qualifying projects happen after it is in place and companies are entitled to refunds, it would be subject to those refunds. Even though the City has brought great awareness to some of the local sales tax revenue lost to qualifying projects, the City still overall continues to benefit greatly from the local sales taxes collected, helping fund those projects intended by the public and providing property tax relief to the tune of being currently 34% below the property tax lid. The alternative, if the new revenue source is not approved by the voters, would be to raise property taxes. **Ralph Castner** of Cabelas, Inc., quoted statistics showing that 79% of the sales from the Sidney Cabela's Store currently come from customers that live at least 30 minutes outside of Sidney. At one time that figure was as high as 87%. The proposed half-cent sales tax would be collected on all these sales, thus alleviating the burden on the citizens of Sidney, who would otherwise face property tax increases to provide the various services depended upon by the public, such as streets, law enforcement, fire protection, emergency services, parks, etc.

Public Services Director John Hehnke presented Change Order No. 1 for Street Improvement District #51 for consideration and approval. Nienhueser moved, Weiderspon seconded, "That Change Order No. 1 for Street Improvement District #51 be approved." Roll call vote: Yeas: All council members present.

Nienhueser moved, Gallaway seconded "That Resolution No. 20121001 be passed and adopted." Roll call vote: Yeas: All council members present.

#### RESOLUTION NO.20121001

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, BAKER & ASSOCIATES, the engineer have performed the work for engineering of street improvements and ANDERSON & SHAW CONSTRUCTION, the contractor for the construction of street improvements in Street Improvement District No. 51 of this city and the engineer has filed with the City Clerk certificates showing the performance of said contract as follows: APPLICATION FOR PAYMENT NUMBER 3; STREET IMPROVEMENT DISTRICT #51; AMOUNT DUE ENGINEER \$840.00; AMOUNT DUE CONTRACTOR \$84,390.43. Warrants in the amount now due the engineer and the contractor are hereby authorized and charged to said district. Said warrants shall draw interest at a rate of 1.0% per annum and be held by the City of Sidney Investment Account.

**Cricket Field: Krishna Boregowda**, on behalf of the local cricket players, appeared to request the City to create a facility/area that could be used for a cricket field on the existing Sidney Soccer Fields in east Sidney. He described the needs for a cricket site, stating that it would allow their local team to host tournaments which would include teams from 140-150 miles away, as well as 3-4 matches at the Sidney site. He estimated the time to construct the site to be 16-20 hours. **City Manager Person** stated that City staff had met with Mr. Boregowda and Mike Namuth of the Cheyenne County Community Center and concluded that the soccer field site would suit their purpose. He explained that the pitch area could be developed between the two fields on the south end of the soccer complex and the playing field area would then encompass the majority of the two fields. Flags would mark the out-of-bounds areas. Because the soccer fields have already matured, the cost to develop the cricket field should not be significant. The pitch area could be developed under the supervision of those familiar with the game, city staff, and a local contractor as soon as the project is approved. **Mike Naumth**, CCCC Director,

presented a site map of the soccer fields and stated that adjusting the southern fields to accommodate a cricket field should not be a problem, as long as it is all portable. He noted that he had inspected existing fields in Colorado and had a better understanding of what was being proposed. He felt that the addition of the cricket field would complement the use of the area.

Gallaway moved, Van Vleet seconded "That Council recommend approval to proceed with the construction of a cricket field on the existing Sidney Soccer Field as requested." Roll call vote: Yeas: All council members present.

Discussion of the pros and cons of the Swimming Pool Requests for Proposals, that were presented at the special meeting of the City Council on October 22, was held. Because of the strength of the feasibility study, innovative ideas and designs, and willingness to work with the different factions of the community for ideas and suggestions, it was the consensus of the council that Water Technology presented the best fit for the project. J Leef stated that she had previously prepared a contract to offer to the company selected, which could be revised and submitted upon award of the bid.

Gallaway moved, Nienhueser seconded "That the City Council extend a contract opportunity to Water Technology Inc. for Phase I Services for the new swimming pool project." Roll call vote: Yeas: All council members present.

City Manager comments:

- 1) Thanked Cabela's management team for the selecting the downtown area for their redevelopment project.
- 2) New camera system has been installed and is operational in the council chambers, welcomed feedback from public and staff on its debut.
- 3) Announced that following the recent completion of the interview and testing process for a new police officer, the Civil Service Commission will meet on October 29<sup>th</sup> to review and certify eligible candidates for hire.
- 4) Reported on the Nebraska Chamber of Commerce Legislative forum held in Sidney and hosting a tour of businesses and industries in Cheyenne County. Senator Schilz also hosted a legislative forum last week at the Sidney Public Library and met with the City Manager following to work on legislative issues for 2013.
- 5) Update on Planning Commissions review of Accessory Building language, which will continue at their November meeting.
- 6) 2 combined meetings between the City and NRD on the drainage issues were discussed, one held between the subcommittees and another between staff members scheduled for Oct. 25..
- 7) League legislative committee meeting re: 2 Sidney proposals: language in redevelopment plan on qualifying properties and studying potentially changing the fiscal year beginning to March 1 or April 1. Both proposals were accepted by the League for future study and action.
- 8) Property Resolution Team meeting on November 2<sup>nd</sup> at City Hall.
- 9) Candidate Forum November 4 at the High School at 7:00 P.M, sponsored by the Sidney Sun-Telegraph and KSID radio that will be broadcast on KSID radio. It will include both elections being held for city council candidates and the City Manager has been invited to talk about the half cent sales tax ballot issue.
- 10) Received notification from NDED of award of the North Side Street Grant in amount of \$350,000.00. Public Works Director Hehnke and Grant Administrator Jeff Kelley attended training on October 23 in Lexington for the Grant, with project to be completed next summer. Town Hall meeting will be scheduled soon for the North Side residents to discuss this project and invite the Housing Authority's plans for new housing development and renovation in the Sioux Villa area.
- 11) Invited input on the ice skating rink, mild winters have limited use, need to decide soon whether to continue project.

Public Services Director comments:

- 1) Gave timetable for North side Grant Project.
- 2) Announced that the landfill closed for Saturday use on October 20<sup>th</sup> and a report will be forthcoming.
- 3) Landis & GYR AMI Systems will be in Sidney on 10/24 and 10/25 for project preparation and review.
- 4) Wind Storm-electrical lines held up, directed approximately 700-750 vehicles from I-80 into Sidney. Thanked the Police and Street departments for their help during the storm.

Council member Weiderspon commended the Police and Street Departments for their help diverting the truck traffic during the dust storm, as well as the Fire Dept. for their assistance in helping our neighbors to the east during the grass fire.

Council member Gallaway extended a thank-you to all those who attended the meetings the last couple of days for their much-needed input into the projects effecting the community. Mayor Gaston echoed Gallaway's thank you.

The meeting adjourned at 8:19 p.m.