

Sidney, Nebraska, May 9, 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 May 9, 2017 in the Council Room. Present were: Mayor Arterburn and Council Members: Gallaway, Gaston, Utley and Olsen. 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.

Gaston moved, Olsen seconded "That the minutes of the April 25, 2017 meeting be approved as printed." Roll call vote: Yeas: All council members present. Abstain: Gallaway.

Greg Huck, member of the Chamber of Commerce and business owner on the Square, reviewed the history of Hickory Square and requested that the City Council write a letter of support for the Hickory Square project. City Manager Sadler reported there were budgeted funds in the General Fund for Hickory Square. There are a number of citizens interested in helping to plan the Square and to do fund raisers to help pay for it if the City committed funds also. It has also been suggested to apply for grants from the Department of Economic Development. Amy McMannis was present with some young citizens who are interested in being involved with the planning as well as fund raising. Ideas that have been mentioned are a band shell on the north end, a water feature, etc. Denise Wilkinson, Director of the Cheyenne County Chamber of Commerce was available to answer questions. No negative comments were made at that time by the public or the City Council.

Melissa Norgard, Economic Development Director, reported on three possible areas that property owners have shown interest in leasing for truck parking; i.e. John Wieser's land north of Sapp Brothers (old FedEx lot), Floyd's Trucking (west of Country Inn & Suites across from Love's Travel Stop), and Oscar Glover (off 15th south of BNR tracks). This would be parking options to assist those residents of Sidney affected by the no truck parking in residential areas. Determination has to be made as to how many truck drivers would be interested in taking advantage of this option for truck parking so an educated decision could be made where to locate a parking lot. We need to advertise and get the word out. Kae Nelson was asked what he thought of how many truckers may be interested. He thought it might be more than you would expect, especially if the areas are fenced, security cameras on site, access to electricity and possibly water. Chief Aikens was asked for input as well.

Whereupon Mayor Arterburn announced that the Planning Commission of the City of Sidney, NE has submitted to the City Council its final report recommending approval of an ordinance to revise Chapter 1272 Signs of the Codified Ordinances; and that a public hearing would now be held at 7:40 p.m. and parties in interest would be heard as advertised. The following filed written comments: None. The following appeared in person or by agent or by attorney and were heard: Ben Dayton, City Planning & Zoning Administrator, reviewed the proposed ordinance. The Council discussed the proposed ordinance extensively. One particular item regarding banners and the time they can stay up. Possible addition will be made by the City Attorney to add some sort of different wording. All persons having been heard, Mayor Arterburn closed the public hearing at 7:55 p.m. The Ordinance will be presented again on May 23rd after it has been revised.

City Manager Sadler reviewed the water rate structures that are being proposed in Ordinance No. 1788. City Clerk Anthony read by Title for the third time the Ordinance entitled "AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, RELATING TO WATER SERVICE RATES, EFFECTIVE DATE OF RATES,

AMENDING SECTIONS 1042.21 AND 1042.24 OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA; AND PROVIDING FOR PUBLICATION”. Gallaway moved, Gaston seconded “That Ordinance No. 1788 be passed as amended that effective date be no sooner than July 1, 2017.” Roll call vote: Yeas: All Council Members present. Gaston moved, Olsen seconded “That Ordinance No. 1788 be published in *The Sidney-Sun Telegraph*.” Roll Call Vote: Yeas: All Council members present.

City Manager Sadler reviewed the sewer rate structures that are being proposed in Ordinance No. 1789. City Clerk Anthony read by Title for the third time the Ordinance entitled “AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, RELATING TO SANITARY SEWER SERVICE RATES, EFFECTIVE DATE OF RATES, AMENDING SECTION 1045.31 OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA; AND PROVIDING FOR PUBLICATION”. Gaston moved, Gallaway seconded “That Ordinance No. 1789 be passed and adopted.” Roll call vote: Yeas: All Council Members present. Gallaway moved, Utley seconded “That Ordinance No. 1789 be published in *The Sidney-Sun Telegraph*.” Roll Call Vote: Yeas: All Council members present.

Gaston moved, Olsen seconded “That RESOLUTION NO. 20170501 be passed and adopted.” Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20170501

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 City of Sidney Sesquicentennial Celebration includes a parade 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 Sesquicentennial Parade. The closure would be on August 19, 2017 from 8:30 a.m. and reopen to traffic at 12:00 p.m. The closure will be between the intersection of 19th Avenue and Highway 30 and the intersection of Fort Sidney Road and Highway 30. 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.

Mayor Arterburn made a statement re: what he had learned about having “Comments by the Public” on the Council Agendas and why he had asked that it be removed. City Attorney Leef said she had asked for information from the League of Nebraska Municipalities as well as her own review of the Nebraska Statutes as follows: “We have all known that in order to take action, the Council must have given notice of an issue by having it on the agenda. Recent court cases have broadened that requirement. The Courts have decided that state statute requires that anything that is going to be discussed at a council meeting MUST comply with the notice requirements to be legal and not subject the City to the possibility of suit. This is true even if matters not on the agenda are discussed but no action is taken by the Council. Therefore, we have 2 viable options: 1) we can continue to have public comments on the agenda. People may speak, but UNDER NO CIRCUMSTANCES can the Council or staff interact by asking questions or making comments. We must simply “thank them for coming”; or 2) we can ask for public comments on each agenda item as it comes up, which I think Joe always does, and have a process for people to put things that are not on the agenda onto the agenda for the next meeting. Both the League and I favor the 2nd option as far as providing the most protection to the City, but the choice is entirely up to the Council.” One comment from the public was made by Larry Nelson. After a pros and cons discussion by the City Council, it was the consensus to follow Option 1 of the City Attorney’s opinion; i.e. Continue to have

public comments on the agenda. People may speak, but UNDER NO CIRCUMSTANCES can the Council or staff interact by asking questions or making comments. We must simply “thank them for coming”.

Mellissa Norgard, Economic Development Director, presented an LB840 agreement with Lukjan Metal Products for \$500,000 for a job and wage related loan agreement. She reported that the Economic Development Citizen Advisory Committee had reviewed this agreement and voted favorably to recommend it to the City Council. Herb Gibson of Lukjan was also in the audience to provide information. Gaston moved, Gallaway seconded “That the LB840 loan agreement with Lukjan Metal for \$500,000 be approved.” Roll call vote: Yeas: All council members present.

Gallaway moved, Olsen seconded “That the following claims for April 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, Gaston, Arterburn and Olsen. Nays: None. Abstain: Utley. (Abbreviation for claims: 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 340.96; Accent Wire Tie eq 4928.36; Action Communications se 190.00, 2670.67; Altec Industries su 567.50; Applied Concepts eq 1990.00; Axon su 305.96; Bailey Nurseries su 2932.50; Baker & Taylor su 719.69, 7.22; Barker Cleaners se 30.00; Baum Hydraulics su 12.55; Ben Meadows su 780.73; Black Hills Energy ut 1357.22,185.02,138.35,252.51,488.70,1143.68; Bomgaars su 16.99,244.21,20.37,10.46,19.58,79.52; Brekel, Greg re 58.50; Brown Transfer se 1075.15; Bush, Jim tt 115.25; Canon ct 96.00; Cardmember su 1192.86, 107.49,3097.15, 111.28, 10.93; Carolina Software ct 200.00; Caselle ct 1594.00; Cashwa su 64.80; Cenage Learning su 123.50; Century Link se 99.89; Charter se 15.87, 87.99; Cheyenne Co Chamber ct 2500.00; Cheyenne Co Community Cnt ct 10000.00; Cheyenne Co Emergency Comm Cnt ct 31197.26; Chief su 224.34; Christensen, Jason re 20.00; City of Sidney in sa 1073.18, 96938.59, 13369.47, 16442.58, 13895.50, 7188.05, 72659.80, 451965.90, 106719.65, 55755.45, 5840.46, 946.74, 1168.27, 514.31, 845.16, 103346.79, 13624.20, 15798.98, 32513.69, 32215.30, 11571.45, 24317.02, 7137.42, 61647.55, 11017.50, 8820.81, 2223.54, 23687.18, 3399.64, 7870.09, ex 140.02, 20.00, 3777.39, 120.64, 2655.89, 1430.00 bd 19750.00, ut 3403.28, 222.04, 2738.81, 920.38, 116.15, 8571.61, 12146.86; Color Concepts su 84.78; Comfort Inn tt 233.85; Consolidated Management se 55.02; Contractors Material su 89.00; Country Printer su 873.00; Cranmore Fire se 56.00, 30.00, 135.00; Cranmore Pest Control se 90.00; Crescent Electric su 611.65; Croell su 341.25, 1131.38; Crosby Guenzel se 1700.00; Culligan su 19.95,41.95, 5.00,29.95; Darin's Auto se 368.59; Day & Night se 197.92; Demco su 124.95, 196.61, 10.00; Dept of Energy ut 17243.68; DeZurik eq 584.80; Digital Alley su 790.00; Direct Parts su 175.00; DP Electronics su 1429.48, 1566.42, 442.71, 198.47; E&S Auto su 1217.94, 231.02, 531.96, 274.09, 173.45, 16.11; Eakes Office su 120.07; Elan Visa su 37.35, 724.01, 18.22, 3.99, 86.60, 6.37, 60.02; Endurance Flag su 105.00; Enviro se 72.00, 72.00; Environmental Resource Asso se 1023.34; Finneys su 1220.45, 147.33, 160.30, 263.29, 641.44, 425.39, 156.72; Floyd's se 485.24, 572.74, 211.88, 76.70; Foster's su 600.82, 41.83, 32.98, 9.36; Fraser Stryker se 65480.51, 74542.36; Fremont Nat'l Bank ct 9118.55; Frenchman Valley se 150.70, 4466.56, 1460.03, 6703.78, 1089.83, 268.40, 579.66; Fyr Tek su 142.18, 20797.80; Galls su 143.54; Gear For Sports su 38.12; Gempler's su 99.55; Golden West su 397.74; Golf & Sport Solutions su 967.51; Hach Co su 4146.71; Hamilton se 168.27, 66.01, 49.95; Hampton Inn tt 313.29; Hawkins su 2744.42; Hillside Golf su 90.00; Hillside Ventures ct 2420.00; Holiday Inn tt 195.90; Hometown Leasing ct 978.32; Horizon West su 592.02; Huber & Asso se 96.54; Hutcheson Engineering su 4309.47; Ideal Linen su 28.78, 388.97, 62.48, 73.96, 242.32; Interstate Batteries su 119.97; Jirdon Agri Chemicals su 1601.19; JMK Sports su 171.89; Johnson, Flodman, Guenzel & Widger se 5060.00; Johnson, Kris tt 231.14; Journal Office su 35.00; Kevin's Electric su 235.00; KSID se 100.00; Kubo, Kevin tt 97.00; LL Johnson su 1686.83, 447.95; Landis & Gyr ct 850.00; Langley Trucking se 952.48; Leal, Ron se 450.00; Leeper, Jeffre 51.00; Lincoln Journal se 394.00; Lloyd, Derek re 57.50; Lyle Signs su 195.04; Matthes, Joan ct 625.00; Midwest Labs su 94.50; Miller & Sons Golf Cars se 9448.00; Miller Office su 2139.389, 105.96, 72.06; MEAN ut 474444.30; Municipal Supply su 3800.00; Napa su 96.41, 87.57, 34.19; NDEQ se 2330.00; NE Chamber of Commerce du 350.00; NE code Official du 135.00; NE Dept of Revenue tx 61761.27; NE Dept of Roads se 926.50; NE Law Enforcement Training Ctr du 155.00; NMPP du 4176.45; NE Rural Water Asso du 375.00; NE Safety & Fire su 90.00, 215.00; NE State Treasurer ct 9.70; NT&T se 127.53, 1380.89, 120.30, 202.78, 288.42, 160.69, 36.00; Neland Magazine se 250.00; Neland Tire se 70.40, 14.63, 733.98; NEDA du 100.00; Neumann, Daniel re 33.15; NMC eq 776.31, 250.80, 108.37, 243.35; Northern Safety eq 625.35; Northwest Pipe su 292.32; NuC02 su 106.89; NWAGA du 30.00; OCLC se 207.88; Olsson Asso se 18296.57; Omaha World Herald se 311.48;

One Call se 61.27, 61.28; Panhandle Auto eq 329.98; Paul Reed Const se 26972.73; Payment Tech se 30.09, 30.17; Pepsi su 90.80; Prairie States se 620.00; Prestige Flag su 194.98; QA Balance se 150.00; Quill su 143.95, 307.98; Rauner & Assoc se 40625.00; Reams Sprinkler su 1006.00; Region Books su 16.88,286.51; RWMC ct 5948.66; Renkoski Property su 26835.89; Respond First Aid su 60.31; Richman Inc se 1961.58; Ried, David se 3383.75; Rood's Tire su 934.47; Rose, Gloria re 14.97; Russell Industries su 570.00; Sage Management se 16693.31; Scotties Potties se 700.00; Sege1ke Janitorial se 1050.00, 1050.00; Shirt Tales su 75.96, 360.00; Showcases su 1383.57, 110.69; Sidney Feed su 71.98; Sidney Glass su 237.36, 211.50; SRMC se 6250.00,147.20; Sidney Rehabilitation se 125.00; Sidney Roofing se 8685.48; Sidney Sun Telegraph se 880.61, 593.50, 5.89; Sonntag, Goodwin & Leef se 5589.00; Sonny's su 19.83; Southwestern Equipment su 89.92; Splish Splash su 168.26, 10.00; Star Herald se 6.87; Sterling, Dean tt 87.00; Stone, Eloise rt 400.00; Swier Coca Cola su 190.32; SymbolArts su 440.00; T&L Cleaning ct 275.00; Taser Training Academy se 1094.58; Terry Durin Co su 144.91; Thompson Co su 171.65,38.26; Time Clock Plus su 163.00; Titleist su 698.83, 207.56; Triple O's su 39.00, 97.11, 17.18; USA Bluebook su 274.75, 543.30; USGA du 110.00; Utility Service su 9012.69; Verizon se 40.01, 217.41, 496.56, 66.60, 33.30, 194.14,33.30,66.60; Vessco su 790.55, 504.63; Viaero se 32.83,32.83,98.49,32.83; Walmart su 21.93,89.98; Western United Electric su 453.55; Wheatbelt ut 11092.80; White bluffs se 1576.00; Wolford, Marie rt 916.47; Woods & Aitken se 314.50; WPCI se 114.10, Wyoming Tribune se 22.80

Utley moved, Gallaway seconded "That the Budget Reports for all funds for April, 2017 be approved." Roll call vote: Yeas: All council members present.

City Manager's Report: There will be a Sesquicentennial Meeting May 10th at Noon. Truck Waiver application is done and on Website. The recent arbitrator decision has been appealed by MEAN. City Attorney Leef gave a possible timeline for the appeal process. Update on Illinois Street/Highway 30 re-construction project by the State of Nebraska was given. Sherm reported that grant funds for the Library have been restored so our application will processed. An update was given on the weed control contract by Assistant City Manager Martin. She said they are going to flag the areas that have been finished for the first time around

Council Comments: Gallaway and Arterburn congratulated the Sidney Track Team. Olsen asked how the long term care company did and the answer was " good". Mayor Arterburn said he appreciated the input into the Comments agenda item.

Meeting adjourned at 8:52 p.m.

/s/JOE ARTERBURN, MAYOR

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

