

Sidney, Nebraska, June 8, 2021 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 6:15 P.M. on June 8, 2021 in the Council Room. Present in person were: Mayor Gallaway and Council Members: Arterburn, Sherman, Radcliffe and Olsen. Others present: City Attorney Leef, City Clerk Borchert. Absent was City Manager Scott. 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.

Mayor Gallaway asked for approval of the minutes. Olsen moved, Sherman seconded "That the minutes of the May 25, 2021 meeting be approved as printed." Roll call vote: Yeas: Arterburn, Sherman, Gallaway, Radcliffe, Olsen. Nays: None Abstain: None

Mayor Gallaway announced that a public hearing would now be held at 6:17 p.m. regarding the Retail Class CK Liquor License Application of Scow & Scow, Inc. dba Winners, 674 Chase Blvd, Sidney, NE, and Manager Application of Jason Scow for same; and RESOLUTION NO. 20210601 making a recommendation to the Nebraska Liquor Control Commission.

Michael Scow spoke on behalf of Scow & Scow dba Winners. Scow said he would like to add more employees as well as increase revenue stream. The staff will take classes to be compliant. There were no public comments and Chief of Police Aikens had no objections to the request. Scow added that food and non-alcoholic beverages are currently being sold. Winners also have Bankshot machines and sell retail items. They will have a separate area that will be monitored for alcohol sales.

Mayor Galloway closed the public hearing at 6:21 p.m. and asked for a motion on the request. Radcliffe moved, Arterburn seconded "That RESOLUTION NO. 20210601 be approved." Roll call vote: Yeas: Arterburn, Sherman, Gallaway, Radcliffe, Olsen. Nays: None Abstain: None

RESOLUTION NO 20210601

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

That the Mayor and Council of the City of Sidney, Nebraska hereby recommends approval of the Retail Class "CK" Liquor License Application of Scow & Scow Inc. dba Winners, 674 Chase Blvd, Sidney, Cheyenne County, Nebraska; and

That the Manager Application of Jason Scow, for Scow & Scow Inc. dba Winners, 674 Chase Blvd, Sidney, Cheyenne County, Nebraska, be approved; and

That the Nebraska Liquor Control Commission be notified of said recommendation.

Mayor Gallaway announced that a public hearing would now be held at 6:22 p.m. regarding the Retail Class C Liquor License application of Beans & Steams Coffee House, LLC., 610 Glover Rd Ste #10, Sidney, Cheyenne County, Nebraska; and Manager Application of Patrick J. Keane for same; and RESOLUTION NO. 20210602 making a recommendation to the Nebraska Liquor Control Commission.

Pat Keane requested a Class C Liquor License to allow the off sale of premium wines to their customers. They currently have a Class I License. There were no public comments and Chief of Police Aikens had no objections to the request.

Mayor Galloway closed the public hearing at 6:24 p.m. and asked for a motion on the request. Sherman moved, Radcliffe seconded "That RESOLUTION NO. 20210602 be approved." Roll call vote: Yeas: Arterburn, Sherman, Gallaway, Radcliffe, Olsen. Nays: None Abstain: None

RESOLUTION NO 20210602

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

That the Mayor and Council of the City of Sidney, Nebraska hereby recommends approval of the Retail Class "C" Liquor License Application of Beans & Steams Coffee House, LLC, 610 Glover Rd. Suite #10,

Sidney, Cheyenne County, Nebraska; and

That the Manager Application of Patrick J. Keane, for Beans & Steams Coffee House, LLC, 610 Glover Rd. Suite #10, Sidney, Cheyenne County, Nebraska, be approved; and

That the Nebraska Liquor Control Commission be notified of said recommendation.

Mayor Galloway announced that a public hearing would now be held at 6:24 p.m. regarding the Retail Class D Liquor License application of the Cigarette Store, LLC., dba Smoker Friendly 13, 3100 Silverberg Dr. Ste A, Sidney, Cheyenne County, Nebraska; and Manager Application of Lisa Cleason for same; and RESOLUTION NO. 20210603 making a recommendation to the Nebraska Liquor control Commission.

Ken Kramer, General Counsel for the Cigarette Store, stated they would like to increase their business by offering off sale liquor. There were no public comments and Chief of Police Aikens had no objections to the request.

Mayor Galloway closed the public hearing at 6:27 p.m. and asked for a motion on the request. Arterburn moved, Sherman seconded "That RESOLUTION NO. 20210603 be approved." Roll call vote: Yeas: Arterburn, Sherman, Galloway, Radcliffe, Olsen. Nays: None Abstain: None

RESOLUTION NO 20210603

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

That the Mayor and Council of the City of Sidney, Nebraska hereby recommends approval of the Retail Class "D" Liquor License Application of Cigarette Store LLC, DBA Smoker Friendly 13, 3100 Silverberg Dr Ste A, Sidney, Cheyenne County, Nebraska; and

That the Manager Application of Lisa Cleason, for Cigarette Store LLC, DBA Smoker Friendly 13, 3100 Silverberg Dr Ste A, Sidney, Cheyenne County, Nebraska, be approved; and

That the Nebraska Liquor Control Commission be notified of said recommendation.

Lisa Hanley, Code Enforcement Officer, requested an amendment to ORDINANCE 1824:

ORDINANCE 1824

AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA TO AMEND SECTION 618 ANIMALS OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, 1977, AS FOLLOWS: SECTION **618.01** DEFINITIONS OF DOG, OWNER AND POSSESSOR, TO INCLUDE THE DEFINITION OF CAT, OWNER AND POSSESSOR; SECTION **618.04** KEEPING LIVESTOCK AND POULTRY GENERALLY, TO CLARIFY THE PROPERTY ZONES THAT ALLOW THE KEEPING OF LIVESTOCK; AND TO CREATE SECTION **618.26** ANIMAL WASTE PROHIBITING THE LEAVING OF ANIMAL WASTE AND PROVIDING PENALTIES FOR VIOLATION OF THE SECTION; TO REPEAL ANY OTHER ORDINANCE OR PART OF ORDINANCE IN CONFLICT WITH THE PROVISIONS THEREWITH, AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

Hanley had complaints of residents feeding feral cats, animal waste not being picked-up as well as residents having livestock in incorrect zones. Hanley stated that the current ordinance does not align with our current zoning code. Residents would not be grandfathered in, as City Attorney Leef stated "Each day is a new occurrence".

Galloway asked for a motion to designate ORDINANCE NO. 1824. Motion by Radcliffe, Seconded by Sherman. Roll call vote: Yeas: Arterburn, Sherman, Galloway, Radcliffe, Olsen. Nays: None Abstain: None.

Galloway asked Clerk Borchert to read the ordinance by title. Borchert read the ordinance by title. Galloway asked if there was a motion to suspend the readings. Since there was no motion to suspend, Galloway moved it forward to a second reading.

Galloway asked for consideration of contract with RDG Planning & Design for the Old Post Road Corridor Enhancement Plan. The City has funds collected through a Cabela's occupation tax to utilize on trails and beautification projects located within or adjacent to a dedicated Enhanced Employment Area. This is not city funds, but previously collected occupation tax funds through Cabela's. Leef has reviewed the contract. Galloway added that RDG did the Housing Study as well as the Down Town Master Plan. Leef said that council talked about two or three different plans and RDG Design has been instructed to look at those plans. Galloway recommended that Council meet with RDG Design as well as city staff. Galloway asked for a motion to approve the contract with RDG Design and Planning for the Old Post Road Corridor Enhancement Plan. Arterburn moved, Olsen seconded. Roll call vote: Yeas: Arterburn, Sherman, Galloway, Radcliffe, Olsen. Nays: None Abstain: None

Mayor Galloway asked for a motion for approval of the Claims for May, 2021. Arterburn moved,

Sherman seconded. Roll call vote: Yeas: Arterburn, Sherman, Gallaway, Radcliffe, Olsen. Nays: None
Abstain: None

Mayor Gallaway asked for a motion for approval of the Budget Reports for May, 2021. Radcliffe moved, Olsen seconded. Roll call vote: Yeas: Arterburn, Sherman, Gallaway, Radcliffe, Olsen. Nays: None
Abstain: None

Mayor Gallaway reported that the street projects are progressing. Link 17J should begin to pour concrete mid-June. They are currently waiting on rock. Elm Street is underway and 13th Avenue is moving along with a few waterline issues.

Richard Sandstrom, Library Director, reported that the Sidney Public Library has seen lots of activity. Michael Palmer, Electric Supervisor, reported that there are rebates available for AC and heat pumps. Arterburn reported a complaint on fireworks. Chief of Police Aikens said there is a noise ordinance beginning at 10:00 p.m. Fireworks can be purchased from midnight, June 24 to midnight July 4. Chief Aikens said he will discuss a possible ordinance amendment regarding fireworks with staff.

Meeting adjourned at 7:00 p.m.

/s/ROGER GALLAWAY, MAYOR

ATTEST: /s/LORI BORCHERT, CITY CLERK