

Sidney, Nebraska, November 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 November 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 Sonntag, 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.

Vice Mayor Nienhueser (due to the late arrival of Mayor Gaston) informed the public of the location of the posted Open Meetings Act.

Arterburn moved, Gallaway seconded "That the minutes of the November 12, 2013 meeting be approved." Roll call vote: Yeas: All council members present. Absent: Gaston

J.T. Herboldshiemer and Jacob Kurz from Boy Scout Troop 90 introduced themselves. They were in attendance to qualify for communication and citizenship badges.

Marc Munford of Ameritas presented the paperwork and explanation of same for the Recreational Facilities Public Infrastructure Bonds for the Golf Course Capital Project. He noted changes that had been made from the version the Council had received on Friday and the one he delivered to the Council at this meeting; i.e. amount of issue being \$1,520,000 vs. \$1,500,000, the insertion of the bond amounts and interest rates, and insertion of the current date where needed, etc. Mayor Gaston arrived at this time.

Council Member Gallaway introduced an Ordinance entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF RECREATIONAL FACILITIES PUBLIC INFRASTRUCTURE BONDS – GOLF COURSE PROJECT (LIMITED SALES AND PROPERTY TAX SUPPORTED) IN THE PRINCIPAL AMOUNT OF \$1,520,000 FOR THE PURPOSE OF PAYING THE COSTS OF CERTAIN IMPROVEMENTS TO AND EQUIPMENT FOR THE CITY'S MUNICIPAL GOLF COURSE; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE APPLICATION OF CERTAIN SALES TAX REVENUES AND FOR THE LEVY AND COLLECTION OF PROPERTY TAXES (WITHIN CERTAIN LIMITATIONS) TO PAY THE SAME; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

Said Ordinance was fully and distinctly read, and by motion of Council Member Gallaway, seconded by Council Member Gay, it was designated as Ordinance No.1709 and the title thereof was approved. The roll was called on the passage of said motion and the following voted "AYE": Gallaway, Nienhueser, Gaston, Gay and Arterburn. The following voted "NAY": None. Council Member Gallaway moved that the statutory rule requiring ordinances to be fully and distinctly read on three different days be suspended, seconded by Council Member Gay. The roll was called and the following voted "AYE": Gallaway, Nienhueser, Gaston, Gay and Arterburn. The following voted "NAY": None. The motion to suspend the statutory rule having been concurred in by three-fourths of all members of the Council was declared passed and adopted. Whereupon Ordinance No. 1709 was read by title and thereafter Council Member Gallaway moved for final passage of said Ordinance as amended to correct amount of issue being \$1,520,000 vs. \$1,500,000, the insertion of the bond amounts and interest rates, and insertion of the current date where needed. Council Member Gay seconded the motion. The Mayor stated: "The question is, shall Ordinance No. 1709 be passed and adopted as amended?" The roll was called and the following voted "AYE": Gallaway, Nienhueser, Gaston, Gay and Arterburn. The following voted "NAY": None. The passage and adoption of said Ordinance having been concurred with by a majority of all members elected to the Council, was by the Mayor declared passed and adopted, and the Mayor, in the presence of the Council, signed and approved said Ordinance, and the Clerk attested the passage and approval of the same and affixed the seal of the City thereto. Gay moved, Gallaway seconded "That Ordinance No, 1709 be published in pamphlet form." Roll call vote: Yeas: All council members present.

Nienhueser moved, Arterburn seconded "That RESOLUTION NO. 20131105 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO 20131105

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

That the Mayor and Council of the City of Sidney, Nebraska hereby recommends approval of the Application for Deletion for the Class D liquor license for Mid Plains Food & Lodging, Inc. dba Wilkinson Sidney Conoco at 3070 Silverberg Drive, Sidney, Cheyenne County, Nebraska; and

That the Nebraska Liquor Control Commission be notified of said recommendation.

Gallaway moved, Nienhueser 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. 1710." Roll call vote: Yeas: All council members present. Arterburn moved, Nienhueser 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. 1710 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. Arterburn moved, Gallaway seconded "That Ordinance No. 1710 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: All council members present.

City Manager Person presented the Planning Commission's Final Report re: their approval of a proposed amendment to Section 1264.01 Chapter 1264 of the Codified Ordinances as it relates to maximum height restrictions in C-3 Zones from 50 to 80 feet. Fire Chief Keith Stone had been contacted about this change and he was completely comfortable with the proposed 80 foot change.

Arterburn moved, Gallaway seconded "That the Ordinance entitled "AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, TO AMEND CHAPTER 1264 AREA AND HEIGHT RESTRICTIONS, SECTION 1264.01 "GRAPHICAL DISPLAY OF REGULATIONS OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA TO INCREASE THE MAXIMUM HEIGHT RESTRICTION IN C-3 ZONES, 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. 1711." Roll call vote: Yeas: All council members present. Gallaway moved, Arterburn seconded "That the Statutory requirement requiring the ordinance to be read by title three different days be suspended." Roll call vote: Yeas: None. Nays: All council members present. The motion not having been concurred in by three-fourths of the Council was declared not passed and adopted and said statutory requirement was not suspended. The Clerk then read the Ordinance by Title for the first time..

City Manager Person presented the Planning Commission's Final Report re: their approval of proposed amendments to Section 1262.02 Chapter 1262 of the Codified Ordinances as it relates to Use Charts (a)-(1). Council Member Nienhueser had issue with 1262.03(a) Line 6 and 1261.03(d) Line 5 on the Use Charts.

Nienhueser moved, Gallaway seconded "That the proposed Use Chart be amended at 1261.03 on Line 6 to remove the "s" from Mobile Homes with as asterisk added to indicate "one only per parcel" and that the R4 column for this be changed from an "x" to "a" and that the proposed 1262.03(d) Line 5 for Communications Towers and antennas be changed in the Agricultural column from an "x" to "a" AND that the Ordinance entitled "AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, TO AMEND CHAPTER 1262 USE REGULATIONS, SECTION 1262.03 "USE CHARTS (a)-(1)" OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA TO ALLOW A MOBILE HOME AND CROP PRODUCTION AND ORCHARDS AS PERMITTED USES IN AGRICULTURAL ZONING DISTRICTS; TO ALLOW LANDSCAPING AND NURSERY SERVICES, SAND, GRAVEL AND MATERIAL STORAGE AND COMMUNICATION TOWERS AND ANTENNAS AS PERMITTED USES, WITH A CONDITIONAL USE

PERMIT, IN AGRICULTURAL ZONING DISTRICTS; TO ALLOW A MOBILE HOME AS A PERMITTED USE IN AGRICULTURAL RESIDENTIAL ZONING DISTRICTS, 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. 1712.” Roll call vote: Yeas: All council members present. No motion was offered to suspend the statutory requirement that the title be read by title three different days. Since said statutory requirement was not suspended, the Clerk then read the Ordinance by Title for the first time.

City Manager Person presented the Planning Commission's Final Report re: their approval of proposed changes to Section 1270.02 Chapter 1270 of the Codified Ordinances as it relates to minimum width of off street parking. The changes would line up with national standards. Public Services Director John Hehnke requested that a footnote be added as follows: “Length measurement is measured perpendicular to the curbline.” Discussion was held on all of the details involved.

Nienhueser moved, Gay seconded “That the ordinance entitled “AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, TO AMEND CHAPTER 1270 OFF-STREET PARKING AND LOADING, SECTION 1270.02 “FACILITIES”, SUBSECTION ( C ) DIMENSIONS OF SPACE, OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA TO DECREASE THE MINIMUM RESTRICTION FOR OFF-STREET PARKING FOR FACILITIES, 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. 1713.” Roll call vote: Yeas: All council members present. No motion was offered to suspend the statutory requirement that the title be read by title three different days. Since said statutory requirement was not suspended, the Clerk then read the Ordinance by Title for the first time.

City Manager Person reported on the input he had received on the Name That Road for Toledo Street; i.e. letters to homeowners on Toledo from 10<sup>th</sup> to 15<sup>th</sup> (20 sent with 14 returned in opposition), other names submitted, the research he had conducted of many streets in Sidney that had been changed from one name to another, etc. Council Members Gay, Arterburn, Gallaway, and Gaston had no interest in changing the name or saw a name among the submittal that intrigued them at this time. Council Member Nienhueser suggested the subject be tabled for now until the developers come forward with plats showing the proposed streets. The consensus was to table this for now.

Nienhueser moved, Gallaway seconded “That RESOLUTION NO. 20131106 be passed and adopted.” Roll call vote: Yeas: All council members present.  
RESOLUTION NO.20131106

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

That the Mayor and Council hereby find and determine that pursuant to a contract heretofore made, M.C. Schaff & Associates, the engineer has performed the work for engineering of street improvements in Street Improvement District No. 52 of this city and the engineer has filed with the City Clerk certificates showing the performance of said contract as follows: ENGINEERING APPLICATION FOR PAYMENT NUMBER 6; STREET IMPROVEMENT DISTRICT #52; AMOUNT DUE ENGINEER \$19,384.00. A warrant in the amount now due the engineer is hereby authorized and charged to said district. Said warrants shall draw interest at a rate of 1.0% per annum and be held by the City of Sidney Investment Account.

Public Service Director John Hehnke updated the Council on the Sidney Deadwood Trail Phase 3 project. NDOR has increased their funding for this project since we were able to acquire the necessary right of way donations from a maximum amount of \$500,000 to an 80-20 cost split with no maximum dollar amount. A supplemental agreement will be forthcoming to reflect this. Current cost estimate is approximately \$878,635.45 which includes PE services, revised PE services, construction and CE services. Council Member commented on the need to build the new trail to accommodate the City's new storm water ordinance.

City Manager's Report included recent and upcoming meetings and events; i.e. Sidney Public Schools bond issue meetings-May election, plan for North Side School property to include parks and Industrial Art Department building projects, bus service for students, a Charter non-exclusive franchise agreement being

worked on by City Attorney and City Manager for a possible agenda item in near future, special meeting with SPNRD in January, PADD regional economic strategy meeting at WNCC, Planning Commission 12-16, City Council 12-10 & 17, PRT 12-4, Awards Banquet 12-6, Police feasibility study is progressing, pre-bid and bid on the VFD 12-3 & 12-12, Baker open house 11-26, trash re-schedule for Thanksgiving Holiday—all to be done 11-25-27, Hickory Street holiday events—11-30 tree lighting, Santa Claus, Kiwanis at the Elks, FBLA hot chocolate, businesses open-- 11-7 Danz Team, Community Bank Santa and Museum tours, etc.

Council Member Gallaway commented on the need for a redefined Park Space especially if the School bond issue passes, Council Member Nienhueser complemented Megan McGown on the efforts to provide more events on Hickory Square. He also asked that the planning/landscaping study for the 11<sup>th</sup> Avenue to Old Post be initiated soon. Council Member Arterburn requested something be done about the alley behind West Elementary. Public Service Director answered that this was already being addressed by the School. Mayor Gaston's comments included a thanks to the Boy Scouts for attending and to Safeway for their expansion of their Sidney Store facility, his upcoming citizen recognition project, an Adrian Smith letter, and Jamie Gull's resignation from the Planning Commission which now makes two vacancies that will need to be filled.

Council adjourned at 8:48 p.m.

/s/ WENDALL GASTON, MAYOR

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



