

Sidney, Nebraska, March 10, 2020 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 March 10, 2020 in the Council Room. Present were: Mayor Gallaway and Council Members: Arterburn, Sherman, Radcliffe and Olsen. Others present: Interim City Manager Scott, City Attorney Leef, and City Clerk Heilbrun. Notice of the meeting was given in advance thereof by publication in the Sidney Sun Telegraph, a 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 Gallaway informed the public of the location of the posted Open Meetings Act.

Arterburn moved, Olsen seconded "That the minutes of the February 20 and February 25, 2020 meetings be approved as printed." Roll call vote: Yeas: All council members present.

Sandy White, Library Board Chair, introduced Richard Sandstrom as the new library director. Mr. Sandstrom stated he and his family were relocating from Emporia Kansas. He will begin his duties on March 16, 2020.

Mayor Gallaway announced "That a Public Hearing would now be held at 7:18 p.m. re: Retail Class I Liquor License Application of MKSE NORGDARD LLC DBA SAM & LOUIE'S NYP, at 824 10th Avenue in Sidney and Manager Application for the Corporation of Stanley E. Norgard Jr.; and RESOLUTION NO. 20200301 making a recommendation to the Nebraska Liquor Control Commission." Stan Norgard was present to answer questions. Mayor Gallaway declared the public hearing closed at 7:19p.m. and asked for a motion on the request.

Radcliffe moved, Sherman seconded That the liquor license application of MKSE NORGDARD LLC DBA SAM & LOUIE'S NYP, at 824 10th Avenue in Sidney and Manager Application for the Corporation of Stanley E. Norgard Jr.; and RESOLUTION NO. 20200301 making a recommendation to the Nebraska Liquor Control Commission be approved." Roll call vote: Yeas: All council members present.

RESOLUTION NO 20200301

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 Retail Class "I" Liquor License Application for MKSE Norgard LLC dba Sam & Louie's NYP at 824 10th Avenue, Sidney, Cheyenne County, Nebraska; and

That the manager application of Stanley E. Norgard, Jr. for MKSE Norgard LLC dba Sam & Louie's NYP at 824 10th Avenue, Sidney, Cheyenne County, Nebraska, be approved; and

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

Mayor Gallaway announced "That a Public Hearing would now be held at 7:21 p.m. to consider the Rezoning application of Western Nebraska Community College (WNCC) to rezone Block 7, Deer Run Park Addition from R-3 (Heavy Density Multi-Family) to C-2(Neighborhood Commercial) Zone; and ORDINANCE No. 1817 re: same."

The following appeared in person or by agent and were heard: Carmen Simone, President of WNCC and Dr. Andrew Dick, president of ESU #13.

The two explained that the project represents two public institutions partnering together to better the education experience by locating both facilities in one location. In addition to the garage being proposed, current work has already begun on a 10,000 square foot office site addition with room for kitchen, offices, etc. Completion date for the entire project is estimated as November 15, 2020.

There being no further comment, Mayor Gallaway closed the public hearing at 7:25 p.m.

Arterburn moved, Olsen seconded “That the Ordinance entitled AN ORDINANCE PROVIDING FOR THE REZONING OF BLOCK 7, DEER RUN PARK ADDITION FROM R-3 (HEAVY DENSITY MULTI-FAMILY) TO C-2 (NEIGHBORHOOD 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 be designated as Ordinance No. 1817.” Roll call vote: Yeas: All council members present. There was no motion to suspend requiring the ordinance to be read by title three different days. The Clerk read the Ordinance by title. Second reading of the Ordinance will be held on March 24, 2020.

Interim City Manager Scott informed the Council of an opening on the City of Sidney Tree Board and the City’s intention to advertise for the open position.

Street Superintendent Hank Radtke presented bids for the Street Department 2020 Crack Sealing as received on February 26, 2020. He recommended Council award the bid to the low bidder, Hein Construction, LLC at .26 per linear foot.

Radcliffe moved, Olsen seconded “That Hein Construction, LLC be awarded the bid for 2020 Crack Sealing in the amount of \$.26/ linear foot.” Roll call vote: Yea: All council members present.

Interim City Manager Scott presented the 2020 Herbicide & Fertilizer Seasonal Service Contract, recommending the City exercise their one-year extension option and award the 2020 contract to Cranmore Land & Lawn Services.

Arterburn moved, Sherman seconded ”That the City extend the Herbicide & Fertilizer Seasonal Services Contract with Cranmore Land & Lawn Service for one-year.” Roll call vote: Yeas: All council members present.

Hope Feeney, Cheyenne County Chamber of Commerce Director, presented an RFP for Professional Consulting Services for Hickory Street Square, noting this is the next step in satisfying grant requirements for the project. She gave a report on the project, including grants as well as other funding applied for and a target completion date of summer 2021.

Sherman moved, Olsen seconded “That the RFP for Professional Consulting Services for Hickory Street Square be approved.” Roll vote: Yeas: All council members present.

Radcliffe moved, Sherman seconded “That Resolution No. 20200302 be passed and adopted.” Roll call vote Yeas: All council members present.

Resolution No. 20200302
Member Resolutions for Appointments

Director and/or Alternate Director to MEAN Board of Directors

BE IT RESOLVED that this is to certify that the City Council of the City of Sidney, State of Nebraska duly appointed Mike Palmer to serve as **director** to represent the City of Sidney on the Board of Directors of the Municipal Energy Agency of Nebraska. The appointment will run for a term of three (3) years with the powers and duties incident to such office. This certificate is issued in compliance with the Municipal Cooperative Financing Act contained in the Nebraska Revised Statutes §18-2401 et seq. (1987).

That this is to certify that the City Council of the City of Sidney, State of Nebraska duly appointed Davide Scott to serve as **alternate director** to represent the City of Sidney on the Board of Directors of the Municipal Energy Agency of Nebraska. The appointment will run for a term of three (3) years with the powers and duties incident to such office. This certificate is issued in compliance with the Municipal Cooperative Financing Act contained in the Nebraska Revised Statutes §18-2401 et seq. (1987).

Representative and/or Alternate Representative MEAN Management Committee

WHEREAS, the City of Sidney, State of Nebraska, is a party to the Electrical Resources Pooling Agreement and, pursuant to the terms of such Agreement, it is the responsibility of the City of Sidney to designate a representative and alternate representative to the Municipal Energy Agency of Nebraska Management Committee provided for under the terms of said Agreement.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Sidney, State of Nebraska, that:

1. The City Clerk is hereby directed to give written notice to the Municipal Energy Agency of Nebraska of the appointment of Mike Palmer as **representative to said MEAN Management Committee.**
2. The City Clerk is hereby directed to give written notice to the Municipal Energy Agency of Nebraska of the appointment of David Scott as **alternate representative to said MEAN Management Committee.**

Representative and/or Alternate Representative to NMPP Members' Council

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sidney, State of Nebraska, that:

1. Such City be and hereby is a member of the Nebraska Municipal Power Pool.
2. The City Council of the City of Sidney, State of Nebraska, does hereby appoint Mike Palmer as the **representative of the City of Sidney, State of Nebraska, to the Members' Council of the Nebraska Municipal Power Pool.**
3. The City Council of the City of Sidney, State of Nebraska does hereby appoint David Scott as the **alternate representative of the City of Sidney, State of Nebraska, to the Members' Council of the Nebraska Municipal Power Pool.**

Director and/or Alternate Director to ACE Board of Directors

WHEREAS, the City of Sidney, State of Nebraska, is a party to the Interlocal Agreement creating the Public Alliance for Community Energy and, pursuant to the terms of said Agreement, it is the responsibility of the City to designate a representative of the City of Sidney to the Public Alliance for Community Energy Board of Directors provided for under the terms of said Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Sidney, that:

1. The City Clerk is hereby directed to give written notice to the Public Alliance for Community Energy of the appointment of Mike Palmer as **the City's representative to said Board of Directors.**
2. The City Clerk is hereby directed to give written notice to the Public Alliance for Community Energy of the appointment of David Scott as **the City's alternate representative to said Board of Directors.**

Interim City Manager Scott presented the Budget Report for February 2020. Radcliffe moved, Sherman seconded "That the Budget Report for February 2020 be approved." Roll call vote: Yeas: All council members present.

Arterburn moved, Sherman seconded, "That the following claims for February 2020, are hereby approved and should be paid as provided by law out of the respective funds in the city treasury." Roll call vote: Yeas: All council members present. (Abbreviation for claims: bd bond, ct contract, du dues, eq equipment, ex expenses, in insurance, re reimbursements, sa salaries, se service, su supplies, tt travel/training, tx tax, ut utilities)

21st Century eq 1111.00, 3.48; 3D Specialties su 186.24; E Electrical eq 21424.65; A-1 Sports su 58.95; Absolute Solutions se 174.95; Accelerated Receivables se 351.98; Accent Wire su 242.62; ALSCO du 45.00; American Environmental se 1758.75; B&B Valley se 200.00; Baker & Taylor se 672.02, 6.92; Barco su 2192.32; Barker Cleaners 30.00; Best Plumbing su 387.40; Black Hills su 2658.18, 449.87, 292.21, 23.62, 1112.97, 224.93, 224.93, 1660.85; Bomgaars su 56.70, 263.93, 238.87, 284.27, 36.97, 1028.60; Brite su 5858.00; Cardmember su 554.46, 433.86, 492.76, 1862.51, 668.38, 300.37; Caselle se 1644.00; Cashwa su 64.80; Charter se 485.33, 17.78, 99.98; Cheyenne Co Community Center ct 10000.00; Cheyenne Co Emergency Comm Cnt ct 36210.29; Cheyenne Co Highway Dept se 50.00; Cheyenne co Treasurer se 1039.19; City of Sidney rt se tx su bd 1721.16, 36.99, 17666.67, 19750.00, 237.50, 1000.00, 68.74, 289.95, 170.94, 102.86, 78692.55, 489972.95, 62771.68, 55930.80, 120.77, 164.76, 87.09, 1107.01, 174.07; sa 89789.16, 88265.39, 12683.00, 12614.94, 14090.22, 13444.75, 24872.23, 24597.90, 10899.73, 11072.05, 7326.52, 7396.99, in 5885.70, 58487.48, 1005.99, 10731.68, 837.36, 11445.82, 1836.78, 1788.94, 372.10, 5005.81, 541.05, 5728.00, ut 5146.12, 187.36, 2892.30, 1581.77, 87.33, 9580.07, 13809.61; ConServ Flag su 19.00, Consolidated Management se 46.53, Contractors Materials su 130.25, 86.70; Cornhusker Int'l Trucks 340.24; Country Printer su 134.10; CPS HR Consulting se 404.80; Cranmore Fire se 121.00, 213.00; Cranmore Pest su 90.00; Culligan su 19.95, 29.95, 10.00, 29.95, 188.13; Darin's Auto se 742.25; Day & Night su 376.59, 181.60; DC Concrete su 1122.00; Department of Energy ut 15656.49; Design solutions se 2268.79; DHHS du 80.00; Ditch Witch eq 62.34, 77247.86; DP Electronics su 70.00, 109.98, 1610.87, 1107.58, 794.10, 60.98, 114.70, ; Eakes Office su 826.00; Elan Visa su 20.00, 28.60, 71.36, 18.42, 491.75, 145.54, 91.96, ; England, Robert re 38.50; Enviro se 120.00, 102.00; Finneys su 770.47, 114.27, 531.99, 30.77; Floyds Truck su 43.70, 362.48, Franklin Planner su 101.81, 41.42, 41.42; Fremont Nat'l ct 9026.87; Frenchman Valley su 174.29, 5044.58, 2302.07, 4615.90, 602.91, 465.08, 653.56; FyrTek su 744.24; Gallaway Roger tt 489.60; Gvernment Finance Asso du 170.00; Grainger su 271.10, 111.60; Guideposts su 43.85, 11.97; H&R Block se 20.00; Hall's Safety su 192.78; Hamilton se 173.26, 49.95, 49.95; Hard Pro Air eq 2191.18; Harper Industries su 62.26; High Point Aerial se 175.00; Hometown Leasing se 159.98; Huber & Asso se 250.00; Ideal Linen se 38.28, 155.25; Interstate Batteries su 121.95; IRBY su 310.74; Journal Office su 80.00, Kevins Electric su 19.60, 51.39, 8.06; Knappen, Tony tt 82.00; KSID

se 25.00; Kuhns, Robert tt 28.00; LL Johnson su 282.33; Landis & Gyr ct 750.00, 750.00; Lawson Products su 167.68; Leal, Ron se 450.00; Lubrication Engineers su 82.76; Maddox Motors su 45.37; McNeilus Truck su 191.05; Mercer Group ct 5500.00; Midwest Connect su 1419.00; Miller & Sons su 136.27; Municipal Chemical su 600.00; MEAN ut 470912.19; Municipal Supply su 5593.53, 37.63; Murphy Tractor su 438.57, 13750.00; Napa su 47.31, 2.49; NE Department of Environment & Energy du 150.00; NE Dept of Revenue tx 63870.46; NE Law Enforcement Training du 236.00; NMPP du 910.00; NE Panhandle Golf du 100.00; NE Rural Water Asso du 150.00; NE Safety/Fire su 846.00; NT&T se 1591.25, 143.78, 291.04, 318.64, 57.95, 88.23, 192.73; NE Link se 36.00; NE Tire 18.80, 2861.60; NMC su 174.63; Northwest Pipe eq 950.24; Odenthal, Stanley re 411.51; One Call se 18.04, 18.04; Palmer, Mike tt 114.00; Panhandle Auto eq 679.13; 276.43; Panhandle Public Health du 275.00; Perfection Door su 273.92, 450.24; Points West Ins se 5319.88; Prairie States se 725.70; Publishers Prime se 19.35, 3.33; Quill su 86.97, 127.97, 41.99; Rauner & Asso se 46585.00; Regional Development su 25.00; Respond First Aid su 58.82; Ritz Safety se 3746.11; Rood's se 727.96, 33.00, 15.00, 73.95, 46.95, 17.00, 16.00; Scotties Potties su 560.00; Segelke Janitorial ct 780.00; Sewer Equipment su 145.13; Sherman, Brad tt 94.00; Sidney Glass su 403.70; Sidney Regional Medical se 204.00; Sidney Sun Telegraph se 6.63, 40.02, 381.80; Simon Materials su 86.40, 319.00; Smart Apple Media se 75.75; Sonntag, Goodwin & Leef se 10000.00; Sonny's su 34.76, 11.88; Spic & Span Cleaners su 435.00; Splish Splash se 22.79; Stone, Eloise rt 400.00; Talich, Joe tt 28.00; Titleist su 426.30; Triple O's su 169.99, 227.33; United Laboratories su 511.80; Verizon Wireless su 159.25, 40.01, 744.41, 59.47, 33.87, 159.46, 33.82, 55.97; Vessco su 337.26; Viaero se 34.66, 64.74; Walmart su 17.73; Wesco eq 1274.09; Western United Supply eq 43811.63, 268.92; Wheatbelt ut 129.70, 9714.93; Whitebluffs ct 680.00; Wolford, Marie rt 916.47; Woods & Aitken su 1440.00; WPCI se 84.00, Youngs Plumbing se 66.75.

City Manager/Staff Report: Interim City Manager Scott welcomed the new library director, and extended his appreciation for all the Volunteer Fire Dept., response teams, and other volunteers who participated in the two fires in Sidney and Lodgepole earlier in the week. **CBO Kevin Kubo** noted that he had performed his first inspection on the new ESU#13 addition. **Electric Supt. Mike Palmer** asked that the public watch their speed on Fort Sidney Rd as his crew is working on a project in that area.

Council Comments: Mayor Gallaway also welcomed the new library director to Sidney and extended his thanks to all those fighting the fires in Sidney and Lodgepole. This was echoed by the other members of Council.

Electric Supt. Mike Palmer reviewed the Pole Attachment Agreement between the City of Sidney and Charter Communications. He and City Attorney Leef were given direction for further revisions based on concerns and directives before presenting the final contract to Charter.

City Attorney Leef informed Council that the Airport Authority had reached an agreement with Cabela's for purchase of their hangar at the Sidney Airport (through a first-right-of-refusal) in the amount of \$225,000. This was a transaction that had been discussed with City Manager Sadler and Economic Development Director Norgard during negotiations. They have no plans for the building yet, but it could be used for storage of airplanes, etc. The purchase prevents tear-down or non-conforming sale/use to another buyer.

Mayor stated that he would entertain a motion to go into closed session for the protection of the public interest to consider Personnel Matters re: City Manager candidate review. Olsen moved, Arterburn seconded "That the City Council adjourn to closed session for the purpose of consideration of personnel matters." Roll call vote: Yeas: All council members present. Mayor Gallaway announced that the City Council will now go into closed session at 8:28 p.m. Upon Council's return from the closed session, Sherman moved, Radcliffe seconded "That the closed session end and that the Council has come out of the closed session at 9:09 p.m." Roll call vote: Yeas: All council members present

Meeting adjourned at 9:09 p.m.

/s/ROGER GALLAWAY, MAYOR

ATTEST: /s/CYNTHIA K HEILBRUN, CITY CLERK

