

Sidney, Nebraska, October 28, 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 October 28, 2014 in the Council Room. Present were: Mayor Gaston and Council Members: Gallaway, Nienhueser, and Arterburn. Absent: Gay. 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.

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

Arterburn moved, Gallaway seconded "That the minutes of the October 14, 2014 meeting be approved as printed." Roll call vote: Yeas: All council members present. Absent: Gay.

Doug Whiteaker of Water Technology, Inc. presented an evaluation of project costs for Sidney's Aquatics project with a comparison chart of costs a year ago (\$4,510,778.75) and what they are today (\$6,286,864.07). It is assumed that the increase is caused by the amount of projects being constructed at Sidney at this time and the difficulty experienced recently in finding interested contractors to bid projects. Discussion was held on the budget for this project (\$4,100,000), the proposed contract with the architect, items not in the cost estimates; i.e. roads, the next step for a schematic design with the budget number in mind, fund raising possibilities in order to build what the people want vs. what the City can afford, pros and cons of indoor vs. outdoor pools, whether to build the outdoor competition pool only, trends of what brings customers; i.e. family leisure pools, splash pads, water slides, etc. Consensus of the council was to have City Attorney Leef review and work with the architects on their proposed contract. After a contract is approved, the next step should be a schematic design with the budget number in mind.

Megan McGown, Economic Development Director, presented a Convention Center Grant contract Extension Request which she would like to submit to the Nebraska Department of Economic Development. The original grant was written for a convention facility to be located newer the I-80 corridor. After a feasibility study was conducted, it was determined that the project would create a financial burden on the City and the taxpayers. No further plans were made to move forward with building the proposed convention center. It since then has been determined that the grant could be redirected to the City's planned improvements to the Hickory Street Square; i.e. construction of a pavilion for events, parking lot, demolition of a property for parking and construction of public restrooms. The City needs to formally request the Department of Economic Development to redirect the aforementioned funds to the Hickory Street Square project. Gallaway moved, Nienhueser seconded "That the Mayor be authorized to sign a request for a contract extension to August 31, 2016 (an activity/purpose change) for the Convention and Civic Center Finance Fund Grant #12-03-289." Roll call vote: Yeas: All council members present. Absent: Gay.

Megan McGown, Main Street Program Director, presented a request for temporary closure of 10th Street between the alley and Hickory Street, with access to Hickory Street through the alley. The temporary closure will be for November 19 thru January 5. During the discussion of this closure, the Council stressed that they would like usage of this area promoted to validate the closure of the street. Megan enumerated the activities that are on the calendar so far. Megan was complemented on doing a good job on this presentation and her continued supervision and cooperation with Chamber on this would be appreciated. Arterburn moved, Nienhueser seconded "That the request by the Main Street Program

Director for the temporary closure of 10th Street between the alley and Hickory Street, with access to Hickory Street through the alley for November 19 thru January 5 be approved.” Roll call vote: Yeas: All council members present. Absent: Gay.

Randy Miller reviewed his 336 Pole Creek Crossing sewer issue in his housing subdivision. He has determined to leave the property zoned R1-A with one acre minimums. Challenges included proximity of residential property to the City’s existing sanitary sewer system which would necessitate the requirement to put in a lift station and the shallow depth available in which to install lines. City Attorney Leef reported that the only way the city could consider allowing septic services to this location would be to amend a Section 1045.07 of the Codified Ordinances.

Gallaway moved, Nienhueser seconded “That the Ordinance entitled “AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, TO AMEND CHAPTER 1045 SEWERS AND PRIVATE DISPOSAL SYSTEMS; SECTION 1045.07 INSTALLATION OF TOILET FACILITIES; OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA TO PROVIDE FOR ADMINISTRATIVE AUTHORIZATION OF PRIVATE WASTEWATER DISPOSAL SYSTEMS IF PUBLIC SEWER IS NOT IN THE BEST INTERESTS OF THE CITY; TO REPEAL ANY ORDINANCES OR PART OF ORDINANCES IN CONFLICT THEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE” be designated as Ordinance No. 1748 as amended.” Roll call vote: Yeas: All council members present. Absent: Arterburn. There being no motion to suspend the Statutory requirement requiring the ordinance to be read by title on three different days, Ordinance No. 1748 was read by Title for the first time.

Nienhueser moved, Gallaway seconded “That RESOLUTION NO. 20141002 be passed and approved.” Roll call vote: Yeas: All council members present. Absent: Gay.

CITY OF SIDNEY RESOLUTION NO. 20141002
CONSTRUCTION ENGINEERING SERVICES AGREEMENT
SUPPLEMENTAL AGREEMENT NO. 1-BK1412

Whereas: City of Sidney and M.C. Schaff & Associates, Inc. have previously executed a Construction Engineering Services Agreement (BK1412) for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds;

Whereas: City of Sidney understands that it must continue to strictly follow all Federal, State and local laws, rules regulations policies and guidelines applicable to the funding of this Federal-aid project; and

Whereas: City of Sidney and M.C. Schaff & Associates, Inc. wish to enter into a construction engineering services supplemental agreement setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

Be It Resolved: by the City Council of the City of Sidney, Nebraska that:
Wendall Gaston, Mayor of City of Sidney is hereby authorized to sign the attached Construction Engineering Services Supplemental Agreement No. 1 between the City of Sidney and M.C. Schaff & Associates.
NDOR Project Number: URB-6363(3) NDOR Control Number: 51456 NDOR Project Description: 10th Avenue, Hickory to Osage.

Adopted this 28th day of October, 2014 at Sidney, Nebraska.

Gallaway moved, Arterburn seconded “That RESOLUTION NO. 20141003 be passed and approved.” Roll call vote: Yeas: All council members present. Absent: Gay.

RESOLUTION NO. 20141003

WHEREAS, the area within the Final Plat of Hrbek Estates No. 1 is less than two miles north of the furthest City Limits north boundary; and

WHEREAS, several years ago, City Inspector Pelster took a subdivision request for this property before the County Planning & Zoning Board, not considering that the property was within the City’s 2-mile jurisdiction; and

WHEREAS, the property in question currently exists as an undeveloped subdivision; and if developed, it would fall under the City of Sidney building and zoning codes and ordinances; and

WHEREAS, the City of Sidney Planning Commission has forwarded their recommendation of acknowledgment of the Final Plat of Hrbek Estates No. 1, Cheyenne County, Nebraska; and

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SIDNEY, NEBRASKA: That the City Council hereby acknowledges the Final Plat of Hrbek Estates No. 1, Cheyenne County, Nebraska, as shown on Attachments A-D.

Agenda Items 10-12 re: Love's Travel Stops & Country Stores were postponed to a later date.

Galloway moved, Arterburn seconded "That RESOLUTION NO. 20141007 be passed and approved." Roll call vote: Yeas: All council members present. Absent: Gay.

RESOLUTION NO. 20141007

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 a proposed ordinance making amendments to Chapter 1274 of the Planning & Zoning Code re: Home Occupations; and

That the City Council of the City of Sidney proposes to consider said final report and set a Public Hearing regarding this proposed ordinance making amendments to Chapter 1274 of the Planning & Zoning Code re: Home Occupations, and

That said 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 11th day of November, 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.

City Manager's Report included recent and upcoming meetings and events; i.e. JESWA 11/12; Chuck Schroeder UNL; League Legislative Committees 10/31; Interactive Health wellness screenings 10/21-24, 95% participation; Water Project kick off; Taste of Sidney 11/6; Tom Bell; Airport Terminal bids 11-12; Scott Day 11-13 & 14; Trunk or Treat 10/13; County Commissioners authorized a feasibility study for joint law enforcement facilities; Election Day 11/4; Congratulations to Sidney Red Raider Football, Cross Country and Golf; Update from Police Chief Wilkinson, etc.

Council Member Galloway asked for status on the underground downtown conversion – as per John Hehnke it is in the boring state from 8th to the West with estimated finish date 12/2015. Council Member Nienhueser congratulated all the Red Raider teams. He also encouraged staff to create a policy for guidance for regulating out of city limit requests for water service. In addition to kudos to the Red Raider teams, Mayor Gaston commented on the sportsmanship demonstrated at the cross country state meet in Kearney . He also encouraged citizens to exercise their right to vote.

Council adjourned at 9:33 P.M.

WENDALL GASTON, MAYOR

ATTEST: _____
G.F. ANTHONY, CITY CLERK

