

Sidney, Nebraska, April 23, 2019 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 April 23, 2019 in the Council Room. Present were: Mayor Gallaway and Council Members: Arterburn, Sherman, Radcliffe and Olsen. 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.

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

Arterburn moved, Radcliffe seconded "That the minutes of the April 9, 2019 meeting be approved as corrected." Roll call vote: Yeas: All council members present. Abstain: Gallaway.

Olsen moved, Sherman seconded "That the minutes of the April 12, 2019 meeting be approved as corrected." Roll call vote: Yeas: All council members present.

Wayne Sparks commented on his objections to the purchase of the building at 812 13th.

Arterburn moved, Olsen seconded "That RESOLUTION NO. 20190403 be passed and approved." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20190403

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 Rezoning Application of Kenneth & Jamie Starman to rezone a parcel of land more commonly known as 1101 Greenwood Road from A (Agricultural) to R-1A (Rural Residential Estate) Zone; and M-1 (Light Manufacturing & Industrial Zone; and

That the City Council of the City of Sidney proposes to consider said report; 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 14th day of May, 2019 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.

Pursuant to the publicized notice that the Mayor and Council would hold a public hearing at this time and place for the purpose of purchasing 812 13TH and the parking lot south on 14TH & Illinois from Cabela's LLC, a subsidiary of Bass Pro Shops Group. All those wanting to speak will be allotted three minutes and only one time to speak. Mayor Gallaway called the Public Hearing to order at 7:22 P.M. and parties of interest would be heard as advertised. The following filed written comments: (All in favor.) Sarah Sinnett of G.L. Huyett, Paula J. Abbot, WNCC, and Megan Palmer. City Manager Ed Sadler reviewed the purchase proposal and attempted to answer some of the questions that had been brought forward at the last public hearing. Public comments were

made as follows: PROS: Kevin Adams, President of UST Global (spoke of his company's plan for Sidney), John Phalen, Don Ogle (spoke of Sidney in the days of the closing of the Sioux Army Depot-2200 works—he urged the Council to take a chance on Sidney again), Trent Santero, NEXGen, John Phillips (spoke of his company taking a chance on Sidney by investing in digital for his theatre), Emma Sherman, Bev Sonntag. CONS: Jim Eddy, Loren Hokema, Gregory Scrip, Kelly Chaon, Lacy Brownson, Josh Green, Jay Geu, Tony Knappen, Ben Gooding, Valerie Nienhueser, Larry Nelson, Wayne Sparks, Becky Lloyd, David Lafler, Tate Hrbek, Clark Sherman, Kendra Stromman, Nancy Eddy, Bruce Tillotson, The Mayor closed the hearing at 8:34 P.M. The City Council had pro and con questions re: UST Global, LB840, Electric funds and taking Sidney's future into our own hands.

Arterburn moved, Sherman seconded "That Resolution 20190404 regarding the property purchase be passed and adopted." Roll call vote: Yeas: Arterburn, Gallaway and Sherman. Nays: Radcliffe and Olsen. Motion passed

RESOLUTION NO. 20190404

WHEREAS, the City of Sidney, Nebraska recognizes that the Cabela's Old Corporate building located at 812 13th Avenue is available for sale and it is being proposed the City purchase said building from Cabela's, LLC for \$1,000,000 which would include the building, all furniture, fixtures and equipment in the building, and the parking lot to the south on 14th and Illinois Street; and

WHEREAS, the Mayor and City Council have determined that the building purchase is an investment of Electric Department funds to grow the utility and expand the utility customer base in the City; and

WHEREAS, the price of the building in comparison to the appraised value and the value of the furniture, fixtures and equipment being sold as a part of the deal makes the purchase by the electric department a good investment; and the building investment will provide a greater return on investment in comparison to current market interest rates; and

WHEREAS, as a part of the purchase and sale agreement, the City will take ownership of the lease agreement between Bass Pro Shops and UST Global and UST Global is responsible for all operating costs associated with the building, including utilities, property taxes and basic maintenance; and

WHEREAS, the property will continue to generate property tax revenue and since the tenant of the building is a taxable entity, the property taxes will still be collected; and since the renovation of the building utilized TIF funding and the taxes continue to be paid, all the TIF payment provisions will stay in place until the payments are made in full; and

WHEREAS, a Public Hearing was properly advertised and was held at this meeting as per Revised Statutes of Nebraska No. 18-1755.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Sidney, Nebraska that they should execute the contract for 812 13th and the parking lot south on 14th and Illinois between Cabela's LLC, a subsidiary of Bass Pro Shops Group and the City of Sidney, Nebraska by reference into this Resolution as if fully set forth; and

BE IT FURTHER RESOLVED that Roger Gallaway, Mayor, is hereby directed to execute the contract and all other documents necessary to facilitate the purchase between Cabela's LLC, a subsidiary of Bass Pro Shops Group and the City of Sidney, Nebraska.

PASSED AND APPROVED THIS 23rd day of April, 2019.

City Manager Comments: The Library had the first bat caught but not in one of the houses. It was caught inside the Library. Melissa shared that there will be a High School assembly for Juniors and Seniors regarding manufacturing jobs. There also will be a hiring event on April 27th for MMP at the College from 2-4 p.m.

City Council comments: Arterburn expressed condolences to the Herrera family for the death of Tyson who was killed in a vehicle accident. Sherman thanked UST Global for coming to Sidney. Gallaway stated that the City takes this seriously and do not exercise rushes to judgement. Also he complemented WNCC for their Entrepreneurship Center.

Meeting adjourned at 8:42 p.m.

/s/ROGER GALLAWAY, MAYOR

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

