

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 December 17, 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.

Gallaway moved, Arterburn seconded "That the minutes of the December 10, 2013 meeting be approved." Roll call vote: Yeas: All council members present. Abstain: Nienhueser.

Council Member Nienhueser announced that he would not participate in the discussions or vote on Agenda Items 4, 5, 6, and 7 due to his position at Cabela's.

City Manager Person and Dennis Armstrong of Cabela's reviewed the rezoning and preliminary plat application of Cabela's Ventures that had been presented to the Sidney Planning Commission for Tracts 1 & 2, Sidney Regional Medical Center Addition. Gallaway moved, Gay seconded "That Resolution No. 20131202 be passed and adopted." Roll call vote: Yeas: All council members present. Abstain: Nienhueser.

RESOLUTION NO. 20131202

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 request of Cabela's Ventures LLC to rezone Tracts 1 and 2, Sidney Regional Medical Center Addition from A (Agricultural), AR (Ag-Residential), and C-3 (Heavy Commercial) Zones to C-1 (Central Business District) Zone for the purpose of development and construction of a hospital center; and

That the City 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 14th day of January, 2014 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.

Gallaway moved, Gay seconded "That Resolution No. 20131203 be passed and adopted." Roll call vote: Yeas: All council members present. Abstain: Nienhueser.

RESOLUTION NO. 20131203

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 Cabela's Venture LLC for Tracts 1 and 2, Sidney Regional Medical Center 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.

City Manager Person and Pat Maher of Cabela's reviewed the rezoning and preliminary plat application of Cabela's Ventures, Inc. and Cheyenne County Hospital that had been presented to the Sidney Planning Commission for a tract of land for a housing subdivision. Mr. Maher explained that the amount of area actually being rezoned and platted was changed to 87.531 acres rather than the originally stated 184.115 acres. Also the preliminary plat was not in compliance with Sidney codes so will be brought forward at a later date. Possible changes regarding lot sizes may need to be made to the City's codes. More information will be forthcoming. Gay moved, Gallaway seconded "That Resolution No. 20131204 be passed and adopted as amended." Roll call vote: Yeas: All council members present. Abstain: Nienhueser.

RESOLUTION NO. 20131204

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 request of Cabela's Ventures LLC and Cheyenne County Hospital to rezone 87.531 acres in the East Half of Section 32 and the NE/4 of Section 5, T14N, R49W of the Sixth Principal Meridian of the City of Sidney, Cheyenne County, State of Nebraska with the exception of Parcel 1 in the southeasterly corner of Section 32 from A (Agricultural) Zone to R-1 (Single Family Residential) Zone for the purpose of constructing housing; and

That the City 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 14th day of January, 2014 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.

Consideration of the preliminary plat for the Cabela's/Hospital request was tabled until a future date.

City Manager Person and Tim Reganis reviewed the preliminary plat application of Reganis Commercial Center Subdivision that had been presented to the Sidney Planning Commission. Arterburn moved, Gallaway seconded "That Resolution No. 20131206 be passed and adopted." Roll call vote: Yeas: All council members present. Abstain: Nienhueser.

RESOLUTION NO. 20131206

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 Timothy Reganis for Reganis Commercial Center Subdivision of the City of Sidney, Cheyenne County, State of Nebraska; and

That the City Council of the City of Sidney, Nebraska, does hereby approve the foregoing preliminary plat.

City Manager Person and Dennis Armstrong of Cabela's reviewed the preliminary plat application of Cabela's Wholesale, Inc that had been presented to the Sidney Planning Commission for Cabela's West Campus Subdivision,. Gallaway moved, Gay seconded "That Resolution No. 20131207 be passed and adopted." Roll call vote: Yeas: All council members present. Abstain: Nienhueser.

RESOLUTION NO. 20131207

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 Cabela's, Wholesale Inc. for Cabela's West Campus Subdivision which is an approximate 27.00 acre parcel of land situated in the NW/4 of Section 8, T13N, R49W of the 6th P.M., Cheyenne County, State of Nebraska; and

That the City Council of the City of Sidney, Nebraska, does hereby approve the foregoing preliminary plat.

City Manager Person and Al Wilkinson of Source Gas for Aaron Deaver reviewed the rezoning and preliminary plat application of Lots A1 & A2, Block 2, Conestoga Subdivision that had been presented to the Sidney Planning Commission which is a Replat of Lot A, Replat of Lot 2, a Replat of Block 1, Replat of Lot 1, Block 2, Conestoga Subdivision. Source Gas is a potential buyer of this property and intends to build a retail center in this location. The rezoning request from R-4 to C-2 was for Lot A1 only. Council Member Nienhueser opposed rezoning to C-3 citing the Comprehensive Plan for this area of Sidney and suggested C-2. Mr. Wilkinson commented that Source Gas would be satisfied with the C-2 zoning as they intend to house their vehicles inside and storage of pipe could be done on other property that they own. Discussion of what zoning would be more appropriate was held. Arterburn moved, Nienhueser seconded "That Resolution No. 20131208 be passed and adopted as amended to change the zoning to C-2 (Neighborhood Commercial)." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20131208

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 request of Aaron Deaver to rezone Lots A1, Block 2, Conestoga Subdivision of the City of Sidney, Cheyenne County, State of Nebraska from R-4 (Multi-Family

Residential) Zone to C-3 (Heavy Commercial) Zone; and

That the City Council of the City of Sidney considered said report and decided that a more appropriate zone would be to C-2 (Neighborhood Commercial) Zone; that a public hearing will be held on changing the zoning to C-2 (Neighborhood Commercial) in the Municipal Building of the City of Sidney, Nebraska, at 7:15 o'clock P.M. on the 14th day of January , 2014 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.

Gallaway moved, Nienhueser seconded "That Resolution No. 20131209 be passed and adopted." " Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20131209

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 Aaron Deaver for Lots A1 and A2, Block 2, Conestoga Subdivision of the City of Sidney, Cheyenne County, State of Nebraska; and

That the City Council of the City of Sidney, Nebraska, does hereby approve the foregoing preliminary plat.

City Manager Person reviewed the proposed Ordinance 1711 re: an 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. The City Clerk read Ordinance No. 1711 by title for the third time. Gallaway moved, Gay seconded "That Ordinance No. 1711 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. Gay moved, Gallaway seconded "That Ordinance No. 1711 be published in *The Sidney Sun Telegraph*. Roll call vote: Yeas: All council members present.

City Manager Person reviewed the proposed Ordinance 1712 re: changes to Use Charts in Section 1262.02, Chapter 1262. Vineyards and Taxidermy had been included in the chart changes. The City Clerk read Ordinance No. 1712 by title for the third time. Nienhueser moved, Gallaway seconded "That Ordinance No. 1712 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, Gallaway seconded "That Ordinance No. 1712 be published in *The Sidney Sun Telegraph*. Roll call vote: Yeas: All council members present.

City Manager Person reviewed the proposed Ordinance 1713 re: changes to Section 1270.02, Chapter 1270 as it pertains to minimum width of off street parking. Addition of 1270.02(d) was inserted to refer to diagrams explaining the proposed parking. The City Clerk read Ordinance No. 1713 as follows: "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" TO DECREASE THE MINIMUM WIDTH RESTRICTION FOR OFF STREET PARKING FOR FACILITIES; AND TO CREATE A SUBSECTION (D) "MINIMUM PARKING SPACE REQUIREMENTS" FOR SECTION 1270.02 OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA TO PROVIDE A CHART DEMONSTRATING THE MINIMUM PARKING SPACE REQUIREMENTS; TO REPEAL ANY ORDINANCE OR PART OF ORDINANCE IN CONFLICT THEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE" by title for the third time. Gallaway moved, Arterburn seconded "That Ordinance No. 1713 be finally passed as amended to refer to the parking diagrams." 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. Gallaway moved, Nienhueser seconded

“That Ordinance No. 1713 be published in *The Sidney Sun Telegraph*. Roll call vote: Yeas: All council members present.

Gallaway moved, Nienhueser seconded “That Resolution No. 20131201 be passed and adopted.” Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20131201

WHEREAS, City of Sidney and Nebraska Department of Roads (NDOR) have previously executed Project Program Agreement YL0621 for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds;

WHEREAS, City of Sidney understands that it must continue to strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project; and

WHEREAS, City of Sidney and NDOR wish to enter into supplemental Project Program Agreement No. 7 setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

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 Program Supplemental Agreement No. 7 between the City of Sidney and the NDOR.

The City of Sidney is committed to providing local funds for the project as required by the Project Program Agreement and any supplemental Project Program Agreements.

NDOR Project Number: STPB-17(24). NDOR Control Number: 51326. Projection Location: Sidney Deadwood Trail-Interchange Path.

Adopted this 17th day of December, 2013 at Sidney, Nebraska.

Public Service Director John Hehnke presented the bids that had been received on 12/12/13 for the Variable Frequency Drive Installation Project as follows: Hydro Optimization & Automation Solutions, Inc., Lincoln, NE-\$96,600 and Wazee Electric, Denver, CO-\$151,842. Engineers recommendation was to award to the low bidder. Gallaway moved, Gay seconded “That the bid for the Variable Frequency Drive Installation Project be awarded to Hydro Optimization & Automation Solutions, Inc. In the amount of \$96,600.” Roll call vote: Yeas: All council members present.

City Manager’s Report included recent and upcoming meetings and events; i.e. Department quarterly project status reports 1-14-14, Planning Commission addressed annexation issues 12-16-13, meeting with the Sidney Public School re: bond issue and deceleration lane on Ft. Sidney Road, Scott Day to report on 1-28, Charter franchise fee in the works - Nienhueser remarked that the franchise agreement will only be discussed after the Public Access channel is fixed, Dr. Edwards’ resignation from the Communication Center Board and his replacement being Jason Petik, condolences expressed to the Jim Robinson (former City Council Member) family, and Merry Christmas to all, etc.

Council Member Gallaway expressed get well wishes to John Vera. Council Member Nienhueser wanted an agenda item re: 11th Street beautification - it will be on the 1-28 agenda. He also expressed concern about possible annexation plans. Council Member Gay inquired about what happens to the compost pile mulch - it is sold by the Landfill. Council Member Arterburn reported he was still getting negative comments about the Hickory Street Square closure. Merry Christmas wishes was expressed by all.

Council adjourned at 9:09 p.m.

/s/ WENDALL GASTON, MAYOR

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

