

Sidney, Nebraska, February 28, 2017 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 February 28, 2017 in the Council Room. Present were: Vice-Mayor Gallaway and Council Members: Nienhueser, Gaston, and Utley. Absent: Mayor Arterburn. Others present: City Manager Sadler, 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.

Vice-Mayor Gallaway informed the public of the location of the posted Open Meetings Act.

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

Utley moved, Gaston seconded "That the minutes of the February 14, 2017 meeting be approved as printed." Roll call vote: Yeas: All council members present. Abstain: Nienhueser. Absent: Arterburn.

During Comments by the Public: Beth Ackland, Director of Retail Gas Services with Public Alliance for Community Energy – ACE, presented "The Value of Choice" as it pertains to the Nebraska Choice Gas Program. She also presented Sidney with a Member Distribution check in the amount of \$14,811.00 for 2016. City Manager Sadler introduced Sidney's new Golf Director, Patrick Kilbride who started February 28<sup>th</sup>.

Dr. Kim Dale, Paula Abbott and Jason Stratman of Western Nebraska Community College gave a presentation on "Accelerate Your Career" and "Re-Imaging of WNCC Sidney Campus 2017". Also, relations between the Sidney and Scottsbluff campuses was discussed. Council Member Gaston questioned why the other towns in WNCC's area can't offer the same classes as Scottsbluff. Nurses classes for instance are needed. Dr. Dale commented that WNCC is working on re-organizing themselves and looking for more grant funding.

Tom Von Seggern, Chairman of the Sidney Tree Board asked for authorization to advertise for the two expiring terms of Ryan Reisdorff and Kelcey Pettitt. Gaston moved Nienhueser seconded "That the terms be advertised and that the two members whose terms are expiring be invited to re-apply." Roll call vote: Yeas: All council members present. Absent: Arterburn.

Tom Von Seggern, Parks, Cemetery and Pool Superintendent and Kirsten Richards, Aquatic Center Director, presented their recommendations for fees for the 2017 Summer Season. Nienhueser moved, Gaston seconded "That RESOLUTION NO. 20170205 be passed and adopted." Roll call vote: Yeas: All council members present. Absent: Arterburn.

**RESOLUTION 20170205**

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SIDNEY, NEBRASKA: That the charges for the use of the Sidney Aquatic Center shall be as follows effective May 1, 2017 :  
**Daily Admissions and Season Passes:**

<u>CATEGORY</u>	<u>DAILY</u>	<u>ANNUAL</u>	<u>Price based on Free or Reduced Lunch</u>	
			<u>ANNUAL REDUCED</u>	<u>ANNUAL FREE</u>
Adult	5.00	90.00	N/A	N/A
Youth	4.00	60.00	30.00	15.00
5 and under	3.00	45.00	22.50	11.25
Senior	3.00	45.00	N/A	N/A
*Family	N/A	150.00	75.00	37.50

**Aquatic Activities:**

Swimming Lessons - \$45.00 (5 sessions)  
Water Aerobics Fitness Classes - \$35.00, with purchase of season pass  
No Season Pass: \$35.00, plus appropriate daily aquatic center admittance.  
Aquatic Center rental for parties - \$125.00 per hour.

**\*Season Passes for Family Membership:**

**Definition:** For the purposes of a family membership, the Sidney Outdoor Aquatic Center defines a family as a mother/father, children and stepchildren living in one household. Unmarried children, 19-23, may be on the membership only if the child is a fulltime college student or is in the military with proper college or military ID. Foster children or other children under the legal guardianship of a parent may be added to a family membership by providing a copy of the official court documents awarding the member custody of the child.

**Family Passes:** Family pool passes are: 1) for immediate family members living in the same household; or 2) for grandparents who may purchase a family pass for themselves and one household of grandchildren.

**Annual Season Pass: Price based on Free or Reduced Lunch:** Applicant must provide a free or reduced lunch form from the school system they attend.

Vice-Mayor Gallaway stated that a public hearing regarding the City of Sidney 2017 One Year and Six Year Street Improvement Plan would now be held. The hearing was opened at 8:19 p.m. Sidney Street Superintendent Hank Radtke presented a power point of the State regulations for municipalities, as well as projects slated for both the 2017 One-Year Plan and Six-Year Plan. He explained that all projects on the One-Year Plan were also on the Six-Year Plan, then moved up to the One-Year plan when slated to begin in that calendar year. Specific projects including Hwy 30 and the 13<sup>th</sup> Avenue renovation were discussed. Radtke explained that while the 13<sup>th</sup> Avenue project is currently listed on the 2-6 year schedule. The engineering study is currently underway. The public hearing was closed at 8:32 p.m.

Nienhueser moved, Utley seconded "That Resolution No. 20170204 be passed and approved." Roll call vote: Yeas: All council members present. Absent: Arterburn.

**RESOLUTION NO. 20160302**

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

That the 2017 One Year and Six Year Street Improvement Plan has been presented to the Council of said City and that said Council deems it in the best interest of the City to adopt said plan as presented and said Plan be and hereby is approved and adopted.

Passed approved this 28<sup>th</sup> day of February, 2017.

City Clerk Anthony read by Title for the second time the Ordinance entitled "AN ORDINANCE CONTINUING THE SIDNEY ECONOMIC DEVELOPMENT PROGRAM; MAKING DETERMINATIONS OF FACT; APPROVING AND ADOPTING THE CITY OF SIDNEY ECONOMIC DEVELOPMENT PLAN 2017, PROVIDING FOR THE CONTINUING OF A CITIZEN ADVISORY REVIEW COMMITTEE; CONTINUING A SEPARATE ECONOMIC DEVELOPMENT FUND; PROVIDING FOR THE ALLOCATION OF FUNDS AND ISSUANCE OF BONDS; PROVIDING FOR THE EFFECTIVENESS OF THIS ORDINANCE AND ITS PUBLICATION". Gaston moved "That the Statutory requirement requiring the ordinance to be read by title three different days be suspended." There being no second for the motion, the motion failed and Ordinance No. 1785 will be considered again at the March 14, 2017 Council meeting.

Vice-Mayor Gallaway opened a Board of Equalization hearing re: setting special assessments for Street Improvement District Nos. 53 and 54 in the area of the Patel redevelopment area at 8:34 p.m., and invited questions or comments regarding the schedule of assessments as set forth in Resolution No. 20170206. Their being none, the Vice-Mayor closed the public hearing at 8:37 p.m. and asked for a motion to approve the Resolution.

Gaston moved, Nienhueser seconded "That RESOLUTION NO. 20170206 be passed and approved." Roll call vote: Yeas: All Council Members present. Absent: Arterburn.

**RESOLUTION NO. 20170206**

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

1. The Mayor and Council find and determine: The cost of the street improvements constructed are as follows: STREET IMPROVEMENT DISTRICT NO. 53 IN THE AMOUNT OF \$503,200.00 AND STREET IMPROVEMENT DISTRICT NO. 54 IN THE AMOUNT OF \$463,041.85. The council has heretofore designated this time and place for considering and levying special assessments upon the property specially benefitted by said improvements to pay the cost of constructing the same; that notice of the time and place of holding that meeting for said purpose has been duly given as provided by statute by publication in *The Sidney Sun Telegraph*, a legal newspaper of general circulation in this City, at least ten days prior to the time designated for the holding of the meeting, said publication being made on the 17th day of February, 2017; and by the mailing of copies of said notice to interested parties as provided by law; the Mayor and members of the Council have each personally inspected said improvements and the real estate abutting on and adjacent thereto; the Mayor and Council have heard all persons who desired to be heard in reference to the valuation of each lot to be assessed and the special benefits or damages thereto by reason of the construction of said improvements.

2. The Mayor and Council find and determine that no lot or parcel of land in said districts has been damaged by the construction of said improvements, that the valuation of the lots and parcels of land, taking into account the benefits derived or injuries sustained in consequence of said improvements, is the amount set out in the schedule hereafter included in this resolution opposite the description of said respective lots and parcels of land in the column headed "Valuation"; that the amount of benefits specially accruing to each lot and parcel of land in said District by reason of the construction of improvements exceeds the amount assessed against each lot or parcel of land to pay the cost of said improvement.

3. There is hereby levied and assessed upon the several lots and parcels of land in said Districts special assessments to pay the cost of construction of said improvements in the amount in dollars and cents set out in the schedule below in the column headed "Special Assessments". Said schedule referred to in this resolution is as follows:

**STREET IMPROVEMENT DISTRICT NO. 53**

NAME	LOT	BLOCK	ADDITION	VALUATION	SPECIAL ASSESSMENT
Wilkinson Development, Inc.	1	1	Runza Second	\$1.00	\$ 84,215.32
Krishna Management, Inc.	2	1	Runza Third	\$1.00	\$ 80,551.76
RAJ Motel, Inc.	2A	2	Runza Third	\$1.00	\$133,947.93
Wal-Mart Real Estate Business Trust	1	1	Re-Plat Wal-Mart	\$1.00	\$204,484.99

**STREET IMPROVEMENT DISTRICT NO. 53 TOTAL \$503,200.00**

**STREET IMPROVEMENT DISTRICT NO. 54**

NAME	LOT	BLOCK	ADDITION	VALUATION	SPECIAL ASSESSMENT
Krishna Management, Inc.	1	1	Runza Third	\$1.00	\$118,722.25
Krishna Management, Inc.	2	1	Runza Third	\$1.00	\$113,449.74
Krishna Management, Inc.	1	2	Runza Third	\$1.00	\$118,001.81
RAJ Motel, Inc.	2A	2	Runza Third	\$1.00	\$112,868.05

**STREET IMPROVEMENT DISTRICT NO. 54 TOTAL \$463,041.85**

4. That the assessment upon each lot and parcel of land is not in excess of benefits thereto specially accruing from the construction of said improvements and the special assessments have been apportioned among the lots and parcels of land subject to assessment in proportion to the special benefits accruing to said lots and parcels of land respectively from such improvements.

5. Said special assessments shall be a lien on the property on which they are levied from the date of the passage of this resolution and shall be certified by the City Clerk to the Treasurer of this city for collection; said assessments shall be payable to the City Treasurer and shall thereafter be collected by the City Treasurer.

6. Said assessments are payable in twenty equal installments of which the first shall become delinquent fifty (50) days after the date of passage of this resolution and the subsequent installments

shall become delinquent in one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen and nineteen years respectively from the date of the passage of this resolution; each of said installments except the first shall draw interest from date of passage of this resolution at the rate of six percent per annum, payable annually until the same become delinquent and after the same become delinquent at a rate equal to the maximum rate of interest allowed per annum under Section 45-104.01, R.R.S. 1943, as such rate may from time to time be adjusted by the Legislature, shall be paid thereon.

7. All of said assessments and the interest thereon constitute a sinking fund for the payment of the warrants and/or bond issue of the City issued to pay the improvement in said District.

City Manager Sadler reviewed the truck route resolution that had been presented at the last council meeting. He also added more information that he had received about the weight of cars vs. heavy duty vehicles. He also shared a letter he had received from the Owner-Operator Independent Drivers Association, Inc. Kae Nelson, an independent operator, asked questions about his home in Sidney and how this all would affect his situation. Deb Brauer questioned how this would affect the business that she works for at 800 Greenwood Road. (paragraph four of resolution answered her question). Other's speaking to the issue were Dallas Langley, Myron Reker, Phil Kurz and Kendra Stettner. The proposed resolution was amended as follows: 1. Add Hickory Street extending east from 12<sup>th</sup> to 8<sup>th</sup> Avenue; 2. Add 8<sup>th</sup> Avenue extending south from Hickory Street to Illinois Street/US Hwy 30; 3. Amend Illinois Street/US Hwy30 extending east from 23<sup>rd</sup> Avenue to L-17-J/US Hwy 30; 4. Amend 10<sup>th</sup> Avenue extending south from Hickory Street to 11<sup>th</sup> Avenue; 5. Add 12<sup>th</sup> Avenue extending south from Hickory Street to Illinois Street/US Hwy 30; 6. Amend 11<sup>th</sup> Avenue extending south from 10<sup>th</sup> Avenue to Old Post Road; 7. Amend Fort Sidney Road extending south from Illinois Street/US Hwy 30 to 11<sup>th</sup> Avenue; 8. Amend L-17J/US Hwy 385 extending south from Illinois Street/US Hwy 30 to the southern City Limits (south of Interstate 80); 9. Amending Pole Creek Crossing extending east from Fort Sidney Road to L-17-J/US Hwy 385; and 10. Amending Old Post Road extending east from Road 113 to Silverberg Drive. (changes are underlined)

Nienhueser moved, Gaston seconded "That RESOLUTION NO. 20170203 be passed and approved as amended and be reviewed in one year (March, 2018)." Roll call vote: Yeas: All Council Members present. Absent: Arterburn.

#### RESOLUTION NO. 20170203

**WHEREAS**, the City Council of the City of Sidney, Nebraska has the authority under City Ordinances to designate certain streets in the City upon which vehicles of a prescribed weight and/or size shall travel; and

**WHEREAS**, designating truck routes upon which vehicles of a prescribed weight and/or size may travel protects the structural integrity of streets and promotes the orderly flow of traffic in the City of Sidney;

**NOW, THEREFORE**, be it resolved by the City Council of the City of Sidney, Nebraska, that the following shall be designated restricted vehicle routes in the City of Sidney upon which all vehicles of more than 14,000 lbs. and/or larger than 30 feet in length shall be required to drive:

- **Hickory Street** extending east from 12<sup>th</sup> Avenue to 8<sup>th</sup> Avenue;
- **Illinois Street/US Hwy 30** extending east from 23<sup>rd</sup> Avenue to L-17-J/US Hwy 385;
- **12<sup>th</sup> Avenue** extending south from Hickory Street to Illinois Street/US Hwy 30;
- **10<sup>th</sup> Avenue** extending south from Hickory Street to 11<sup>th</sup> Avenue;
- **11<sup>th</sup> Avenue** extending south from 10<sup>th</sup> Avenue to Old Post Road;
- **8<sup>th</sup> Avenue** extending south from Hickory Street to Illinois Street/US Hwy 30;
- **Fort Sidney Road** extending south from Illinois Street/US Hwy 30 to 11<sup>th</sup> Avenue;

- **L-17-J/US Hwy 385** extending south from Illinois Street/US Hwy 30 to the southern City limits (south of Interstate 80);
- **Pole Creek Crossing** extending east from Fort Sidney Road to L-17-J/US Hwy 385;
- **Old Post Road** extending east from Road 113 to Silverberg Drive.

Pursuant to 446.01 of the Codified Ordinances of the City of Sidney, Nebraska, no person operating a vehicle exceeding such prescribed weight and/or size shall travel upon streets other than those designated by this resolution, except to pick up or deliver goods, wares or merchandise. In such event, the operator of such vehicle shall return to the designated route as soon as possible in traveling through or about the City.

The Council shall cause signs to be erected indicating the streets so designated as such routes.

Adopted this 28<sup>th</sup> day of February, 2017, at Sidney, Nebraska.

The City Council of Sidney, Nebraska

City Manager Sadler reviewed the proposed truck parking ordinance. The above public comments also applied to this new parking ordinance as well as questioning 5<sup>th</sup> wheel campers and other heavy duty vehicles. Nienhueser moved, Gallaway seconded “That the Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 460 PARKING GENERALLY SECTION 460.18 PARKING OF CARRIERS IN RESIDENTIAL DISTRICTS OF THE SIDNEY MUNICIPAL CODE TO ELIMINATE PARKING OF CARRIERS IN RESIDENTIAL DISTRICTS EXCEPT FOR LOADING OR UNLOADING; TO REPEAL SUCH SECTION AS HERETOFORE EXSTING, AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE” be designated as Ordinance No. 1787.” Roll call vote: Yeas: All Council Members present. Absent: Arterburn. Due to no motion made to suspend the Statutory requirement requiring the ordinance to be read by title three different days, the Ordinance was read by Title and will be presented again at the March 14, 2017 Council meeting.

City Manager Sadler reviewed the status of the cost estimates and proposed design or the City’s joint project for stormwater retention on the southwest part of Sidney. This project is a joint effort between the City of Sidney and the JESWA committee of the South Platte Natural Resource District via an Interlocal agreement. The City collects a ½ % sales tax that 5% of the collections are designated for this project.

**City Manager’s Report:** Right of Way permits are ready to go as well as a Public Notice Police in conjunction with the permits. A couple of alcohol permits are in the works. April 29<sup>th</sup> is Girl’s Night Out in Sidney. The Governor will be making a Whistle Stop in Sidney on August 5<sup>th</sup> in conjunction with the State of Nebraska’s 150<sup>th</sup> anniversary. Jim Trowbridge’s retirement reception in the Council Room of the Municipal Building on 3/10/17. Library digitation project grant received as per Library Director Sherman.

**Council Comments: Vice-Mayor Gallaway:** Good luck to the Sidney girls’ basketball at State, the March 16 District Speech, etc. **Other Council Member’s Comments:** Wendall reported on the topics available at the recent Annual Mid-Winter League conference.

Meeting adjourned at 10:00 p.m.

/s/ROGER GALLAWAY, VICE- MAYOR

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









