

July 7<sup>th</sup>, 2014

1. **CALL TO ORDER:** The regular meeting of the City of Sidney City Council was called to order by Mayor Rick Norby at 6:30 pm.
2. **PLEDGE OF ALLEGIANCE:** The pledge of allegiance was stated by all present.
3. **ALDERMEN PRESENT:** Christensen, Smith, Gartner, Koffler, Gilbert, and Sergeant
4. **CORRECTION OR APPROVAL OF MINUTES:**
  - a. **June 16<sup>th</sup>, 2014:** Motion was made to approve the minutes from the June 16<sup>th</sup> City Council Meeting by Alderman Smith, and seconded by Alderwoman Sergeant. All council present voted aye.
5. **VISITORS:**
  - a. **Bob and Lisa Rauschendorfer:** Mr. Rauschendorfer presented the City Council and Mayor Norby with a hand-out explaining his purpose for attending the City Council meeting. He stated that a contractor purchased lots by the Sidney golf course, where he put up two duplexes. He has not paid his contractors for the supplies or the work done to get the duplexes up, including his business Sidney Woodwork. He stated the next step to get payment would be to put a lien on the property, but someone has already put a lien on above the worth of the property on these duplexes, which makes putting another lien worthless. Mr. Rauschendorfer stated that he would like the City of Sidney to pass a resolution stating that the City will no longer issue either Occupancy Certificates, or turn the city services on if there are any liens on the property. This will help ensure that the local businesses who are supplies the supplies, contractors, etc. are paid prior to people moving into the buildings. City Attorney Navratil stated that he is not sure what stance the City can take on this issue, but that he would look into all avenues the city can take and report back to the City Council.
    - d. **Patrick Murtagh, Murtagh Municipal**
    - e. **Robert Rauschendorfer: Sidney Woodwork**
  - b. **Jeff Miller, Sanderson Stewart**
  - c. **Gary Baldwin, Rod Iron Inn LLC**
6. **PUBLIC HEARING:**

Nothing
7. **MAYOR NORBY:**
  - a. **Employee Promotions:** Mayor Norby announced the promotion of Greg Anderson to the Utility Manager, in which position he will help the PWD in overseeing the water and waste water departments. Jason Ellefson was then promoted to the Water Commissioner position, and Kevin Bast was promoted to the Wastewater Superintendent position.
  - b. **Job Descriptions; Fire Marshal, City Clerk, and Treasurer:** Mayor Norby stated that the Fire Marshal, the City Clerk, and the Treasurer's job descriptions have been reviewed and updated. The current employees in those positions agreed to and signed off on the new job descriptions. Motion was made to approve the new job descriptions for the Fire Marshal, City Clerk, and Treasurer's positions by Alderman Smith, and seconded by Alderwoman Christensen. All council present voted aye.
8. **COMMITTEE WORK:**
  - a. **Street and Alley**
    - i. **Sunrise Subdivision: SIA extension:** Alderwoman Christensen stated that the Street and Alley committee met to discuss the proposed extension of the Subdivision Improvement Agreement for the Sunrise Subdivision. In the meeting it was stated that City Planner How would draft a letter to the Sunrise Subdivision outlining the conditions that the City of Sidney has for extending the SIA. City Planner How stated that he completed the letter and sent it, but has not received any comments back yet. It was City Planner How's recommendation that the City of Sidney extend the SIA as it is for another 60 days after expires to give time for the court judgment on this subdivision. City Attorney Navratil stated that 60 days may not be long enough to get a judgment back from the court. City Planner How stated that if necessary after the 60 days, it can be extended for another 60 days if no judgment has been made. City Attorney Navratil stated he would like to see the Sunrise Subdivision have the choice between the 60 day as is extension with possible conditional extension for 1 year after, or just having the conditional 1 year extension. Motion was made by Alderwoman Christensen to give Sunrise Subdivision the option of either the 60 day as is extension of the SIA or the 1 year conditional extension of the SIA, and was seconded by Alderwoman Gilbert. City Planner How stated that he would like to see a deadline for deciding which extension they would like to use. Alderwoman Christensen amended her motion to include that they must notify us of their decision by July 11<sup>th</sup> at 5pm, and Alderwoman Gilbert seconded the amendment. All council present voted aye.
9. **ALDERMEN REQUESTS AND COMMITTEE REPORTS:**

Alderwoman Christensen stated that she attended the Subdivision training held by the County, and that it was very beneficial. She recommended that all attend should they hold another training.
10. **UNFINISHED BUSINESS:**

Nothing
11. **NEW BUSINESS:**

Nothing
12. **CITY PLANNER HOW:**
  - a. **Bell Minor Zone Change:** City Planner How stated that the Bell Minor Subdivision should be zoned CLM to account for the current usage on the property. The Zoning Commission approved the CLM zoning. Motion was made to approve the zoning of the Bell Minor Subdivision to be CLM by Alderwoman Christensen, and seconded by Alderwoman Sergeant. All council present voted aye.
  - b. **Bell Minor Subdivision:** City Planner How stated that this would be a conditional approval, such conditions were approved by the county, as part of this is not being annexed into the City. It was the recommendation of City Planner How to approve the Bell Minor Subdivision with the 11 conditions and the Subdivision Improvement Agreement done. Alderwoman Gilbert made the motion to approve the Bell Minor Subdivision with the 11 Conditions and the condition that the SIA is completed, and Alderwoman Christensen seconded the motion. All council present voted aye.
  - c. **Augustus Vaux Amended Plat:** City Planner How stated that the lot aggregation of Lots 5, 6 and 7 to make Lot 5a is for the Iron Rod to construct employee housing. The conditions of approving the lot aggregation were outlined in the staff report, and it was City Planner How's recommendation to approve the Amended Plat of the Augustus Vaux Subdivision with the 5 conditions and with it zoned as R-3. Motion was made to approve the Augustus Vaux Amended Plat to aggregate lots 5, 6 and 7 to lot 5a with the 5 conditions outlined in the staff report and that it is zoned R-3, and was seconded by Alderwoman Sergeant. All council present voted aye.
  - d. **Roers Annexation of Intent:** City Planner How stated that this needed to be strict from the agenda, as this property was already annexed into the city, and that fees made by the Roers needed to be refunded.
  - e. **Richfield Addition Lot Vacation:** City Planner How asked that this be moved to unfinished business to be address at the next city council meeting.
  - f. **American Landmark Group-Sidney Crossing Annexation and Development Agreement:** City Planner How stated that on August 20, 2012 the Sidney Crossing Annexation and Development Agreement was passed by the City Council, but it was never signed by Mayor Smelser, and it needs to be signed. City Attorney Navratil stated that Mayor Norby can sign the agreement in place of Mayor Smelser, as it was approved by the City Council. Motion was made to approve Mayor Norby signing the Sidney Crossing Annexation and Development Agreement, in place of Mayor Smelser by Alderwoman Sergeant, and seconded by Alderman Smith. Mayor Norby asked what documentation needed to go with his signature, and City Attorney Navratil stated that the minutes should suffice, but that a separate notary page should be supplied. All Council voted aye.
13. **CITY ATTORNEY NAVRATIL:**
  - a. **Resolution 3667: Apply for CDBG Grant:** City Attorney Navratil read aloud Resolution 3667, approving the City of Sidney to apply for the CDBG Grant. Mr. Murtagh stated that it is a 1/3 match with up to \$30,000.00 being provided by the DNRC. Motion was made to approve Resolution 3667 by Alderwoman Christensen, and seconded by Alderman Smith. All Council present voted aye.
  - b. City Attorney Navratil asked for a motion to add the Franz Release of all Claims and Idemnity Agreement with the City of Sidney and Interstate Engineering. Motion to made to put on the agenda by Alderwoman Gilbert, and seconded by Alderwoman Sergeant. All council present voted aye. City Attorney Navratil stated that this was a basic agreement stating that Franz has been paid in full for the Miller's Corner water line movement. This agreement was drafted by Interstate Engineering and approved by Franz Construction. Motion was made to put this agreement into the water and sewer committee for further review by Alderwoman Gilbert, and seconded by Alderman Smith. All council present voted aye.

