

Sidney, Nebraska, November 25, 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 7:15 P.M. on November 25, 2014 in the Council Room. Present were: Mayor Gaston and Council Members: Gallaway, Nienhueser, and Gay. Absent: Arterburn. Others present: 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.

Nienhueser moved, Gay seconded "That Council Member Arterburn be excused from this meeting." Roll call vote: Yeas: All council members present. Absent: Arterburn.

Gallaway moved, Gay seconded "That the minutes of the October 11, 2014 meeting be approved as printed." Roll call vote: Yeas: All council members present. Absent: Arterburn.

Whereupon Mayor Gaston announced that the Planning Commission of the City of Sidney, NE has submitted to the City Council its final report recommending approval of revisions to Chapter 1274 of the Planning & Zoning Code re: Home Occupations. The following filed written objections: None. The following appeared in person or by agent or by attorney and were heard: Ben Dayton explained the proposed revisions. Mayor Gaston closed the public hearing.

Nienhueser moved, Gallaway seconded "That the Ordinance entitled "AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, TO AMEND CHAPTER 1045 SEWERS AND PRIVATE DISPOSAL SYSTEMS; SECTION 1045.07 INSTALLATION OF TOILET FACILITIES; OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA TO PROVIDE FOR ADMINISTRATIVE AUTHORIZATION OF PRIVATE WASTEWATER DISPOSAL SYSTEMS IF PUBLIC SEWER IS NOT IN THE BEST INTERESTS OF THE CITY; TO REPEAL ANY ORDINANCES OR PART OF ORDINANCES IN CONFLICT THEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE" be designated as Ordinance No. 1749." Roll call vote: Yeas: All council members present. Absent: Arterburn. There being no motion to suspend the Statutory requirement requiring the ordinance to be read by title on three different days, Ordinance No. 1749 was read by Title for the first time.

Mayor Gaston asked the Clerk to read Ordinance No. 1748, amending Chapter 1045 Sewers & Private Disposal Systems, etc., by Title for the third time. Nienhueser moved, Gay seconded "That Ordinance No. 1748 be finally passed." Roll call vote: Yeas: All council members present. Absent: Arterburn. 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. 1748 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: All council members present. Absent: Arterburn.

Nienhueser moved, Gallaway seconded "That RESOLUTION NO. 20141104 be passed and approved." Roll call vote: Yeas: All council members present. Absent: Arterburn.

#### RESOLUTION NO. 20141104

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 requests of Love's Travel Stops & Country Stores, Inc. to rezone three properties as follows:

1. Lot 1 Block 1, Love's Addition to the City of Sidney, Cheyenne County, Nebraska from A (Agricultural) to C-3 (Heavy Commercial) Zone; and
2. Lot 1, Block 2, Love's Addition to the City of Sidney, Cheyenne County, Nebraska from A (Agricultural) to C-3 (Heavy Commercial) Zone; and

3. Lot 2, Block 2, Love's Addition to the City of Sidney, Cheyenne County, Nebraska from A (Agricultural) to R-3 (Heavy Density Multi-family) Zone; and

That the City Council of the City of Sidney proposes to consider said 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 9<sup>th</sup> day of December, 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. 201411105 be passed and approved." Roll call vote: Yeas: All council members present. Absent: Arterburn.

### **RESOLUTION NO. 20141105**

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SIDNEY, NEBRASKA, that the City is considering the Planning Commission's Final Reports regarding annexation of the below-described land and a plan for extending City services to said land and; that a public hearing on the proposed annexation of the below-described real property to allow the City Council to receive testimony from interested persons will be held in the City Council Room located at 1115 - 13<sup>th</sup> Avenue, Sidney, Nebraska at 7:15 P.M., Tuesday, December 9, 2014.

The properties being considered for annexation are described as follows:

**PARCEL NO. 1** – BEGINNING AT A POINT, THENCE, SOUTH 87°02'05" EAST, A DISTANCE OF 914.06 FEET; THENCE SOUTH 87°38'50" EAST, A DISTANCE OF 451.57 FEET TO THE WEST RIGHT OF WAY LINE OF HIGHWAY L-17-J, RECORDED AT BOOK 102, PAGE 75; THENCE ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 02°55'57" WEST, A DISTANCE OF 207.00 FEET; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE, NORTH 87°14'12" WEST, A DISTANCE OF 1,362.78 FEET TO THE WEST LINE OF SAID SECTION 9; THENCE ALONG SAID WEST LINE, NORTH 02°08'58" EAST, A DISTANCE OF 207.00 FEET, MORE OR LESS, TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL CONTAINS 280,174 SQ. FT. (6.432 ACRES), MORE OR LESS.

**PARCEL NO. 2** - BLOCK 2, LOVES ADDITION - BEGINNING AT A POINT; THENCE ALONG THE SOUTH RIGHT OF WAY LINE OF HOFFIES DRIVE, SOUTH 86°52'07" EAST, A DISTANCE OF 439.88 FEET; THENCE SOUTH 86°54'51" EAST, A DISTANCE OF 145.43 FEET; THENCE SOUTH 03°07'53" WEST, A DISTANCE OF 364.00 FEET; THENCE NORTH 86°52'07" WEST, A DISTANCE OF 603.85 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF HIGHWAY L-17-J; THENCE, ALONG SAID EAST LINE, NORTH 06°02'45" EAST, A DISTANCE OF 364.47 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 216,437 SQ. FT. (4.97 ACRES), MORE OR LESS.

**The boundaries of each of the above two parcels are shown on the attached map, which is incorporated into this Resolution.** The plan of the City for extension of City services to the real property proposed for annexation being considered is available for inspection during regular business hours in the Office of the Sidney City Clerk at 1115 13<sup>th</sup> Avenue, Sidney, Nebraska and **is hereby adopted as the proposed plan.** The City Clerk is directed to publish this Resolution at least once not less than ten (10) days preceding the date of the public hearing in the *Sidney Sun-Telegraph*, together with a map drawn to scale delineating the land proposed for annexation and to send a copy of this Resolution by first class mail, to any school board of any school district where the land proposed for annexation is located.

Gay moved, Gallaway seconded "That the Ordinance entitled "AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORGINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; AND REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH" be designated as Ordinance No. 1750." Roll call vote: Yeas: All council members present. Absent: Arterburn. Nienhueser 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. Absent: Arterburn. 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. Nienhueser moved, Gay seconded "That Ordinance No. 1750 be finally passed." Roll call vote: Yeas: All council members present. Absent: Arterburn. 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. 1750 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: All council members present. Absent: Arterburn.

The County Clerk=s certification of the abstract of votes as prepared by the County canvassing board for the General Election held November 4, 2014, showing the following results and attached to these minutes: Sidney City Council - Roger M. Gallaway 982, Wendall F. Gaston 1202, Mark Nienhueser 1016, Larry J. Collins 687, David M. Hrbek 486, Scatterings 29; Sidney Airport Authority – Jeff Barry 71, Jarrod Konz 77, Scatterings 155. Nienhueser moved, Gallaway seconded "That the foregoing County Clerk certification be received and filed in the City records." Roll call: Yeas: All council members present. Absent: Arterburn.

Nienhueser moved, Gay seconded "That the Budget Report Reports for all City Funds for October, 2014 be approved." Roll call: Yeas: All council members present. Absent: Arterburn.

Public Services Director John Hehnke presented the bids that had been received for crack sealing as follows: Hein Construction, Fairbury, NE - \$.32 per lineal foot (start date 3/1/15); Bader's Hwy. & Street Maintenance, Norfolk, NE -\$.38 per lineal foot (start date 12/8/14); and American Pavement Solutions, Green Bay, WI - \$.38 per lineal foot (start date 12/1/14). The City's preference for doing this work is in the fall/autumn months rather than the spring months. However, since this preference was not part of the bid specifications, start time could not be a reason to not accept the low bid. Nienhueser moved, Gallaway seconded "That the bids for crack sealing be rejected and the project be re-bid." Roll call: Yeas: All council members present. Absent: Arterburn.

Council Members Gallaway and Nienhueser wished everyone a safe and happy Thanksgiving. Mayor Gaston reminded the public of the holiday schedule for trash collection; i.e. Wednesday instead of Thursday and Friday due to the holiday closings. He also thanked the Police Department for their successful Trunk or Treat event in Hickory Square. Reminder was also given to the public of the upcoming holiday events in Hickory Square.

Council adjourned at 7:45 P.M.

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WENDALL GASTON, MAYOR

ATTEST: \_\_\_\_\_  
G.F. ANTHONY, CITY CLERK



