

Sidney, Nebraska, March 14, 2017 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 March 14, 2017 in the Council Room. Present were: Mayor Arterburn and Council Members: Gallaway, Nienhueser, and Utley. Absent: Council Member Gaston. 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 Arterburn informed the public of the location of the posted Open Meetings Act.

Nienhueser moved, Gallaway seconded "That Council Member Gaston be excused from this meeting." Roll call vote: Yeas: All council members present. Absent: Gaston.

Nienhueser moved, Utley seconded "That the minutes of the February 28, 2017 meeting be approved as printed." Roll call vote: Yeas: All council members present. Abstain: Arterburn. Absent: Gaston.

During Comments by the Public: Tom Von Seggern, City Parks Superintendent, gave a public service announcement reminding citizens that walk their dogs on the Soccer Fields as well as other Parks property should pick up their dog's waste. In prepping the soccer fields for the season, the amount of dog's waste that the department had to pick up and remove from the premises was unacceptable. Please clean up after your dogs.

Kortney Allington and Meghan Spyke appeared to present Leadership Cheyenne County's proposal for a bus shelter as their class project. They propose that this be placed at the 10th & King bus stop. They would look for volunteer maintenance for the structure. Council Member Nienhueser commended the Class for their dedication to the community. Nienhueser moved, Utley seconded "That the bus stop shelter project by the Leadership Cheyenne County be approved." Roll call vote: Yeas: All council members present. Absent: Gaston.

Nienhueser moved, Gallaway seconded "That RESOLUTION NO. 20170302 be passed and adopted." Roll call vote: Yeas: All council members present. Absent: Gaston.

RESOLUTION NO 20170302

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 three SPECIAL DESIGNATED LICENSES requested by The Cheyenne County Chamber of Commerce, Sidney, Cheyenne County, Nebraska, (a non-profit organization License #47-0352013) to be held on:

- 1) June 16, 2017 in the 800 block of 10th Street, Sidney, Nebraska, from 6:30 p.m. to 8:30 p.m. in conjunction with the Downtown Sounds Free Community Concert; and
- 2) July 14, 2017 in the 800 block of 10th Street, Sidney, Nebraska, from 6:30 p.m. to 8:30 p.m. in conjunction with the Downtown Sounds Free Community Concert; and
- 3) August 19, 2017 in the 900 block of 10th Street, Sidney, Nebraska, from 5:00 p.m. to 9:30 p.m. in

conjunction with the Sinful Sidney 150-NE, beer and wine garden.

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

Council Member Mark Nienhueser submitted his written resignation effective at the end of March, 2017. Utley moved, Gallaway seconded "That Mark Nienhueser's resignation be regretfully accepted." Roll call: Yeas: Gallaway, Arterburn and Utley. Nays: None. Abstain: Nienhueser. Absent: Gaston.

Mayor Arterburn made the following DECLARATION OF VACANCY: The City Council of the City of Sidney, NE on this date, March 14, 2017, accepted a resignation effective on March 31, 2017 from Mark Nienhueser who at that time was serving a term on the current City Council of the City of Sidney which term expires December 11, 2018. Notice of Vacancy was declared by the Mayor and Council on this date. The City Council determined that the council vacancy will be filled by requesting letters of interest accompanied by qualifications/resume from qualified registered voters who reside within the corporate limits of the City of Sidney, Nebraska. Said letters can be mailed addressed as follows: **CITY CLERK, CITY OF SIDNEY, P.O. BOX 79, SIDNEY, NE 69162** or delivered to City Hall at 1115 13th Avenue, Sidney, NE. Deadline for said letters of interest is 5:00 P.M. on MARCH 23, 2017. Appointment to fill the vacancy will be considered at the March 28, 2017 Council meeting. **The term for this appointment will expire on December 11, 2018.**

City Clerk Anthony read by Title for the third time the Ordinance entitled "AN ORDINANCE CONTINUING THE SIDNEY ECONOMIC DEVELOPMENT PROGRAM; MAKING DETERMINATIONS OF FACT; APPROVING AND ADOPTING THE CITY OF SIDNEY ECONOMIC DEVELOPMENT PLAN 2017, PROVIDING FOR THE CONTINUING OF A CITIZEN ADVISORY REVIEW COMMITTEE; CONTINUING A SEPARATE ECONOMIC DEVELOPMENT FUND; PROVIDING FOR THE ALLOCATION OF FUNDS AND ISSUANCE OF BONDS; PROVIDING FOR THE EFFECTIVENESS OF THIS ORDINANCE AND ITS PUBLICATION". Nienhueser moved, Gallaway seconded "That Ordinance No. 1785 be finally passed." Roll call vote: Yeas: All council members present. Absent: Gaston. 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. Gallaway moved, Utley seconded "That Ordinance No. 1785 be published in pamphlet form." Roll call vote: Yeas: All council members present. Absent: Gaston.

City Manager Sadler reviewed the proposed truck parking ordinance. Council Member Utley asked for a reading of the current code which was done by City Attorney Leef. She also reviewed State Statute #75-302 in regards to the different terminology for trucks. Public Comments were made by Tom Spies (re: recreational vehicles which City Manager Sadler commented that this ordinance does not include RV's); Kae Nelson (re: types of licensing the trucks have on them); Steve Bruns gave an illustration of tire imprints for large trucks vs. pickup trucks; Cheryl Nelson homeowner at 12th & Rose who thought the old codes are not applicable for today; Gerald Clausen; Smokey Girney (what about lawn care people and DOT stamped weight?); and Calvin Langley (agreed with the no dollying down).

City Clerk Anthony read by Title for the second time the Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 460 PARKING GENERALLY SECTION 460.18 PARKING OF CARRIERS IN RESIDENTIAL DISTRICTS OF THE SIDNEY MUNICIPAL CODE TO ELIMINATE PARKING OF CARRIERS IN RESIDENTIAL DISTRICTS EXCEPT FOR LOADING OR UNLOADING; TO REPEAL SUCH SECTION AS HERETOFORE EXSTING, AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS

ORDINANCE”. Due to no motion made to suspend the Statutory requirement requiring the ordinance to be read by title three different days, the Ordinance will be presented again at the March 28, 2017 Council meeting.

City Manager Sadler asked for Board of Adjustment Board Members be appointed: as follows: THREE YEAR TERM: Steve Hume, Dave Hausmann, and Scott McDaniels and FOUR YEAR TERMS: Randy Hobson and Robert England. An Alternate member will need to be named when a volunteer comes forward to apply. Gallaway moved, Utley seconded “That Steve Hume, Dave Hausmann and Scott McDaniels be appointed for three year terms and Randy Hobson and Robert England be appointed for four year terms to the Board of Adjustment.” Roll call vote: Yeas: All council members present. Absent: Gaston.

City Manager Sadler asked for authorization to advertise for an opening on the Planning Commission. There were no objections to this request.

A proposed resolution from the Police Department was presented by Police Chief Aikens re: rescinding the restricted parking resolution for the 1900 and 2000 blocks of Linden Street. After much discussion, the matter was tabled until the School and the abutting property owners are notified.

Gallaway moved, Utley seconded “That the following claims for February 2017, are hereby approved and should be paid as provided by law out of the respective funds in the city treasury.@ Roll call vote: Yeas: Gallaway, Arterburn and Utley. Abstain: Nienhueser. Absent: Gaston. (Abbreviation for claims: aw awards, ct contract, du dues, eq equipment, ex expenses, in insurance, re reimbursements, sa salaries, se service, su supplies, tr transfers, tt travel/training , tx tax, ut utilities) Hillside Ventures se 2420.00.

Nienhueser moved, Gallaway seconded “That the following claims for February 2017, are hereby approved and should be paid as provided by law out of the respective funds in the city treasury.@ Roll call vote: Yeas: All council members present. Absent: Gaston. (Abbreviation for claims: aw awards, ct contract, du dues, eq equipment, ex expenses, in insurance, re reimbursements, sa salaries, se service, su supplies, tr transfers, tt travel/training , tx tax, ut utilities) 21st Century Equipment eq 11.90; Absolute Solutions se 109.78; Accelerated Receivables se 250.20; Accent Wire Tie se 646.97; Acco Brands Direct su 117.69; Adden, Chris tt 11.00; American Environmental se 626.27; American Legal Publishing se 2016.60; Arterburn, Joe tt 416.54; B&C Steel eq 474.26; Baker & Taylor su 2021.31, 20.46; Barker Cleaners su 30.00; Bayne, Blake tt 11.00; Black Hills Energy ut 2716.60, 535.79, 294.98, 117.79, 570.34, 267.90, 2226.10; Bomgaars su 39.99, 123.94, 66.58, 78.35, 138.35, 54.78, 38.97, 299.99; Broad Reach su 247.09, 15.00; Cabela=s su 35.18; Canon Financial se 122.90, 122.90; Cardmember se 1671.13, 49.95, 49.95, 902.88, 129.75, 132.95; Caselle ct 1594.00; Ccl Supply su 264.00; Centurylink se 99.89; Charter se 15.85, 83.43, 87.99; Cheyenne Co Chamber 3240.00; Cheyenne Co Clerk se 287.94; Cheyenne Co Community Center ct se 10000.00, 191.00; Cheyenne Co Emergency Comm Center ct 27925.00; Chief eq 737.95; Chroma Design se 2375.00; City of Sidney ct ex re tr bd 128.26, 1961.71, 18.12, 8640.00, 18000.00, 9000.00, 4500.00, 19750.00, 125.00, 2000.00, 73.91, 27.02, 264.25, sa in 86515.56, 89269.09, 12344.56, 12430.34, 17510.41, 17425.85, 32298.87, 31936.22, 13745.61, 13124.46, 7043.78, 7165.20, 5421.87, 58149.83, 946.74, 11017.50, 914.51, 9995.50, 2162.68, 23566.52, 583.54, 7675.17, 845.16, 7870.09, ut 4470.76, 250.81, 4323.50, 1634.53, 115.63, 1688.57, 14188.93; Clothes Hamper se 84.00; Country Printer su 80.00; Cranmore Fire se 48.00; Cranmore Pest se 90.00; Croell su 145.67, 52.75; Crosby Guenzel su 250.00; Culligan su 19.95, 29.95, 5.00, 29.95; Day & Night se 1459.44; Deere & Co eq 14665.14; Dept of Energy ut 18203.93; DHHS du 80.00; Daimonback Engineering se 14056.00; Digital Alley se 340.00, 95.00; Ditch Witch eq 104.01; Dude=s se 110.53; Dunn, John re 21.88; Dutton Lainson su 64.51; E&S eq 818.10, 650.23, 2687.12, 319.26, 141.26, 106.62; E470 Public Highway se 8.95; Eechkout, Jon re 40.55; Eileen Nightingale re 13.96; Elan Visa se 683.92, 18.22, 44.85, 74.72, 11.28; Enviro Service se 90.00, 36.00; ESRI se 2000.00; FC Organization Products su 127.11; Fedex se 46.54; Filsinger Excavating se 375.00; Finneys su 2.93, 95.98, 789.49, 83.81, 1015.29, 321.93, 87.31; Fiorelli Welding se 374.91; Floyd=s Truck se 37.88, 125.00; Foster Lumber su 42.98, 540.24, 10.74, 13.28, 27.98; Fraser Stryker se 4796.37, 26058.90; Fremont Na=tl Bank ct 9118.54, 450.00;

Frenchman Valley su 72.31, 5452.32, 2130.38, 4847.37, 827.61, 461.56, 689.36; Fyr-Tek su 2515.00; Galeton Gloves su 104.28; Gaston, Wendall tt 416.54; Gehrig, Don re 11.00, 53.73; Golden West su 597.14; Governmentjobs.com se 175.00; Gurney su 1991.32; Hamilton se 329.70, 199.80, 99.90; Hampton Inn se 104.43; Holtz Industries su 276.37; Hometown Leasing ct 978.32; Horizon West su 1.53; Houk, Jason tt 15.00; Houser, Greg re 150.00; Huber & Asso se 84.00; Ideal Linen su 28.56, 217.11, 71.53, 164.82, 71.40; Inland Truck Parts su 576.49; Internet Video se 100.00; Interstate Batteries su 113.95, 97.95, 113.95; JJ Plumbing se 119.45; Johnson, Kris tt 233.16, 231.14; Journal Office su 35.00; Karl Schmidt se 3050.00; Kevin=s Electric su 17.20, 112.50; KSID se 145.00; Kubo, Kevin re 52.00; Kuhns, Robert tt 64.25; LL Johnson Distributing se 1363.09; Landis+Gry du 850.00; Leal, Ron ct 450.00; Leef, J tt 416.54; Lyle Signs su 498.30; Marsau=s su 105.42; Mathes, Joan ct 625.00; Melchior Contracting se 780.00; Midwest Connect su 806.00; Miller Office su 494.16, 89.91, 27.75, 25.84, 26.00, 47.86; MEAN ut 527165.58; Municipal Supply su 998.21; Murphy Tractor su 23.06; Napa su 417.64, 486.45, 9.99, 17.34; NDEQ du 150.00; NE Dept of Revenue tx 67335.00; NE Public Health se 205.00; NE Rural Waster du 75.00; NE Safety/Fire se 180.00; NT&T se 1316.37, 120.16, 195.87, 294.56, 48.30, 111.20, 131.33; NE Link su 36.00; NE Tire su 713.38, 26.25; Newman Traffic su 210.36; NIKE su 1295.74; NMC eq 32.40, 268.04; Northern Safety su 293.75; Northwest Pipe su 1495.87, 272.24; OCLC su 207.88; Olsson Asso se 13316.27; Palmer, Mike tt 242.75; Paul Reed Const ct 101453.00; Perfection Door su 62.00; Performance Auto se 346.48; Petty Cash su 20.00; Points West in 5572.00; Prairie States se 485.85, 162.00; Quill su 98.91, 485.98; Randy=s Auto su 160.18; Recorded Books su 744.51; Regional Books su 114.66, 6.53; RWMC ct 5948.66; Repond First Aid su 193.15, 93.73, 91.94; Ritec Industrial su 450.00; Rood=s Tire su 108.00, 955.18, 30.00, 27.00, 15.00, 20.25, 93.00; Ryleigh & Asso se 500.00; Sadler, Ed re 262.00; Sandberg su 225.00; Scholastic su 152.10; Scotties Potties se 700.00; Segelke Janitorial se 1050.00, 1050.00; Severson Communications se 120.00; Sidney Glass su 65.00, 14.68; SRMC se 27.20; Sidney Rehabilitation se 305.00; Sidney Sun Telegraph se 9.39, 6.77, 692.93; Sonntag Goodwin & Leef ct 5001.00; Sonny=s su 30.94, 5.00; Spic & Span se 1882.00; Splish Splash se 252.71; Star Herald se 145.60; Stone, Eloise rt 400.00; SymbolArts se 1410.00; Thomas & Thomas se 1530.47; Triple O=s 9.38, 5.39, 26.75, 42.63; US Postal Service 966.96, 503.40; USA Bluebook se 691.71; Utely, Kelly tt 416.54; Verizon se 217.41, 496.12, 66.60, 33.30, 4992.93, 194.14, 36.95, 66.60; Viaero 113.49, 32.83, 98.49, 32.83; Vickery, Jack re 32.38; Walmart su 232.25, 178.52; Waller, Steven tt 11.00; Wesco eq 28605.56; Wheatbelt ut 11700.32; Whitebluffs ct 900.00; Wolford, Marie rt 916.47; Woods & Aitken se 2225.80; WPCI se 27.10; Wyoming Tribune se 278.80; Young=s Plumbing se 377.71.

Nienhueser moved, Gallaway seconded "That the Budget Reports for all City Funds for February, 2017, be approved." Roll call vote: Yeas: All council members present. Absent: Gaston.

Nienhueser moved, Utley seconded "That RESOLUTION NO. 20170303 be passed and approved." Roll call vote: Yeas: All council members present. Absent: Gaston.

RESOLUTION NO. 20170303

A RESOLUTION OF THE CITY OF SIDNEY APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT ENTITLED REDEVELOPMENT CONTRACT AND OCCUPATION TAX AGREEMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH CONTRACT FOR AND ON BEHALF OF THE CITY.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SIDNEY, NEBRASKA, as follows:

Section 1. The Mayor and Council hereby find and determine:

(a) that pursuant to the provisions of the Community Development Law (Neb. Rev. Stat. §§ 18-2101 to 18-2154), the City of Sidney Community Development Agency (the "Agency") has approved the

execution and delivery of an agreement entitled Redevelopment Contract and Occupation Tax Participation Agreement (the "Contract"); and

(b) that the Contract calls for the City to make available to the Agency certain grant monies to be derived from the City's Occupation Tax for granting by the Agency to Raj Motel, Inc. (the Redeveloper") and to the issuance of the Agency's Tax Increment Revenue Bond to the Redeveloper under the terms and conditions set forth in the Contract and that the execution and delivery of the Contract for and on behalf of the City is necessary and appropriate in connection with the Agency's community redevelopment activities.

Section 2. The Mayor and Council hereby approve and the execution and delivery of the Contract for and on behalf of the City and ratify and affirm all previous findings and approvals relating to the Contract.

Section 3. The Mayor and the City Clerk are hereby authorized to execute and deliver the Contract in substantially the form presented to this meeting but with any changes and/or completions determined by any of such officers as necessary or appropriate for and on behalf of the City.

Section 4. This Resolution shall be in force and take effect upon its adoption, as provided by law.

PASSED AND APPROVED this 14th day of March, 2017.

City Manager's Report: Melissa Norgard was hired as the new Economic Development Director. Interviews will be happening soon for the Finance Director. Signs for truck route will go up next week. Gazebo at Golf Course was destroyed by the high winds this last week. Seventeen AED's were added to the system and training has been held.

Council Comments: Gallaway had comments about the truck routes and truck parking and that recreational vehicles are a separate issue.

A work session was held to discuss snow routes, snow removal methods and spraying/weed control. City Manager Sadler provided information re: present and proposed Snow Routes and how they are managed, plowing of residential streets and where to put the snow. Suggestion was made to have an open meeting for the public to discuss snow routes, etc.

Methods for more cost effective ways of providing services to the citizens. One in particular is the possibility of subcontracting of the herbicide and fertilizer applications that are typically done by the Parks and Water Departments each season. It was proposed to go out for bids for a performance based sub-contractor to handle the herbicide and fertilizer applications for the City.

Meeting adjourned at 9:35 p.m.

/s/JOE ARTERBURN, MAYOR

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

