

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 April 22, 2014 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.

Council Member Arterburn asked for a correction of his comments during the 3/25/14 meeting in regards to the Golf Course Project Contingency.” Arterburn moved, Nienhueser seconded “That the minutes of the April 8, 2014 meeting be approved as corrected.” Roll call vote: Yeas: All council members present.

Mae Leslie, 548 Charlotte Drive expressed some of her recent problems with the City during “Comments by the Public”.

Steve Walters of Love’s Truck Stop was connected via telephone so that he could participate in this item of the agenda. Upon request by the Mayor, the City Clerk read Ordinance No. 1733 by title. Arterburn 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, Gay seconded “That Ordinance No. 1730 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, Gay seconded “That Ordinance No. 1733 be published in The Sidney Sun Telegraph.” Roll call vote: Yeas: All council members present.

Discussion was held on the renaming of the existing Toledo Street from Fort Sidney Road to 10th Avenue and then from 10th to 15th Avenue. Arterburn, Gallaway and Nienhueser spoke in favor of changing this portion of Toledo Street to Pole Creek Crossing. Mayor Gaston stated he was not in favor of the proposal. Nienhueser moved, Gallaway seconded “That the Ordinance entitled “AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, RENAMING A PORTION OF THE STREET AS RECORDED ON THE PLATS OF THE PARK MANOR ESTATES ADDITION, REPLAT OF LOT 12, BLOCK 2, PARK MANOR ESTATES ADDITION, AND PARKVIEW ADDITION TO THE CITY OF SIDNEY, CHEYENNE COUNTY, NEBRASKA, AS DESCRIBED; AND PROVIDING CERTIFICATION AND RECORDING OF THE ORDINANCE” be designated as Ordinance No. 1734.” Roll call vote: Yeas: Gallaway, Nienhueser, Gay and Arterburn. Nays: Gaston. There being no motion to suspend the Statutory requirement requiring the ordinance to be read by title three different days, Ordinance No. 1734 was read by Title for the first time.

Nienhueser moved, Gay seconded “That RESOLUTION NO. 20140403 be approved.” Roll call vote: All council members present.

RESOLUTION NO. 20140403

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

That the detailed specifications including the general stipulations thereto attached for the construction of sanitary sewer improvements and all other necessary incidental improvements thereto, as applicable, for Sanitary Sewer Extension District No. 21 and Water Extension District No. 21, as prepared by Baker & Associates, engineers employed by the City to prepare same, and filed in the office of the City Clerk on April 17, 2014 be and the same are hereby accepted.

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 the City Clerk be and she is hereby authorized and empowered and directed for and on behalf of the City of Sidney to advertise for bids for said construction on April 25, May 2, and May 9, 2014 with the bid opening being set for May 13, 2014 at 10:00 A.M.

RESOLVED FURTHER that the Mayor and Council hereby find and determine that pursuant to a contract heretofore made, Baker & Associates have performed the work for engineering of Street Improvement Districts #53 & #54, Sanitary Sewer Extension District #21, and Water Extension District #21 as follows:

STREET IMPROVEMENT DISTRICT #53 - ENGINEER'S PAY REQUEST NUMBER 4 - \$4,625.00 (Invoice #26405). 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 Accounts; and

STREET IMPROVEMENT DISTRICT #54 - ENGINEER'S PAY REQUEST NUMBER 4 - \$1,327.50 (Invoice #26406). 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 Accounts; and

SANITARY SEWER EXTENSION DISTRICT #21 - ENGINEER'S PAY REQUEST NUMBER - 4 - \$1,197.50 (Invoice #26401). 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 Accounts; and

WATER EXTENSION DISTRICT #21 - ENGINEER'S PAY REQUEST NUMBER 4 - \$510.00 (Invoice #26402). 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 Accounts.

Nienhueser moved, Gallaway seconded "That RESOLUTION NO. 20140404 be approved." Roll call vote: All council members present.

RESOLUTION NO. 20140404

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

That the detailed specifications including the general stipulations thereto attached for the construction of sanitary sewer improvements and all other necessary incidental improvements thereto, as applicable, for Sanitary Sewer Extension District No. 22, as prepared by Baker & Associates, engineers employed by the City to prepare same, and filed in the office of the City Clerk on April 17, 2014 be and the same are hereby accepted.

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 the City Clerk be and she is hereby authorized and empowered and directed for and on behalf of the City of Sidney to advertise for bids for said construction on April 25, May 2 and May 9, 2014 with the bid opening being set for May 13, 2014 at 10:00 A.M.

RESOLVED FURTHER That the Mayor and Council hereby find and determine that pursuant to a contract heretofore made, Baker & Associates have performed the work for engineering of Street Improvement Districts #55 and Sanitary Sewer Extension District #22 as follows:

STREET IMPROVEMENT DISTRICT #55 - ENGINEER'S PAY REQUEST NUMBER 2 - \$3,764.00 (Invoice #26400). 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 Accounts; and

SANITARY SEWER EXTENSION DISTRICT #22 - ENGINEER'S PAY REQUEST NUMBER - 1 - \$892.50 (Invoice #26393). 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 Accounts.

Gallaway moved, Gay seconded "That RESOLUTION NO. 20140405 be approved." Roll call vote: All council members present.

RESOLUTION NO. 20140405

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 Districts #58 and #59, as follows:

STREET IMPROVEMENT DISTRICT #58 - ENGINEER'S PAY REQUEST NUMBER 12 - \$9,783.03. 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 Accounts; and

STREET IMPROVEMENT DISTRICT #59 - ENGINEER'S PAY REQUEST NUMBER 12 - \$4,192.72. 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 Accounts.

Nienhueser moved, Gallaway seconded "That RESOLUTION NO. 20140406 be approved." Roll call vote: All council members present.

RESOLUTION NO. 20140406

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's have performed the work for engineering of Greenwood Box Culvert project portion of Street Improvement District #59 and INFINITY CONSTRUCTION, the contractor for the construction of Greenwood Box Culvert project portion of Street Improvement District #59 of this city; and the engineer has filed with the City Clerk certificates showing the performance of said contract as follows: APPLICATION FOR PAYMENT NUMBER 2; STREET IMPROVEMENT DISTRICT #59; AMOUNT DUE ENGINEER \$6,992.00; AMOUNT DUE CONTRACTOR \$66,768.42. Warrants in the amount now due the engineer and the contractor are 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.

City Manager Person and City Attorney Leef reviewed City Codes, the language in Ordinance Nos. 1730 & 1731 as they regard Street Improvement District Nos. 58 & 59 as well as State and Federal law in regards to sidewalk construction and non-discrimination, etc. City Manager Person shared that the City was hiring a person this summer to do a sidewalk assessment for the entire city.

Nienhueser moved, Gallaway seconded "That RESOLUTION NO. 20140407 be approved." Roll call vote: All council members present.

RESOLUTION NO. 20140407

WHEREAS, in 2013 the State Legislature adopted LB66 that allowed for first class cities to designate areas that were once military complexes eligible for doing redevelopment plans and using tax increment financing as a stimulus for economic development projects; and

WHEREAS, LB66 law was modified in the 2014 legislative session to clarify that designating any area substandard and blighted outside city limits does not limit the ability to stay within the 35 percent land limitation that can be declared substandard and blighted; and

WHEREAS, the City of Sidney can now bring forward this designation for the former Sioux Army Depot property, minus that property which has already become part of the Village of Potter annexation and has already received a similar designation; and

WHEREAS, the governing body of the City is required to submit the question of whether an area is substandard and blighted to the Planning Commission of the City for its review and recommendation prior to the City holding a public hearing for approval of said declaration of substandard and blighted.

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIDNEY, NEBRASKA, that (1) certain real estate outside the City is being considered as a substandard and blighted area in need of redevelopment, said real estate being as follows: A TRACT OF LAND SITUATED IN Cheyenne County, Nebraska that was formerly owned by the U.S. Government as a military operation that included Sections 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 of Township 15N, Range 50W; South ½ Section 31, Township 15N / Range 50W; Section 6, N ½ of Section 5, N ½ of Section 4; N ½ Section 3 of Township 14N, Range 50W; Section 7 W ½ of Township 14N Range 50 West and Sec. 18 W ½ of Township 14N Range 50W to and not including the Union Pacific right of way on the south edge of the Section. The property listed as part of the Potter Annex shall not be included in this blight designation. The property boundaries of the former Sioux Army Depot is more formally described in legal meets and bounds

by a survey in 1942 by the U.S. Government in Appendix B.; and (2)The question of whether the above-described area is substandard and blighted is hereby submitted to the Planning Commission of the City for its review and public hearing on May 19, 2014 and recommendation to the City Council for its public hearing on same on May 27, 2014.

Nienhueser moved, Gallaway seconded "That RESOLUTION NO. 20140408 be approved." Roll call vote: All council members present.

RESOLUTION NO. 20140408

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 Croell Redi Mix to rezone a parcel of land known as Parcel B, containing 160 acres, more or less, in Section 3, T13N, R49W of the 6th P.M., in Cheyenne County, Nebraska from A (Agricultural) to M-1 (Light Manufacturing & Industrial Park) Zone; 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 13th day of May, 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.

Nienhueser moved, Gallaway seconded "That RESOLUTION NO. 20140409 be approved." Roll call vote: All council members present.

RESOLUTION NO. 20140409

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 of recommendations for the following seven annexation requests:

1. Approval - ANNEXATION request of K&W, LLC(Love's) for a parcel of land situated in the SW/4 of Section 9, T13N, R49W of the 6th P.M., Cheyenne County, Nebraska containing 14.63 acres+/-; AND
2. Approval - ANNEXATION request of The City of Sidney for a parcel of land situated in the N/2 of Section 7, T13N, R49/W of the 6th P.M., Cheyenne County, State of Nebraska containing 36.4 acres+/- more commonly known as Verde Lane Dam; AND
3. Approval - ANNEXATION request of The City of Sidney for a part of the E/2 of the NE/4 of Section 7, T13N, R49W of the 6th P.M., Cheyenne County, State of Nebraska containing 10.16 acres+/- more commonly known as White Bluffs Veterinary Clinic; AND
4. Approval - ANNEXATION request of the Estate of Wesley E. & Evelyn M Jensen for a tract of land situated in the S/2 of Section 8, T13N, R49W of the th P.M., Cheyenne County, Nebraska, containing 116.44 acres+/-; AND
5. Disapproval - ANNEXATION request of the City of Sidney for a part of the SE/4 of Section 33, T14N, R49W of the 6th P.M., Cheyenne County, State of Nebraska, containing 12.516 acres+/- more commonly known as 21st Century Equipment; AND
6. Approval - ANNEXATION request of the City of Sidney for a tract of land situated in the SE/4 of Section 29, T14N, R49W of the 6th P.M., Cheyenne County, Nebraska containing 19.92 acres+/- more commonly known as Anderson Forest Products; AND
7. Approval - ANNEXATION request of the City of Sidney for a tract of land in the E/2 of Section 29, T14N, R49W of the 6th P.M., Cheyenne County, Nebraska containing 142.9 acres+/- more commonly known as the City of Sidney Landfill; AND

That the City Council of the City of Sidney proposes to consider these seven reports; 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 13th day of May, 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.

City Manager's Report included recent and upcoming meetings and events; i.e. LEOP & Communications Center; Young Professionals group; Golf Project Report; WNCC Board of Governor & ground

breaking for student housing; Volunteer Fireman's Ball 4/18 & Banquet 5/3; HUD officials; Leadership Cheyenne County 4/24; Department Head Meeting 4/25; Ladies Day Out 4/26; Bell Lumber Open House 5/8; next Council meeting 5/13; tree give away 4/26; Health Fair 4/26; etc. Public Service Director's report included training with NDOR for construction projects as well as Choice Gas campaign ending 4/24. Police Chief Wilkinson reported on three openings in his department and the search for replacements.

Council adjourned at 8:40 p.m.

WENDALL GASTON, MAYOR

ATTEST: _____G.F. ANTHONY, CITY CLERK

