

Sidney, Nebraska, March 28, 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 28, 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.

Gallaway moved, Nienhueser 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 March 14, 2017 meeting be approved as printed." Roll call vote: Yeas: All council members present. Absent: Gaston.

City Manager Sadler introduced the new Economic Development Director, Melissa Norgard.

Mayor Arterburn submitted the name of Bob Olsen to fill the vacancy created by the resignation of Mark Nienhueser effective April 1, 2017. Gallaway moved, Utley seconded "That the recommendation of the Mayor to fill the vacancy created by the resignation of Mark Nienhueser be accepted effective April 1, 2017." Roll call vote: Yeas: All council members present. Absent: Gaston. Mayor Arterburn thanked Council Member Gallaway for helping him review the applications; as well as thanking all the applicants for their interest in serving the City of Sidney.

City Manager Sadler reviewed the proposed truck parking ordinance. Public Comments were made by Phil Kurz, Larry Nelson, Tom Spies; Mike Goen, Cheryl Nelson, Adam Franzen, Kae Nelson; and Patricia Finney. Comments by Council: 1. Gallaway emphasized that no one is saying trucks are the only thing contributing to the condition of the streets, that all things contributing will be reviewed in this process. 2. Nienhueser read the code that exists today that is not being enforced. He also suggested that for special circumstances an appeal process to be submitted to the City Council be added to the ordinance in which the neighbors sign off on the appeal. 3. Utley commented that she understands the situation and has studied both the current code on this as well as the proposed and realizes that it is a difficult situation. 4. Mayor Arterburn made it clear that the City Council had asked the City Manager to review the different items that contribute to the street conditions in Sidney. He liked Mark's suggestion of an appeal process. City Manager Sadler recommended that the 3rd reading of the Ordinance by title be delayed so that he and the City Attorney and work on it.

Nienhueser moved, Gallaway seconded "That the third reading of Ordinance No. 1787 be delayed as per the City Manager's Request." Roll call vote: Yeas: All council members present. Absent: Gaston.

Chief of Police Joe Aikens reported that he had conferred with the Superintendent of Sidney Schools regarding removal of the restricted parking on the 1900 and 2000 blocks of Linden Street and that they had no objections. The crosswalks in that area will also be reviewed. Nienhueser moved, Gallaway seconded "That RESOLUTION NO. 20170301 be passed and approved." Roll call vote: Yeas: All council members present. Absent: Gaston.

RESOLUTION NO. 20170301

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

That Resolution No. 20050810 be rescinded: and in accordance with the power vested in them by Section 424.01 of the codified Ordinances of the City of Sidney, Nebraska, 1977, the following traffic regulatory signs be removed as hereinafter indicated: NO PARKING Signs stating No Parking Except Resident With Permit shall be removed: A) On the south side of Linden Street between 19th Avenue and 21st Avenue; B) On the east and west sides of 20th Avenue and on the east side of 21st Avenue between Linden Street and the alley way.

Rob Rauner and his staff of Rauner & Associates, presented a power point on the audited Financial Statements for Fiscal Year 2015-2016, giving a clean opinion on the audit and internal control. He explained the trending info that appeared in his presentation that was affected by short term warrants waiting to be replaced by long term bonding. He thanked city staff for their assistance during preparation of the audit. He also commented that having Kelly and her financial credentials on the Council eliminated the need for an Audit Committee review this year so thanks to Kelly. Utley moved, Nienhueser seconded "That the audited Financial Statements for Fiscal Year 2015-2016 be accepted as presented." Roll call vote: Yeas: All council members present. Absent: Gaston.

City Manager Sadler as per earlier discussions with the Council presented a proposal which would re-structure the water and sewer rates. This would result in adopting a new philosophy that is then similar for both utilities. Consensus of Council was for staff to proceed with preparing an ordinance for each utility implementing the new structuring of rate tables.

City Manager's Report: Interviews have been held and a new Finance Director will be arriving on May 15th. An Open House is being planned for April 20, 2017 at 7:00 p.m. for public snow removal discussion. City wide property reviews will be starting April 1, 2017. Firemen's Ball is April 22, 2017. According to press releases there is a new business coming to Sidney.

Council Comments: Gallaway expressed his appreciation for the truck parking input. He also thanked Mark for his service as Council Member. Nienhueser thanked Council, Geri, Ed and the Department Heads for all that was accomplished over the years as well as the citizens for voting him into the position. Mayor Arterburn thanked Mark for his years on the Council and as Mayor. He wished him the best in the future.

Mayor Arterburn stated that he would entertain a motion to go into closed session for the protection of the public interest to discuss pending litigation. Nienhueser moved, Gallaway seconded AThat the Council go into closed session for the protection of the public interest to discuss pending litigation.@ Roll call vote: Yeas: All council members present. Absent: Gaston. Mayor Arterburn announced that the City Council will now go into closed session at 8:58 p.m. Upon the Council=s return from the closed session, Gallaway moved, Nienhueser seconded AThat the Closed session end and the Open session be reconvened.@ Roll call vote: Yeas: All council members present. Absent: Gaston. Mayor Arterburn announced that the Council has come out of the closed session at 9:33 p.m.

Meeting adjourned at 9:33 p.m.

/s/JOE ARTERBURN, MAYOR

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

