

Sidney, Nebraska, March 26, 2013 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 March 26, 2013 in the Council Room. Present were: Mayor Gaston and Council Members: Gallaway, Nienhueser, 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 Gaston informed the public of the location of the posted Open Meetings Act.

Arterburn moved, Nienhueser seconded "That the minutes of the March 12, 2013 meeting be approved as printed." Roll call vote: Yeas: All council members present.

Ron Meyer appeared to inform the City Council that he was working with the group called Wagon Tails and that they were researching the possibility of opening an animal shelter in Sidney.

Mayor Gaston excused himself from participating in the public hearing for Safeway's liquor license application due to Safeway being his employer. Vice Mayor Nienhueser announced that a public hearing would now be held at 7:25 p.m. as advertised for the Retail Class C liquor license application of Safeway of Western Nebraska, Inc. dba Safeway at 1944 Illinois Street, Sidney, Cheyenne County, Nebraska and the Corporate Manager Application for Stephen T. Lowry for same. The following filed written objections to said applications: None. The following appeared in person or by agent or by attorney and were heard: Tim O'Neill of Harding & Shultz, law firm representing Safeway appeared to explain what Safeway is planning to do with a Class C liquor license; i.e. on sale for promotional product testing only with primary purpose being to sell beer, wine and distilled spirits off sale. Stephen Lowry was also in attendance to answer questions. All persons having been heard, the Vice Mayor closed the public hearing at 7:27 p.m. and returned the gavel for the meeting to Mayor Gaston.

Gallaway moved, Gay seconded "That RESOLUTION NO. 20130304 be passed and adopted." Roll call vote: Yeas: Gallaway, Nienhueser, Gay and Arterburn. Nays: None. Abstain: Gaston.

RESOLUTION NO 20130304

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIDNEY, NEBRASKA AS FOLLOWS:

That the City Council of the City of Sidney, Nebraska hereby recommends approval of the issuance of a Class C liquor license to Safeway of Western Nebraska, Inc. dba Safeway at 1944 Illinois Street, Sidney, Cheyenne County, Nebraska; and

That the City Council of the City of Sidney, Nebraska recommends approval of the Manager Application for Stephen T. Lowry for the Safeway liquor license at 1944 Illinois Street, Sidney, Cheyenne County, Nebraska, and That the Nebraska Liquor Control Commission be notified of said recommendations.

City Manager Person reviewed the Golf Course Irrigation Project and introduced Mike Palumbo and Scott Bustos of Project One Integrated Services. This company helped the staff and the golf committee evaluate the RFP's for design services of the Hillside Golf Course Irrigation project. After evaluation and interviews, the group recommends accepting the RFP from Staples Golf Resource Group to head up the project. Nienhueser moved, Gallaway seconded "That the contract with Staples Golf Resource Group be accepted for the design work on the irrigation project and that the Mayor be authorized to execute said contract." Roll call vote: Yeas: All council members present. Time line questions were discussed; i.e. actual project probably won't start until late summer and the whole course would not be closed at one time - possibly one or two holes at a time. It is hoped that the entire project will be completed by the end of this year.

City Attorney Leef reviewed the proposed ordinance regarding modifications to Chapter 460 of the City Code re: parking, maximum parking periods and exceptions, large vehicle parking and methods of enforcement, etc. The City Clerk read for the second time Ordinance No. 1690 entitled "AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, TO MODIFY SECTION 460 "PARKING GENERALLY" INCLUDING SECTION 460.06 "MAXIMUM PARKING PERIOD AND EXCEPTIONS"; SECTION 460.06(A) "PARKING AND STORING RECREATIONAL VEHICLES"; SECTION 460.17 "LARGE VEHICLE PARKING GENERALLY"; AND 460.24 "METHOD OF ENFORCEMENT" OF THE CODIFIED

ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA; TO MODIFY THE LENGTH OF TIME VEHICLES MAY BE PARKED ON ANY STREET OR ALLEY; TO MODIFY THE SECTION NUMBER WHICH RELATES TO REGULATIONS REGARDING THE PARKING AND STORING OF RECREATIONAL VEHICLES ON CITY STEETS AND ALLEYS; TO PROVIDE FOR METHODS OF ENFORCEMENT; TO REPEAL ANY ORDINANCE OR PART OF ORDINANCE IN CONFLICT THEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE”.

City Attorney Leef reviewed the proposed Ordinance No. 1691 which amends Chapter 618 “Animals” in the City Code to include cats. Nienhueser moved, Gallaway seconded “That the ordinance entitled “AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, TO AMEND CHAPTER 618 “ANIMALS” OF THE GENERAL OFFENCES CODE OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA TO INCLUDE CATS; TO REPEAL ANY ORDINANCE OR PART OF ORDINANCE IN CONFLICT THEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE: be designated as Ordinance No. 1691.” 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.

Rod Horn of South Platte Natural Resources District appeared to discuss an interlocal agreement with the City Council and the formation of a Joint East Sidney Watershed Authority (JESWA). The agreement will be placed on the April 9, 2013 agenda.

Robert R. Rauner, Jr. of Rauner & Associates presented the audited financial statement that his firm had prepared for the City of Sidney’s 2011-2012 Fiscal Year. A power point presentation was used to explain Governmental Activities, Business-Type Activities, Government-wide Statement of Activities, Revenues/Expenditures, Changes in Fund Balances, Changes in Net Assets, Long-Term Liability Balances, etc. He also thanked the City Staff for their assistance throughout the audit activity. Gallaway moved, Gay seconded “That the Fiscal Year 2011-2012 Audit be accepted and approved.” Roll call vote: Yeas: All council members present.

John Hehnke, Public Services Director reviewed an agreement with the Nebraska Department of Roads re: the Illinois Street project between 13<sup>th</sup> and 14<sup>th</sup> Avenue as well as an Ordinance and Resolution relating to same.

Nienhueser moved, Gay seconded “That RESOLUTION NO. 20130305 be passed and adopted.” Roll call vote: Yeas: All council members present.

#### **RESOLUTION NO. 201303005**

**Whereas:** the City of Sidney desires to make improvements on a portion of Nebraska Highway U.S. Highway 30 between 13<sup>th</sup> Avenue and 14<sup>th</sup> Avenue within the Corporate Limits of the City of Sidney, Nebraska as part of a local road improvement project;

**Whereas:** this local road improvement project will also improve Nebraska Highway U.S. 30 infrastructure within the project limits as shown in the agreement, and

**Whereas:** the improvements to be completed within the municipal boundaries are adequately described in the agreement, and

**Whereas:** the City of Sidney, Nebraska’s responsibilities under this agreement are adequately described in the agreement and are understood by the City of Sidney, Nebraska, and

**Whereas:**the City of Sidney, Nebraska, concurs to enter into this agreement with the State of Nebraska, Department of Roads, for said improvement,

**Be It Resolved:** by the City Council of the City of Sidney, Nebraska that:

Wendall Gaston; Mayor of the City of Sidney, Nebraska is hereby authorized to sign the attached Project Agreement between the City of Sidney, Nebraska and the State of Nebraska, Department of Roads.

Project Description: City of Sidney Highway Modifications, Nebraska Highway US-30, Between 13<sup>th</sup> and 14<sup>th</sup> Avenue.

Nienhueser moved, Arterburn seconded "That the Ordinance entitled "AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 52 AND PROVIDING FOR GRADING, STORM SEWER, PAVING, TRAFFIC SIGNALS AND ALL OTHER RELATED INFRASTRUCTURE IMPROVEMENTS THEREIN " be designated as Ordinance No. 1692. Roll call vote: Yeas: All council members present. Nienhueser moved, Gallaway 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. 1692 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, Arterburn seconded "That Ordinance No. 1692 be published in The Sidney-Sun Telegraph." Roll call vote: Yeas: All council members present.

Nienhueser moved, Gay seconded "That RESOLUTION NO. 20130306 be passed and adopted." Roll call vote: Yeas: All council members present.

#### RESOLUTION NO. 20130306

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

That ratification of retainage of M.C. Schaff & Associates as special engineers for the City of Sidney for the preparation of plans, specifications and estimates for the necessary work needed for Street Improvement District No. 52 and for the supervision and inspection of such work in said district; and for the performance of any other engineering services in connection therewith.

That ratification of the detailed specifications and engineer's cost estimates, including the general stipulations thereto attached for the construction of grading, storm sewer, curb and gutter, paving, traffic signals and all other necessary incidental improvements thereto, as applicable, for Street Improvement District No. 52, as prepared by M.C. Schaff & Associates, engineers employed by the City to prepare same, and filed in the office of the Public Services Director on March 18, 2013 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 it is ratified that the City Clerk on behalf of the City of Sidney advertised for bids for said construction on March 26, April 2, and April 9, 2013 with the bid opening being set for April 16, 2013 at 10:00 A.M.

John Hehnke, Public Services Director presented a check in the amount of \$15,055.77 from Public Alliance for Community Energy which represents Sidney's share of the ACE revenue return for FY2012-2013. These funds have been dedicated to the Legion Park Pond. A reminder was given regarding Choice Gas April 12-24, 2013.

Mayor Gaston explained the "Let's Move! Cities, Towns & Counties Initiative" which addresses the nation's childhood obesity epidemic and asked the Council to support said initiative. Gallaway moved, Nienhueser seconded "That the Sidney City Council support the "Let's Move! Cities, Towns & Counties Initiative," Roll call vote: Yeas: All council members present.

Arterburn moved, Gallaway seconded "That the Budget Reports for all City Departments for February, 2013 be approved." Roll call vote: Yeas: All council members present.

City Manager Person reported on recent and upcoming meetings and events: i.e., Lt. Governor Heidemann's visit to Sidney 3/13, Main Street Awards, Legislative mid-way report, Government Day for Cheyenne County Leadership and upcoming Economic Development day, quarterly Communication Board, Emergency Management Training 4/4, Historic Preservation 4/12, Health Fair this week, Ag Business Social 4/5, etc.

Public Service Director Hehnke's reported on Civil Defense Sirens, open Saturday Landfill, boring for underground electric project, cricket pitch, parking lot at Legion Field, etc. Explanation was given of the MEAN transmission fees that will be passed on to the member communities.

Meeting adjourned at 9:23 p.m.

