

Sidney, Nebraska, May 24, 2016, 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 24, 2016 in the Council Room. Present were: Mayor Nienhueser and Council Members: Gallaway, Gaston, and Arterburn. Absent: Gay. Others present: City Manager Sadler, Deputy City Clerk Heilbrun and City Attorney Leef. 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 Nienhueser informed the public of the location of the posted Open Meetings Act.

Gaston moved, Arterburn seconded "That Councilman Gay be excused from the meeting." Roll call vote: Yeas: All council members present. Absent: Gay.

Gallaway moved, Arterburn seconded "That the minutes of the May 10, 2016 meeting be approved." Roll call vote: Yeas: All council members present. Absent: Gay.

Susie Ernest of KSID radio and Loren Hoekema, on behalf of the Lincoln Highway Cruisers, appeared to request the closure of 10<sup>th</sup> Avenue from Illinois to Hickory (Hickory Square) from 6 p.m. to 9 pm. on June 3<sup>rd</sup> for "Cruisin Night." Ernest noted that this is the 15<sup>th</sup> year the event will be held with various organizations providing food and entertainment along Illinois Street. Hoekema stated that this year will include an informal non-judged car show along 10<sup>th</sup> Avenue in Hickory Square.

Arterburn moved, Gallaway seconded "That the closure of 10<sup>th</sup> Avenue from Illinois to Hickory (Hickory Square) from 6 p.m. to 9 p.m. on June 3<sup>rd</sup> be approved." Roll call vote: Yeas: All council members present. Absent: Gay.

Gallaway moved, Arterburn seconded "That Resolution No. 20160503 be passed and approved." Roll call vote: Yeas: All council members present. Absent: Gay.

RESOLUTION NO 20160503

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 William Riffle for Lodgepole Restaurant, LLC dba Perkins Restaurant & Bar at 655 Cabela Drive, Sidney, Cheyenne County, Nebraska; and

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

City Manager Sadler gave background, answered questions of Council, and recommended approval of the gas franchise agreement with Black Hills Energy.

Gaston moved, Gallaway seconded "That the Ordinance entitled "AN ORDINANCE GRANTING TO BLACK HILLS GAS DISTRIBUTION, LLC D/B/A BLACK HILLS ENERGY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PERMISSION AND AUTHORITY TO CONSTRUCT, MAINTAIN AND OPERATE A GAS TRANSMISSION AND DISTRIBUTION SYSTEM, INCLUDING MAINS, PIPES, CONDUITS, SERVICES AND OTHER STRUCTURES, IN, UNDER, UPON, OVER, ACROSS AND ALONG THE STREETS, ALLEYS, BRIDGES AND PUBLIC PLACES WITHIN THE PRESENT AND FUTURE CORPORATE LIMITS OF THE CITY OF SIDNEY, NEBRASKA FOR THE FURNISHING, TRANSMISSION, DISTRIBUTION AND SALE OF GAS WHETHER ARTIFICIAL, NATURAL, MIXED OR OTHERWISE, FOR

LIGHTING, HEATING, DOMESTIC, INDUSTRIAL AND OTHER USES IN SAID CITY AND ELSEWHERE, LIMITING THE TERM OF SAID GRANT, PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID COMPANY MAY OPERATE, AND REPEALING ALL OTHER ORDINANCES AND AGREEMENTS IN CONFLICT WITH THIS ORDINANCE be designated as Ordinance No. 1778." Roll call vote: Yeas: All councilmembers present. Absent: Gay. There was no motion to suspend the statutory requirement requiring the ordinance to be read by title three different days. The Deputy Clerk read the ordinance by title.

The Deputy Clerk read Ordinance 1776 by Title for the second time as follows: "AN ORDINANCE PROVIDING FOR THE REZONING OF A 38.543 ACRE TRACT OF LAND LOCATED WITHIN THE NORTH HALF AND SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 14N, RANGE 50W OF THE 6<sup>TH</sup> P.M., AS DESCRIBED IN ATTACHED EXHIBIT A; FROM R-1 (SINGLE FAMILY RESIDENTIAL) ZONE TO A (AGRICULTURAL) ZONE; AMENDING THE SIDNEY ZONING CODE AND ZONING MAP OF THE CITY OF SIDNEY, NEBRASKA, ADOPTED BY ORDINANCE NO. 1049 OF THE CITY OF SIDNEY, NEBRASKA, WHICH IS NOW CODIFIED AS TITLE SIX OF PART TWELVE OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA, TO SO PROVIDE; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN DIRECT CONFLICT HEREWITH." There being no motion to suspend the rule that the ordinance be read by title on three different days, it will be read for the third time on 6/14/16.

The Deputy Clerk read Ordinance 1777 by Title for the second time as follows: AN ORDINANCE PROVIDING FOR THE REZONING BEING ALL OF TRACT 3, SIDNEY REGIONAL MEDICAL CENTER PLAT, FROM A (AGRICULTURAL) ZONE TO C-1 (LIGHT COMMERCIAL) ZONE; AMENDING THE SIDNEY ZONING CODE AND ZONING MAP OF THE CITY OF SIDNEY, NEBRASKA, ADOPTED BY ORDINANCE NO. 1049 OF THE CITY OF SIDNEY, NEBRASKA, WHICH IS NOW CODIFIED AS TITLE SIX OF PART TWELVE OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA, TO SO PROVIDE; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN DIRECT CONFLICT HEREWITH. There being no motion to suspend the rule that the ordinance be read by title on three different days, it will be read for the third time on 6/14/16

City Manager Sadler presented the new process for appointments to the City of Sidney boards and commissions. The policy will require that the City advertise in the local newspaper whenever there are term expirations and/or vacancies. This will make the public aware of their opportunity to serve. He noted that incumbents for open positions will also be encouraged to re-apply. Currently there are three members of the Planning Commission whose terms will expire June 1, 2016, Jerry Spiker, Deanna Volkmer, and E. Todd Sherlock. Jerry Spiker has expressed his intention to resign from the Planning Commission. Sadler recommended re-appointing Spiker, Volkmer, and Sherlock through the month of June to give us the opportunity to let the public know of the possible openings. Interviews may be necessary if we get enough interest. Sadler also noted that there were different dates for terms on different boards which could possibly be streamlined for uniformity.

Councilman Gaston liked the idea of transparency but thought that proposing term limits may be a better idea rather than discouraging someone with valuable experience from seeking another term and losing someone with experience and education. Mayor Nienhueser stated that he would be surprised if there were a lot of applicants under this proposed scenario, but felt there would be more transparency if the openings were advertised. Councilman Arterburn agreed that it was a good idea to be open to the community and visible to the Council. Councilman Gallaway thought it was a good idea to involve the public as much as possible, but did not want to discourage incumbents from seeking reappointment. He suggested that Mr. Spiker be called and urged to reconsider his resignation.

Arterburn moved, Gallaway seconded "That Deanna Volkmer, and E. Todd Sherlock be re-appointed to the City of Sidney Planning Commission through June, 2016." Roll call vote: Yeas: All council members present. Absent: Gay.

After the vote, Councilman Gaston went on record stating that it was his belief that incumbents should continue to serve.

Gaston moved, Gallaway seconded "That the Budget Reports for April, 2016 be approved." Roll call vote: Yeas: All council members present. Absent: Gay.

**City Manager Report:**

City Manager Sadler announced that Joe Aikens has been appointed to the position of Chief of Police. He presented Chief Aikens with his badge. He stated that he is working on a policy and application that would give the City Manager permission to approve uses of Hickory Square and other City parks facilities and areas without bringing the requests to Council. He reported that: the RFP's for Targeting Economic Development went out today and are due by the end of June; the new building inspector would begin work on June 6<sup>th</sup>; the Health Insurance RFP's had been received and interviews scheduled for June 8<sup>th</sup> and 9<sup>th</sup>.

**Staff:**

Tina Hochwender, Economic Development Director, gave a report on the DED tour, stating that DED was impressed with the buildings.

**Council:**

Mayor Nienhueser stated that the DED tour showed that the buildings are ready to go and felt it was a good 2-way exchange on marketing strategy. He reminded everyone of the ribbon cutting for the new aquatic center on June 1<sup>st</sup> at 10 a.m., with donor recognition on Thursday, May 26 and public opening on Friday May 27 at 1p.m. He thanked Tina and Tom for all their work in getting everything up and running.

Gaston commended Tina on putting the DED tour together. He congratulated the boys and girls track teams and boys golf team on their trip to State.

Arterburn congratulated the track teams on their showing at State.

Roger welcomed Love's Travel Center to Sidney and congratulated the track teams for finishing in the top 10 at the State meet.

Discussion was held on the Preliminary Findings from the Goal Setting Retreat. City Manager Sadler was commended for the great job he did on putting this together.

Gaston moved, Gallaway seconded, "That the Preliminary Findings from the Goal Setting Retreat be approved with an amendment to place a bullet under the #3 of the short-term goals to include the preliminary engineering cost estimate for 13<sup>th</sup> Avenue from Illinois St. to the Burlington Northern railroad tracks." Roll call vote: Yeas: All council members present. Absent: Gay.

Meeting adjourned at 8:12 p.m.

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MAYOR

ATTEST:

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CITY CLERK







