

Sidney, Nebraska, January 28, 2014 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 7:21 P.M.(due to CDA meeting running late) on January 28, 2014 in the Council Room. Present were: Mayor Gaston and Council Members: Gallaway, Gay and Arterburn. Absent: Nienhueser. 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, Gay seconded "That Council Member Nienhueser be excused from this meeting." Roll call vote: Yeas: All council members present. Absent: Nienhueser.

Gallaway moved, Gay seconded "That the minutes of the January 14, 2014 meeting be approved." Roll call vote: Yeas: All council members present. Absent: Nienhueser. Abstain: Arterburn.

Gallaway moved, Gay seconded "That the minutes of the January 21, 2014 meeting be approved." Roll call vote: Yeas: All council members present. Absent: Nienhueser.

Arterburn moved, Gallaway seconded "That RESOLUTION NO. 20140104 be passed and adopted." Roll call vote: Yeas: All council members present. Absent: Nienhueser.

#### RESOLUTION NO. 20140104

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

That the Special Designated License application for Harvey's Inn to host an event at Della's Café at 1000 Illinois Street, Sidney, Nebraska on February 14, 2014 from 5:00 p.m. to 10:00 p.m. be recommended for approval to the Nebraska Liquor Control Commission.

It was reported that there were no objections to the Russell & Richards vacating of property request. Gallaway moved, Gaston seconded "That the Statutory requirement requiring Ordinance No. 1717 re: the vacating of property request of Russell & Richards to be read by title three different days be suspended." Roll call votes: Yeas: Gallaway & Gaston. Nays: Gay & Arterburn. Absent: Nienhueser. Due to a lack of a majority for the motion said statutory requirements were not waived. The Clerk then read the Ordinance by title for the second time.

Agenda Item # 6 re: report from Urban Development Services was tabled until the 2/11/14 Council meeting.

Doug Means, Randy Miller and Tom Von Seggern, members of the Sidney School Board, and Jack Baker of Baker & Associates, engineer for the school project, were present to inform the City Council that Sidney Public Schools intends to place a bond issue for a new elementary school on the coming election ballot. In relation to the possibility of this bond passing, they asked for a partnership with the City in providing turning lanes at the entrance of the proposed school along Fort Sidney Road and in the redevelopment of the current north elementary school site which would include some recreational amenities operated by the City of Sidney. The City Council indicated that should the bond issue pass they would take the partnership of both the aforesaid projects under advisement during their 2014-15 budget workshops.

Don Dye of M.C. Schaff & Associates presented the bids for the Greenwood Road Culvert Project that were received on 1/23/14 as follows: Infinity Construction, Scottsbluff, NE - \$162,561.55 and Paul Reed Construction, Gering, NE - \$220,284.58. The Engineer's estimate was \$180,979.00. Engineer's recommendation was to award to the low bidder. Gay moved, Gallaway seconded "That the bid for the Greenwood Road Culvert Project be awarded to the low bidder, Infinity Construction, in the amount of \$162,561.55." Roll call vote: Yeas: All council members present. Absent: Nienhueser.

Doris Jensen, Head Librarian for the Sidney Public Library, presented the Library's 2014 Annual Report.

Ryan Borges of Wheatbelt Public Power District presented a proposed agreement with the City of Sidney for six different items of discussion; i.e. installation of new three-phase primary underground distribution line on private ROW from Road 20 north 1,320' (City to pay \$10,388.40); removal of an existing 3 phase overhead distribution line from a point on the west side of Fort Sidney Road across private ROW to a point on the east side of L-17J (City to pay \$5,550.21); WPPD transfers ownership of an electrical distribution line to City for joint use line along Toledo Street from 15<sup>th</sup> Street to Fort Sidney Road (City to Pay \$1); City transfers ownership of electric distribution line for joint use on west side of Greenwood Road to Elm Street to Highway 30 (WPPD pays \$1); WPPD removes overhead distribution line along north side of Virginia Lane from Greenwood road to L-17J at no cost to City (re-usable value \$2,845.33); and WPPD to construct a new three-phase overhead distribution line in the NW/4 Section 27 T14 R49 (City to pay \$17,160). Mike Palmer, Electric Superintendent and John Hehnke, Public Service Director participated in this discussion with the City Council. Gay moved, Gallaway seconded "That the proposed agreement with Wheatbelt Public Power district be approved and the Mayor authorized to sign same." Roll call vote: Yeas: All council members present. Absent: Nienhueser.

Gallaway moved, Gay seconded "That RESOLUTION NO. 20140105 be passed and adopted." Roll call vote: Yeas: All council members present. Absent: Nienhueser.

#### RESOLUTION NO. 20140105

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 have performed the work for engineering of STREET IMPROVEMENT DISTRICT #52; and the engineer, M.C. Schaff & Associates has filed with the City Clerk certificates showing the performance of said contract as follows: STREET IMPROVEMENT DISTRICT #52: ENGINEER'S APPLICATION FOR PAYMENT NUMBER 7 (FINAL) - \$2,151.00. A warrant in the amount now due the engineer are hereby authorized and charged to said district. Said warrants shall draw interest at a rate of 1.5% per annum and be held by the City of Sidney Investment Account and

That M.C. Schaff & Associates having been retained as Special Engineer for Street Improvement District #52 has certified that the project has been properly built and does recommend that the City of Sidney accept said district; and

That the City Council of the City of Sidney, Nebraska, does hereby accept Street Improvement District #52 as certified.

Gay moved, Arterburn seconded "That RESOLUTION NO. 20140106 be passed and adopted." Roll call vote: Yeas: All council members present. Absent: Nienhueser.

#### RESOLUTION NO. 20140106

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 reports regarding the following:

A. ORDINANCE NO. 1718 - Proposed amendments to Chapter 1264 Area & Height Restrictions, Section 1264.10 Setbacks on Recorded Plats--allow setbacks less than those required by zoning code on a recorded plat.

B. ORDINANCE NO. 1719 - Proposed changes to Chapter 1264 Area and Height Restrictions, Section 1264.16 Reduction of Lot Dimensions to allow reduction of lot dimensions from those required by the zoning code if reviewed by the Planning Commission and approved by Council.

C. ORDINANCE NO. 1720 - Proposed amendment to Chapter 1226 Design Standards Section 1226.02(c) Lots, Dimensions; Sewage; Parking to decrease the minimum width restriction for residential lots at the building lines & to remove provisions regarding decreasing minimum width restrictions for gifting land for public use.

D. ORDINANCE NO. 1721 - Proposed amendments to Chapter 1264 Area & Height Restrictions Section 1264.01(b) Graphical Display of Regulations to decrease the minimum width restriction for residential lots at the building lines.

E. ORDINANCE 1722 - Proposed amendments to Chapter 1264, Area and Height Restrictions, Section 1264.02(b) Special Requirement (A) to remove the maximum front yard setback restriction

That the City Council of the City of Sidney proposes to consider said final reports & setting a Public Hearing regarding these ordinances & all recent changes to the building regulations under Chapters 1226 Design Standards, 1240 General Provisions and Definitions, 1262 Use Regulations, 1264 Area and Height Restrictions, 1270 Off Street Parking & Loading at 7:15 P.M. on February 11, 2014; that said 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 11<sup>th</sup> day of February,

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.

Gay moved, Gallaway seconded "That RESOLUTION NO. 20140107 be passed and adopted." Roll call vote: Yeas: All council members present. Absent: Nienhueser.

RESOLUTION NO. 20140107

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

That in accordance with the power vested in them by Sections 424.01, 460.01 and 460.02 of the codified Ordinances of the City of Sidney, 1977, the following traffic regulatory markings shall be placed as hereafter indicated and that all vehicles using the streets of the City comply with the regulations and prohibitions hereafter set forth: **DIAGONAL PARKING**

Diagonal parking spaces shall be placed on the West side of Dorwart Drive; beginning at a point no closer than 25 feet South of the intersection of the south curb lines at the of intersection of Osage Street and Dorwart Drive and continuing South to a point no closer than 25 feet north of the intersection of the north curb lines at the intersection of Pine Street and Dorwart Drive; excluding any access drives, alley approaches or other driveways.

All markings and signs shall be placed in accordance to the "Manual on Uniform Traffic Control Devices" and the regulation and prohibitions of such signs and markings shall be effective twenty-four hours each day .

Arterburn moved, Gay seconded "That the Ordinance entitled "AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, TO AMEND CHAPTER 618 ANIMALS; SECTION 618.24 VACCINATION AGAINST RABIES; SUBSECTION (f) IMPOUNDMENT OF RABIES SUSPECTS; OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA TO PROVIDE FOR IMPOUNDMENT OR RESTRAINT OF ANY ANIMAL WHO CREATES AN ABRASION OR BITE ON A PERSON OR ANOTHER ANIMAL; 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. 1723." Roll call vote: Yeas: All council members present. Absent: Nienhueser. Arterburn moved "That the Statutory requirement requiring the ordinance to be read by title three different days be suspended." There being no second to the motion the statutory requirement was not suspended. The Clerk then read the Ordinance by Title for the first time.

Jason Petik was present to review the Final Plat for Tracts 1 & 2, Sidney Regional Medical Center. Gallaway moved, Gay seconded "That RESOLUTION NO. 20140108 be passed and adopted." Roll call vote: Yeas: All council members present. Absent: Nienhueser.

RESOLUTION NO. 20140108

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

That the City Council of the City of Sidney, Nebraska, does hereby approve the Final Plat of Tracts 1 and 2, Sidney Regional Medical Center Addition in the City of Sidney, Cheyenne County, Nebraska; and

That the City Council of the City of Sidney, Nebraska, does hereby approve the subdivider's agreement for the foregoing Final plat.

Dennis Armstrong representing Cabela's and Andre Schlappe representing Martin & Martin was present to review the Final Plat for Cabela's Campus Subdivision. Gay moved, Arterburn seconded "That RESOLUTION NO. 20140109 be passed and adopted." Roll call vote: Yeas: All council members present. Absent: Nienhueser.

RESOLUTION NO. 20140109

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

That the City Council of the City of Sidney, Nebraska, does hereby approve the Final Plat of Cabela's Campus Subdivision in the City of Sidney, Cheyenne County, Nebraska; and

That the City Council of the City of Sidney, Nebraska, does hereby approve the subdivider's agreement for the foregoing Final plat.

Gallaway moved, Gay seconded "That RESOLUTION NO. 20140110 be passed and adopted." Roll call vote: Yeas: All council members present. Absent: Nienhueser.

RESOLUTION NO. 20140110

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

That the City Council of the City of Sidney, Nebraska, does hereby approve the Final Plat of Glover Business Park No. 2 in Sections 4 & 9, T13N, R49W of the 6<sup>th</sup> P.M. in the City of Sidney, Cheyenne County, Nebraska; and

That the City Council of the City of Sidney, Nebraska, does hereby approve the subdivider's agreement for the foregoing Final plat.

Arterburn moved, Gay seconded "That the Ordinance entitled "AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 55 OF THE CITY OF SIDNEY, NEBRASKA; ESTABLISHING THE OUTER BOUNDARIES OF THE DISTRICT; DESIGNATING LOCATION AND TERMINAL POINTS OF THE STREET IMPROVEMENTS WITHIN SAID DISTRICT; AND REFERRING TO PLANS AND SPECIFICATIONS AND COST ESTIMATE AS PREPARED BY THE CITY'S ENGINEER IN CONNECTION THEREWITH AND ON FILE WITH THE CITY" be designated as Ordinance No. 1724." Roll call vote: Yeas: All council members present. Absent: Nienhueser. Arterburn moved, Gay 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. Absent: Nienhueser. 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, Gay seconded "That Ordinance No. 1724 be finally passed." Roll call vote: Yeas: All council members present. Absent: Nienhueser. 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, Arterburn seconded "That Ordinance No. 1724 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: All council members present. Absent: Nienhueser.

Arterburn moved, Gay seconded "That the Ordinance entitled "AN ORDINANCE CREATING SANITARY SEWER EXTENSION DISTRICT NO. 22 OF THE CITY OF SIDNEY, NEBRASKA; ESTABLISHING THE OUTER BOUNDARIES OF THE DISTRICT; DESIGNATING THE SIZE, LOCATION AND TERMINAL POINTS OF THE SEWER MAINS WITHIN SAID DISTRICT; AND REFERRING TO PLANS AND SPECIFICATIONS AND COST ESTIMATE AS PREPARED BY THE CITY'S ENGINEER IN CONNECTION THEREWITH AND ON FILE WITH THE CITY CLERK" be designated as Ordinance No. 1725." Roll call vote: Yeas: All council members present. Absent: Nienhueser. Gay moved, Arterburn 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. Absent: Nienhueser. 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, Gay seconded "That Ordinance No. 1725 be finally passed." Roll call vote: Yeas: All council members present. Absent: Nienhueser. 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. 1724 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: All council members present. Absent: Nienhueser.

Gallaway moved, Gay seconded "That Larry Weigel II, Steve Hume, Dave Hausmann and Jerry Spiker be re-appointed to the City of Sidney Board of Adjustment and that Scott McDaniel be appointed from Alternate to a member of said Board." Roll call vote: Yeas: All council members present. Absent: Nienhueser.

Arterburn moved, Gallaway seconded "That RESOLUTION NO. 20140111 be passed and adopted." Roll call vote: Yeas: All council members present. Absent: Nienhueser.

#### RESOLUTION NO. 20140111

WHEREAS, the Two Partners who are public agencies within the meaning of *Neb. Rev. Stat. § 13.803*, and will enter into the Joint East Sidney Watershed Authority Interlocal Cooperation Agreement (the "Agreement") upon approval thereof by the governing board of Each Partner; and

WHEREAS, the City of Sidney, Nebraska ("City") desires to be a party to the Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE City that: 1. The City shall enter into the agreement as approved by the City Council at its meeting on January 28, 2014. 2. The City Manager of the City is hereby authorized to execute Exhibit "B" (attached to the Agreement) initiating the Implementation Period of the Agreement on behalf of the City. 3. The City Manager and the Public Services Director of the City are hereby appointed as representatives to act on behalf of the City at any meeting of the Administrative Board of the Joint East Sidney Watershed Authority created by the Agreement. 4. The duly authorized administrative staff of the City have authority to take all action necessary on behalf of the City during the Implementation Period of the Agreement so that the Implementation Period may enter into force and be completed consistent with the provisions of subsection (2) of *Neb. Rev. Stat. § 13-804*. Dated this 28<sup>th</sup> day of January, 2014.

Mike Palmer, Electric Superintendent, and John Hehnke, Public Service Director, presented the bids for the North Substation Third Feeder as received on 1/8/14 as follows: Electric Power Systems, Kansas City, MO - \$92,792.00 and HK Scholz, Ralston, NE - \$108,500.00. Gallaway moved, Gay seconded "That the bid for the North Substation Third Feeder be awarded to Electric Power Systems in the amount of \$92,792.00." Roll call vote: Yeas: All council members present. Absent: Nienhueser.

Mike Palmer, Electric Superintendent, presented a proposal regarding purchasing a directional drilling machine (boring machine). In the past five years \$450,000 has been spent on bores on various projects. This budget year 11,000 feet of electric line bores has been budgeted. Based on historical prices, it is expected this would cost \$200,000 to \$250,000. Several projects that are needed in the next several years would far exceed this year's 11,000 feet. Purchase of a machine is estimated at approximately \$200,000. The pros and cons were discussed with the Council. Consensus of the Council was to get more information and go out for bids for the machine.

Mike Palmer, Electric Superintendent, gave a report regarding problems at the South Substation transformer. Recent testing for dissolved gas in this transformer is of concern. Different options to address the problem were discussed; i.e. replacing the high side bushings with no guarantee of that being a long term fix vs. purchasing a new transformer. A decision on how to rectify the problem needs to be made quickly in order to get the work done before summer peak loads. As this wasn't a budgeted item, the City Council's input was important. More information was requested by the Council.

Gay moved, Gallaway seconded "That RESOLUTION NO. 20140112 be passed and adopted." Roll call vote: Yeas: All council members present. Absent: Nienhueser.

RESOLUTION NO. 20140112

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 creation of STREET IMPROVEMENT DISTRICT #54 a traffic study must be taken on Jennifer Lane by Schemmer and Invoice No. 06442.001-1 has been submitted to the City Clerk as follows: STREET IMPROVEMENT DISTRICT #54: INVOICE NO. 06442.001-1- \$3,625.00. A warrant in the amount now due SCHEMMER IS hereby authorized and charged to said district. Said warrants shall draw interest at a rate of 1.5% per annum and be held by the City of Sidney Investment Account.

Gay moved, Gallaway seconded "That RESOLUTION NO. 20140113 be passed and adopted." Roll call vote: Yeas: All council members present. Absent: Nienhueser.

RESOLUTION NO. 20140113

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

That the City Council of the City of Sidney, Nebraska, does hereby approve the Final Plat of LOTS A1 & A2, BLOCK 2, CONESTOGA SUBDIVISION in the City of Sidney, Cheyenne County, Nebraska; and

That the City Council of the City of Sidney, Nebraska, does hereby approve the subdivider's agreement for the foregoing Final plat.

Further discussion of the First Quarter Departmental Report for FY13-14 included a question about a sidewalk along the Verde Lane project with the answer being it will happen with the next 1-2 years. The staff was thanked for a great report. City Manager Person stated the intent was to do this kind of report at the end of each quarter of the fiscal year.

City Manager's Report included recent and upcoming meetings and events; i.e. 1-16-Auditor's exit interview; 2-11-to Council-Addendum to the Golf Project; 2-18 Planning Commission different date, JESWA; 2-5-Electric Master Plan interviews, PRT; every Monday morning-conference call w/League re: legislative matters; Charter franchise at a future date, etc. Chief of Police Wilkinson reported on progress of the building feasibility study.

Council Member Gallaway expressed his concern on the process of suspending rules for ordinances as to what is needed to expediting projects and the need to be consistent. Council Member Gay agreed as he said he struggles with when to suspend and when not to suspend the rules.

Council adjourned at 9:29 p.m.

/s/ WENDALL GASTON, MAYOR

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





