

Sidney, Nebraska, September 28, 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 September 28, 2021 in the Council Room. Present in person were: Mayor Gallaway and Council Members: Sherman, Radcliffe and Olsen Absent: Arterburn Others present: City Manager Scott, City Attorney Leef, City Clerk Borchert. 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 a motion to approve the minutes from September 14, 2021, for both the Budget Hearing and the Council Meeting. Sherman moved, Radcliffe seconded, "That the minutes from September 14, 2021 be approved." Roll call vote: Yeas: Sherman, Gallaway, Radcliffe, Olsen Nays: None Absent: Arterburn Motion passed.

Mayor Gallaway asked for a motion to excuse the absence of Councilman Arterburn. Olsen moved, Sherman seconded, "That Councilman Arterburn be excused from the meeting." Roll call vote: Yeas: Sherman, Gallaway, Radcliffe, Olsen Nays: None Absent: Arterburn Motion passed.

Mayor Gallaway announced that a public hearing would now be held at 6:17 p.m. regarding the Class A Liquor License application of Chill Axe, LLC, dba Chill Axe, located at 1700 Illinois Street, Sidney, NE and Manager application of Krista Pittam for same; and Resolution No. 20210904, making a recommendation to the NE Liquor Control Commission.

Present were Aaron Beyer and Krista Pittam, representing Chill Axe, LLC. Pittam stated that Chill Axe will be only be selling canned beer. They will use wooden axe handles that will limit the bounce back to the thrower. Each lane is caged with a single target. Axes will never be handed off to the next person. They will be hung up for the next person to pick up. Each patron receives a safety briefing prior to being allowed to throw. Chill Axe is not intending to be bar. Beer is not allowed in the throwing section. Beyer stated that if anyone appears to be intoxicated, they will be asked to stop throwing immediately. They encourage people to have a good time and throw axes in the safest way possible. They hope to open in October. Hours from 12:00 p.m. to 10:00 p.m., Thursday through Sunday. Monday through Wednesday is by reservation only. There were no further questions or comments. Public Hearing closed at 6:24 p.m.

Mayor Gallaway asked for a motion to approve Resolution No. 20210904. Sherman moved, Radcliffe seconded, "That Resolution No. 20210904 be approved." Roll call vote: Yeas: Sherman, Gallaway, Radcliffe, Olsen Nays: None Absent: Arterburn Motion passed.

RESOLUTION NO. 20210904

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 Class "A" Liquor License Application of Chill Axe, LLC, DBA Chill Axe, located at 1700 Illinois Street, Sidney, Cheyenne County, Nebraska; and

That the Manager Application of Krista Pittam, for Chill Axe LLC, DBA Chill Axe, located at 1700 Illinois Street, Sidney, Cheyenne County, Nebraska, be approved; and

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

City Manager Scott stated the manager application needed to be changed to Jo L. O'Connell from Patrick Kilbride, as he is no longer with the golf course. Mayor Gallaway asked for a motion for Resolution No. 20210905. Radcliffe moved, Sherman seconded, "That Resolution No. 20210905 be approved." Roll call vote: Yeas: Sherman, Gallaway, Radcliffe, Olsen Nays: None Absent: Arterburn Motion passed.

RESOLUTION NO. 20210905

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 manager application of Jo L O'Connell for Hillside Bar & Grill, 2632 Hillside Drive, Sidney, Cheyenne County, Nebraska; and

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

Madi Wilkinson spoke on behalf of the Sidney Park Project Grant. Wilkinson stated that part of the grant requirement was to pass a resolution with the council before it can be finalized. Gallaway stated that the application was submitted, with the resolution to follow, with the NE Game and Parks. Mayor Gallaway asked for a motion to pass Resolution No. 20210906. Olsen moved, Sherman seconded, "That Resolution No. 20210906 be approved." Roll call vote: Yeas: Sherman, Gallaway, Radcliffe, Olsen Nays: None Absent: Arterburn Motion passed.

RESOLUTION NO. 20210906

Renovating the Playground at Legion Park

The City of Sidney, Nebraska proposes to apply for federal assistance from the Land and Water Conservation Fund program for the purpose of the creation of renovating the playground at Legion Park.

The Mayor is authorized to sign documents to obtain financial assistance, including a Project Agreement with the State of Nebraska and the National Park Service.

The City of Sidney will, within thirty (30) days following approval, obtain the necessary consultant or appraisal service for this project as directed and as required by Nebraska Game and Parks Commission staff.

The City of Sidney, Nebraska has budgeted or currently has available its 50 percent match of the proposed total project funds and will allocate these funds toward this project upon project approval by the Nebraska Game and Parks Commission.

The City of Sidney has the financial capability to operate and maintain the completed project and park property in a safe, attractive and sanitary manner.

The City of Sidney will not discriminate against any person on the basis of race, color, age, religion, disability, sex or national origin in the use of any property or facility acquired or developed pursuant to the project proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, P.L. 88-354 (1964), and any of the regulations promulgated pursuant to such Act by the Secretary of the Interior and contained in 43 CFR 17.

No property acquired and/or developed under this project shall, without the approval of the Nebraska Game and Parks Commission and the Secretary of the Interior, be converted to other than public outdoor recreation use. And, such approval may be granted only if it is in accord with the then existing Statewide Comprehensive Outdoor Recreation Plan (SCORP), and only upon such conditions as deemed necessary to assure the substitution of other outdoor recreation properties of at least equal fair market value and of reasonable equivalent usefulness and location.

The City of Sidney, Nebraska will replace the land in the event of a conversion in use in accordance with Section 6(f)(3) of the Land and Water Conservation Fund act of 1965, as amended.

The City of Sidney, Nebraska, agrees to comply with all State and Federal requirements and standards where they can be applied in making the facilities developed under this project, and all future projects, accessible to and usable by the disabled.

This is to certify that this resolution is a true copy of the original document that was adopted and passed by the City of Sidney, Nebraska at a duly advertised public meeting held this 28th day of September, 2021.

Jason Nelke, Director of Keep Sidney Beautiful, reported that City Manager Scott approached him to utilize the funds that are available for the trail project by Cabela's. Nelke will try to use additional grants to do trail expansion through town, ultimately connecting neighborhoods, completing a loop all the way around town. Scott reiterated that the funds for the trails began with the ½ cent voluntary sales tax, which was housed by the City. Scott stated that the partnership with KSB and the City will depend on how successful the grant writing is. Nelke has written several successful grants for the landfill and other beautification projects. Scott recommended that we do not waste an opportunity to leverage our Cabela's sales tax funds to obtain other funding sources. Mayor Gallaway asked council if this was something that should be tabled so the details of the contract could be looked at closer. Olsen moved to table, Radcliffe seconded, "That the Keep Sidney Beautiful Trails and Grants Partnership be tabled until the next meeting." Roll call vote: Yeas: Sherman, Gallaway, Radcliffe, Olsen Nays: None Absent: Arterburn

Motion passed.

McKailie Carnahan-Kuhns, Chamber President, gave her Quarter 4 review. She highlighted events and work in progress. Events - Downtown Sounds: Almost doubled attendance; Stronger Together: Drove traffic to downtown businesses; Sports Calendar: Donated back \$3000 to the Sidney Public Schools. Work in progress - Website: Updating website to be more appealing and accessible; Social Media: Creating more organic traffic. Using Instagram, Facebook, Twitter and LinkedIn; Newsletter: Redesigned to encourage readers to visit and interact with our website and social media; Membership: Actively working on rebuilding relationships with the Chamber and recruiting new members; Partnerships: Regularly meet with WNCC and DOL about resources for the community; Community Presence: Making visits and attending outside events to create strong relationships within the community.

City Manager Scott reported that he and Kim Matthews, Development Director, attended the League of Municipalities Conference in Lincoln. Scott stated that it was very beneficial. Sessions included housing issues and information on ARPA. Scott reminded staff, council and residents that the Oktoberfest starts Friday.

Galloway asked if there were comments by staff or council. Sherman commented that we have exciting times going on. Parks, roads, sidewalks, two new people at the council meeting and we get to throw axes! Olsen asked for an update on the streets. Scott reported that Link17J is making up ground. As soon as they get passed Pole Creek Crossing, we will have much easier travel. The grate system is twelve weeks out, in conjunction with the turning lane. To rectify this, the grate systems will go into the curbs, rather than into the gutters. The system will be the same underground system as previously approved. 13th Avenue is getting more difficult to access City Hall. They have poured up to 12th Avenue and King Street. Next week, 12th Avenue should be open. Galloway thanked Scott and Matthews for taking time to go to the League of Municipalities. He reiterated the success of the Downtown Sounds. Galloway made mention of a community calendar through a marquee or a digital sign. Mayor Galloway displayed a thank you card from the Sidney Park Project for donating funds from the ACE Refunds.

Mayor Galloway asked for a motion to go into closed session with the possibility of action being taken in regards to Personnel Reviews. Sherman moved, Olsen seconded, "That Council move to a closed session." Roll call vote: Yeas: Sherman, Galloway, Radcliffe, Olsen Nays: None Absent: Arterburn Motion passed.

Closed session began at 7:05 p.m.

Mayor Galloway asked for a motion to come out of closed session. Radcliffe moved, Sherman seconded, "That the closed session end." Roll call vote: Yeas: Sherman, Galloway, Radcliffe, Olsen Nays: None Absent: Arterburn Motion passed. Closed session ended at 8:19 p.m.

Mayor Galloway reported that there was no action taken in the closed session.

Meeting adjourned at 8:19 p.m.

/s/ROGER GALLAWAY, MAYOR

ATTEST: /s/LORI BORCHERT, CITY CLERK