

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 28, 2018 in the Council Room. Present were: Mayor Arterburn and Council Members: Gallaway, Gaston, Olsen and Utley. 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, Gallaway seconded "That the minutes of the August 14 and 15, 2018 meetings be approved as printed." Roll call vote: Yeas: All council members present..

Christine Radtke presented a request from the Oktoberfest Parade Committee to use Illinois Street on October 6, 2018. Gallaway moved, Utley seconded "That RESOLUTION NO. 20180802 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20180802

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 annual Oktoberfest Celebration sponsors 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 of Road's permission for closure of Illinois (Highway 30) Street for the Oktoberfest Parade. The closure would be on October 6, 2018 from 9:00 a.m. and reopen to traffic at 1:00 p.m. The closure will be between the intersection of 23rd 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.

Utley moved, Gaston seconded "That RESOLUTION NO. 20180803 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20180803

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

That the Planning Commission of the City of Sidney, Nebraska has submitted to the City Council of the City of Sidney, Nebraska, its recommendation of approval of the Application of Dennis Charles, 1220 Rose Street, for a Waiver for Truck Parking in a Residential Zone on Lot 7A, Block 8, Clarksons Second Addition to the City of Sidney, Cheyenne County, Nebraska; and

That the City Council of the City of Sidney, Nebraska, does hereby approve the Application of Dennis Charles, 1220 Rose Street, for a Waiver for Truck Parking in a Residential Zone on Lot 7A, Block 8, Clarksons Second Addition to the City of Sidney, Cheyenne County, Nebraska.

Olsen moved, Gaston seconded "That RESOLUTION NO. 20180804 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20180804

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

That the Planning Commission of the City of Sidney, Nebraska has submitted to the City Council of the City of Sidney, Nebraska, its recommendation of approval of the Application of Caleb Jurgensen, 1321 Newton Street, for a Waiver for Truck Parking in a Residential Zone at 1321 Newton Street in the City of Sidney, Cheyenne County, Nebraska; and

That the City Council of the City of Sidney, Nebraska, does hereby approve the Application of Caleb Jurgensen for a Waiver for Truck Parking at 1321 Newton in the City of Sidney, Cheyenne County, Nebraska.

Pursuant to the publicized notice that the Mayor and Council would hold a public hearing at this time and place for the purpose of discussing the completion of the Lukjan Products Project which was funded in part by a Community Development Block Grant ("CDBG") from the Nebraska Department of Economic Development. The City of Sidney, Nebraska received \$1,005,000.00 in Community Development Block Grant funds for this project. The CDBG funds were used for the purchase of a building in Sidney for the business and grant administration of the economic development project. A total of \$1,700,000.00 in matching funds from the business, a bank, and LB 840 funds were also included in the project. This public hearing will be held to gather public input on the completion of the Lukjan Metal Products Economic Development Project.

Mayor Arterburn called the Public Hearing to order at 7:22 P.M. and parties of 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: **Jeff Kelley** of the Panhandle Area Development cited information regarding the purpose for this public hearing; i.e. the completion of the work involved in the grant project. Most paper work has been completed with the exception of renewing the City of Sidney's SAM's designation. A new requirement involved was a notarized letter appointing an Entity Administrator and to attest to the accuracy of the information contained in the entity registration. The city staff will make sure this letter is completed. There being no further comments, the Mayor closed the hearing at 7:29 P.M.

Gaston moved, Gallaway seconded "That RESOLUTION NO. 20180805 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20180805

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 \$9,099.96; and

WHEREAS, the Airport Authority submitted a preliminary request for levy allocation to the City Council in the amount of \$165,441.89 for the fiscal year beginning on October 1, 2018; 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 \$143,398.06 for the fiscal year beginning October 1, 2018.

Mayor Arterburn announced that a public hearing would now be held, at 7:37 p.m., for the purpose of hearing support, opposition, criticism, suggestions, or observations relating to the 2018-2019 proposed budget statement for all City departments, the tax levy, unused budget authority, and to consider amendments relative thereto. City Manager Sadler provided information re: the proposed budget. Finance Officer David Scott presented a power point presentation of the proposed budget statement and reviewed same. There being no further public comment, the hearing was closed at 8:21 p.m.

Mayor Arterburn announced that a public hearing would now be held, at 8:21 p.m., for the purpose of hearing support, opposition, criticism, suggestions, or observations relating to adopting a tax request different than the prior year tax request and that all persons would be heard. The following filed written objections: None. The following appearing in person or by agent or by attorney and were heard: City Finance Director Scott. All persons who desired a hearing having been heard, Mayor Arterburn closed the hearing at 8:23 p.m.

Utley moved, Olsen seconded "That RESOLUTION NO. 20180806 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20180806

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the City of Sidney passes, by a majority vote, a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interests of the City of Sidney that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the City Council of the City of Sidney, Nebraska, by a majority vote resolves that:

1. The 2018-2019 property tax request be set at \$2,451,106.38 (\$1,342,963.38 for the General/Street and \$1,108,143 for Debt Service)
2. A copy of this resolution be certified and forwarded to the County Clerk prior to October 13, 2018.

Gaston moved, Gallaway seconded "That the City Council approve a 1% increase in restricted funds for the tax levy lid calculations for Fiscal Year 2018-2019." Roll call vote: Yeas: All council members present.

Gaston moved, Gallaway seconded "That the Ordinance entitled "AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL, TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR THE ALL PURPOSE LEVY FOR ALL OBJECTS OR PURPOSES; TO PROVIDE FOR FILING OF COPIES OF THE BUDGET DOCUMENT WITH THE AUDITOR OF PUBLIC ACCOUNTS AND THE CHEYENNE COUNTY CLERK; AND TO PROVIDE FOR AN EFFECTIVE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT" be designated as Ordinance No. 1799." Roll call vote: Yeas: All council members present. Gaston moved, Utley seconded "That the Statutory requirement requiring the ordinance to be read by title three different days be suspended." Roll call vote: Yeas: Gaston, Gallaway, Utley and Arterburn. Nays: Olsen. The motion having been concurred in by three-fourths of the Council be declared passed and adopted and said statutory requirement suspended. The City Clerk then read the Ordinance by number. Gallaway moved, Utley seconded "That Ordinance No. 1799 be finally passed." Roll call vote: Yeas: All Council members present. The passage and adoption of said ordinance having been concurred in by a majority of all members of the City Council was declared passed and adopted and the Mayor in the presence of the City Council signed and affixed his signature thereto. Gallaway moved, Gaston seconded "That Ordinance No. 1799 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: All council members present.

Gaston moved, Utley seconded "That RESOLUTION NO. 20180807 be passed and adopted." Roll call vote: Yeas: All council members present. Abstain: Olsen.

RESOLUTION NO. 20180807

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

That the American Bank of Sidney, the Security First Bank, the Points West Bank, and Sidney Federal Savings & Loan of Sidney, Nebraska, banking corporations all with their present place of business within Sidney, Cheyenne County, Nebraska, and all authorized to engage in the business of banking within said City of Sidney, Nebraska, be hereby designated as the depositories for City funds as set forth below for the year beginning October 1, 2018 and ending September 30, 2019:

American Bank of Sidney: Electric Plant Operation & Maintenance Account, Electric Customer Deposit Account, Street Department Account, Bond Payment Account, Investment Account, Electric Equipment Reserve A/C, and Street Equipment Reserve A/C.

Security First Bank: Sewer and Water Operation & Maintenance Accounts, Water Customer Deposit Account, City Payroll Account, City General Fund, City Investment Account, Repair & Replacement Account, Grant & Misc. Account, Bond Account, Golf Department, Boy Scout Trust, Crime Prevention Account, Insurance Reserve Account, 2015 Construction Fund, Sewer Equipment Reserve A/C, Water Equipment Reserve A/C, and General Fund Equipment Reserve A/C.

Points West Bank: Investment Account, SASWA Landfill Closure Fund, Landfill Enterprise Fund, Paying Agent for Tax Increment Financing, Accounts Receivable, and Landfill Equipment Reserve A/C.

Sidney Federal Savings & Loan: Boy Scout Trust

BE IT FURTHER RESOLVED that the following collateral is pledged by said banks and is approved by the Council and the joint custody receipts for this collateral are to be kept in the vaults of the City Treasurer's office and this place of safekeeping is hereby approved:

American National Bank: 3137EADG1-\$250,000; 3134G42X5-\$500,000; 912828TN0-\$500,000; 3135G0S38-\$500,000; 3135G0D75-\$500,000; 3130A4EK4-\$500,000; 3136G2CS4-\$500,000; 3130A6SX6-\$500,000; 313376C94-\$500,000; 3134GSME2-\$500,000; 3130ADM66-\$500,000; 3133378DVO-\$250,000; 3134G9P35-\$500,000; 3135G0S38-\$500,000; 313383DW8-\$250,000; 3135GOT94-\$500,000; 3130A3KM5-\$500,000; 3136G1FV6-\$500,000; 3130AABG2-\$500,000

Security First Bank: 514028FZ7-\$180,000; 527048EN8-\$535,000; 660142MY3-\$300,000; 487573BH9-\$430,000; 487573BJ5-\$225,000; 513885DE0-\$45,000; 46257TBC2-\$1,000,000; 41420AFT5-\$200,000; 385640GB7-\$35,000; 384694CL7-\$545,000; 38374BKG7-\$1,000,000; 758165GT51-\$480,000; 782149BK3-\$45,000; 79517VAG6-\$110,000; 698873VU7-\$100,000; 708349VW2-\$485,000; 757060BT4-\$10,000; 75338PAH2-\$485,000; 75338PAK5-\$815,000; 074118BB5-\$15,000; 09605KAA3-\$30,000; 25928MCF2-\$60,000; 25931FCB1-\$65,000; 207135UZ5-\$740,000; 3137A4MT1-\$1,000,000; 3137BOQ49-\$1,100,000; 31326HSU9-\$1,785,000; 25933AEY8-\$100,000; 25931PAV7-\$25,000; 28749XY2-\$20,000; 299620EF7-\$500,000; 25937XAA0-\$150,000; 259363TU3-\$865,000; 938119BJ2-\$90,000; 947659CZ9-\$200,000; 951452-\$400,000; 91912MBX4-\$130,000; 91912MCB1-\$90,000; 878866AW2-\$70,000; 869231KV1-\$100,000; 825694KG4-\$155,000; 80379CBG2-\$60,000; 80379FBQ3-\$55,000; 80377BGE6-\$105,000; 803787BY5-\$115,000;

Points West Bank: 698873VTO-135,000; 406036HG1-\$330,000; 486800DD4-\$460,000; 97750HBD1-\$120,000; 226493AP9-\$125,000; 3128P7S79-\$652,852; 3128P75V1-\$684,526; 3128P77L1-\$886,545.

City Attorney J. Leef and City Manager Ed Sadler explained the proposed new ordinance that

would amend how the fee sections throughout the Codified Ordinances are addressed. Gallaway moved, Olsen seconded "That the Ordinance entitled "AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA TO AMEND CHAPTER 202 ADMINISTRATION CODE OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, 1977, TO CREATE 202.95 MASTER FEE SCHEDULE OF THE CITY OF SIDNEY; AND TO AMEND THE FOLLOWING CHAPTERS AND SECTIONS OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, 1977, TO PROVIDE FOR FEES AS SET OUT IN THE MASTER FEE SCHEDULE OF THE CITY OF SIDNEY, TO WIT: CHAPTER 460 PARKING GENERALLY, SECTION 460.24 METHOD OF ENFORCEMENT; CHAPTER 480 BICYCLES, MOTORCYCLES AND ALL-TERRAIN VEHICLES, SECTION 480.12 ALL-TERRAIN VEHICLES, UTILITY-TYPE VEHICLES AND MINI TRUCKS; CHAPTER 618 ANIMALS, SECTION 618.18 IMPOUNDING AND DESTRUCTION OF UNLICENSED DOGS, DOGS RUNNING AT LARGE AND DANGEROUS DOGS; CHAPTER 810 RECREATIONAL CAMPGROUNDS, SECTION 810.19 INSPECTION FEE; CHAPTER 822 ITINERANT MERCHANTS AND VENDORS, SECTION 822.03 LICENSE APPLICATION; FEE; CHAPTER 856 SIDEWALK CAFES SECTION 856.10 PERMIT FEE; CHAPTER 858 SEXUALLY ORIENTED BUSINESSES, SECTION 858.08 LICENSE FEE; CHAPTER 860 ROOFING CONTRACTOR REQUIREMENTS, SECTION 860.03 INSURANCE; FEES; CHAPTER 1028 EXCAVATIONS AND CUTTING, SECTION 1028.02 CUTTING PAVEMENT, CURB OR SIDEWALK; PERMIT AND BOND REQUIRED; CHAPTER 1034 TREES AND TREE LAWNS, SECTION 1034.14 ARBORIST LICENSE REQUIRED; INSURANCE; CHAPTER 1040 UTILITIES GENERALLY; SECTION 1040.02 CHARGES FOR UTILITY SERVICE EXTENSION; CHAPTER 1042 WATER, SECTION 1042.11 TAP-IN CHARGES; CHAPTER 1045 SEWERS AND PRIVATE DISPOSAL SYSTEMS, SECTION 1045.10 PERMIT CLASSES, APPLICATIONS AND FEES; CHAPTER 1048 ELECTRICITY, SECTION 1048.03 SERVICE DEPOSITS; CHAPTER 1048 ELECTRICITY, SECTION 1048.10 CONNECTION, DISCONNECTION AND RECONNECTION CHARGES; 1064 CEMETARIES SECTION 1064.02 FEES; CHAPTER 1076 STORM WATER MANAGEMENT, SECTION 1076.04 FEES; CHAPTER 1224 PLATTING PROCEDURE, SECTION 1224.05 SUBMISSION OF PRELIMINARY PLATS; CHAPTER 1226 DESIGN STANDARDS, SECTION 1226.05 PUBLIC SPACE; CHAPTER 1244 BOARD OF ADJUSTMENT, SECTION 1244.04 VARIANCES; CHAPTER 1248 PLANNING AND ZONING CODE, SECTION 1248.01 INITIATION; PROCEDURES; CHAPTER 1260 PLANNED UNIT DEVELOPMENTS, SECTION 1260.05 APPLICATION FOR SPECIAL PERMITS; CHAPTER 1421 INTERNATIONAL BUILDING CODE, SECTION 1421.02 BUILDING PERMIT FEES; CHAPTER 1428 MOVING OF BUILDINGS, SECTION 1428.03 REGISTRATION APPLICATION; BOND; FEE; INSURANCE; CHAPTER 1431 DEMOLITION, SECTION 1431.05 PERMIT FEES; CHAPTER 1442 LICENSING OF CONTRACTORS AND PLUMBERS, SECTION 1442.01 LICENSE REQUIRED; FEES; BOND; CHAPTER 1442 LICENSING OF CONTRACTORS AND PLUMBERS, SECTION 1442.03 LICENSES AND FEES FOR MASTER, JOURNEYMAN AND APPRENTICE PLUMBERS; CHAPTER 1442 LICENSING OF CONTRACTORS AND PLUMBERS, SECTION 1442.04 QUALIFICATIONS AND EXAMINATIONS; EXAMINATION FEES; CHAPTER 1442 LICENSING OF CONTRACTORS AND PLUMBERS, SECTION 1442.05 COMBINATION PLUMBER'S AND GAS FITTER'S LICENSE; CHAPTER 1444 LICENSING OF WATER SOFTENER FITTERS, 1444.04 LICENSE FEE; ISSUANCE; CHAPTER 1482 LICENSING OF GAS FITTERS, SECTION 1482.04 FEES; CHAPTER 1496 INTERNATIONAL MERCHANT CODE, SECTION 1496.02 MECHANICAL PERMIT FEE SCHEDULE; ALL OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA, 1977; TO AMEND CHAPTER 1040 UTILITIES GENERALLY; SECTION 1040.02 CHARGES FOR UTILITY SERVICE EXTENSION; TO PROVIDE FOR A DISTRIBUTION COST PER FOOT FOR UTILITY SERVICE EXTENSION IN

CERTAIN INSTANCES; TO REPEAL ANY OTHER ORDINANCE OR PART OF ORDINANCE IN CONFLICT WITH ALL OF THE ABOVE PROVISIONS THEREWITH, INCLUDING BUT NOT LIMITED TO SECTION 1464.06 FEES OF CHAPTER 1464 CONTRACTORS AND ELECTRICIANS; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE” be designated as Ordinance No. 1800. Roll call vote: Yeas: All council members present. There was no motion made to waive the designated rules. The City Attorney then read the Ordinance by Title for the first time.

City Manager's/Staff Report: City Manager Sadler reported that he had been basically busy with the budget preparation. Police Chief Aikens reported that the City Auction has made approximately \$27,000. Economic Development Director Melissa Norgard reported that the State Chamber would be in Sidney at 8 a.m. in the morning at Dudes with dutch treat breakfast. Utley complemented the staff on a nice job on the budget. Roger thanked all those involved in the budget preparation. Gaston reported on the League’s Executive Board having their August meeting in Sidney and he thanked Melissa and Jo for helping him set up the events. He shared the League’s Mission Statement with the Council. Lobbying fees are very high and takes up a good deal of their budget. Mayor Arterburn thanked the staff for the work on the budget.

Mayor Arterburn stated that he would entertain a motion to go into closed session for the protection of the public interest to discuss personnel matters. Utley moved, Olsen seconded “That the Council go into closed session for the protection of the public interest to discuss personnel matters.” Roll call vote: Yeas: All council members present. Mayor Arterburn announced that the City Council will now go into closed session at 9:00 p.m. Upon the Council’s return from the closed session, Gallaway moved, Gaston seconded “That the Closed session end and the Open session be reconvened.” Roll call vote: Yeas: All council members present. Mayor Arterburn announced that the Council has come out of the closed session at 9:18 p.m.

Meeting adjourned at 9:19 p.m.

/s/ JOE ARTERBURN, MAYOR

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

