

Sidney, Nebraska, November 27, 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 7:32 P.M. (late due to the CDA meeting running over) on November 27, 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.

Gallaway moved, Van Vleet seconded "That the minutes of the November 13, 2012 meeting be approved as printed." Roll call vote: Yeas: All council members present.

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 Street Improvement District #51. Mayor Gaston stated that the Council was now in session for the purpose of sitting as a Board of Equalization for Street Improvement District #51 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: City Manager Person reviewed the district. All persons who desired a hearing having been heard, Mayor Gaston closed the hearing on Street Improvement District #51.

Weiderspon moved, Gallaway seconded "That Resolution No. 20121103 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20121103

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 street improvements constructed is as follows: STREET IMPROVEMENT DISTRICT NO. 51 IN THE AMOUNT OF \$268,035.17. The council has heretofore designated the 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 16th day of November, 2012; 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 district 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 District 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:

STREET IMPROVEMENT DISTRICT NO. 51
SPECIAL

NAME	LOT	BLOCK	ADDITION	VALUATION	ASSESSMENT
Jeff & Shannon Jung	1	1	15 Acres Development	\$1.00	\$15,766.77
Mitch & Melissa Muhs	2	1	15 Acres Development	\$1.00	\$15,766.77
Charles & Carol Baldwin	3	1	15 Acres Development	\$1.00	\$15,766.77
Timothy Reed	4	1	15 Acres Development	\$1.00	\$15,766.77
Burke & Nichole Radcliffe	5	1	15 Acres Development	\$1.00	\$15,766.77
Jeffrey & Jennifer Cook	6	1	15 Acres Development	\$1.00	\$15,766.77
Larry Taylor/Fairway Inc.	1	2	15 Acres Development	\$1.00	\$15,766.77
Scott & Nichole Juensgst	2	2	15 Acres Development	\$1.00	\$15,766.77
Bradley & Christi Lundeen	3	2	15 Acres Development	\$1.00	\$15,766.77
Brad & Brandy Dykes	4	2	15 Acres Development	\$1.00	\$15,766.77
George & Cindy Perry	5	2	15 Acres Development	\$1.00	\$15,766.77
Pat & Sherrell Keane	6	2	15 Acres Development	\$1.00	\$15,766.77
Twane & Donna Reker	7	2	15 Acres Development	\$1.00	\$15,766.77
Michael & Rachel Copeland	8	2	15 Acres Development	\$1.00	\$15,766.77
Ken & Kate Schneider	9	2	15 Acres Development	\$1.00	\$15,766.77
Ron & Cindy Brekhus	10	2	15 Acres Development	\$1.00	\$15,766.77
Balogopal Eledath	A parcel of land described in Book 126 on Page 211 of the Cheyenne County Records - unplatted			\$1.00	\$15,766.77
DISTRICT TOTALS					\$268,035.17

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 6.0 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 of the City issued to pay the improvement in said District.

The Mayor reported that the City's Community Development Agency has recommended that the Mayor and Council approve a redevelopment plan entitled "Tax Increment Financing Redevelopment Plan of Cabela's". As declared at the CDA meeting on 10/23/12 the following is also entered into these proceedings: Council Member RESOLUTION NO. 20121104A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SIDNEY, NEBRASKA, APPROVING A REDEVELOPMENT PLAN ENTITLED "TAX INCREMENT FINANCING REDEVELOPMENT PLAN OF CABELA'S. 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 the Mayor and Council have by Resolution No. 980701 passed and approved on July 7, 1998, declared certain real estate within the City to be blighted and substandard after review by the City's Planning Commission and published notice of hearing and public hearing as required by law (such area, as so determined, the

AND COUNCIL OF THE CITY OF SIDNEY, NEBRASKA, APPROVING A REDEVELOPMENT PLAN ENTITLED "TAX INCREMENT FINANCING REDEVELOPMENT PLAN OF CABELA'S. 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 the Mayor and Council have by Resolution No. 980701 passed and approved on July 7, 1998, declared certain real estate within the City to be blighted and substandard after review by the City's Planning Commission and published notice of hearing and public hearing as required by law (such area, as so determined, the "Blighted Area"); (b) that the redevelopment plan entitled "Tax Increment Financing Redevelopment Plan of Cabela's" (the "Plan") relating to a certain portion of the Blighted Area was submitted to the Planning Commission of the City of Sidney, Nebraska (the "Planning Commission"), for review and recommendations and that the Planning Commission has approved the Plan in the form submitted without any recommendation for change; (c) that the City of Sidney Community Development Agency (the "Agency") has recommended the Plan for approval to the Mayor and Council on this 27th day of November, 2012, and in making such recommendation considered whether the proposed land uses and building requirements in the redevelopment project area (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, 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 the Mayor and Council have by Resolution No. 980701 passed and approved on July 7, 1998, declared certain real estate within the City to be blighted and substandard after review by the City's Planning Commission and published notice of hearing and public hearing as required by law (such area, as so determined, the "Blighted Area"); (b) that the redevelopment plan entitled "Tax Increment Financing Redevelopment Plan of Cabela's" (the "Plan") relating to a certain portion of the Blighted Area was submitted to the Planning Commission of the City of Sidney, Nebraska (the "Planning Commission"), for review and recommendations and that the Planning Commission has approved the Plan in the form submitted without any recommendation for change; (c) that the City of Sidney Community Development Agency (the "Agency") has recommended the Plan for approval to the Mayor and Council on this 27th day of November, 2012, and in making such recommendation considered whether the proposed land uses and building requirements in the redevelopment project area (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, 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 the Mayor and Council have by Resolution No. 980701 passed and approved on July 7, 1998, declared certain real estate within the City to be blighted and substandard after review by the City's Planning Commission and published notice of hearing and public hearing as required by law (such area, as so determined, the "Blighted Area"); (b) that the redevelopment plan entitled "Tax Increment Financing Redevelopment Plan of Cabela's" (the "Plan") relating to a certain portion of the Blighted Area was submitted to the Planning Commission of the City of Sidney, Nebraska (the "Planning Commission"), for review and recommendations and that the Planning Commission has approved the Plan in the form submitted without any recommendation for change; (c) that the City of Sidney Community Development Agency (the "Agency") has recommended the Plan for approval to the Mayor and Council on this 27th day of November, 2012, and in making such recommendation considered whether the proposed land uses and building requirements in the redevelopment project area (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, Section 1. The Mayor and Council of the City of Sidney, Nebraska, hereby find and determine: (a) that the Mayor and Council have by Resolution No. 980701 passed and approved on July 7, 1998, declared certain real estate within the City to be blighted and substandard after review by the

City's Planning Commission and published notice of hearing and public hearing as required by law (such area, as so determined, the "Blighted Area"); (b) that the redevelopment plan entitled "Tax Increment Financing Redevelopment Plan of Cabela's" (the "Plan") relating to a certain portion of the Blighted Area was submitted to the Planning Commission of the City of Sidney, Nebraska (the "Planning Commission"), for review and recommendations and that the Planning Commission has approved the Plan in the form submitted without any recommendation for change; (c) that the City of Sidney Community Development Agency (the "Agency") has recommended the Plan for approval to the Mayor and Council on this 27th day of November, 2012, and in making such recommendation considered whether the proposed land uses and building requirements in the redevelopment project area (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, Mark Nienhueser declared on the record to the City Council that the proposed redevelopment plan to be discussed involved Cabela's Wholesale, Inc. and possibly other Cabela's related entities; that he was an employee, officer and shareholder of one or more Cabala's related entities and thus could benefit financially from redevelopment as proposed; that he would not vote on any matters relating to proposed plan to be considered, including any related contract, and that he would not act for the City or its governing body as to inspection or performance related to any contract related to the proposed plan. City Manager Person stated that in connection with such recommendation from the CDA, he had presented a cost benefit analysis. Pursuant to a published notice, a hearing was set on the issue of whether the said plan should be approved. The Mayor declared the hearing open. The following persons appeared and were heard: Dennis Armstrong, Corporate Architect from Cabela's Real Estate & Construction Department reviewed the plans for the redevelopment project; City Manager Person asked that all information provided into the 11-27-12 CDA minutes not aforementioned be also acknowledged as part of this meeting. After all persons desiring to be heard had been heard, the hearing was then closed. Council Member Gallaway then offered the following resolution and moved its adoption: RESOLUTION NO. 20121104A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SIDNEY, NEBRASKA, APPROVING A REDEVELOPMENT PLAN ENTITLED "TAX INCREMENT FINANCING REDEVELOPMENT PLAN OF CABELA'S. 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 the Mayor and Council have by Resolution No. 980701 passed and approved on July 7, 1998, declared certain real estate within the City to be blighted and substandard after review by the City's Planning Commission and published notice of hearing and public hearing as required by law (such area, as so determined, the "Blighted Area"); (b) that the redevelopment plan entitled "Tax Increment Financing Redevelopment Plan of Cabela's" (the "Plan") relating to a certain portion of the Blighted Area was submitted to the Planning Commission of the City of Sidney, Nebraska (the "Planning Commission"), for review and recommendations and that the Planning Commission has approved the Plan in the form submitted without any recommendation for change; (c) that the City of Sidney Community Development Agency (the "Agency") has recommended the Plan for approval to the Mayor and Council on this 27th day of November, 2012, and in making such recommendation considered whether the proposed land uses and building requirements in the redevelopment project area (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,

RESOLUTION NO. 20121104

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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 the Mayor and Council have by Resolution No. 980701 passed and approved on July 7, 1998, declared certain real estate within the City to be blighted and substandard after review by the City's Planning Commission and published notice of hearing and public hearing as required by law (such area, as so determined, the "Blighted Area"); (b) that the redevelopment plan entitled "Tax Increment Financing Redevelopment Plan of Cabela's" (the "Plan") relating to a certain portion of the Blighted Area was submitted to the Planning Commission of the City of Sidney, Nebraska (the "Planning Commission"), for review and recommendations and that the Planning Commission has approved the Plan in the form submitted without any recommendation for change; (c) that the City of Sidney Community Development Agency (the "Agency") has recommended the Plan for approval to the Mayor and Council on this 27th day of November, 2012, and in making such recommendation considered whether the proposed land uses and building requirements in the redevelopment project area (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.

Section 2. The Mayor and Council further find and determine that a cost-benefit analysis has been prepared pursuant to the guidelines set forth in Section 18-2113, R.R.S. Neb. 2007, as amended, and has been approved and adopted as the cost benefit analysis of the Agency with respect to the Plan. Such cost benefit analysis reflects positive impacts of the project as described in the Plan. Such cost benefit analysis is hereby determined to show positive benefits based on the Plan and is hereby approved and confirmed.

Section 3. 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 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 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 4. 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 Plan should be approved have been heard.

Section 5. Based upon the recommendation of the Agency and analysis and review of the Plan, the Mayor and Council hereby find (1) that the Plan is feasible and in conformity with the general plan for the development of the City as a whole and the Plan is in conformity with the legislative declarations and determinations set forth in the Community Development Law and (2) that (a) the redevelopment project in the Plan (the "Project") would not be economically feasible without the use of tax-increment financing, (b) the Project would not occur in the Project Area without the use of tax-increment financing, and (c) the costs and benefits of the Project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the governing body and have been found to be in the long-term best interest of the community impacted by the Project.

Section 6. The Mayor and Council hereby approve and adopt the Plan. PASSED AND APPROVED this 27th day of November, 2012.

Council Member Van Vleet seconded the motion. Upon roll call vote the following Council Members voted "Aye": Weiderspon, Gaston, Gallaway and Van Vleet. The following Council Members voted "Nay": None. Council Member Nienhueser abstained. The Mayor declared the resolution adopted.

Nienhueser moved, Gallaway seconded "That the Ordinance entitled "AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; AND REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH" be designated as Ordinance No. 1683." Roll call vote: Yeas: All council members present. Weiderspon moved, Van Vleet 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. Gallaway moved, Nienhueser seconded "That Ordinance No. 1683 be finally passed." 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. Nienhueser moved, Weiderspon seconded "That Ordinance No. 1683 be published in The Sidney-Sun Telegraph." Roll call vote: Yeas: All council members present.

A request from

Darin Van Natter to vacate the alley thru his property at 909 5th Avenue was discussed. More information was requested regarding the current plat and easements on the property. Weiderspon moved, Van Vleet seconded "That the Ordinance entitled "AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, VACATING A PORTION OF THE ALLEY AS RECORDED ON THE PLAT OF MORROW ADDITION TO THE CITY OF SIDNEY, CHEYENNE COUNTY, NEBRASKA, AS DESCRIBED; AND PROVIDING A CERTIFICATION AND RECORDING OF THE ORDINANCE" be designated as Ordinance No. 1684." Roll call vote: Yeas: All council members present. There being no motion to suspend the statutory requirements requiring the ordinance to be read by title three different days, the Clerk read the Ordinance by title for the first time.

The Planning Commission's Final Report re: the Preliminary Plat application of Region 1 OHD to subdivide the existing Lot 1, Reganis Subdivision into three lots was discussed. Since OHD had no representative present to answer questions and since the Council had questions regarding the turn around at the end of Ball Street, this agenda item was tabled to the December 11, 2012 meeting.

Agenda # 9 re: the Dailey Subdivision was postponed until the December 11, 2012 meeting.

Nienhueser moved Weiderspon seconded "That RESOLUTION NO. 20121107 be passed and approved."

Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20121107

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 recommending approval of a proposed ordinance to define R-1 Single Family Residential Accessory Building in Chapter 1266; and

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 11th day of December, 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 John Hehnke presented a proposed ordinance to create a Chapter in the Codified Ordinances that would address storm water drainage. After extensive discussion, the issue was tabled in order to get more input from South Platte NRD and Olsson Associates who the City will be contracting with for a Watershed Study.

Nienhueser moved, Gallaway seconded "That the East Sidney Watershed Contract with Olsson Associates be approved and the Mayor authorized to execute same." Roll call vote: Yeas: All council members present.

A discussion was held re: contract negotiations with the swimming pool consultant, Water Technology. A contract will be placed on the December 11, 2012 agenda for Council's consideration. Mike Namuth from the Cheyenne County Community Center presented to the City Council for their input proposed surveys that they are planning to disburse regarding the community's feelings regarding the new pool. Council member Gallaway stressed the importance of Water Technology's survey for the pool in addition to the Community Center's.

City Manager report consisted of updates of past, current and upcoming events; i.e. Holiday Kick-off 12/7 at 5:30 p.m. in Hickory Square, Northside Town Hall meeting 12/4 at North Ward School, Auditor exit interview 12/3, Cabela's planning group meetings 12/5 & 6, Employee Awards Banquet 12/7, next CDA & Council meeting 12/11, public hearing on State Aid.

Mayor Gaston presented plagues of appreciation to Roger Gallaway, Bob Van Vleet and Dave Weiderspon.

Meeting adjourned at 8:48 P.M.

MAYOR

ATTEST:

CITY CLERK