

Sidney, Nebraska, September 24, 2013 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 7:28 P.M. (late-due to CDA meeting running late) on September 24, 2013 in the Council Room. Present were: Mayor Gaston and Council Members: Gallaway, Nienhueser, Gay and Arterburn. Others present: City Manager Person, 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 Gaston informed the public of the location of the posted Open Meetings Act.

Nienhueser moved, Gallaway seconded "That the minutes of the September 10, 2013 meeting be approved." Roll call vote: Yeas: All council members present.

A letter from Geri Rood representing the Cruise'N Class Car Club was read in which the Club thanked the City of Sidney for its continued support of the Sidney Rod & Roll Weekend. This year will be the 27th annual car show. All City employees who each year go above the call of duty to help were gratefully acknowledged.

Whereupon Mayor Gaston announced that the Planning Commission of the City of Sidney, NE has submitted to the City Council its final report recommending approval of the rezoning request of Cabela's Corporate Campus to rezone a parcel of land situated in the NW/4 of Section 8, T13N, R49W of the 6th P.M., Cheyenne County, NE from A (Agricultural) to C-3 (Commercial) Zone and that a public hearing would now be held and parties in interest would be heard as advertised. The following filed written comments: None. The following appeared in person or by agent or by attorney and were heard: City Manager Person reviewed the request and the Planning Commissions Final Report. All persons having been heard, Mayor Gaston closed the public hearing.

Gallaway moved, Gay seconded "That the Ordinance entitled "AN ORDINANCE PROVIDING FOR THE REZONING OF A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 13 NORTH, RANGE 49 WEST OF THE 6TH P.M., CHEYENNE COUNTY, NEBRASKA, FROM A (AGRICULTURAL) TO C-3 (HEAVY COMMERCIAL) ZONE; AMENDING THE SIDNEY ZONING CODE AND ZONING MAP OF THE CITY OF SIDNEY, NEBRASKA, ADOPTED BY ORDINANCE NO. 1049 OF THE CITY OF SIDNEY, NEBRASKA, WHICH IS NOW CODIFIED AS TITLE SIX OF PART TWELVE OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA, TO SO PROVIDE; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN DIRECT CONFLICT HEREWITH." be designated as Ordinance No. 1703." Roll call vote: Yeas: All council members present. Abstain: Nienhueser. Gallaway moved, Gaston 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. Abstain: 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. Arterburn moved, Gallaway seconded "That Ordinance No. 1703 be finally passed." Roll call vote: Yeas: All council members present. Abstain: 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. Gay moved, Arterburn seconded "That Ordinance No. 1703 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: All council members present. Abstain: Nienhueser.

Initial discussion was had by the Council concerning the proposed redevelopment plan entitled "Tax Increment Financing Redevelopment Plan of Cabela's Corporate Campus Expansion and the Reganis Commercial Development Plan 2013". The plan was submitted by Cabela's Wholesale, Inc. and Timothy G. Reganis and Virginia S. Reganis, husband and wife. Council Member Mark Nienhueser declared on the record to the City Council that the proposed redevelopment plan to be discussed involved Cabela's Inc., Cabela's Wholesale, Inc. and possibly other Cabela's related entities; that he was an employee, officer and shareholder of one or more Cabela's related entities and thus could benefit financially from redevelopment as proposed; that he would not

vote on any matters relating to proposed plan to be considered, including any related contract, and that he would not act for the City or its governing body as to inspection or performance related to any contract related to the proposed plan. Council Members Gay and Arterburn each stated that they were employees of one or more Cabela's related entities but were not officers or directors or stockholders of any publicly traded stock related to Cabela's, Inc., and based upon the provisions of Sections 49-14,103.01, R.R.S. Neb. Rev. Stat. (Reissue 2010), and specifically its subsection (5)(b) would participate in voting of the City Council, including such council acting as the governing body of the City of Sidney Community Development Agency.

Pursuant to published notice a hearing was set on the issue of whether such plan should be approved. The Mayor declared the hearing open. The following persons appeared and were heard: The following testimony that was submitted at the CDA meeting is incorporated into this proceedings: "The City Manager presented the background of this project and a cost benefit analysis. Dennis Armstrong gave an overview of the exhibits of the area of the plan and the projected plans for the immediate future as well as for what can be done later if needed in the future. Jordan Ball representing Mr. & Mrs. Reganis as well as Tim Reganis were present to share their plans for their portion of the Redevelopment Plan; i.e. subdivisions, improvement districts, etc.". After all persons desiring to be heard had been heard, the hearing was then closed. Council Member Gallaway then offered the following resolution and moved its adoption:

RESOLUTION NO. 20130907

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SIDNEY, NEBRASKA, APPROVING A REDEVELOPMENT PLAN ENTITLED "TAX INCREMENT FINANCING REDEVELOPMENT PLAN OF CABELA'S CORPORATE CAMPUS EXPANSION 2013".

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

Section 1. The Mayor and Council of the City of Sidney, Nebraska, hereby find and determine: (a) that the Mayor and Council have by Resolution No. 940701 passed and approved on July 7, 1998, declared certain real estate within the City to be blighted and substandard after review by the City's Planning Commission and published notice of hearing and public hearing as required by law (such area, as so determined, the "Blighted Area"); (b) that the redevelopment plan entitled "Tax Increment Financing Redevelopment Plan of Cabela's Corporate Campus Expansion 2013" (the "Plan") relating to a certain portion of the Blighted Area was submitted to the Planning Commission of the City of Sidney, Nebraska (the "Planning Commission"), for review and recommendations and that the Planning Commission has approved the Plan in the form submitted without any recommendation for change; © that the City of Sidney Community Development Agency (the "Agency") has recommended the Plan for approval to the Mayor and Council on this 24th day of September, 2013, and in making such recommendation considered whether the proposed land uses and building requirements in the redevelopment project area (herein referred to as the "Project Area") are designed with the general purpose of accomplishing, in conformance with the City's general plan, a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage and other public utilities, schools, parks, recreational and community facilities and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds and the prevention of the recurrence of insanitary or unsafe dwelling accommodations, or conditions of blight.

Section 2. The Mayor and Council further find and determine that a cost-benefit analysis has been prepared pursuant to the guidelines set forth in Section 18-2113, R.R.S. Neb. 2012, as amended, and has been approved and adopted as the cost benefit analysis of the Agency with respect to the Plan. Such cost benefit analysis reflects positive impacts of the projects as described in the Plan. Such cost benefit analysis is hereby determined to show positive benefits based on the Plan and is hereby approved and confirmed.

Section 3. The Mayor and Council further find and determine that the Community Development Agency has recommended that the Mayor and City Council approve and adopt the Plan. In connection with such recommendation, the Agency reported to the Mayor and City Council that the proposed method and estimated cost of the acquisition and preparation for redevelopment of the Project Area and the estimated proceeds or

revenue from the Project Area's disposal to redevelopers, if any; and a statement of the proposed method of financing the redevelopment projects is set forth in the Plan and that further it has been stated to the Mayor and City Council that there will be no families displaced from the Project Area.

Section 4. The Mayor and Council further find and determine that a public hearing was held, after notice of such public hearing was provided as required in Section 18-2115, R.R.S. Neb. 2012, whereby all persons desiring to be heard as to whether the Plan should be approved have been heard.

Section 5. Based upon the recommendation of the Agency and analysis and review of the Plan, the Mayor and Council hereby find (1) that the Plan is feasible and in conformity with the general plan for the development of the City as a whole and the Plan is in conformity with the legislative declarations and determinations set forth in the Community Development Law and (2) that (a) the redevelopment projects in the Plan (the "Projects") would not be economically feasible without the use of tax-increment financing, (b) the Projects would not occur in the Project Area without the use of tax-increment financing, and (c) the costs and benefits of the Projects, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the governing body and have been found to be in the long-term best interest of the community impacted by the Projects.

Section 6. The Mayor and Council hereby approve and adopt the Plan.

PASSED AND APPROVED this 24th day of September, 2013.

Council Member Arterburn seconded the motion. Upon roll call vote the following Council Members voted "Aye": Gallaway, Gaston, Gay & Arterburn. The following Council Members voted "Nay": None. Council Member Nienhueser abstained. The Mayor declared the resolution adopted.

Nienhueser moved, Gay seconded "That RESOLUTION NO. 20130908 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20130908

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.S. Schaff & Associates have performed the work for engineering of STREET IMPROVEMENT DISTRICT #52; and the engineer, M.C. Schaff has filed with the City Clerk certificates showing the performance of said contract as follows: STREET IMPROVEMENT DISTRICT #52: ENGINEER'S APPLICATION FOR PAYMENT NUMBER 5 - \$21,031.50. Warrants in the amount now due the engineer are hereby authorized and charged to said district. Said warrants shall draw interest at a rate of 1.5% per annum and be held by the City of Sidney Investment Account.

Police Chief BJ Wilkinson presented the one bid that had been received on 9/9/13 for towing and storage of abandoned/unlicensed vehicles from Affordable Towing. He reported that this was a part of the ongoing Code Enforcement efforts with one of the primary targets to enhance Sidney's "curb appeal" being to removal abandoned, unlicensed, inoperable vehicles. Several companies had expressed interest in this service, but only Affordable Towing actually submitted a bid. An agreement with Affordable Towing needs to be formulated and extensive discussion was held on what this should entail; i.e. term of agreement, city-owned storage facility, recovery of towing fees if vehicle sold, State law as it addresses abandoned vehicles, review of proposed agreement by the City Council before approval. The Chief and the City Attorney will be working on this agreement. It was also noted that several vehicles have already been identified for removal with more to follow as the process moves forward. Nienhueser moved, Arterburn seconded "That the bid of Affordable Towing be accepted with the understanding that an agreement be no longer than one year with a review at that time and that all the concerns that were addressed in this discussion be taken into consideration." Roll call vote: Yeas: All council members present.

City Manager Person gave a report on the LB840 Economic Development structure: i.e. City Manager as ex-officio appointee, Community Development Director as administrative clerk and City Treasurer as LB840 treasurer and it's Citizens Advisory Committee. The committee shall consist of not less than five or more than ten registered voters of the city. Arterburn moved, Nienhueser seconded "That Lew Mehling, Dr. D.J. Garcia, Carol Porter, Gary Dible, Mike Leininger, Bob Olsen, Rick Heckenlively, and Emily Haakenson be appointed to the Sidney Economic Development Citizens Advisory Committee." Roll call vote: Yeas: All council members

present. Appreciation for the past service on this Committee of Tom Kokjer, John Mason and Shelly Nienhueser was publicly expressed.

City Manager Person reported that the terms of Doug Meier and Casey Cortney on the Sidney Historic Preservation Board have expired and that both have declined reappointment. Appreciation for the service of Doug and Casey was publicly expressed. Ordinance requires the City Manager to appoint the members with Governing Board ratification. City Manager's requests his appointment of Dave Faries to the Sidney Historic Preservation Board be ratified by Council. The other position remains vacant and a recommendation will be forthcoming soon. Gay moved, Nienhueser seconded "That the appointment of Dave Faries to the Sidney Historic Preservation Board be ratified." Roll call vote: Yeas: All council members present.

Nienhueser moved, Gallaway seconded "That RESOLUTION NO. 20130909 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20130909

WHEREAS, on the evening of September 9, 2013, a fast moving severe thunderstorm struck the City of Sidney; and

WHEREAS, the City of Sidney suffered major damage to the electrical distribution system including downed power poles and a major portion of the community without power; and

WHEREAS, many trees and branches throughout the community were blown down including in Legion Park and Greenwood Cemetery; and

WHEREAS, the City of Sidney made a call to the City of Gering for mutual aid who immediately sent Electric Department personnel as well as equipment; and

WHEREAS, the Nebraska Department of Roads Maintenance Office in Sidney volunteered their assistance of manpower and equipment for the removal of trees, branches and other debris from city right of ways, and

WHEREAS, the Sidney High School Cross-Country, Football and Volleyball players and coaches volunteered their time and labor to assist in the clean-up of Legion Park and Greenwood Cemetery, and

WHEREAS, Sidney Public School teachers volunteered their time and labor to assist in the clean-up of Legion Park and Greenwood Cemetery, and

WHEREAS, the Keep Sidney Beautiful Committee volunteered their time and labor to assist in the cleanup of Legion Park and Greenwood Cemetery, and

WHEREAS, an unknown family took it upon themselves to clean-up the entire playground at Legion Park themselves.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIDNEY, NEBRASKA, THAT:

The City of Sidney expresses our heartfelt thanks to each of the aforementioned for their prompt response and assistance to restore power and in assisting the City of Sidney to recover from such a devastating storm in such a timely fashion.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affix the seal of the City of Sidney this 24th day of September, 2013.

Public Service Director John Hehnke and Mike Palmer, Electric Superintendent, presented the bids that had been received on 9-11-13 for an Electrical Tie Line from the north substation that runs behind Sky Manor to East Elm Street. Bids were received from Ward Electric and Mid Plains Power. The recommendation of the consultant, Reliable Power, was to award the bid to the low bidder, Ward Electric Co., Inc. in the amount of \$234,509.33. Gallaway moved, Gay seconded "That the bid for an Electrical Tie Line from the north substation that runs behind Sky Manor to East Elm Street be awarded to Ward Electric Co., Inc. in the amount of \$234,509.33." Roll call vote: Yeas: All council members present.

Nienhueser moved, Gay seconded "That the August Budget Reports for all City Departments be approved." Roll call vote: Yeas: All council members present.

City Manager's report consisted of updates of recent and upcoming meetings and/or events; i.e.: Newcomer's Picnic 9-26 at High School, League Annual conference 10-9-11, Economic Developers Conference

last week, Tax Modernization Hearing 9/23-testimony given by the Mayor, the Vice Mayor and the City Manager, Class of 1953 celebration , Police station feasibility study 9-25, Pre-construction conference of Golf project 10-4, Oktoberfest 10/4-6, SPNRD's nomination of Bill Taylor and Tom Von Seggern for Nebraska Outstanding Community Conservation and the award of same, Training for the Historic Preservation Board 10-1; etc.

Council Member Nienhueser expressed his thanks to the City's staff for all the efforts made to repair the damages from the 9-9-13 storm. Council Member Arterburn asked about the repairs to the Verde Lane area due to the storm. Discussion was held about fixing some of the problems at Verde Lane Dam's primary discharge point and the rules for dams that are set out by the State of Nebraska Department of Natural Resources. Mayor Gaston reiterated the City's thanks to all the volunteer help during the storm cleanup.

The meeting adjourned at 8:37 p.m.

/s/ WENDALL GASTON, MAYOR

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

