

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 August 23, 2016 in the Council Room. Present were: Mayor Nienhueser and Council Members: Gallaway, Gaston, and Gay. Absent: 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.

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

Gallaway moved Gay seconded "That the two August 9, 2016 minutes and the August 10, 2016 minutes be approved as printed." Roll call vote: Yeas: All council members present. Absent: Arterburn.

Sarah-Kate Splichal presented a project for her Girl Scout Gold Award which would promote exercising, biking and the use of our trails, including a Fixit Station. Gaston moved, Gallaway seconded "That Council grant permission for Ms. Splichal to proceed with her project and asked that the Council be kept informed of her progress." Roll call vote: Yeas: All council members present. Absent: Arterburn.

Mayor Nienhueser announced that a public hearing would now be held for the purpose of hearing support, opposition, criticism, suggestions, or observations relating to the proposed 2017 LB840 Sidney Economic Development Plan and submitting the question to the qualified electors on November 8, 2016. Economic Development Director Tina Hochwender presented the 2017 LB840 Economic Development Renewal and Process on behalf of the Sidney Economic Development Advisory Committee, and Resolution No. 20160801 adopting the 2014 Sidney Economic Development Plan and requesting that the question be submitted to the qualified electors on November 8, 2016. There being no further public comment, the hearing was closed

Gaston moved, Gallaway seconded "That Resolution No. 20160801 adopting the Sidney Economic Development Plan – 2017 and submission of the question to the qualified electors on November 8, 2016, be approved." Roll call vote: Yeas: All council members present. Absent: Arterburn. There being no further public comment, the hearing was closed.

RESOLUTION NO. 20160801

WHEREAS, a plan entitled the "Sidney Economic Development Plan-2017" has been prepared, which plan complies with the statutory requirements for such an economic development plan and, after proper public notice, a public hearing at which said plan was presented has been held to receive public comment and discussion.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sidney hereby adopts the "Sidney Economic Development Plan-2017," which is incorporated in this Resolution of Adoption by this reference and which:

- a. Creates a revolving loan fund which will be administered as follows:
 - i. A qualifying business must submit an application and other documents as set out in the Plan which will be considered for recommendation by the Economic Development Director with input from a Citizen Advisory Committee, final approval or denial to be made by the City Council.
 - ii. The criteria for determining necessity and appropriateness for participation by a qualifying business will be job creation or retention as set out in the Sidney Economic Development Plan-2017.
 - iii. Loan repayment must be within ten (10) years for purchase of fixed assets and five (5) years for other asset categories.
 - iv. The Economic Development Director or contracted program administrator, together with current City staff, will administer the program.

- v. The loan fund will be invested as provided by Section 77-2341 R.R.S. Nebraska, and will be audited annually in conjunction with the annual City audit. Job creation and/or retention compliance will be monitored and verified by the Director of Economic Development or contracted program administrator, if any.
- b. Provides that program funds may also be used for public works improvements when tied to job creation or retention and to purchase real estate or options which tracts will be selected based on intended use and compliance with zoning and the Community Development Plan and will be secured by Mortgage, Deed of Trust or other financial security if transferred as part of a loan package. Proceeds from the sale of such land may be used for additional land purchases.
- c. Provides that program funds may be used to pay for the other listed eligible activities in the Plan, including technical assistance, job training, recruitment, promotion and tourism.
- d. Provides authority to issue bonds pursuant to the Act.

IT IS FURTHER RESOLVED by the City Council of the City of Sidney that an election be conducted by the Cheyenne County Clerk on November 8, 2016, submitting the question of adoption of the Economic Development Program as set out in the "Sidney Economic Development Plan-2017" authorizing the use of Three Hundred Thousand Dollars each year for a period of ten years from October 1, 2017 through September 30, 2027 to be funded from the previously adopted City Sales and Use Tax. **The Plan proposes no new property tax and no increase in sales tax to support the program.**

IT IS FURTHER RESOLVED that the following question in the form shown below shall be submitted to the qualified electors of the City of Sidney, Nebraska for their approval or disapproval at the election on November 8, 2016:

Shall the City of Sidney establish an economic development program by appropriating annually from local sources of revenue only, namely the presently existing sales and use tax, the amount of \$300,000.00 each year for ten (10) years?

Yes (for the Program)

No (against the Program)

Electors desiring to vote in favor of the question shall blacken the oval completely preceding the words "YES" (for the Program).

Electors desiring to vote against the question shall blacken the oval completely preceding the words "NO" (against the Program).

Description of the Economic Development Program:

- (a) Description of Terms, Conditions and Goals: The goals of the Plan are to provide jobs above the average wage paid to employees in the city of Sidney, Nebraska, by encouraging and assisting local businesses to retain jobs presently existing and to expand both as regards job creation and capital investment and to recruit new businesses which will create new jobs and expand the tax base. Success will be measured by the number of jobs created and retained, the total dollars invested in buildings and equipment and the growth in the total valuation in the City of Sidney. Funds allocated from the existing Local Option Municipal Sales and Use Tax previously adopted will be loaned to qualifying businesses which include those that derive their principal source of income from (1) manufacturing; (2) research and development; (3) processing, storage, transport or sale of goods or commodities in interstate commerce; (4) sale of services in interstate commerce; (5) headquarters facilities relating to eligible activities; (6) telecommunication activities, including services providing advanced telecommunications capabilities; (7) tourism-related capital projects; or (8) retail trade on a low interest and/or forgivable loan with grantee match requirements based on job creation or job retention criteria or for public works improvements or purchase of real estate tied to job retention or creation and/or job training, commercial/industrial recruitment or tourism.

- (b) Duration of Program: The length of time the Program shall be in existence shall be from October 1, 2017 through September 30, 2027 (ten years).
- (c) Years for Collection of Funds: Each of the fiscal years 2017-2018, 2018-2019, 2019-2020, 2020-2021, 2021-2022, 2022-2023, 2023-2024, 2024-2025, 2025-2026 and 2026-2027.
- (d) Source of Funds: The source of funds for the Program shall be Three Hundred Thousand Dollars annually from the previously adopted City Sales and Use Tax. Non-city funds shall not be included in the Economic Development Fund.
- (e) Total Amount to be Collected: The total amount to be collected from local sources of revenue shall be \$300,000.00 each year for ten years being in total \$3,000,000.00.
- (f) Program Targeting: Of the amount collected annually, \$200,000.00 will be allocated in the City zoning jurisdiction and as provided in the Plan to the Revolving Loan Program for low interest and performance based loans targeting job creation and retention and eligible activities as set out above. \$50,000.00 will be directed to qualifying businesses and eligible activities in the Downtown Business District and \$50,000.00 in the Northside District.
- (g) Bonding: The City will issue bonds pursuant to the Local Economic Development Act to provide funds for economic development activities including infrastructure relating to economic development.

IT IS FURTHER RESOLVED that the election shall be conducted by the Cheyenne County Clerk at polling places established by the Clerk for each of the City's precincts. The polls shall be open from 7:00 a.m. to 7:00 p.m. on the day of the election. The election shall be in the manner required by law for elections of cities of the First Class.

IT IS FURTHER RESOLVED that all notices required by law shall be published in the *Sidney Sun-Telegraph*, a legal newspaper of general circulation in the City and by posting as provided by law. The notices shall be in substantially the following form:

NOTICE IS GIVEN that on Tuesday, November 8, 2016, at the usual polling places for each precinct in the City of Sidney at the Cheyenne County Fairgrounds East Building, a City election will be held at which there will be submitted to the electors of the municipality for their approval or rejection, the following question:

(text of question and description from Page 2 through item (g) of this Resolution to be inserted into the notice).

The polls will be open from 7:00 a.m. through 7:00 p.m. on the election day. Absent, disabled and confined voters' ballots may be obtained from the Cheyenne County Clerk as provided by law. Copies of the question may be obtained from the Office of the Sidney City Clerk at the Administration Building, 1115 - 13th Avenue, Sidney, Nebraska 69162.

IT IS FURTHER RESOLVED that the Sidney Economic Development Plan–2017 be filed with the City Clerk and a certified copy of this Resolution adopting the Economic Development Plan and Program be filed by the City Clerk with the Cheyenne County Clerk.

Gallaway moved, Gay seconded "That the manager application for Walter Porter for Love's Travel Stop and Resolution No. 20160802 recommending approval to the Liquor Control Commission be passed and approved." Roll call vote: Yeas: All council members present. Absent: Arterburn.

RESOLUTION NO 20160802

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 Walter Dewayne Porter for the Love's Travel Stops and Country Stores dba Love's Travel Stop 625 at 645 Chase Drive, Sidney, Cheyenne County, Nebraska; and

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

Resolution No. 20160803 re: Change order for Street Improvement District #58 was tabled pending questions for the engineer who was not present.

Gaston moved, Nienhueser seconded “That Resolution No. 20160804 be passed and approved.” Roll call vote: Yeas: All council members present. Absent: Arterburn. The Council requested the Airport Authority be invited to come to the next meeting to give an update re: the airport activities.

RESOLUTION NO. 20160804

WHEREAS, pursuant to Section 77-3443 of the Nebraska Revised Statutes, the Airport Authority of the City of Sidney, Nebraska, may be allocated property taxes as authorized by law which are authorized by the City and are counted in the City levy limit provided by section 77-3442, Nebraska Revised Statutes, which limitation does not apply to property tax levies for judgments, preexisting lease-purchase contracts approved prior to July 1, 1998, for bonded indebtedness approved according to law and secured by a levy on property, and repayment of interest-free loans from Department of Aeronautics in the amount of \$25,320.00 and \$9,099.96; and

WHEREAS, the Airport Authority submitted a preliminary request for levy allocation to the City Council in the amount of \$176,612.71 for the fiscal year beginning on October 1, 2016; and

WHEREAS, the City Council has reviewed the levy request for purposes of determining a final allocation of levy authority for the Airport Authority.

NOW, THEREFORE, the City Council of the City of Sidney, Nebraska, resolves that the Airport Authority is allocated levy authority in the amount of \$176,612.71 for the fiscal year beginning October 1, 2016.

Galloway moved, Gaston seconded “That the City Manager be authorized to sign the contract for the employee health insurance package with RCI and National Health for a thirteen month plan which would include Fiscal Year 2016-2017 plus September of 2017.” Roll call vote: Yeas: All council members present. Absent: Arterburn.

Gaston moved, Gay seconded “That the Water Department be allowed to discontinue the AMI Water System and continue with installation of Neptune water meters.” Roll call vote: Yeas: All council members present. Absent: Arterburn.

Galloway moved, Gay seconded “That the Main Extension Agreement for Gas Service for Sidney Business/Industrial Park be approved.” Roll call vote Yeas: All council members present. Absent: Arterburn.

Gaston moved, Gay seconded “That the City Clerk be authorized to advertise for board appointments and vacancies on the Historic Preservation Board, the Housing Authority Board and the Library Board.” Roll call vote: Yeas: All council members present. Absent: Arterburn.

Gaston moved, Galloway seconded “That the 2016 Certified Local Government (CLG) Grant for an intensive level survey of the US Highway 30/Illinois Street Corridor be approved.” Roll vote: Yeas: All council members present. Absent: Arterburn.

Galloway moved, Gay seconded “That the City’s membership in the Panhandle Area Development District (PADD) for Fiscal year 2016-2017 be approved and that Tina Hochwender and Ed Sadler be designated as Board representatives to PADD.” Roll call vote: Yeas: All council members present. Absent: Arterburn.

Gaston moved, Gay seconded “That Change Order #3 from Midlands Contracting for the Water Distribution Piping Project along Highway 17J from the East Booster Pump Station to just south of Old Post Road be rejected until the breakdown can be validated.” Roll call vote: Yeas: All council members present. Absent: Arterburn.

Galloway moved, Gaston seconded “That the bid for the Aquatic Center Parking Lot as received on 8/18/16 be awarded to Adams Civil Resources of Sidney, NE in the amount of \$51,047.53.” Roll call vote: Yeas: Galloway, Gaston, and Nienhueser. Nays: Gay. Absent: Arterburn.

Discussion was held regarding the 2016-2017 Budgets. After an intensive discussion of the budget and its resulting mill levies, it was consensus of the Council to hold a special meeting at 12:00 Noon on September 1, 2016 to finalize the proposed budget in order to advertise for a public hearing.

The meeting adjourned at 9:44 P.M.

MAYOR

ATTEST:

CITY CLERK

