

Sidney, Nebraska, February 29, 2012 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 February 29, 2012 in the Council Room. Present were: Mayor Gaston and Council Members: Weiderspon, Nienhueser, Hiett, and Van Vleet. Others present: City Manager Person, City Attorney Leef, & 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. Advance notice of the meeting was also given to the members of the City Council. 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, Hiett seconded "That the minutes of the February 14, 2012 meeting be approved." Roll call vote: Yeas: All council members present.

In compliance with Section 39-2119, R.R.S. Nebraska 1943, notice has been published that the Mayor and Council would hold a hearing at this time and place for the purpose of hearing support, criticism, suggestions, or observations relating to the City of Sidney, Nebraska 2012 One Year & Six Year Street Improvement Plan. The Mayor then stated that the Council was in session for such purpose and all persons would be heard. Hank Radtke, Street Superintendent, presented the One Year & Six Year Street Improvement Plan via a power point format and answered questions regarding the Plans. The following appeared and were heard: Public Services Director John Hehnke. After all persons had been heard, Mayor Gaston closed the public hearing.

Hiett moved, Weiderspon seconded "That Resolution No. 20120201 be passed and adopted." Roll call vote: Yeas: All council members present.

**RESOLUTION NO. 20120201**

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SIDNEY, NEBRASKA: That the 2012 One Year and Six Year Street Improvement Plan has been presented to the Council of said City and that said Council deems it in the best interest of the City to adopt said plan as presented and said Plan be and hereby is approved and adopted.

The Mayor reported that the City's Community Development Agency has recommended that the Mayor and Council approve a modification of a redevelopment plan entitled "SECOND MODIFICATION TO TAX INCREMENT FINANCING REDEVELOPMENT PLAN OF CABELA'S, INC." relating to a previously adopted and previously modified plan. Pursuant to published notice a hearing was set on the issue of whether the such modification should be approved. The Mayor declared the hearing open. The following persons appeared and were heard: City Manager Gary Person reviewed the modification request as well as the original Redevelopment Plan, the employment enhancement zone and the self imposed occupation tax to provide the public purpose for connection to walking trails and for storm water management water retention bio-swales for downstream property protection. After all persons desiring to be heard had been heard, the hearing was then closed. Council Member Weiderspon then offered the following resolution and moved its adoption:

**RESOLUTION NO. 20120202**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SIDNEY, NEBRASKA, APPROVING A SECOND MODIFICATION OF THAT REDEVELOPMENT PLAN ENTITLED "TAX INCREMENT FINANCING REDEVELOPMENT PLAN OF CABELA'S, INC."

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 pursuant to the provisions of the Community Development Law (Sections 18-2101 to 18-2144, R.R.S. Neb. 1997, as amended), the Mayor and City Council have declared as substandard and blighted that area described in Resolution No. 941010 of the Mayor and Council adopted on October, 25, 1994 (including as redetermined by any and all subsequent actions, the "Blighted Area"); (b) that there has been prepared and submitted by Cabela's, Inc., a redevelopment plan entitled "Tax Increment Financing Redevelopment Plan of Cabela's, Inc." (the

"Original Plan") and such Plan was referred and submitted to the Planning Commission of the City of Sidney, Nebraska (the "Planning Commission"), for review and recommendations and the Planning Commission approved the Plan without recommendation for changes from the form submitted; (c) that the Agency approved the Plan on November 18, 1996 and recommended its approval to the Mayor and Council; (d) that after notice and hearing as required by law, the Mayor and

Council approved the Plan on December 19, 1996; (d) that the Original Plan was modified by a Modification to Tax Increment Financing Plan of Cabela's, Inc. (the "First Modification" and together with the Original Plan, the "Existing Plan") approved by the Planning Commission and the Mayor and Council of the City and adopted by the Agency in 2008; (c) that plans have been made for the construction of storm water management water retention bio-swales for downstream property protection to serve the project area described in the Existing Plan (the "Project Area"), making certain modifications to the Existing Plan; (e) that there has been prepared a "Second Modification of Tax Increment Financing Redevelopment Plan of Cabela's, Inc." (the "Second Modification" and together with the Existing Plan, the "Modified Plan") and the Second Modification has been referred and submitted to the Planning Commission for review and recommendations and the Planning Commission has approved the Second Modification without recommendation for changes from the form submitted; (f) that the real estate described in Exhibit A to the Modified Plan is located within the Blighted Area (including as redetermined from time to time by the Mayor and Council); (g) that the City of Sidney Community Development Agency has recommended approval of the Second Modification to the Mayor and Council; and (h) that, in connection with the proposing of the Second Modification, there has been prepared and presented an "Amendment to Agreement" between the Agency and Cabela's, Inc., for implementing the provisions of the Second Modification (the "Amendment") and the form of the Amendment is hereby approved.

Section 2. The Mayor and Council of the City of Sidney, Nebraska, hereby further find and determine (a) that the Second Modification has been prepared to make required changes to the Existing Plan and has been submitted to the Planning Commission for review and recommendations and the Planning Commission approved the Second Modification in the form submitted without any recommendations for change; (c) that the Agency has recommended the Modified Plan and in making such recommendation considered whether the proposed land uses and building requirements in the redevelopment project area (as defined in the Original Plan and 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 and (d) that new investment within the enhanced employment area provided for under the terms of the Modified Plan will provide at least two new employees and new investment of \$125,000 or more.

Section 3. The Mayor and Council further find and determine that no cost-benefit analysis has been prepared pursuant to the guidelines set forth in Section 18-2113, R.R.S. Neb. 2007, as amended, because under the terms of the Modified Plan, there are no longer and no longer to be any revenues set aside as provided under the terms of Section 18-2147, R.R.S. Neb. 2007, as amended.

Section 4. 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 Modified 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 project is set forth in the Modified 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 5. 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. 2007, whereby all persons desiring to be heard as to whether the Modified Plan should be approved have been heard.

Section 6. Based upon the recommendation of the Agency and analysis and review of the Modified Plan, the Mayor and Council hereby find (1) that the Modified Plan is feasible and in conformity with the general plan for the development of the City as a whole and (2) the Modified Plan is in conformity with the legislative declarations and determinations set forth in the Community Development Law.

Section 7. The Mayor and Council hereby approve and adopt the Modified Plan and execution and delivery of the Amendment on behalf of the Agency is hereby approved.

Council Member Hiett seconded the motion. Upon roll call vote the following Council Members voted "Aye":

Weiderspon, Nienhueser, Gaston, Hiett and Van Vleet. The following Council Members voted "Nay": None. The Mayor declared the resolution adopted.

Sidney Public Library Director Doris Jensen presented the January 2012 Annual Report for the Library including facts and figures for 2010-2011 fiscal year and BTOP grant funds expected. She also announced that Amy Hackelman had resigned from the Library Board.

Nienhueser moved, Hiett seconded "That RESOLUTION NO. 20120203 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20120203

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 S&J Convenience, LLC for a replat of Lot A into Lots A1 and A2, Sidney Hills Third Addition to the City of Sidney; and That the City Council of the City of Sidney, Nebraska, does hereby approve the foregoing preliminary plat.

Hiett moved, Van Vleet seconded "That RESOLUTION NO. 20120204 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20120204

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 rezoning request of Kelly Lapp from Tool Box Productions, LLC to rezone Lot 8, Block 3 Wellner's Subdivision, Cheyenne County, Sidney, Nebraska, from R-1 (Single Family Residential) to R-2 (Multi-Family Residential) Zone.

That the 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 13<sup>th</sup> day of March, 2012 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.

John Hehnke, Public Service Director, and Rob Campbell Solid Waste Superintendent presented the bids that had been received on 2-14-12 for a new truck mounted 50,000 lb. Hook hoist vehicle w/truck mounted roll-off auto tarper for the Solid Waste Department as follows: Floyd's Truck Center, Scottsbluff, NE - \$148,676; Kois Brothers Equipment, Commerce City, CO - \$152,650; and Nebraska Machinery Co., Gering, NE - \$185,317.97. It was noted that this piece of equipment was presented during the budget workshops for FY11-12 and was included in the final budget approval. Weiderspon moved, Van Vleet seconded "That the bid for the new truck mounted 50,000 lb. Hook hoist vehicle w/truck mounted roll-off auto tarper for the Solid Waste Department be awarded to Floyd's Truck Center in the amount of \$148,676." Roll call vote: Yeas: Weiderspon, Gaston, Hiett, and Van Vleet. Nays: Nienhueser. Motion carried.

It was noted for the record that a Tort Claim from Chaloupka, Holyoke, Snyder, Chaloupka, Longoria & Kishiyama on behalf of Lori J. Miller was received by the City Clerk Geri Anthony on 2-10-12. City Attorney J. Leef explained how the tort claim process worked and that the City's insurance carrier has been notified.

City Manager Gary Person's report included information about recent and upcoming meetings; i.e. Burbach Aquatics, Inc. 3-1-12, Legislative testimonies and bill updates, Leadership Cheyenne County's recent visit to Lincoln and its upcoming city/county visits on 3-14-12, 3-13-12 council meeting agenda to include public hearing for the NNI grant and a report from the SPNRD as well as allocation hearings on 3-20-12, City's new web page going live on 3-2-12, Golf Course opened for season today, Community Center's Youth sports activities last weekend brought in approximately 3,000 visitors from three states and included 50 teams, etc.

Public Service Director John Hehnke's report included status of the various road projects with the NDOR, the progress of the narrow banding of radios, and the Landfill's Open Saturdays beginning 3-24-12.

Council Member Weiderspon congratulated the girls and boys basketball teams on their accomplishments for this year's season. Council Member Hiett and Mayor Gaston gave a report of the sessions they attended at the League of Nebraska Municipalities Mid-winter Conference this week in Lincoln.

The meeting adjourned at 8:45 p.m.

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WENDALL GASTON, MAYOR

ATTEST:

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G.F. ANTHONY, CITY CLERK