

Sidney, Nebraska, March 25, 2014 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 March 25, 2014 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 March 11, 2014 meeting be approved." Roll call vote: Yeas: All council members present.

Gallaway moved, Gay seconded "That the minutes of the March 19, 2014 meeting be approved." Roll call vote: Yeas: Gallaway, Gaston, Gay and Arterburn. Nays: None. Abstain: Nienhueser.

Starr Lehl, Governor's Representative for Western Nebraska and Dan Curran, Director of the Business Development Division of the Nebraska Department of Economic Development presented a certificate of recertification of Sidney's "Certified Economic Development Community" status to Megan McGown.

Pursuant to the publicized notice that the Mayor and Council would hold a public hearing at this time and place for the purpose of discussing the application for funds thru Nebraska Public Transportation Assistance program for Section 5311 of the Federal Transit Act for Fiscal Year 2014-2015, Mayor Gaston called the public hearing to order. The following filed written objections: None. The following appeared in person or by agent or by attorney and were heard: Les Larson, Transportation Grant Coordinator and City Manager Gary Person reviewed the application. All persons having been heard, Mayor Gaston closed the public hearing.

Nienhueser moved, Arterburn seconded "That RESOLUTION NO. 20140302 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20140302

WHEREAS, there are Federal funds available under Section 5311 of the Federal Transit Act (FTA), and for Nebraska Public Transportation Act Funds, and

WHEREAS, the City of Sidney, Nebraska, desires to apply for said funds to be used to provide public transportation within the Corporate Limits of the City of Sidney, Cheyenne County, Nebraska with special emphasis on meeting the needs of the elderly and disabled as well as being available to all of the general public within the Corporate Limits of the City of Sidney, Cheyenne County, Nebraska, and

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Sidney, Nebraska, hereby instructs the City Manager to apply for the above mentioned funds. Said funds are to be used for fiscal year 2014-2015.

First Amendment to the Interlocal Cooperation Agreement establishing the Joint East Sidney Watershed Authority was presented by City Manager Person for consideration by the City Council. Discussion was held regarding the cost share being recalculated annually based on each year's current property valuations vs. a flat 80/20% split. Gallaway moved, Gay seconded "That the First Amendment to the Interlocal Cooperation Agreement establishing the Joint East Sidney Watershed Authority be accepted as amended to add a new line item #9 to read "After the initial 80-20 funding formula split in effect the first year of the amended agreement, there will be a recalculation of the cost share split annually based on a valuation formula of what the City of Sidney's valuation is in comparison to the three county area total valuation comprising the South Platte Natural Resources District. Whatever percentage Sidney represents in the total will then be the SPNRD cost share. The formula will be recalculated on the anniversary date of the agreement to go into effect the subsequent fiscal budget year for the respective two governing entities" and that the original item # 9 be re-numbered #10." Roll call vote: Yeas: All council members present.

Chief of Police B.J. Wilkinson and Mark West of Carlson, West, Povondra Architects presented the Sidney Police Department Feasibility Study. Points discussed: 1. Where we started (existing facility challenges). 2. What to do about it (options for existing site & building, re-purpose another available building, build a new facility & possible locations). 3. Baseline Values (Vision & Mission). 4. Funding (Bonds or Sales Tax Revenue Assignment, Financing available w/debt service built into annual budget, land exchange between governmental entities reduces overall costs). Extensive discussion included the need to run cash flow figures to see what the yearly impact would be to the budget, search for other locations, and possible contact with other governmental officials for a joint venture.

Arterburn moved, Gay seconded "That RESOLUTION NO. 20140303 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20140303

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 request of K&W LLC to rezone 14.63 acres situated in the SW/4 of Section 9, T13N, R49W of the 6th PM, Cheyenne County, Nebraska from A (Agricultural) to C-3 (Heavy Commercial) Zone; and That the City 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 8th day of April, 2014 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.

Discussion was held on the results of the meeting on March 19, 2014 with the Swimming Pool Committee; i.e. adding a splash park to whatever plan is chosen; funds available-outdoor pool sufficient/indoor pool not sufficient; endowment would be needed to build and operate an indoor/outdoor pool; different locations pros & cons; have consultants provide information on what we can get for what funds are available; need for information as to a cash flow stream vs. ten year bonds; possibility of 20 year bonds if another ballot issue would pass, etc. Mike Namuth representing the Community Center was asked about their plans for the future and their opinions regarding the suggested locations. Building closer to the current center would cause parking problems as the current area is well used at this time so they would not be in favor of a new pool utilizing any of the space adjacent. They are looking at the hospital space that would be available once a new hospital is built. It would be in addition to the current community center facilities. The Mayor will contact the consultants with further instructions for what is needed.

Discussion was held re: the renaming of the remaining Virginia Lane from L17J to the intersection of Greenwood Road and the naming of the continued street that lies west of the intersection of Greenwood road to Fort Sidney Road. Council Member Nienhueser suggested that the name Pole Creek Crossing be brought forward for the entire road as it has historic significance for the area. Council Member Gallaway felt that the existing Toledo Street's name should be consistent with this new portion of the streets to at least where it crosses 10th Avenue. City Attorney Leef explained the process of renaming a street by Ordinance in order to file with County Clerk and naming a street by Resolution in order to place it on a new plat.

Gay moved, Nienhueser seconded "That the Ordinance entitled "AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, RENAMING A PORTION OF THE STREET AS RECORDED ON THE PLATS OF THE JAMES I SUBDIVISION, AND TRACTS 1 AND 2 OF THE SIDNEY REGIONAL MEDICAL CENTER IN THE CITY OF SIDNEY, CHEYENNE COUNTY, NEBRASKA, AS DESCRIBED; AND PROVIDING CERTIFICATION AND RECORDING OF THE ORDINANCE" be designated as Ordinance No. 1732." Roll call vote: Yeas: All council members present. Gay moved, Nienhueser 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. Arterburn moved, Gay seconded "That Ordinance No. 1732 be finally passed reflecting the street name as Pole Creek

Crossing.” 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. Gallaway moved, Nienhueser seconded “That Ordinance No. 1732 be published in The Sidney Sun Telegraph.” Roll call vote: Yeas: All council members present.

Gay moved, Nienhueser seconded “That RESOLUTION NO. 20140304 be passed and adopted reflecting the street name as Pole Creek Crossing.” Roll call vote: Yeas: Nienhueser, Gaston, Gay and Arterburn. Nays: Gallaway.

RESOLUTION NO.20140304

WHEREAS, the City Council of the City of Sidney, Nebraska has the authority under City Ordinances and Nebraska Statutes to name streets to assist in the orderly development of plat additions to the City of Sidney; and **WHEREAS**, the City of Sidney continues to grow and prosper and a new street is developing West of the Greenwood Road intersection and continuing to Fort Sidney Road, creating the need for a designation of a street name; **NOW, THEREFORE**, be it resolved by the City Council of the City of Sidney, Nebraska, that: the new street developing West of the Greenwood Road intersection and continuing to Fort Sidney Road, in Sidney, Cheyenne County, Nebraska shall hereinafter be designated as Pole Creek Crossing.

Nienhueser moved, Gallaway seconded “That RESOLUTION NO. 20140305 be passed and adopted.” Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20140305

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 creation of STREET IMPROVEMENT DISTRICT #54 a traffic study must be taken on Jennifer Lane by Schemmer and Invoice No. 06442.001-2 has been submitted to the City Clerk as follows: STREET IMPROVEMENT DISTRICT #54: INVOICE NO. 06442.001-2- \$7,975.00. A warrant in the amount now due SCHEMMER IS 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.

Arterburn moved, Gallaway seconded “That RESOLUTION NO. 20140306 be passed and adopted.” Roll call vote: Yeas: All council members present.

RESOLUTION NO.20140306

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.C. SCHAFF & ASSOCIATES, the engineer have performed the work for engineering of Greenwood Box Culvert project portion of Street Improvement District #59 and INFINITY CONSTRUCTION, the contractor for the construction of Greenwood Box Culvert project portion of Street Improvement District #59 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 1; STREET IMPROVEMENT DISTRICT #59; AMOUNT DUE ENGINEER \$10,040.00; AMOUNT DUE CONTRACTOR \$116,309.45. 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.

Gallaway moved, Gay seconded “That RESOLUTION NO. 20140307 be passed and adopted.” Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20140307

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.C. Schaff & Associates have performed the work for engineering of Street Improvement Districts #58 and #59, as follows:

STREET IMPROVEMENT DISTRICT #58 - ENGINEER'S PAY REQUEST NUMBER 11 - \$6,536.25. A warrant in the amount now due the engineer is 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 Accounts; and

STREET IMPROVEMENT DISTRICT #59 - ENGINEER'S PAY REQUEST NUMBER 11 - \$2,801.25. A warrant in the amount now due the engineer is 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 Accounts;

Nienhueser moved, Gay seconded "That RESOLUTION NO. 20140308 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20140308

WHEREAS, there has been signed by the City of Sidney on the 14th day of March, 2011, and the State on the 29th day of March, 2011, an agreement providing for the construction of a Federal Aid Project at the following location: the existing Sidney Deadwood Trail system to the Interstate 80 interchange area, and

WHEREAS, In the above agreement, the City has pledged sufficient funds to finance its share of the cost of the construction of this project identified as STPB-17(24), and

WHEREAS, the above mentioned agreement provided that the City would pay costs as set forth in the agreement, and

WHEREAS, the State and the City received bids for the construction of this project on March 13, 2014, at which time two bids were received for the construction of the proposed work, and

WHEREAS, the following contractor for the items of work listed has been selected as the low bidder to whom the contract should be awarded: Cement Products, Inc., North Platte, NE, Concrete Pavement: \$743,954.45

NOW THEREFORE, in consideration of the above facts, the City Council of the City of Sidney, by this resolution, takes the following official action: 1. If for any reason the Federal Highway Administration rescinds, limits its obligations, or defers payment of the Federal share of the cost of this project, the City hereby agrees to provide the necessary funds to pay for all costs incurred until and in the event such Federal funds are allowed and paid. 2. The Council hereby concurs in the selection of the above mention contractor for the items of work listed, to whom the contract should be awarded. 3. The Council hereby authorizes the Mayor to sign the contract with above mentioned Contractor for the above mentioned work on behalf of the City.

City Manager Person presented a report regarding the discussion the Planning Commission has had on several annexation issues. With the formal request of Love's Truck Stop to have property rezoned on the south side of I-80 and seek city improvements and services, the company has also requested annexation (designated Parcel #9). The neighboring property representatives of the Jensen Family Estate are also interested in developing the property directly west of the Holiday Inn and the Love's Truck Stop and are requesting the north half of their property be considered for annexation also (designated Parcel #N/2 of 8). At the same time, the Planning Commission wanted to move ahead on two other properties for annexation that are contiguous to the City limits (designated Parcels #1 & #2). City Council discussed these annexation as well as several others (designated Parcels #15, #16, & #17). Gallaway moved, Nienhueser seconded "That the Planning Commission be informed of the City Council's wishes to add Parcels #15, #16 & #17 to their original four lots." Roll call vote: Yeas: All council members present.

City Manager's Report included recent and upcoming meetings and events; i.e. Police Officer testing, County Commissioners Bookmobile discussion, Planning Commission 4/21, Sales Tax Refund Issue - LB209. DED officials met on Annual Action Plan, Leadership Cheyenne County/City Government Day 3/27, multiple development project meetings, JESWA 4/2 & 9, Ag Social 4/4, LEOP 4/9, Landfill open Saturdays, Firemen's Ball 4/18, Charter TV franchise, Sen. Johanns 5/1, etc.

All Council Members thanked Gary on his quick attention to the sales tax issue. A survey of Charter in other cities was requested.

Council adjourned at 9:56 p.m.

/s/WENDALL GASTON, MAYOR

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

