

Sidney, Nebraska, October 22, 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 October 22, 2019 in the Council Room. Present were: Mayor Gallaway and Council Members: Sherman, Radcliffe and Olsen. Absent: Arterburn. Others present: City Manager Sadler, City Attorney Leef and City Clerk Heilbrun. 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.

Olsen moved, Radcliffe seconded "That Councilman Arterburn be excused from the meeting." Roll call vote: Yeas: All council members present. Absent: Arterburn.

Radcliffe moved, Sherman seconded "That the minutes of the October 8, 2019 meeting be approved as printed." Roll call vote: Yeas: All council members present. Absent: Arterburn.

Mayor Gallaway opened a Public Hearing at 7:17 p.m. Re: Application for a Community Development Block Grant Program for the Development of an updated downtown redevelopment plan.

Economic Development Director Melissa Norgard presented the Application, explaining the location of the project as 9th Avenue to 13th Avenue from Hickory Street to King Street with the intent of revitalizing the downtown corridor to provide a sound basis for economic development and growth; that the City's matching funds of 25% will come from the City's Economic Development Plan (LB840) funds; and that Panhandle Area Development District will be administering the grant on behalf of the City of Sidney.

Mayor Gallaway closed the public hearing at 7:19 p.m. and asked for a motion on the request for the Community Development Block Grant for the Development of an updated downtown redevelopment plan.

Olsen moved, Sherman seconded "That the Application for Community Development Block Grant Program for the Development of an updated downtown redevelopment plan be approved." Roll call vote: Yeas: All council members present. Absent: Arterburn.

Mindy Estrada of 1215 Summit Drive appeared before Council to request a posted speed limit sign that can be seen by traffic coming off of 11th Avenue entering Summit Drive. She stated that she lives in the middle of the block and that traffic exceeds the 25 m.p.h. speed limit when travelling from either direction. Police Chief Joe Aikens noted that an electronic speed check had been posted in this area to determine the speed of traffic, which averaged 35 m.p.h. The presence of the monitor had little or no effect on traffic speed. Speed bumps were discussed but would cause problems for snow plows. Following discussion it was determined that the City Street Dept. be instructed to place a 25 m.p.h. speed limit sign on Summit Drive near the City Booster Pump.

City Clerk Heilbrun read Ordinance No. 1813 by title for the third time as follows: "That the Ordinance entitled "AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, TO AMEND CHAPTER 618 "ANIMALS" OF THE GENERAL OFFENSES CODE OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA TO ELIMINATE THE REQUIREMENT FOR LICENCING

ANIMALS WITH THE CITY OF SIDNEY; TO MODIFY THE CHARGES FOR BOARD AND IMPOUND; TO MODIFY THE LENGTH OF TIME A DOG AT LARGE WILL BE IMPOUNDED; TO MODIFY THE TIME REQUIREMENTS REGARDING RABIES VACCINATIONS; TO REPEAL ANY ORDINANCE OR PART OF ORDINANCE IN CONFLICT THEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE”. Sherman moved, Radcliffe seconded “That Ordinance No. 1813 be finally passed.” Roll call vote: Yeas: All council members present. Absent: Arterburn. 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. Olsen moved, Sherman seconded “That Ordinance No. 1813 be published in the Sidney Sun Telegraph.” Roll call vote: Yeas: All council members present. Absent: Arterburn.

City Clerk Heilbrun read Ordinance No. 1814 for the second time as follows: An Ordinance entitled “AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, AMENDING SECTIONS 434.04 AND 434.05 OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA, AND PROVIDING FOR THE ESTABLISHMENT OF SPEED LIMITS IN PARKS AND RECREATION GROUNDS; SPEED LIMITS NEAR SCHOOLS; SPEED LIMITS GENERALLY; EXCEPTIONS AND OTHER SPEED LIMITS FOR STATED STREETS AND ROADS; AND REPEALING SECTIONS 434.04 AND 434.05 OF THE CURRENT CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA.”

Hope Feeney, Cheyenne County Chamber Director, presented a request for the closure of Highway 30/Illinois Street on December 7, 2019 for the Parade of Lights. Olsen moved, Radcliffe seconded “That RESOLUTION NO. 20191002 requesting NDOR’s permission for closure of Highway 30 through Sidney for the annual Parade of Lights on December 7, 2019 be passed and adopted.” Roll call vote: Yeas: All council members present. Absent: Arterburn.

RESOLUTION NO. 20191002

WHEREAS, Nebraska Revised Statutes 39-1359 requires that a closure of state highways through a municipality must be requested to the Nebraska Department of Roads; and

WHEREAS, the 2019 Christmas Parade is in downtown Sidney more specifically on Illinois Street/State Highway No. 30, and

WHEREAS, the City of Sidney, Nebraska, does hereby request the Nebraska State of Nebraska Department Road’s permission for closure of Illinois (Highway 30) Street for the Christmas Parade of Lights. The closure would be on December 7, 2019 from 5:15 p.m. and reopen to traffic at 6:15 p.m. The closure will begin at the intersection of 14th Avenue, travel east on Illinois Street/Highway 30 and disembark at 7th Avenue in the Quad Graphics Parking Lot. The City of Sidney accepts the duties as set forth in subsection (2) of Nebraska Revised Statutes 39-1359 and agrees to indemnify, defend, and hold harmless the State from all claims, demands, actions, damages, and liability, including reasonable attorney’s fees that may arise as a result of the special event. The City staff will place all required barricades and detour signage in order to have all streets accessing Highway 30 closed for the parade and will follow directly behind the parade removing all barricades and opening Highway 30 back to normal traffic. Most intersections along the parade route will have barricades closing them. However, certain intersections along the parade route will have police officers manning them to allow traffic to cross Highway 30 until the start of the parade. Once the barricades have been placed, anyone wishing to cross Highway 30 will have to use one of the intersections manned with a police officer.

Sherman moved, Radcliffe seconded “That RESOLUTION NO. 20191004 approving facsimile signatures of the Mayor, City Clerk and Finance Director be passed and adopted.” Roll call vote: Yeas: All council members present. Absent: Arterburn.

RESOLUTION NO. 20191004

BE IT RESOLVED, that the Platte Valley Bank, the Security First Bank, and the Points West Bank, of Sidney, Nebraska, as designated depositories of this municipality are hereby requested, authorized, and directed to honor checks, drafts or other orders for the payment of money drawn in the City’s name, including those payable to the individual order of any person or persons whose name or names appear thereon as signers thereof, when bearing or purporting to bear the facsimile signatures of any two of the following persons:

<u>NAME</u>	<u>TITLE</u>	<u>FACSIMILE SIGNATURE</u>
Roger Gallaway	Mayor	
Cynthia Heilbrun	City Clerk/Treasurer	
David Scott City	Finance Office	

BE IT FURTHER RESOLVED that the Banks shall be entitled to honor and to charge the City for such checks, drafts, or other orders, regardless of by whom or by what means the actual purported facsimile signature or signatures thereon may have been affixed thereto, if such signature or signatures resemble the facsimile specimens duly certified to the Bank by the Clerk of this City herein or in any similar, subsequent certificate delivered by the Clerk to the Banks.

BE IT FURTHER RESOLVED that the City shall deliver to the Banks documents containing copies of the facsimile signatures certified above, and that the powers and authorities set forth herein and on such documents shall continue in full force and effect until written notice to the contrary has been delivered to the Banks.

City Manager Sadler presented the names of Van Kitt and Bob Volkmer to fill appointments to the Housing Authority Board. Radcliffe moved, Sherman seconded “That Van Kitt and Bob Volkmer be appointed to terms on the Housing Authority Board.” Roll call vote: Yeas: All council members present. Absent: Arterburn.

City Manager Sadler presented a resolution for the transfer of funds from the Electric Fund to the General Fund for the building purchase at 812 13th Avenue. He explained that the transfer will take care of internal auditing procedures that, if not done now, would be required during the yearly audit. Sherman moved, Gallaway seconded “That RESOLUTION NO. 20191005 be passed and adopted.” Roll call vote: Yeas: All council members present. Absent: Arterburn.

RESOLUTION NO. 20191005

WHEREAS, on April 23, 2019, in Resolution 20190404, the City of Sidney, Nebraska recognized that the Cabela’s Old Corporate building located at 812 13th Avenue was available for sale and it was 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 determined that the building purchase was in the best interest of the City of Sidney and

WHEREAS, as a part of the purchase and sale agreement, the City took 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 that meeting as per Revised Statutes of Nebraska No. 18-1755; and

WHEREAS, pursuant to statute and accepted accounting principles, said funds to make such purchase must be transferred at year's end from the electrical department to the general fund,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Sidney, Nebraska that the staff of the City of Sidney shall make the necessary adjustments to the electric department and general fund accounts to ensure the funds used to purchase the Cabela's building comply with statutory and accounting requirements.

PASSED AND APPROVED THIS 22nd day of October, 2019.

The City Council of Sidney, Nebraska

City Manager Sadler announced that he would be retiring at the end of February, 2020. The process of selecting a Professional RFP Service to hire a new City Manager has been initiated and narrowed down to three companies: The Mercer Group, Inc., Colin Baenzinger & Associates, and Slavin Management Consultants. Following review of the RFP's by Council, Sherman moved, Radcliffe seconded "That a contract for Professional Services to aid in the selection of a new City Manager be offered to The Mercer Group, Inc." Roll call vote: Yeas: All council members present. Absent: Arterburn.

Finance Director David Scott gave his report on the Budget Reports for September 2019 for all departments. Radcliffe moved, Olsen seconded "That the Budget Reports for September for all city departments be approved." Roll call vote: Yeas: All council members present. Absent: Arterburn.

City Manager/Staff Report: Ed reminded everyone of Trunk or Treat on October 31st from 4 pm-6pm in Hickory Square. There are 48 trunks so far. Event will expand into the parking lots off of 10th & Hickory to give each trunk more room; Reminder that November 11th is Veteran's Day.

Council Members comments: Roger reported that the Manufacturing Month luncheon, held on October 17th, recognizing companies in the community was a success. **Brad** reminded everyone that the Veteran's Day Program, featuring a presentation by Fred Wiedeburg, will be held on November 11 at 2 p.m. at the Middle School; **Bob** invited everyone to the Housing Authority Open House on October 30th at 1 p.m. to tour the new facilities behind the existing Western Heritage.

Meeting adjourned at 8:04 p.m.

/s/ ROGER GALLAWAY, MAYOR

ATTEST: /s/CYNTHIA K HEILBRUN, CITY CLERK

