

Sidney, Nebraska, July 10, 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 7:32 P.M. (Due to the CDA meeting running late) on July 10, 2012 in the Council Room. Present were: Mayor Gaston and Council Members: Weiderspon, Nienhueser, Gallaway and Van Vleet. 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.

Weiderspon moved, Van Vleet seconded "That the minutes of the June 26, 2012 meeting be approved." Roll call vote: Yeas: All council members present.

The Mayor reported that the City's Community Development Agency has recommended that the Mayor and Council approve a modification of a redevelopment plan entitled "THIRD MODIFICATION TO PRAIRIE WINDS REDEVELOPMENT PLAN" relating to that redevelopment plan entitled "PRAIRIE WINDS REDEVELOPMENT PLAN" which was approved by the Mayor and Council on February 13, 2007 providing for the addition of certain real estate to the project area. The City Manager stated that in connection with such recommendation he had presented a statement supplementing the prior cost benefit analysis and tax receipt projections prepared by the redeveloper. Pursuant to published notice a hearing was set on the issue of whether the such modification should be approved. The Mayor declared the hearing open. The following persons appeared and were heard: City Manager asked that all comments he had made at the Community Development meeting be accepted into the record for his meeting. After all persons desiring to be heard had been heard, the hearing was then closed. Council Member Weiderspon then offered the following resolution and moved its adoption:

RESOLUTION NO. 20120701

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SIDNEY, NEBRASKA, APPROVING A THRID MODIFICATION OF THAT REDEVELOPMENT PLAN ENTITLED "PRAIRIE WINDS REDEVELOPMENT PLAN".

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

Section 1. The Mayor and Council of the City of Sidney, Nebraska, hereby find and determine: (a) that the Mayor and Council have by Resolution No. 980701 passed and approved on July 7, 1998, declared certain real estate within the City to be blighted and substandard after review by the City's Planning Commission and published notice of hearing and public hearing as required by law (such area, as so determined, the "Blighted Area"); (b) that the redevelopment plan entitled "Prairie Winds Redevelopment Plan" (the "Original Plan") relating to a certain portion of the Blighted Area was submitted to the Planning Commission of the City of Sidney, Nebraska (the "Planning Commission"), for review and recommendations and that the Planning Commission approved the Plan in the form submitted without any recommendation for change; (c) that the Community Development Agency of the City of Sidney (the "Agency") recommended the Plan for approval to the Mayor and Council on February 13, 2007; (d) that after notice and hearing as required by law the Mayor and Council approved the Plan on February 13, 2007; (d) that the Original Plan was further modified by a First Modification approved by the Mayor and Council on November 13, 2007 and a Second Modification approved on June 23, 2009 (the Original Plan as so modified, the "Existing Plan").

Section 2. The Mayor and Council of the City of Sidney, Nebraska, hereby further find and determine that a proposal has been made for further redevelopment in the form of construction of units for multifamily housing with respect to Prairie Winds Addition to the City of Sidney – Phase 1 and certain adjacent vacant real estate and both Fort Sidney Development Group, LLC as developer and Salvadore Carta, Trustee of the Salvadore Carta Revocable Trust dated April 30, 2004 as the registered owner of the City's Redevelopment Promissory Note (Prairie Winds Phase 1 Project) dated January 22, 2008 have requested a further modification to the Existing Plan

in order to provide for such redevelopment; (c) that based upon such request, a Third Modification to Prairie Winds Redevelopment Plan (the "Third Modification") has been prepared and presented; (the "Third Modification" and together with the Existing Plan, the "Modified Plan") and the Third Modification has been referred and submitted to the Planning Commission for review and recommendations and the Planning Commission approved the Third Modification without recommendation for changes from the form submitted at its meeting held on June 18, 2012; (f) that the real estate described in Exhibit A to the Third Modification is located within the Blighted Area; (g) that the Agency has recommended the Modified Plan and in making such recommendation considered whether the proposed land uses and building requirements in the redevelopment project area (herein referred to as the "Project Area") are designed with the general purpose of accomplishing, in conformance with the City's general plan, a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage and other public utilities, schools, parks, recreational and community facilities and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds and the prevention of the recurrence of insanitary or unsafe dwelling accommodations, or conditions of blight.

Section 3. The Mayor and Council further find and determine that a cost-benefit analysis has been prepared and supplemented pursuant to the guidelines set forth in Section 18-2113, R.R.S. Neb. 2007, as amended, and has been approved and adopted as the cost benefit analysis of the Agency with respect to the Original Plan and the Modified Plan. Such cost benefit analysis reflects positive impacts of the project as described in the Modified Plan. Such cost benefit analysis is hereby determined to continue to show positive benefits based both on the Existing Plan and the Third Modification and is hereby approved and confirmed.

Section 4. The Mayor and Council further find and determine that the Community Development Agency has recommended that the Mayor and City Council approve and adopt the Modified Plan. In connection with such recommendation, the Agency reported to the Mayor and City Council that the proposed method and estimated cost of the acquisition and preparation for redevelopment of the Project Area and the estimated proceeds or revenue from the Project Area's disposal to redevelopers, if any; and a statement of the proposed method of financing the redevelopment project is set forth in the Modified Plan and that further it has been stated to the Mayor and City Council that there will be no families displaced from the Project Area.

Section 5. The Mayor and Council further find and determine that a public hearing was held, after notice of such public hearing was provided as required in Section 18-2115, R.R.S. Neb. 2007, whereby all persons desiring to be heard as to whether the Modified Plan should be approved have been heard.

Section 6. Based upon the recommendation of the Agency and analysis and review of the Modified Plan, the Mayor and Council hereby find (1) that the Modified Plan is feasible and in conformity with the general plan for the development of the City as a whole and the Modified Plan is in conformity with the legislative declarations and determinations set forth in the Community Development Law and (2) that (a) the redevelopment project in the Modified Plan (the "Project") would not be economically feasible without the use of tax-increment financing, (b) the Project would not occur in the Project Area without the use of tax-increment financing, and (c) the costs and benefits of the Project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the governing body and have been found to be in the long-term best interest of the community impacted by the Project.

Section 7. The Mayor and Council hereby approve and adopt the Modified Plan.

Council Member Nienhueser seconded the motion. Upon roll call vote the following Council Members voted "Aye": Weiderspon, Nienhueser, Gaston, Gallaway and Van Vleet. The following Council Members voted "Nay": None. The Mayor declared the resolution adopted.

The final plat and subdivider's agreement for Block 1, Fort Sidney Addition and Lot 7, Block 1 and Outlot D, Prairie Winds Addition was presented for consideration. Council Member Nienhueser expressed his

expressed his concerns about the five foot setbacks in the southwest corner of the plat instead of ten feet between the two projects. Charles Cuyper representing Fort Sidney Land Development, LLC addressed these concerns and the landscaping plans for that area, agreements with Mr. Carta about same, and that they had no problem with amending that particular area to a ten foot setback. Mr. Cuyper also gave an update of the progress of the project. Council Member Nienhueser thanked Mr. Cuyper and his group for bringing this project forward.

Nienhueser moved, Gallaway seconded "That RESOLUTION NO. 20120702 be passed and adopted with the amendment to change the 5' to 10' setbacks that had been discussed." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20120702

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 amended Final Plat for Block 1, Fort Sidney Addition and Lot 7, Block 1 and Outlot D., Prairie Winds 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 Block 1, Fort Sidney Addition and Lot 7, Block 1 and Outlot D., Prairie Winds Addition to the City of Sidney, Cheyenne County, Nebraska.

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 Fort Sidney Land Development, LLC for Block 1, Fort Sidney Addition, Sidney, Cheyenne County, NE from R-1 (Single Family Residential) to R-3 (Heavy Density 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: City Manager Person. All persons having been heard, Mayor Gaston closed the public hearing.

Weiderspon moved, Nienhueser seconded "That the Ordinance entitled "AN ORDINANCE PROVIDING FOR THE REZONING OF BLOCK 1, FORT SIDNEY ADDITION TO THE CITY OF SIDNEY, CHEYENNE COUNTY, NEBRASKA, FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO R-3 (HEAVY DENSITY 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. 1678." Roll call vote: Yeas: All council members present. Nienhueser 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: 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, Weiderspon seconded "That Ordinance No. 1678 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. Weiderspon moved, Gallaway seconded "That Ordinance No. 1678 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: All council members present.

Nienhueser moved, Van Vleet seconded "That the bid proposal from Rauner & Associates for examining and auditing of city accounts, records, and affairs of the municipality for the next three fiscal years as received on 6/22/12 be accepted." Roll call vote: Yeas: All council members present.

An application for a sidewalk café for The Book & Coffee Corner was presented. The application was amended to allow for up to three tables in the allowable space. Nienhueser moved, Gallaway seconded "That the amended application for a sidewalk café for The Book & Coffee Corner at 936 10th Avenue be approved." Roll

call vote: Yeas: All council members present.

Weiderspon moved, Gallaway seconded "That the following claims for June 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, Gallaway and Van Vleet. Nays: None. Abstain: Nienhueser. (Abbreviation for claims: ex expenses, rt retirement, re reimbursements, sa salaries, se service, su supplies, tr transfers, tx tax, co capital outlay) Cabela's su 518.71

Weiderspon moved, Nienhueser seconded "That the following claims for June 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, Nienhueser, Gaston, and Gallaway. Nays: None. Abstain: Van Vleet. (Abbreviation for claims: ex expenses, rt retirement, re reimbursements, sa salaries, se service, su supplies, tr transfers, tx tax, co capital outlay) Endurance Flag su 962.00

Weiderspon moved, Gallaway seconded "That the following claims for June 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 Gallaway. Nays: Van Vleet. Abstain: 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, Nienhueser seconded "That the following claims for June 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, Nienhueser, Gaston, and Gallaway. Nays: None. Abstain: Weiderspon. (Abbreviation for claims: ex expenses, rt retirement, re reimbursements, sa salaries, se service, su supplies, tr transfers, tx tax, co capital outlay) Whitebluffs su 408.00

Gallaway moved, Nienhueser seconded "That the following claims for June 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. (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 497.14, 55.62, 3.80, 1951.09; 3F Chimica su 706.29, 707.89; Accelerated Receivables se 257.10; Also su 602.90, 47.24, 77.07; Amateur Sports su 269.00; American Environmental se 13641.58; American Test Center se 1090.00, 2019.35; Aqua Aerobic su 6250.00; Arnold Pool su 47.80, 3261.25; Ball, Jordan Law Office se 990.00; Ban Koe se 1000.00; Bomgaars su 15.96, 47.83, 159.99, 835.81, 278.18, 47.98, 5.38; Brestel, Gerald rt 570.28; Bridgestone su 642.60; Brownells, su 65.75; C&M Golf su 405.62; Cardmember se 222.00, 389.69, 466.55, 26.40, 100.84, 408.70; Central State Wire su 1267.20; Century Link se 95.90; Cheyenne Co Chamber se 1300.00, 50.00; Cheyenne Co Community Center se 10000.00; City of Sidney se su tr tx co 27.14, 32869.25, 17888.91, 880.00, 1000.00, 3112.52, 98.14, 1600.00, 103.00, 2934.12, 97532.56, 10250.64, 16600.94, 25212.53, 11115.47, 7021.79, 44799.75, 6337.20, 10090.82, 13066.80, 6401.06, 5214.44, 2970.85, 457.51, 522.97, 1000.95, 429.21, 426.76, 100026.95, 12082.01, 16877.94, 23575.09, 11524.92, 6970.29, 40.00, 53.75, 849.25, 146.20, 5840.76, 272.53, 161.94, 791.58, 278.10, 101.02, 10156.21, 9861.12, 2690.00; Clothes Hamper su 55.00, 40.00; Cobitco su 541.45; Colorado Golf su 183.50; Co Water Well Pump se 1029.50; Continental Divide Fence su 41.69; Contractor Materials su 252.18, 359.00, 396.00; Country Printer su 393.00; Cranmore Pest/Fire su 85.00, 214.00; Crimson Fire su 199.31; Crouch/Churchich su 905.00, Cummins su 1400.58; Day & Night su 679.45; DBC Irrigation su 280.25; Dept of Energy su 24054.89; Deutsche Tree Svc se 400.00; DHHS se 532.00; Dorwart, Dan re 124.36; DP Electronics su 190.97, 719.98; E&S Auto su 41.63, 404.43, 525.43, 1001.89, 109.59; Eakes su 136.25, 527.86; Enviro se 90.00, 60.00; ESRI se 1500.00; Falcon Labs su 667.44; Finneys su 610.32, 206.18, 52.93, 55.53, 2131.89, 87.83; Floyd's su 1143.79, 373.13; Foland Farm su 30.24; Foster Lumber su 103.70, 18.65, 49.16, 19.99, 318.46; Fremont Nat'l se 13116.68; Frenchman su 7457.32, 2924.41, 8649.47, 1872.11, 1064.50, 489.56, 547.74; Fries, Rod re 14.00; G&L Laser Memories su 15.95; Gabis, Chris re 57.50; Galls su 292.92; Grainger su 243.27; Great Plains One Call se 47.62, 47.61; Hamilton su 229.80, 104.90, 99.90, 49.95; Hampton Inn su 2552.40; Harper se 117.00; Heritage NE Main St Program se 18.41; Hofrock, Curtis se 192.00; Holiday Inn se 1009.90; Holtz Industries se 129.00; Horizon West su 329.11, 276.32,

121.31; Huus, Alyssa se 60.00; Ideal Linen su 34.29, 384.27, 60.08, 97.47, 57.00; Interstate Batteries su 114.95, 87.95; JA Traffic su 276.00; Jirdon su 912.34; Johnson, Kris ex 189.226; Kevin's Electric se 56.98, 1605.02; Kimball Midwest su 476.42; Kriz Davis su 1432.19, 8195.43; L L Johnson su 587.92; Leal, Ron se 450.00; Lincoln Nat'l su 208.35; Mathes, Joan se 450.00; Midwest Labs su 562.48; Milestone su 177.50, 857.36; Miller & Sons su 98.35; Miller Office su

1291.71, 54.04, 11.48; MEAN se 245670.76; Municipal Graphics se 97.47; Municipal Supply su 4876.06; Napa su 5.28, 36.48, 224.83, 118.34, 71.99; NASRO su 40.00; Nat'l Alliance of Preservation se 140.00; Nat'l Tactical Officers se 150.00; NATP su 70.00; NE Dept of Motor Vehicles su 6.60; NE Housing Developers su 250.00; NE Public Health su 84.00; NT&T su 2066.81, 120.21, 234.47, 290.01, 147.60; NELand Tire se 109.66, 37.94; NEC Financial su 329.65; Nienhueser Construction se 450.00; NE Machinery su 35.67, 113.40, 4590.72; Northwest Pipe su 3090.82; Olsen, Eleanor su 275.00; Pepsi Cola su 290.00; Phillips, John re 122.10; Prairie States su 919.90; Ragan Communications su 29.95; Randy's Auto se 384.98; Reams Sprinkler su 2282.37; Reganis Motors su 113.53; Region I se 150.00; Regional West se 5567.56; Respond First Aid su 60.91, 102.01; Rock on Wheels su 220.50; Roods Tire su 907.29, 669.20, 140.00, 999.02, 579.85, 15.00; Sandberg Implement su 3.74, 78.03; Sanitas Technologies su 295.00; Sapp Bros su 451.77; Sargent Drilling su 2400.00, 250.00; Sauder Auto su 4625.97; Segelke, Carla se 1050.00; Sherwin-Williams su 745.00; Shirt Tales su 205.20, 236.20; Sidney Feed su 50.58; Sidney Glass su 227.29, 15.00; Sidney Photography su 140.00; SRMC se 108.80; Sidney Roofing su 27180.32; Sidney Soft Water se 55.00, 7.50; Sidney Sun Telegraph su 2606.35, 108.00; Snap On Tools su 82.68; Sonny's su 71.89; Source Gas su 2575.55, 37.95, 60.16; Southwestern Equipment su 3032.15; Splish Splash su 41.60, 12.80; State of NE su 937.06; Sterling Journal Advocate su 143.74; Stone, Eloise rt 400.00; The Thompson Co su 348.14; Track Sidney Welding su 1142.51; Triple O's su 64.86, 179.03; US Postal se 3000.00, 110.00; USA Bluebook su 4406.99; Utility Service se 7314.90; Verizon se 104.34, 68.12, 34.06, 155.74, 102.20, 425.36; Walmart su 199.97; Weather Craft su 2748.00; Western Enterprises su 8500.00; Western Pathology su 116.00; Wheatbelt su 127054.99; Wingate su 77.00; WNCC se 2000.00; Wolf Van Ackern & Cuypers se 814.36; Wranglers se 55.00; Alliance Times se 99.00; Star Herald su 139.00; A Rifkin su 31.17; Baker & Taylor su 848.45; Barker Cleaners su 12.00; Bernan su 110.20; Charter su 113.99; Council of State se 117.00; City of Sidney se 673.47; Sidney Soft Water se 18.00; Day & Night su 80.91; Demco su 42.44; EBSCO se 2261.20; Elan Visa se 695.92; Frenchman Valle su 215.30; Gale su 2594.52, 151.43; Goodall City Library su 8.65; Guideposts su 35.48; Ideal Linen su 26.90; Journal Office su 30.00; Leisure Time su 56.77; NT&T se 144.14; OCLC su 118.16; Panhandle Library su 20.00; Quality books su 1318.51; Quill su 199.85; Finneys su 19.98; Regional Books su 776.08; Segelke Janitorial se 1050.00; Show Me Books su 528.00; Sidney Sun Telegraph se 5.89; Sonny's su 15.06; Sterling Journal Advocate su 143.74; U Store It su 60.00

City Manager's report consisted of updates of recent and upcoming meetings and/or events; i.e.: Golf Course Study to Council 7-24; PRT 7-6-12; Communication Center budget meeting; Lt. Governor & State DED Director walk thru of downtown; Cheyenne County leadership graduation and applications being taken for the next class; Historic Preservation 7-10; Mike Linder of NDEQ in Sidney this week to tour the Wastewater Treatment Plant; major golf tournament 7-22/23; Appreciation Days & Farmer's Market 7-28; County Fair 7-22-29; NNI 2nd phase-one bidder--Sidney Housing Authority; Public Meeting for Sidney Regional Medical Center 7-16; etc. Thank you was given to the Fire Department, Police Department and the public for the safe 4th of July celebration. Jess Nelson has returned and is revitalizing plans for the Fine Arts building. Thank you to Amanda Glenn for her Keep Sidney Beautiful and the High Plains Compass work. Her last day is 7-11.

Public Service Director Hehnke reported that a demonstration of an Advanced Metering Infrastructure that was bid recently will be presented at the next Council meeting. He was asked about the bind weed problem on City property - Parks Department sprayed said problems this week.

Council Member Nienhueser & Mayor Gaston also thanked the Fire & Police Departments for the safe 4th of July celebration as well as commending the public's efforts also.

Lists of Goals for the upcoming budget as well as the future were shared by Council Members Weiderspon, Nienhueser, Gallaway and Mayor Gaston. Some items but not inclusive of all items were street repair, maintenance, and replacement as well as new streets (Greenwood Road & extension of Toledo to the east) as well as possible financing options for same, electrical underground, Hickory Square enhancements, recreation package, beautification of several areas, building of a reserve for Sewer & Water Departments; i.e. review fees, storm water runoff control master plan, long range plan for police station facilities; golf course study and potential improvements, etc.

The meeting adjourned at 8:22 p.m.

_____MAYOR

ATTEST:

_____CITY CLERK

