

Sidney, Nebraska, March 13, 2012 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 March 13, 2012 in the Council Room. Present were: Mayor Gaston and Council Members: Weiderspon, Hiatt, and Van Vleet. Absent: Nienhueser. Others present: City Manager Person, City Attorney Leef, & 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.

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

Hiatt moved, Van Vleet seconded "That the minutes of the February 29, 2012 meeting be approved." Roll call vote: Yeas: All council members present. Absent: Nienhueser.

During Comments by the Public, Dennis Tomsick asked for assistance in finding a place for the TaeKwonDo group to meet.

Pursuant to the publicized notice that the Mayor and Council would hold a public hearing at this time and place for the purpose of discussing an application to the State of Nebraska Department of Economic Development to modify a 2008 Nebraska Affordable Housing Program Grant. This grant is available for local affordable housing activities. The City of Sidney is requesting \$500,000 in Nebraska Affordable Housing Trust Funds of which \$200,000 shall be dedicated towards Site Improvements and Streets and \$300,000 in Direct Home Buyer Assistance and developers costs. Of this amount at least 4 of the 11 housing units will benefit households with incomes at or below the Average Median Income of Cheyenne County. All interim financing on the project inventory is being provided by Mesner Development. The Cottonwood subdivision owner will also donate park property greater or equal to 20 percent of the total land to be used on lots for the 11 proposed homes in the subdivision. There will not be any displacement of people as a result of the project.. The Mayor then stated that the Council was in session for such purpose and all persons would be heard. The following filed written objections: None. The following appeared in person or by agent or by attorney and were heard: City Manager Person reviewed the grant application. It was reiterated that the grant will benefit low and moderate income people and there will be no displacement of people due to grant activities. Kelly Lapp of ReMax Realty, who has been involved in trying to sell some of the New Neighborhoods housing units, said the previous program was also creating problems with appraisals due to the lack of understanding on the financial incentives and needed modified as proposed to eliminate that difficulty. There being no further comments, the Mayor closed the hearing.

Hiatt moved, Van Vleet seconded "That Resolution No. 20120301 be passed and adopted." Roll call vote: Yeas: All council members present. Absent: Nienhueser.

RESOLUTION NO. 20120301

A RESOLUTION AUTHORIZING THE CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION TO MODIFY A 2008 NEBRASKA AFFORDABLE HOUSING PROGRAM GRANT, AND TO EXECUTE ANY RELEVANT DOCUMENTS REFERENCING THE SAME.

WHEREAS, the City of Sidney, Nebraska is an eligible local government authorized to file an application under the Housing and Community Development Act of 1974 as Amended for Small Cities Community Development Block Grant Program, and, Cranston-Gonzalez National Affordable Housing Act of 1990 (HOME Program) funds distributed by the Department of Economic Development through the Nebraska Affordable Housing Program.

WHEREAS, the City of Sidney, Nebraska has obtained its citizen's comments on community development and housing needs; and has conducted a public hearing upon the proposed application and received favorable public comment respecting the application in the amount of \$500,000 of Nebraska Affordable Housing Trust Funds of which \$200,000 shall be dedicated towards Site Improvements and Streets and \$300,000 in Direct Home Buyer Assistance and developer costs. Of this amount at least 4 of the 11 housing units will benefit households with incomes at or below the Average Median Income of Cheyenne County. All interim financing on the project inventory is being provided by Mesner Development. The Cottonwood subdivision owner will also donate park property greater or equal to 20 percent of the total land to be used on lots for the 11 proposed homes in the subdivision. There will not be any displacement of people as a result of the project.

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SIDNEY, NEBRASKA, that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City of Sidney and the Nebraska Department of Economic Development so as to effect acceptance of the grant application; and that the Applicant's Statement of Assurances and Certifications and all applicable information on said statement be re-affirmed as previously adopted.

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 the rezoning request of Kelly Lapp of Tool Box Productions, LLC for Lot 8 only, Block 3, Wellner's Addition, Sidney, Cheyenne County, NE from R-1 (Single Family Residential) to R-2 (Multi-Family Residential) Zone and that a public hearing would now be held and parties in interest would be heard as advertised. The following filed written objections: None. The following appeared in person or by agent or by attorney and were heard: Kelly Lapp. All persons having been heard, Mayor Gaston closed the public hearing.

Weiderspon moved, Hiett seconded "That the Ordinance entitled "AN ORDINANCE PROVIDING FOR THE REZONING OF LOT 8, BLOCK 3, WELLNER'S ADDITION TO THE CITY OF SIDNEY, CHEYENNE COUNTY, NEBRASKA, FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO R2 (MULTI-FAMILY RESIDENTIAL) ZONE; AMENDING THE SIDNEY ZONING CODE AND ZONING MAP OF THE CITY OF SIDNEY, NEBRASKA, ADOPTED BY ORDINANCE NO. 1049 OF THE CITY OF SIDNEY, NEBRASKA, WHICH IS NOW CODIFIED AS TITLE SIX OF PART TWELVE OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA, TO SO PROVIDE; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN DIRECT CONFLICT HEREWITH" be designated as Ordinance No. 1674." Roll call vote: Yeas: All council members present. Absent: Nienhueser. Weiderspon moved, Van Vleet seconded "That the Statutory requirement requiring the ordinance to be read by title three different days be suspended." Roll call vote: Yeas: Weiderspon and Van Vleet. Nays: Gaston and Hiett. Absent: Nienhueser. The motion having not been concurred in by three-fourths of the Council, the statutory requirement was not suspended. The Clerk then read the Ordinance by title.

Hiett moved, Van Vleet seconded "That Resolution No. 20120302 be passed and adopted." Roll call vote: Yeas: All council members present. Absent: Nienhueser.

RESOLUTION NO. 20120302

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 Final Plat of Lot A1 and Lot A2, a replat of Lot A, Sidney Hills Third Addition to 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 above-named Final Plat.

Hiett moved, Van Vleet seconded "That RESOLUTION NO. 20120303 be passed and adopted." Roll call vote: Yeas: All council members present. Absent: Nienhueser.

RESOLUTION NO. 20120303

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, the engineer, McCaslin Consulting, Inc., and Nienhueser Construction, the contractor, have performed the work for the engineering and construction of sanitary sewer improvements in Sanitary Sewer Extension District No. 20 of this city and has filed with the City Clerk certificates showing the performance of said contract as follows: Engineers Estimate Number 3; Sanitary Sewer Extension District #50; AMOUNT DUE ENGINEER \$5,975.00; and Contractor's Estimate Number 1; Sanitary Sewer Extension District #50; AMOUNT DUE THE CONTRACTOR \$110,915.17; Warrants in the amounts now due the contractor and the engineer 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 Electric Department as an investment.

John Hehnke, Public Service Director, and Rod Fries, Electric Superintendent presented the bids that had been received on 3-6-12 for a new 40-foot aerial device & chassis for the Electric Department as follows: Altec Industries, Elizabethtown, KY-\$98,460; Northern Truck Equipment, Rapid City, SD-\$107,675; Terex Utilities, San Antonio, TX- \$114,551. It was noted that acquisition of this piece of equipment was presented during the budget workshops for FY11-12 and was included in the final budget approval. It was recommended that the low bidder be awarded and that an extended warranty in the amount of \$2,401 be accepted. Weiderspon moved, Hiett seconded "That the bid for the new 40-foot aerial device & chassis for the Electric Department be awarded to Altec Industries in the amount of \$98,460 plus an extended warranty in the amount of \$2,401 be approved." Roll call vote: Yeas: All council members present. Absent: Nienhueser.

Public Services Director John Hehnke presented a check from ACE, the Public Alliance for Community Energy in the amount of \$10,909.92 which represented excess revenue beyond the cost of operating the organization to its member communities. The last time there was a distribution such as this was in 2009. In the past, refunds were designated for improvements in Legion Park and that was the designated intent for this year also.

Hiett moved, Van Vleet seconded "That RESOLUTION NO. 20120304 be passed and adopted." Roll call vote: Yeas: All council members present. Absent: Nienhueser.

RESOLUTION NO. 20120304

WHEREAS the City of Sidney has invested millions of dollars in recent years for two new water well fields and distribution systems northeast and northwest of our community due to the nitrate contamination and depletion of the Brule Aquifer that had traditionally served our community for over 100 years; and

Whereas the City of Sidney has invested millions of dollars in a new wastewater treatment facility to meet environmental standards; and

WHEREAS the South Platte Natural Resources District has now implemented water meters to better monitor irrigation water use practices within its district; and

WHEREAS a Groundwater Management Protection Area has been established in the Lodgepole Valley; and

WHEREAS the City of Sidney has implemented a water rate schedule that escalates in price for the higher municipal users to encourage water conservation and has substantially reduced its overall water use as a result; and

WHEREAS the City of Sidney residents pay a \$15 per month water debt assessment and \$5 per month sewer debt assessment fees to help retire existing debt on the respective projects, in addition to the escalating water and sewer user rates; and

WHEREAS the Ogallala aquifer that serves the northwest City of Sidney well field, is a finite source of water; and

WHEREAS agriculture irrigation practices use 96 percent of the water use in the South Platte Natural Resources District and municipal users of all cities and villages residents and businesses combined in the SPNRD three county region use only 3 percent annually of the district's water; and

WHEREAS the City of Sidney water use is monitored and regulated by state statute.

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SIDNEY, NEBRASKA that the City of Sidney does go on record supporting the proposed annual base allocation for 2013 to 2015 of 14 inches for the Table Lands where our northwest well field is located, and would encourage further ratcheting down of groundwater base allocation in the future if so deemed appropriate as determined by water modeling information to be presented in the future.

APPROVED AND ADOPTED this 13th day of March, 2013.

City Manager Gary Person that the Nebraska Department of Economic Development has approved the City's preliminary application for a \$250,000 state grant and has invited the City to submit a final application by March 30. This funding only comes available once a year. If successful, we would only have those funds available to us if the project is brought to a successful completion. The Cheyenne County Visitors Committee has committed up to \$20,000 costs to share in a study with the City's Economic Development fund. The City of Sidney Economic Development Advisory committee has also recommended approval to make the same type of commitment of up to \$20,000 to the project study from the LB840 Economic Development Plan. The study is not anticipated to cost that maximum amount, but it does give some flexibility in negotiating those costs. Hiett moved, Weiderspon seconded "That the recommendation of the Economic Development Advisory Committee for a commitment up to \$20,000 to the shared study costs be approved." Roll call vote: Yeas: Weiderspon, Gaston and Hiett. Nays: Van Vleet. Absent: Nienhueser. Motion was passed.

Hiett moved, Weiderspon seconded "That the following claims for February 2012 are hereby approved and should be paid as provided by law out of the respective funds in the city treasury:" Roll call vote: Yeas: Weiderspon, Gaston and Hiett. Nays: Van Vleet. Absent: Nienhueser. (Abbreviation for claims: ex expenses, rt retirement, re reimbursements, sa salaries, se service, su supplies, tr transfers, tx tax, co capital outlay) Hillside Ventures se 2388.08.

Van Vleet moved, Hiett seconded "That the following claims for February 2012 are hereby approved and should be paid as provided by law out of the respective funds in the city treasury:" Roll call vote: Yeas: Van Vleet, Gaston and Hiett. Abstain: Weiderspon. Absent: Nienhueser. (Abbreviation for claims: ex expenses, rt retirement, re reimbursements, sa salaries, se service, su supplies, tr transfers, tx tax, co capital outlay) Whitebluffs su 518.00.

Van Vleet moved, Weiderspon seconded "That the following claims for February 2012, are here by approved and should be paid as provided by law out of the respective funds in the city treasury." Roll call vote:

Yeas: All council members present. Absent: Nienhueser. (Abbreviation for claims: ex expenses, rt retirement, re reimbursements, sa salaries, se service, su supplies, tr transfers, tx tax, co capital outlay) 21st Century su 40.05, 721.66, 156.34, 254.40; 3F Chimica su 705.97; A-1 Sports se 103.68, 55.64; Accelerated Receivables se 176.66; AlSCO se 384.24, 70.20; Altec Industries su 360.87; American Environmental su 3433.80; Atco Int'l su 302.15; Barco su 539.90; Bavco su 2410.18; Bomgaars su 11.69, 132.93, 117.45, 278.63; Book Corner su 96.30; Brestel, Gerald rt 570.28; Busted Knuckle se 779.91, 310.93; C&M Golf su 533.11, 199.07; Cardmember se 60.00, 111.51, 819.13; Caselle su 2962.00; Cashwa su 141.65; Cheyenne Co Chamber se 1250.00; Cheyenne Co Community Cntr se 10000.00; Cheyenne Co Emergency Cntr se 16603.34; Chief su 31.02; City of Kimball su 1000.00; City of Sidney ex rt re sa se su tr tx co 23967.38, 13066.80, 32869.25; 7888.91, 275.00, 1000.00, 19.75, 1063.85, 21.39, 103.00, 148.93, 82096.50, 8357.19, 16962.81, 8941.58, 7634.68, 429.21, 44788.75, 5111.38, 9488.99, 6401.06, 5214.44, 2970.85, 331.21, 522.97, 1093.10, 429.21, 426.76, 2970.85, 331.21, 522.97, 1093.10, 426.76; 82049.68, 9598.04, 16630.44, 23896.95, 9151.10, 7379.43, 83288.20, 11234.39; 16649.33, 24094.36, 9053.27, 7425.33, 301.00, 150.50, 3594.51, 84.11, 170.68, 2260.63, 994.94, 101.02, 6381.31, 10679.97, 35.14; Cleveland Golf su 2700.90; Clothes Hamper su 63.00; Connecting Point su 300.00; Country Printer su 244.00, 235.00; Craig, Tim ex 307.00; Cranmore Pest su 85.00; Crimson Fire su 130.72; D&D Roofing se 350.00; Darin's Auto se 654.74; Day & Night se 283.50, 317.39, 683.15, 175.20; Daylight Donuts su 42.50; Department of Energy se 20692.84; Ditch Witch su 684.27; 4787.65; DP Electronics su 408.53, 114.98, 139.99, 225.73; E&S Auto se 212.85, 268.68, 92.20, 6.38, 2073.88, 55.13, 427.76, 12.89, 1069.32; Eisinger Smith su 611.20; Enduring Stitches se 479.00; Energy Labs su 2464.06, 230.00; Enviro Service se 16.00; ESRI su 2140.00; Firfield Inn se 359.80; Farwest Line su 969.04; Finneys su 730.02, 2.58, 224.12, 294.17, 391.27, 94.34; Fireguard se 332.71; Floyd's Truck su 718.37; Foster Lumber se 265.78, 77.90, 114.34; Fremont Nat'l co 14266.53; Frenchman Valley su 6932.45, 2145.49, 2715.16, 1644.86, 1581.23, 535.93; Fried, Rod ex 9.00; GCSAA se 9.00; Gehrig, Don ex 14.00; General Traffic su 1399.38; Gneil Direct su 551.04; Graphics Plus se 40619.00; Great Plains One Call se 20.44, 20.43; Groundwater Foundation se 75.00; Hail Master se 4026.08, 3142.84, 6338.37, 2489.28; Hamilton se 229.80, 104.90, 99.90, 49.95; Harding & Schultz se 60.00; Harper Industries su 426.55; Hofrock, Curtis ex 157.50; Holtz Industries su 1212.80; Horizon West su 39.49, 35.10, 118.14; Ideal Linen su 790.43, 170.24, 79.70, 21.65, 707.06, 71.25; Inland Truck su 643.42; Jackson Hirsh su 484.04; Jirdon Agri Chemicals su 295.57; Johnsen Corrosion su 1552.00; Johnson, Kris ex 180.26; L&P Financial su 3725.42; LL Johnson Distributing se 5230.04, 1905.60; Larsen, Les ex 213.18; Lawson Products su 366.17; Leal, Ron se 450.00; Lincoln Nat'l se 203.85; Manufacturer's News su 291.06; Matthes, Joan se 450.00; Memorial Health se 161.40; Milestone su 690.00; Miller & Sons se 289.47, 9943.00; Miller Office su 875.05, 25.83, 25.99, 69.99, 79.33, 24.28, 15.99; Miracle Recreation su 780.00; Mobark su 81.63; Municipal Chemical su 520.00; MEAN su 270970.64; Municipal Supply su 3100.72; Murphy Tractor su 169.18; Napa su 5.82, 33.60, 266.85, 14.54; Nat'l Patent Analytical Sys se 270.00; NE Dept of Revenue tx 50148.05; NE Golf Asso se 396.00; NE Safety/Fire se 255.00; NE State Treasurer se 63.05; NT&T se 1457.26, 120.29, 234.54, 285.18, 48.52, 101.66, 329.65; Nienhueser Const se 34007.10; NE Machinery se 7743.49, 558.51; North America Roofing se 670.51; Olsen, Elenor se 275.00; Palmer, Mike ex 428.37; Panhandle Clerk's Asso se 10.00; Pannier se 229.61; Perfection Door se 155.65; Prairie States se 784.00, 2184.00, 1710.20, 838.88; Quality Inn se 79.97; Rankin Sales se 49.30; Reams Sprinkler su 154.05; Reganis su 1.65, 36.87, 171.22; Regional West se 5567.56; Respond First Aid su 138.60; Ritec su 248.50, 615.00; Rocks su 38.40; Rood's su 564.77, 1084.60; Safariland su 716.00; Sapp Bros su 762.30, 64.05; Sargent Drilling su 168.85; Scotties Potties su 630.00; Segelke, Carla se 1050.00; Sidney Glass su 230.00, 506.26; Sidney Soft Water se 48.00, 6.25; Sidney Sun Telegraph se 671.56, 45.42; Sonntag, Goodwin & Leef se 10000.00; Source Gas se 1877.55, 514.85, 555.12, 64.87, 268.76, 257.44, 257.44; Splish Splash se 36.80; Stern Oil su 4844.98; Stone, Eloise rt 400.00; SWANA se 594.00; Tech Control se 4542.00, 900.00; Terex Utilities su 9641.36; Triple O's su 229.99, 12.94, 93.34; USR Auto su 150.00; Verizon Wireless se 103.66, 68.20, 34.10, 156.15, 68.28, 34.10; Wesco co 68838.45; West, Mike re 62.73; Western Pathology se 58.00; Wheatbelt s133.75, 9756.47; Wingate Inn se 149.90, 169.90; WNCC se 57.14, 28.57, 57.15, 28.57, 28.57; Wolf, Van Ackern & Cuypers se 6719.83; Wolford, Marie rt 814.36; Baker & Taylor se 398.88; Barker Cleaners se 12.00; Cashwa su 120.85; Chamber of Commerce su 49.00; Charter su 113.99; City of Sidney se 1531.95; Culligan su 18.00; Day & Night se 88.11; Elan Visa su 988.24; Frenchman Valley su 160.29; Guideposts se 35.48; Ideal Linen se 26.90; Journal Office su 30.00; Leisure Time su 85.97; NLA Paraprofessional se 20.00; NT&T se 141.40; Sandra Nelson re 86.03; Eileen Nightingale se 86.58; OCLC se 114.18; Quill su 72.87; Raider Electric se 87.75; Scholastic su 152.10; Segelke Janitorial se 1050.00; Sonny's su 34.83; U-Store It se 60.00.

Hiett moved, Van Vleet seconded "That the Monthly Budget Reports for February, 2012 for all City Departments be approved. Roll call vote: Yeas: All council members present. Absent: Neinhueser.

City Manager Gary Person's report included information about recent and upcoming meetings; i.e. Legislative update, Communications Center quarterly meeting, update on the swimming pool consultant contract, Golf Course Master Plan meeting, Leadership Cheyenne County to hold county/city government day on 3-14-12, Board of Adjustment on 3-20-12, SPNRD 3-20-12, etc.

City Attorney Leef and Police Chief Brown informed the Council for the need to present them with an ordinance to correct the language in Chapter 660.02 of the Codified Ordinances. This will be placed on the next agenda.

Mayor Gaston announced that he had received a resignation from Jeff Campbell from the Planning Commissions and that interested parties could contact him or City Hall. He also thanked John Hehnke and those that participated in the installation of a new communication tower as he has received positive comments about it.

The meeting adjourned at 8:42 p.m.

/s/WENDALL GASTON, MAYOR

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