

Sidney, Nebraska, October 22, 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 7:15 P.M. on October 22, 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 October 8, 2013 meeting be approved." Roll call vote: Yeas: All council members present.

A presentation was made by Shivan Patel and M.P. Patel of Krishna Management, based in Laramie, Wyo., regarding their proposed development of a Fairfield Marriott Inn and Suites in the Runza Third Addition. This is property M.P. Patel purchased six and a half years ago from Runza east of Link Road 17-J and north of East Old Post Road. This area is part of the East Old Post Road Redevelopment Plan. The proposed project has included four improvement districts for the area which have been approved by the City Council, including the extensions of Silverberg Drive and Jennifer Lane. In order to help supplement the TIF revenue remaining within the Redevelopment Plan, the Patel's requested that the City consider a Jennifer Lane construction and funding agreement for said project in which the 2% city occupation tax that would be generated by hotels on his property be directed to the Jennifer Lane improvement district, due to anticipated shortfall of tax increment financing revenues left within the Plan, and the increased requirements being requested by the City and the Nebraska Department of Roads. The City is requesting 10 inch concrete on the street as opposed to 6 inch concrete on normal street improvement districts due to anticipated truck traffic. The Nebraska Department of Roads is requesting an improved deceleration turning lane on L-17J, turning bays, an engineering study on the access request, and possible purchase of the access right of way from NDOR. The City had previously adopted Ordinance No. 1628 in September 2009 to add a 2 percent occupation tax to lodging facilities for street improvement projects in Sidney. The Patel request would only use any new revenue from the occupation tax generated by the Patel properties. Considerable discussion was had about this agreement and the proposed improvement districts. City Manager Person also explained the history behind the initial redevelopment plan and its time line. The length of time for the proposed new funding agreement was a concern of Council Member Nienhueser, who felt a shorter defined time frame gave developers more motivation to move quickly on other development opportunities in the area and thus enhancing boosting the potential business incentives as soon as possible. M.P. Patel expressed his concern that the funding agreement was necessary for a longer period of time for his project to be able to be developed cost effectively. The proposed agreement stated that tax would be applied until the street improvement district's debt for the initial construction of said street is paid in full. Street improvement districts typically are bonded for twenty years. The City Attorney agreed to adjust the agreement to reflect the twenty year bonding scenario. Arterburn moved, Gallaway seconded "That the Jennifer Lane Construction and Funding Agreement be approved as amended to reflect the twenty year bonding scenario." Roll call vote: Yeas: All council members present.

Nienhueser moved, Gay seconded "That the Ordinance entitled "AN ORDINANCE CREATING WATER EXTENSION DISTRICT NO. 21 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. 1708." Roll call vote: Yeas: All council members present. Nienhueser moved, Gallaway 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. 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. Nienhueser moved, Gallaway seconded "That Ordinance No. 1708 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. Arterburn moved, Nienhueser seconded "That Ordinance No. 1708 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: All council members present.

Nienhueser moved, Gallaway seconded "That RESOLUTION NO. 20131005 be passed and adopted as amended to reflect the change in the south utility easement." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20131005

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 John and Jacqueline Wieser for Lots 1 & 2, Glover Business Park No. 2 in Sections 4 & 9, T13N, R49W of the 6th 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 as amended to reflect the change in the south utility easement of Lots 1 & 2, Glover Business Park No. 2 in Sections 4 & 9, T13N, R49W of the 6th P.M. in the City of Sidney, Cheyenne County, Nebraska

Nienhueser moved, Gay seconded "That RESOLUTION NO. 20131006 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20131006

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

That Baker & Associates be retained as special engineers for the City of Sidney for the preparation of plans, specifications and estimates for street and sanitary sewer improvement districts that may be created for the Wieser subdivision entitled Lots 1 & 2, Glover Business Park No. 2 in Sections 4 & 9, T13N, R49W of the 6th P.M. in the City of Sidney, Cheyenne County, Nebraska and for the supervision and inspection of such work in improvement districts that may be created; and for the performance of any other engineering services in connection therewith.

Gay moved, Gallaway seconded "That RESOLUTION NO. 20131007 be passed and adopted." Roll call vote: Yeas: All council members present. Abstain: Nienhueser.

RESOLUTION NO. 20131007

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

That Martin/Martin, Inc. be retained as special engineers for the City of Sidney for the preparation of plans, specifications and estimates for the necessary improvement districts that may be created for the

Sidney East Expansion Project in the City of Sidney, Cheyenne County, Nebraska and for the supervision and inspection of such work in improvement districts that may be created; and for the performance of any other engineering services in connection therewith.

Arterburn moved, Gallaway seconded "That RESOLUTION NO. 20131008 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20131008

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, Paul Reed Construction & Supply have performed the work for construction 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: CONTRACTOR'S APPLICATION FOR PAYMENT NUMBER 3 - \$188,244.93. Warrants in the amount now due the contractor 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.

B.J. Raffelson appeared to discuss a proposed three year contract agreement between his company, Raffelson Rock, and the City of Sidney Landfill to provide a grinding and mulching service to be located on the Landfill property. Fees for the mulch will be determined and set by Council once the service is ready to begin business. The grinder will be ordered by Raffelson Rock once the agreement is approved. Discussion was held on the "Cost" section of the agreement which refers to division of fees collected and mulch used for city operations, etc.. The City Attorney agreed to clarify those issues in that paragraph. Nienhueser moved, Gallaway seconded "That the contract agreement with Raffelson Rock for grinding and mulching service be approved as amended in the "Cost" paragraph." Roll call vote: Yeas: All council members present.

Police Chief Wilkinson reported that he had met with the owner of Affordable Towing re: the bid that had been awarded to said owner and whether or not this owner would be more interested in a different scenario; i.e. using the rotating system they use for other types of tows or a contract to put his bid in place for one year. Affordable Towing was interested in the contract only. Discussion was held re: wording in the contract stating that the Service Provider must comply with City Ordinances at all times during the agreement period. The City Attorney will make sure that the agreement reflects that point. This agenda item was tabled until the next meeting on November 12, 2013.

Public Services Director John Hehnke presented the bids that had been received on 10/17/13 for crack sealing as follows: Bader's Hwy & Street Mnt., Norfolk, NE - \$0.34/lineal foot; Stulich's Asphalt Sealing Systems, Ogallala, NE-\$0.43/lineal foot; Nienhueser Construction, Sidney, NE - \$.45/lineal foot, Scodeller Construction, Lees Summit, MO - \$.96/lineal foot. Gay moved, Arterburn seconded "That the Crack Sealing bid be awarded to Bader's in the amount of \$.34/lineal foot." Roll call vote: Yeas: All council members present.

Gallaway moved, Nienhueser seconded "That Brandi Sullivan be appointed to the Sidney Historic Preservation Board." Roll call vote: Yeas: All council members present.

Nienhueser moved, Gay seconded "That the Budget Reports for September, 2013 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.: Contest will be held for new name for Toledo from 10th to the Link Road, Economic Team briefing 11/5,

League meeting on 10/9-11 with Mayor Gaston being re-elected to the Executive Board of the League of Nebraska Municipalities, recent State Chamber Legislative Forum, Water Task Force 10-25, Planning Commission 10/21 approved a conditional use permit for Werner's and for new ownership of USR, employee safety training 10/23, City Manager & Mayor appointed to the study group for a new grade school, DED workshops 10/23 & 28, Haunted Ghost Tour at Boot Hill Cemetery 10/26, Trunk or Treat sponsored by the Police Department 10/31; City Auction 10/19, need input for a workshop with the Council regarding the Maintenance Code that was distributed at the last meeting, etc.

Council Members Nienhueser and Arterburn and Mayor Gaston expressed their condolences to the family of Elizabeth "Ibs" Young. Ibs will definitely be missed. Council Member Nienhueser asked that a report be put on the next agenda regarding the Trails Project as well as asking the State of Nebraska again for left hand turn lights at 13th & Illinois.

The meeting adjourned at 9:07 p.m.

/s/ WENDALL GASTON, MAYOR

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

