

Sidney, Nebraska, July 28, 2015 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 July 28, 2015 in the Council Room. Present were: Mayor Nienhueser and Council Members: Gallaway, Gaston, 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 Nienhueser informed the public of the location of the posted Open Meetings Act.

Arterburn moved, Gaston seconded "That the minutes of the July 14, 2015 meeting be approved as printed." Roll call vote: Yeas: All council members present. Abstain: Gay

Comments by the Public: Rob Robinson and Larry Nelson spoke in support of B.J. Wilkinson. Sidney Swim Team presented a \$250.00 donation for the new swimming pool fund.

Pursuant to the order heretofore entered by the Council, notice was publicized that the Mayor and Council would hold a meeting at this time and place for the purpose of sitting as a Board of Equalization and granting a hearing to all persons interested in the special benefits and assessments for improvements constructed in WATER EXTENSION DISTRICT NO. 21 and in SANITARY SEWER EXTENSION DISTRICT NO. 21. Mayor Nienhueser stated that the Council was now in session for the purpose of sitting as a Board of Equalization for WATER EXTENSION DISTRICT NO. 21 and in SANITARY SEWER EXTENSION DISTRICT NO. 21 and all persons would be heard. The following filed written objections: None. The following appeared in person or by agent or by attorney and were heard: None. All persons who desired a hearing having been heard, Mayor Nienhueser closed the hearing on WATER EXTENSION DISTRICT NO. 21 and in SANITARY SEWER EXTENSION DISTRICT NO. 21.

Gaston moved, Gallaway seconded "That Resolution No. 20150709 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20150709

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

1. The Mayor and Council find and determine: The cost of the water and the sewer improvements constructed is as follows: WATER EXTENSION DISTRICT NO. 21 IN THE AMOUNT OF \$169,272.87 and SANITARY SEWER EXTENSION DISTRICT NO. 21 IN THE AMOUNT OF \$179,901.43. The council has heretofore designated this time and place for considering and levying special assessments upon the property specially benefitted by said improvements to pay the cost of constructing the same; that notice of the time and place of holding that meeting for said purpose has been duly given as provided by statute by publication in *The Sidney Sun Telegraph*, a legal newspaper of general circulation in this City, at least ten days prior to the time designated for the holding of the meeting, said publication being made on the 17th day of July, 2015; and by the mailing of copies of said notice to interested parties as provided by law; the Mayor and members of the Council have each personally inspected said improvements and the real estate abutting on and adjacent thereto; the Mayor and Council have heard all persons who desired to be heard in reference to the valuation of each lot to be assessed and the special benefits or damages thereto by reason of the construction of said improvements.

2. The Mayor and Council find and determine that no lot or parcel of land in said districts has been damaged by the construction of said improvements, that the valuation of the lots and parcels of land, taking into account the benefits derived or injuries sustained in consequence of said improvements, is the amount set out in the schedule hereafter included in this resolution opposite the description of said respective lots and parcels of land in the column headed "Valuation"; that the amount of benefits specially accruing to each lot and parcel of land in said District by reason of the construction of improvements exceeds the amount assessed against each lot or parcel of land to pay the cost of said improvement.

3. There is hereby levied and assessed upon the several lots and parcels of land in said Districts special assessments to pay the cost of construction of said improvements in the amount in dollars and cents set out in the schedule below in the column headed "Special Assessments". Said schedule referred to in this resolution is as follows:

WATER EXTENSION DISTRICT NO. 21

| NAME | LOT | BLOCK | ADDITION | VALUATION | SPECIAL ASSESSMENT |
|--------------------------|-----|-------|-----------------------|-----------|--------------------|
| Krishna Management, Inc. | 1 | 1 | Runza 3 rd | \$1.00 | \$33,854.57 |
| Krishna Management, Inc. | 2 | 1 | Runza 3 rd | \$1.00 | \$32,500.39 |
| Krishna Management, Inc. | 1 | 2 | Runza 3 rd | \$1.00 | \$51,797.50 |
| Raj Motel, Inc. | 2A | 2 | Runza 3 rd | \$1.00 | <u>\$51,120.41</u> |
| DISTRICT TOTAL | | | | | \$169,272.87 |

SANITARY SEWER EXTENSION DISTRICT NO. 21

| NAME | LOT | BLOCK | ADDITION | VALUATION | SPECIAL ASSESSMENT |
|--------------------------|-----|-------|-----------------------|-----------|--------------------|
| Krishna Management, Inc. | 1 | 1 | Runza 3 rd | \$1.00 | \$35,980.29 |
| Krishna Management, Inc. | 2 | 1 | Runza 3 rd | \$1.00 | \$34,541.07 |

| | | | | | |
|--------------------------|----|---|-----------------------|--------|--------------------|
| Krishna Management, Inc. | 1 | 2 | Runza 3 rd | \$1.00 | \$55,049.84 |
| Raj Motel, Inc. | 2A | 2 | Runza 3 rd | \$1.00 | <u>\$54,330.23</u> |
| | | | DISTRICT TOTAL | | \$179,901.43 |

4. That the assessment upon each lot and parcel of land is not in excess of benefits thereto specially accruing from the construction of said improvements and the special assessments have been apportioned among the lots and parcels of land subject to assessment in proportion to the special benefits accruing to said lots and parcels of land respectively from such improvements.

5. Said special assessments shall be a lien on the property on which they are levied from the date of the passage of this resolution and shall be certified by the City Clerk to the Treasurer of this city for collection; said assessments shall be payable to the City Treasurer and shall thereafter be collected by the City Treasurer.

6. Said assessments are payable in twenty equal installments of which the first shall become delinquent fifty (50) days after the date of passage of this resolution and the subsequent installments shall become delinquent in one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen and nineteen years respectively from the date of the passage of this resolution; each of said installments except the first shall draw interest from date of passage of this resolution at the rate of six percent per annum, payable annually until the same become delinquent and after the same become delinquent at a rate equal to the maximum rate of interest allowed per annum under Section 45-104.01, R.R.S. 1943, as such rate may from time to time be adjusted by the Legislature, shall be paid thereon.

7. All of said assessments and the interest thereon constitute a sinking fund for the payment of the warrants and/or bond issue of the City issued to pay the improvement in said District.

Randy Meininger representing Emergency Response Care presented a report for 2014-15 for the ambulance service that they provide in Cheyenne County. The City's subsidy for the coming year will not increase because the CPI ending 3/2015 did not increase.

Representatives from Barker-Rinker-Seacat and Saunders Construction presented the latest information on the Sidney Aquatics Center project. Pricing now based on internal bidding from numerous contractors on each item of the pool has an estimated construction hard cost figure of \$4,776,000 for a \$5,455,801 total. The \$444,721 over bid price does include \$300,000 of contingency. Not counting the contingency funds, the price overrun is \$141,721. Discussion was held with input from swimming pool staff, etc. The agenda item was tabled.

Mike Namuth, Director, presented the annual report and budget request for the Cheyenne County Community Center.

Brett Meyer of Baker & Associates presented their recommendation to reject the bids for the water and sewer at the Industrial Park, as they were significantly over the engineer's estimate. Gaston moved, Gallaway seconded "That the bids for the water and sewer at the Industrial Park be rejected." Roll call vote: Yeas: All council members present.

Tina Hochwender, Economic Development Director, and City Manager Person gave a presentation re: making an application for an amendment to adjust the income limits for the City's New Neighborhood Initiative's Grant. Gaston moved, Gay seconded "That an application for an amendment to adjust the income limits for the City's New Neighborhood Initiative's grant be approved." Roll call vote" Yeas: All council members present.

The City Clerk read Ordinance No. 1763 for the second time by title as follows "That the Ordinance entitled "AN ORDINANCE PROVIDING FOR THE REZONING OF LOTS 1 AND 2, BLOCK 1, SNYDER SUBDIVISION, TO THE CITY OF SIDNEY, NEBRASKA, FROM A(AGRICULTURAL) TO AR (AGRICULTURAL RESIDENTIAL) 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" There being no motion to suspend the rule that the ordinance be read by title on three different days, the City Clerk will read the ordinance by title for the third time at the next meeting.

The City Clerk Ordinance No. 1764 for the second time as follows: "That the Ordinance entitled "AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, NAMING THE UNNAMED ROAD AS RECORDED ON THE PLATS OF CONESTOGA SUBDIVISION LOTS A1 AND A2, BLOCK 2; CONESTOGA SUBDIVISION LOT 2, BLOCK 2; CONESTOGA SUBDIVISION BLOCK 3; SMIKAHL'S SUBDIVISION LOT 1; A PORTION OF THAT REAL PROPERTY DESCRIBED IN THE DEED RECORDED IN BOOK 153 OF OFFICIAL RECORDS, PAGE 648 IN THE OFFICE OF THE COUNTY RECORDER OF CHEYENNE COUNTY, STATE OF NEBRASKA; A PORTION OF THAT REAL PROPERTY DESCRIBED IN THE DEED RECORDED IN BOOK 151 OF OFFICIAL RECORDS, PAGE 286 IN THE OFFICE OF THE COUNTY RECORDER OF CHEYENNE

COUNTY, STATE OF NEBRASKA; A PORTION OF THAT REAL PROPERTY DESCRIBED IN THE DEED RECORDED IN BOOK 129 OF OFFICIAL RECORDS, PAGE 716 IN THE OFFICE OF THE COUNTY RECORDER OF CHEYENNE COUNTY, STATE OF NEBRASKA; AND A PORTION OF THAT REAL PROPERTY DESCRIBED IN THE DEED RECORDED IN BOOK 143 OF OFFICIAL RECORDS, PAGE 93 IN THE OFFICE OF THE COUNTY RECORDER OF CHEYENNE COUNTY, STATE OF NEBRASKA; AND PROVIDING CERTIFICATION AND RECORDING OF THE ORDINANCE”. Gay moved, Gaston seconded “That the rule that the ordinance be read by title on three different days be suspended.” Roll call vote: Yeas: Gay. Nays: Gallaway, Gaston, Nienhueser, and Arterburn. The ordinance will be read by title for the third time at the next meeting.

Agenda Item #12 re: a stop sign was tabled until the next meeting.

Gallaway moved, Gaston seconded “That RESOLUTION NO. 20150711 be passed and adopted.” Roll call vote: Yeas: All Council Members present.

RESOLUTION NO. 20150711

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 Earl and Pamela Hauge to subdivide a 10 acre tract of land located in the NE/4 of Section 30, T14N, 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 of Tract 1, Hauge Subdivision as described above.

Arterburn moved, Gay seconded “That RESOLUTION NO. 20150712 be passed and adopted.” Roll call vote: Yeas: All Council Members present.

RESOLUTION NO. 20150712

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 Earl & Pamela Hauge to rezone Tract 1, Hauge Subdivision located in the NE/4 of Section 30, T14N, R49W of the 6th P.M. in the City of Sidney, Cheyenne County, Nebraska from A (Agricultural) to AR (Agricultural Residential) Zone.

That the City Council of the City of Sidney proposes to consider said reports; 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 11th day of August, 2015 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.

Gaston moved, Arterburn seconded “That RESOLUTION NO. 20150713 be passed and adopted.” Roll call vote: Yeas: Gallaway, Gaston, Gay and Arterburn. Nays: Nienhueser.

RESOLUTION NO. 20150713

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 Longhorn Investments and the City of Sidney to rezone Lots 1-3, Block 1, Sidney Business Park Subdivision, in the City of Sidney, Cheyenne County, Nebraska from M-2 (Heavy Manufacturing) to C-3 (Heavy Commercial) Zone.

That the City Council of the City of Sidney proposes to consider said reports; 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 11th day of August, 2015 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.

Gaston moved, Gallaway seconded “That RESOLUTION NO. 20150714 be passed and adopted.” Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20150714

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 Landscaping Ordinance for the City of Sidney; 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 11th day of August, 2015 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.

Resolution No. 20150715 re: diagonal parking at the High School died for lack of a motion.

-143-

Gaston moved, Gay moved “That Ron Meyer be appointed to the Airport Authority to replace John Leever.” Roll call vote: Yeas: All council members present.

Suzy Ernest, owner and general manager of KSID made a request for permission to place the KSID translator antennae on a City Water tower. Gaston moved, Gallaway seconded “That the City Attorney be directed to pursue a contract to authorize KSID to place a translator antennae on a City Water tower.” Roll call vote: Yeas: All council members present.

It was announced that budget workshops would be July 29th and 30th.

City Manager Person reported on Water Sustainable Projects fund; Nature Park, NRD 8/19; 911 Communications Center last week and budget presentation 8/11; grants being worked on by Megan, Tina and Gary; Beehive Industry 7/28; condolences to the Gerald Brestel family; Work Force meetings; Nebraska Rural Institute, Leadership Nebraska group 8/14; etc.

Mayor Nienhueser stated that he would entertain a motion to go into closed session for the protection of the public interest to discuss personnel strategy matters. Gallaway moved, Gay seconded AThat the Council go into closed session for the protection of the public interest to discuss personnel strategy matters.@ Roll call vote: Yeas: All council members present. Mayor Nienhueser announced that the City Council will now go into closed session at 9:24 p.m. Upon the Council=s return from the closed session, Gaston moved, Gay seconded AThat the Closed session end and the Open session be reconvened.@ Roll call vote: Yeas: All council members present. Mayor Nienhueser announced that the Council has come out of the closed session at 2:00 a.m.

Meeting adjourned at 2:01 a.m.

MARK NIENHUESER, MAYOR

ATTEST:

G.F. ANTHONY, CITY CLERK

