

Sidney, Nebraska, November 22, 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 November 8, 2016 in the Council Room. Present were: Mayor Nienhueser and Council Members: Gallaway, Gaston, Gay and Arterburn. Others Present: City Manager Sadler, City Clerk Anthony 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.

Arterburn moved, Gallaway seconded "That the minutes of the November 8, 2016 meeting be approved as printed." Roll call vote: Yeas: All Council Members present. Abstain: Gay.

Ken Steffens and Terri Poley presented the Elks' Application for Addition to their liquor licensed premises. History of the location was discussed. Gaston moved, Gay seconded "That Resolution 20161102 be passed and approved." Roll call vote: Yeas: All council members present.

RESOLUTION NO 20161102

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 ADDITION application of 20 feet of the south side of the Sidney Elks building at 1040 Jackson Street, Sidney, Cheyenne County, Nebraska; and
That the Nebraska Liquor Control Commission be notified of said recommendation.

Matt Hienz, Manager of Sonny's Super Foods presented the Application for Special Designated License for Alex & Yvonne Schmuck dba as Sonny's for a beer and wine tasting event at 2020 10th, Sidney, NE. The event will be in the liquor store portion of the building on December 16th. Gaston moved, Gallaway seconded "That Resolution 20161103 be passed and approved." Roll call vote: Yeas: All council members present.

RESOLUTION NO 20161103

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 SPECIAL DESIGNATED LICENSE for an event on December 16th under the liquor license of Alex & Yvonne Schmunk, inc. dba Sonny's Super Foods at 2020 10th Avenue, Sidney, Cheyenne County, Nebraska; and
That the Nebraska Liquor Control Commission be notified of said recommendation.

The Clerk read Ordinance No. 1782 for the second time as follows "AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, TO AMEND CHAPTER 1252 MOBILE HOMES; SECTION 1252.02 OCCUPANCY; LOCATIONS; OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA TO PROVIDE FOR TRAVEL TRAILERS IN MOBILE HOME PARKS WHEN CERTAIN CONDITIONS ARE MET; TO REPEAL ANY ORDINANCE OR PART OF ORDINANCE

IN CONFLICT THEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE.” No motion was made to suspend the Statutory requirement requiring the ordinance to be read by title three different days. The Ordinance will be read for the third time on December 13, 2016.

The Clerk read Ordinance No. 1783 for the second time as follows: “AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, TO AMEND CHAPTER 1254 TRAVEL TRAILERS; SECTIONS 1254.02 OCCUPANCY OF TRAILERS OUTSIDE OF PARKS AND 1254.03 OCCUPANCY OF TRAILER PARKS; OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA TO PROVIDE FOR THE OCCUPANCY OF TRAVEL TRAILERS IN MOBILE HOME PARKS OR TRAVEL TRAILER PARKS WHEN CERTAIN CONDITIONS ARE MET; TO REPEAL ANY ORDINANCE OR PART OF ORDINANCE IN CONFLICT THEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE” No motion was made to suspend the Statutory requirement requiring the ordinance to be read by title three different days. The Ordinance will be read for the third time on December 13, 2016.

Dawn Martin, Assistant City Manager, presented Change Order Nos. 2 & 3 for Adams Civil Resources, LLC for SID#54 (Jennifer Lane Access Project). Gay moved, Gallaway seconded “That Resolution 20161104 be passed and approved.” Roll call vote: Yeas: Gallaway, Gaston, Nienhueser and Gay. Nays: Arterburn.

RESOLUTION NO. 20161104

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

That Baker & Associates has submitted Change Order Nos. 2 and 3 for Project #066-156-16 Jennifer Lane Hiway Access in the amount of an increase of \$18,063.82; and

That the Mayor and Council hereby approves Change Order Nos. 2 and 3 for Project #066-156-16 Jennifer Lane Hiway Access in the amount of an increase of \$18,063.82.

Gallaway moved, Gay seconded “That the Budget Reports for all City Departments for October, 2016 be approved.” Roll call vote: Yeas: All council members present.

Mayor Nienhueser explained that since there was only one candidate for two openings on the City Council for the November 8, 2016 General Election, the City Council has a certain protocol to use to fill the one vacancy. Therefore, the City Council of the City of Sidney, NE on November 22, 2016 acknowledged that there was no candidate elected in the 11/8/16 General Election for the expiring term of Chris Gay, and that said term on the current City Council of the City of Sidney expires December 13, 2016. Notice of Vacancy was declared by the Mayor and Council for said 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 term will be for two years commencing December 13, 2016 thru December 11, 2018. In two years when we next elect council persons, we will have a council person position available for the remaining 2 years. Letters of interest can be mailed and addressed as follows: MAYOR & CITY COUNCIL, c/o 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 THURSDAY, DECEMBER 8, 2016. Appointment to fill the vacancy will be considered at the December 13, 2016 Council meeting.

City Manager’s Report: Ed shared all the Christmas activities that require City crews to be involved in; i.e. Hickory Square, Parade of Lights, Downtown Holiday lighting, Legion Park Tree of Remembrance; etc. It was noted that the downtown decorations are getting worn. The plan is to replace a third of them each year until all are replaced. The worse will be replaced first. LED will be used where possible to save on electric use. The

Targeting Study should be ready for review by December 19th and ready to put on a Council agenda the first of January, 2017.

Council Comments: Mayor Nienhueser: Asked for an overall comparison report for the Swimming Pool be given at the December 13, 2016 meeting. **All Council Members** wished everyone a happy and safe Thanksgiving. **Councilman Arterburn** thanked the voters who had voted for him.

Meeting adjourned at 7:39 p.m.

/s/MARK NIENHUESER, MAYOR

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

