

Sidney, Nebraska, May 28, 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 May 28, 2013 in the Council Room. Present were: Mayor Gaston and Council Members: Gallaway, Nienhueser, Gay and Arterburn. Others present: City Manager Person, City Attorney J. 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, Nienhueser seconded "That the minutes of the May 14, 2013 meeting be approved as printed." Roll call vote: Yeas: All council members present. Abstain: Gaston.

Andrew Weingardt on behalf of Cabela's presented a request for permission to amplify music/entertainment on speakers in front of the Sidney High School from 12:00 to 5:00 p.m. on June 5, 2013 in conjunction with Cabela's Annual Shareholders Meeting. Gallaway moved, Arterburn seconded "That the request for permission to amplify music/entertainment on speakers in front of the Sidney High School from 12:00 to 5:00 p.m. on June 5, 2013 in conjunction with Cabela's Annual Shareholders Meeting be approved." Roll call vote: Yeas: All council members present. Abstain: Gay.

John Vera presented a request from the Sidney Gold Rush Committee for permission on June 6, 7 & 8, 2013 to have open fires, cannon and replica weapons (blanks) and Legion Park occupancy after the designated closure time with security personnel being present to observe and report any trespassers or other disturbances. This will be the 10th anniversary of Sidney Gold Rush Days. Nienhueser moved, Arterburn seconded "That the request from the Sidney Gold Rush Committee for permission to have open fires, cannon and replica weapons (blanks) and Legion Park occupancy after the designated closure time be approved." Roll call vote: Yeas: All council members present.

City Manager Person presented a proposed inter-local agreement with the Village of Potter and the City of Sidney re: Sidney's municipal services on a soon to be Potter annexation of a portion of the former Sioux Army Depot. A skip annexation law was created by the State of Nebraska a few years ago to allow villages and second class cities to do this for redevelopment industry projects for the purpose enhancing rural development. Currently first class cities are not eligible to do this. This particular skip annexation was necessary as a result of the Bell Pole & Lumber & Adams Industries expansion projects. Since the City of Sidney currently provides potable water, water services for fire protection and sanitation pickup to a portion of this area, the inter-local agreement with the Village of Potter became necessary. Nienhueser moved, Gallaway seconded "That the inter-local agreement with the Village of Potter and the City of Sidney for municipal services be approved and the Mayor authorized to sign same." Roll call vote: Yeas: All council members present.

Code Enforcement Officer Rowan and City Attorney Leef reviewed the proposed Ordinance No. 1694 . There being no motion to suspend the statutory requirements requiring the ordinance to be read by title three different days, the Clerk read Ordinance No. 1694 by title for the second time: "AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA AMENDING PART FOURTEEN, TITLE TWO, CHAPTER 1421 OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA, ADOPTING THE INTERNATIONAL BUILDING CODE, 2012 EDITION, AND THE INTERNATIONAL RESIDENTIAL CODE, 2012 EDITION, REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA, AND MAINTENANCE OF ALL BUILDINGS OR STRUCTURES IN THE CITY OF SIDNEY, NEBRASKA, AND IN THE UNINCORPORATED AREA TWO MILES BEYOND AND ADJACENT TO ITS CORPORATE BOUNDARIES; PROVIDING FOR AND MODIFYING THE AMOUNTS IN THE COLLECTION OF FEES; AND REPEALING AND SUPERCEDING ANY ORDINANCE PROVISIONS TO THE CONTRARY".

Code Enforcement Officer Rowan and City Attorney Leef reviewed the proposed Ordinance No. 1695 . There being no motion to suspend the statutory requirements requiring the ordinance to be read by title three different days, the Clerk read Ordinance No. 1695 by title for the second time: "AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA AMENDING PART FOURTEEN, TITLE FOUR, CHAPTERS 1440, AND 1446 OF THE CODIFIED ORDINANCES OF THE CITY OF

SIDNEY, NEBRASKA, ADOPTING THE INTERNATIONAL PLUMBING CODE, 2012 EDITION, REGULATING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF PLUMBING SYSTEMS IN THE CITY OF SIDNEY, NEBRASKA, AND IN THE UNINCORPORATED AREA TWO MILES BEYOND AND ADJACENT TO ITS CORPORATE BOUNDARIES; PROVIDING FOR THE ISSUANCE OF PERMITS AND AMENDING THE AMOUNT IN THE COLLECTION OF FEES; AND REPEALING AND SUPERCEDING ANY ORDINANCE PROVISIONS TO THE CONTRARY”.

Code Enforcement Officer Rowan and City Attorney Leef reviewed the proposed Ordinance No. 1696. There being no motion to suspend the statutory requirements requiring the ordinance to be read by title three different days, the Clerk read Ordinance No. 1696 by title for the second time: “AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA AMENDING PART FOURTEEN, TITLE TWELVE, CHAPTER 1496 OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA, ADOPTING THE 2012 EDITION OF THE INTERNATIONAL MECHANICAL CODE, REGULATING AND GOVERNING THE DESIGN CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF MECHANICAL SYSTEMS AND ADOPTING THE 2012 EDITION OF THE INTERNATIONAL FUEL GAS CODE, REGULATING AND GOVERNING FUEL GAS SYSTEMS AND GAS FIRED APPLIANCES, ALL IN THE CITY OF SIDNEY AND IN THE UNINCORPORATED AREA TWO MILES BEYOND AND ADJACENT TO ITS CORPORATE BOUNDARIES; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; AND REPEALING AND SUPERCEDING ANY ORDINANCE PROVISIONS TO THE CONTRARY”.

Nienhueser moved, Gay seconded “That RESOLUTION NO. 20130505 be passed and adopted. Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20130505

Member Resolutions for Appointments

Representative and/or Alternate Representative to MEAN Management Committee

WHEREAS, the City of Sidney, State of Nebraska, is a party to the Electrical Resource Pooling Agreement and, pursuant to the terms of such Agreement, it is the responsibility of the City of Sidney to designate a representative and alternate representative to the Municipal Energy Agency of Nebraska Management Committee provided for under the terms of said Agreement.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Sidney, State of Nebraska, that:

1. The City Clerk is hereby directed to give written notice to the Municipal Energy Agency of Nebraska of the appointment of Mike Palmer as representative to said MEAN Management Committee.
2. The City Clerk is hereby directed to give written notice to the Municipal Energy Agency of Nebraska of the appointment of John Hehnke as alternate representative to said MEAN Management Committee.

Director and/or Alternate Director to MEAN Board of Directors

This is to certify that the City Council of the City of Sidney, State of Nebraska duly appointed Mike Palmer to serve as director to represent the City of Sidney on the Board of Directors of the Municipal Energy Agency of Nebraska. The appointment will run for a term of three (3) years with the powers and duties incident to such office. This certificate is issued in compliance with the Municipal Cooperative Financing Act contained in the Nebraska Revised Statutes §18-2401 et seq. (1987).

This is to certify that the City Council of the City of Sidney, State of Nebraska duly appointed John Hehnke to serve as alternate director to represent the City of Sidney on the Board of Directors of the Municipal Energy Agency of Nebraska. The appointment will run for a term of three (3) years with the powers and duties incident to such office. This certificate is issued in compliance with the Municipal Cooperative Financing Act contained in the Nebraska Revised Statutes §18-2401 et seq. (1987).

Director and/or Alternate Director to ACE Board of Directors

WHEREAS, the City of Sidney, State of Nebraska, is a party to the Interlocal Agreement creating the Public Alliance for Community Energy and, pursuant to the terms of said Agreement, it is the responsibility of the City to designate a representative of the City of Sidney to the Public Alliance for Community Energy Board of Directors provided for under the terms of said Agreement.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Sidney, that:

1. The City Clerk is hereby directed to give written notice to the Public Alliance for Community Energy of the appointment of John Hehnke as the City's representative to said Board of Directors.
2. The City Clerk is hereby directed to give written notice to the Public Alliance for Community Energy of the appointment of Mike Palmer as the City's alternate representative to said Board of Directors.

Nienhueser moved, Gallaway seconded "That RESOLUTION NO. 20130506 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION 20130506
TRAFFIC SIGNAL INSTALLATION AGREEMENT
INTERSECTION OF US-30 AT 13TH AVENUE CITY OF SIDNEY, NEBRASKA

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

Whereas: the City of Sidney, Nebraska and the State of Nebraska Department of Roads have entered into an agreement (XL1310) regarding these improvements.

Whereas: the City of Sidney, Nebraska desires to improve the traffic signal at the intersection of US-30 at 13th Avenue within the Corporate Limits of the City of Sidney, Nebraska for the purpose of accommodating an orderly flow of traffic.

Whereas: the City of Sidney, Nebraska understands that it must strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of this project; and

Whereas: the City of Sidney, Nebraska and the State of Nebraska Department of Roads are willing to participate in the actual costs of such installation in accordance with the conditions set forth in this agreement

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

Wendall Gaston; Mayor, is hereby authorized to sign the attached Agreement for the Traffic Signal Installation at the Intersection of US-30 at 13th Avenue between the City of Sidney, Nebraska and the State of Nebraska Department of Roads.

The City of Sidney, Nebraska is committed to providing local funds for the project as required by the this Agreement.

Project Description: City of Sidney Traffic Signal Installation Intersection of US-30 at 13th Avenue

Gallaway moved, Gay seconded "That RESOLUTION NO. 20130507 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO.20130507

WHEREAS, the City Council of the City of Sidney, Nebraska has the authority under City Ordinances to impose requirements to assist in the orderly development of plat additions to the City of Sidney; and

WHEREAS, the City of Sidney continues to grow and prosper and new additions are developing East of the blocks addressed as the 100 block of certain divisions, creating a need for the development of an East & West designation for the streets of the City of Sidney;

NOW, THEREFORE, be it resolved by the City Council of the City of Sidney, Nebraska, that: Fort Sidney Road shall be designated as the division of East and West for said streets which run on both sides of Fort Sidney Road. Therefore, all such streets to the West of Fort Sidney Road shall be designated as West and all such streets East of Fort Sidney Road shall be designated as East.

Nienhueser moved, Gallaway seconded "That the ordinance entitled "AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, TO AMEND CHAPTER 1224 "PLATTING PROCEDURE", SECTION 1224.05 "SUBMISSION OF PRELIMINARY PLATS" OF THE CODIFIED ORDINANCES OF THE CITY OSIDNEY, NEBRASKA TO MODIFY THE FEES TO SUBMIT A PRELIMINARY PLAT, 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. 1697." 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.

Nienhueser moved, Gay seconded "That Jan Lawler, Jerry Spiker and Jonathan Mueller be re-appointed to the City of Sidney Planning Commission for another three-year term." Roll call vote: Yeas: All council members present.

Arterburn moved, Gallaway seconded "That RESOLUTION NO. 20130508 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20130508

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SIDNEY, NEBRASKA that the following shall be "THE CITY OF SIDNEY COUNCIL MEETING PUBLIC PARTICIPATION POLICY":

The City Council of Sidney, Nebraska shall conduct all of its meetings in accordance with the Nebraska Open Meetings Act. The City Council shall make reasonable efforts to accommodate the public's right to hear the discussions and testimony presented at its meetings. The City Manager shall make available at each meeting, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed in open session at the meeting.

The Council may make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, and/or recording its meetings by any means, including but not limited to videotaping, photographing or voice recording. The City Council shall not forbid public participation at all meetings, but the board may not allow citizens to speak at every meeting. The Council shall have the discretion to limit the amount of time set aside for public comment, and the amount of time set aside may, at the Council's discretion, vary from meeting to meeting. The Mayor shall specify the total amount of time available for public comment prior to opening the public comment period. Individual comments shall be limited to five minutes for each participant who may be heard within the time available for public comment. The Mayor shall recognize the individual who may have the floor to make his or her comments at the appropriate time. Only those speakers recognized by the Mayor shall be allowed to speak. Comments by others not recognized by the Mayor shall be out of order. If any individual making comments or attending the open meeting causes disruption, said individual may be required to leave the City Council meeting.

However, the Council may require a member of the public desiring to address the Council to identify him or herself when the Mayor recognizes said person as having the floor to make public comments.

Discussion was held regarding goal setting sessions for the FY13-14 budget year with the consensus being that it was preferred to have this sessions with all members present and that it be started with the June 11, 2013 agenda. Also, another topic of discussion regarding the June 11th meeting was that a joint meeting held at the SPNRD offices with the Sidney City Council and the South Platte Natural Resource District Board will be held at 7:00 p.m. that day. The City Council would then move their meeting to the Municipal building for their regular agenda at 8:00 p.m.

City Manager Person gave a report on recent and upcoming meetings and events; i.e. 5/28-East Sidney Development meetings w/3 different engineering firms and Rep. Deb Fischer at the Library; Shrine Circus 5/31on City property near T-Ball fields; *Sun Telegraph* 140th anniversary, Volunteer Firemen's Annual Awards Banquet 5/25; inter-local agreement discussion 6/3 w/Village of Lodgepole; 6/6 Civil Service Commission to certified eligibility list for police chief position; PRT 6/7; Sidney Schools' meeting re: new consolidated grade school discussion, etc. Announcement was made that the new Sidney Sales Tax goes into effect on 7/1/13 w/restaurant occupation tax ceasing on 7/1/13 and that letters will go out to affected businesses. The State Revenue Department should be contacted with any questions about the new sales tax issue. Website updated to reflect Building Inspection Department facts. Thank you to the different department's for the preparation for Cabela's upcoming Shareholder event. It has been determined that the problem with the broadcasting over the PEG Channel is with Charter Communications and it is hoped that they resolve

the problems soon.

Council Member Gallaway thanked the Volunteer Fire Department for their excellent service and commended the City Personnel for their work during the storm issues. Council Member Nienhueser cautioned the Council regarding committing the City's Inspection Department to other entities. It is a one person department and there may be cause for adding personnel to that department and fees schedules should be a consideration when providing services to others. Other comments by Mr. Nienhueser was asking for more information about the ruined tub grinder at the Landfill and that he would like to see an updated report at the June 11th meeting re: the maintenance schedule for the Street Department. Council Member Arterburn asked for clarification re: not allowing vendors on the Golf Course due to the agreement with Hillside Ventures. The City Attorney will research the lease agreement with Hillside.

Meeting adjourned at 8:28 p.m.

/s/ WENDALL GASTON, MAYOR

ATTEST: /s/ G.F. ANTHONY, CITY CLERK

