

Sidney, Nebraska, June 26, 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 June 26, 2012 in the Council Room. Present were: Mayor Gaston and Council Members: Weiderspon, Nienhueser, Gallaway and Van Vleet. 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.

Weiderspon moved, Nienhueser seconded "That the minutes of the June 12, 2012 meeting be approved." Roll call vote: Yeas: All council members present.

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 an application to the State of Nebraska Department of Economic Development for a Community Development Block Grant. This grant is available to local governments for community development activities. The City of Sidney is requesting Three Hundred Fifty Thousand Dollars - \$340,000.00 for paving of approximately four blocks on the North side of Sidney, including one block of 17th Street and Three blocks of Forrest Street and \$10,000 for administration of the grant funds. The total amount of the project cost will be \$740,300.00. \$390,300.00 of the total cost of \$740,300.00 will be provided by the City of Sidney. The remaining \$350,000.00 will be provided by the requested Community Development Block Grant funds. The total amount of the Community Development Block Grant Funds, \$350,000, will benefit low and moderate income individuals in the City of Sidney. No individuals will be displaced by the Community Development Block Grant funds. The Mayor then stated that the Council was in session for such purpose 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: Chuck Karpf of Panhandle Area Development District reviewed Notice of Public Hearing and the grant application. City Manager Person explained that this is a similar grant application to the one that we did not receive last year only with the streets around the North Ward School not included because the State had determined that those streets were not used for only low and moderate income individuals. He also provided information regarding alternatives to getting the paving around North Ward School replaced by using the same bidding process and possibly other City funds. Al Wilkinson and Scott McDaniel, property owners in the North Side of Sidney urged the Council to favorably consider this grant in order to improve the street situation in that area. There being no further comments, the Mayor closed the hearing at 7:30 P.M.

Weiderspon moved, Van Vleet seconded "That Resolution No. 20110605 be passed and adopted." Roll call vote: Yeas: All Council Members present. Since the resolution number was incorrectly used in the adoption motion, Gallaway moved, Van Vleet seconded "That Resolution No. 20120605 be passed and adopted." Roll call vote: Yeas: All Council Members present.

**RESOLUTION NO. 20120605 AUTHORIZING CHIEF ELECTED OFFICIAL
TO SIGN AN APPLICATION FOR CDBG FUNDS**

WHEREAS, the City of Sidney, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as amended for Small Cities Community Development Block Grant Program, and,

WHEREAS, the City of Sidney, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted public hearing(s) upon the proposed application and received favorable public comment respecting the application which for an amount of \$350,000.00 for Removal and Replacement of approximately four (4) blocks of streets, gutters, curbs and sidewalks; and,

NOW, THEREFORE, BE IT RESOLVED BY The City Council of the City of Sidney, Nebraska, that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other

memoranda between the City of Sidney, Nebraska and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

Gallaway moved, Nienhueser seconded "That the Sidney Citizen Participation Plan., the Residential Anti-displacement & Relocation Assistance Plan, and the Applicant's Statement of Assurances & Certifications be adopted." Roll call vote: Yeas: All Council Members present.

Jerry Haupt, property owner of 1141 Quince Street, requested permission to put a fence in the right of way of this address in order to provide a safe yard for his granddaughter. Public Works Director stated his objection of building in the rights of ways in general. Nienhueser moved, Van Vleet seconded "That Resolution No. 20120606 be passed and adopted." Roll call vote: Yeas: All Council Members present.

RESOLUTION NO. 20120606

WHEREAS, Jerry Haupt is the owner of real estate at 1141 Quince Street, within the corporate limits of the City, more particularly described as follows: West 50' of Lot 4, Block 9, Clarkson's Second Addition to the City of Sidney, Nebraska; and

WHEREAS, there is attached hereto and incorporated herein by this reference a plan of the above-described real estate, which shows a proposed combination of a 72 inch cedar fence which the owners proposes 120 inches (120") into the Right of Way of 12th Avenue.

NOW, THEREFORE, the City of Sidney, Nebraska, does hereby grant permission and conveys a non-exclusive temporary easement to the above-named owner of the above-described real estate, their heirs, devisees, personal representatives and assigns, for construction of a 72 inch cedar fence to extend from the northwest corner of the residence a total of 16' towards and within the Public Right of Way of 12th Avenue; thence, South within the Public Right of Way of 12th Avenue a distance of 42'; thence, East a distance of 21' to the Southwest corner of the residence, conditioned on the following:

1. The fence will be built of materials that may be easily removed by the owner or owners at their expense at any time upon the request of the City of Sidney, including but not limited to such things as to install or maintain utility services, sidewalk construction or repair, widening of streets or other use of said right-of-way by the City; and
2. Owner is responsible for all costs and accepts all liability for repair, replacement, maintenance, removal or destruction of the fence and City shall not be responsible for same; and
3. The Owner, in consideration for permission and the non-exclusive easement, holds the City harmless and will indemnify City for any claim, damages or judgment regarding replacement, repair, removal or any personal injury arising in association with said fence.
4. The Owners, upon approval by Council, shall obtain a building permit to construct such fence according to the requirements of the applicable ordinances and codes.

Hunter Arterburn representing KSID Radio requested a variance from Section 648.05 of the City Code re: amplification at the Husker's Sports Nightly radio show at Buffalo Point parking lot on July 9, 2012 from 3:00-8:00 p.m.. Nienhueser moved, Gallaway second "That the variance requested by KSID Radio for noise amplification on July 9, 2012 be approved" Roll call vote: Yeas: All Council Members present.

Judy Harris representing the Visitor's Committee requested a variance from Section 672.02 of the City Code for firing a cannon on July 4, 2012 at 7:00 a.m. in Legion Park. Nienhueser moved, Weiderspon seconded "That the variance requested by the Visitor's Committee for firing a cannon on July 4, 2012 in Legion Park be approved." Roll call vote: Yeas: All Council Members present.

Jim Holechek representing Holechek Funeral Home requested a variance from Section 672.02 of the City Code for discharging of firearms for military honors at the funeral home on July 6, 2012. Gallaway moved, Van Vleet seconded "That the variance requested by the Holechek's Funeral Home for discharging blank rounds for a military funeral on July 6, 2012 at the funeral home be approved." Roll call vote: Yeas: All Council Members present. Mr. Holechek also asked the Council to consider changing the City Code to exempt discharging of

firearms for military honor ceremonies from the code.

Nienhueser moved, Gallaway seconded "That RESOLUTION NO. 20120608 be passed and adopted." Roll call vote:
Yeas: All council members present.

RESOLUTION NO. 20120608

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

That the detailed specifications including the general stipulations thereto attached for the construction of street improvements and all other necessary incidental improvements thereto, as applicable, for Street Improvement District No. 51, as prepared by Baker & Associates, engineers employed by the City to prepare same, and filed in the office of the City Clerk on June 21, 2012 be and the same are hereby approved.

RESOLVED FURTHER, that all bids for the construction of said improvements shall be subject to said specifications and general stipulations and the instructions to bidders set forth in specifications on file.

RESOLVED FURTHER, that the City Clerk be and she is hereby authorized and empowered and directed, for and on behalf of the City of Sidney to advertise for bids for said construction on June 29, July 6 and July 13, 2012 with the bid opening being set for July 17, 2012 at 2:00 P.M.

Nienhueser moved, Gallaway seconded "That RESOLUTION NO. 20120609 be passed and adopted." Roll call vote:
Yeas: All council members present.

RESOLUTION NO. 20120609

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 Block 1, Fort Sidney Addition and Lot 7, Block 1, and Outlot D, Prairie Winds Addition to 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.

Nienhueser moved, Weiderspon seconded "That RESOLUTION NO. 20120610 be passed and adopted." Roll call vote:
Yeas: All council members present.

RESOLUTION NO. 20120610

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 Fort Sidney Land Development, LLC for to rezone Block 1, Fort Sidney Addition, Cheyenne County, Sidney, Nebraska, from R-1 (Single Family Residential) to R-3 (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 10th day of July, 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.

Public Services Director Hehnke presented a revised draft format for a Request for Proposals for a consultant for a swimming pool project. Discussion was held and changes requested to involve the City Council more in the process with the Pool Committee. Weiderspon moved, Van Vleet seconded "That the Request for Proposals for a consultant for a swimming pool project be approved with the changes as discussed." Roll call vote: yeas: All council members present.

Mayor Gaston announced that Kyle Liebig had resigned from the Sidney Tree Board and that Don Ogle had applied to fill that unexpired term and that he was recommending appointment of Don Ogle. Weiderspon moved, Nienhueser seconded "That Kyle Liebig's resignation from the Tree Board be accepted with thanks for

his service and that Don Ogle be appointed to the Tree Board for the remaining of Liebig's term (4/24/14)."

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.: selling of Fireworks has begun and citizens were asked to proceed with caution due to the dry weather; In Sidney last week - Leadership Nebraska was in Sidney, Scott Day - Downtown Revitalization consultant, employers transportation group, Great Plains Communication officials, Congressman Smith, BAH with developers; Upcoming in Sidney - DED officials re: downtown revitalization project, July 1 deadline for NNI proposals, July 10th Council meeting will finalize the Prairie Winds Redevelopment process, Leadership Cheyenne County graduation, Communicatiaons Center quarterly meeting, PRT July 6. Convention Center feasibility study had a set back due to injuries to the consultant. Youth Golf is concluding - it had approximately 200 participants.

Public Service Director Hehnke reported on new location of the fireworks display which is the soccer fields; high usage of electric and water due to the heat; the link road project underway; and Water Well #15 out for repairs.

Council Member Nienhueser spoke to the upcoming budget process and that he would encourage the Council to provide staff their wish list prior to the staff finalizing their budgets. He proposed that their be a goal setting session soon.

Mayor Gaston encouraged staff to work on their five year plans for the budget process. He also pleaded with the public to be careful with the fireworks.

The meeting adjourned at 8:24 p.m.

_____MAYOR

T: _____CITY CLERK

