

Sidney, Nebraska, May 26, 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 May 26, 2020 via Zoom video conference. Present by video conference were Mayor Gallaway and Council Members: Sherman, Arterburn, Radcliffe and Olsen. Others present via video conference: 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 that the meeting was being conducted in accordance with the Open Meetings Act.

Arterburn moved, Radcliffe seconded “That the minutes of May 12 and May 19, 2020 be approved.” Roll call vote: Yeas: All council members present.

Chief Building Official Kevin Kubo presented the Planning Commission’s final report re: the Rezoning application recommending approval of Floyd’s Truck Center, Inc. to rezone Section 9, Township 13, Range 49 SW Quadrant of East Sidney Interchange situated in the N/2SW/4, less Chase Addition Lands inside Sidney, from A (Agricultural) Zone to C-3 (Heavy Commercial) Zone, and RESOLUTION NO. 20200501 setting a public hearing on said rezoning for June 9, 2020 at 7:15 p.m. Mark Gillam of Floyd’s Truck Center was present via Zoom.

Radcliffe moved, Olsen seconded “That Resolution No. 20200501 be passed.” Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20200501

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 final report regarding the Rezoning Application of Floyd’s Truck Center, Inc. to rezone Section 9, Township 13, Range 49 SW Quadrant of East Sidney Interchange situated in the N/2 SW/4, less Chase Addition Lands inside Sidney, from A (Agricultural) Zone to C-3 (Heavy Commercial) Zone.

That the City Council of the City of Sidney proposes to consider said report; that a public hearing will be held thereon in the Municipal Building of the City of Sidney, Nebraska, at 7:15 o'clock P.M. on the 9th day of June, 2020 at which time and place parties in interest and citizens shall have an opportunity to be heard; and that the City Clerk is hereby directed to give the proper notice of said hearing in compliance with the law at least ten days prior to said hearing.

Chief Building Official Kevin Kubo presented the Planning Commission’s Final Report re: A Truck Parking application of Bartholomew Macaluso of 1112 Spruce Street and RESOLUTION NO. 20020502 recommending approval of same. It was established that this permit would allow Mr. Macaluso to park his single truck cab unit in his off-street driveway at this location.

Olsen moved, Sherman seconded “That RESOLUTION NO. 20020502 be approved.” Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20200502

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 Bartholomew Macaluso, for a Waiver for Truck Parking in a Residential Zone on the East 22' of Lot 7 and the West 22' of Lot 8, Block 12, Clarkson Second Addition, more particularly described as 1112 Spruce Street, City of Sidney, Cheyenne County, Nebraska; and

That the City Council of the City of Sidney, Nebraska, does hereby approve the Application of Bartholomew Macaluso, 1112 Spruce Street, for a Waiver for Truck Parking in a Residential Zone on the East 22' of Lot 7 and the West 22' of Lot 8, Block 12, Clarkson Second Addition, Sidney, Nebraska.

Interim City Manager Scott presented a proposal from the Dorwart family for the transfer of ownership of the land they own across from the park and along the alley behind 10th Avenue. He indicated that if Council is interested in taking ownership of the property, they will need to sign an agreement which would give the City ownership of the property for the price of one-half of the cost of surveying it. Ownership of the property would eliminate the need for the right-of-way the City currently requires to access its utilities and refuse containers in this area. Scott noted that if Council decides to pursue an agreement to acquire this property it would take a couple of meetings to finalize the acquisition.

Dr. Dorwart noted that the family no longer wants to own/maintain the property. He suggested a nature park for bird siting as his family likes nature, a rough park, dog park, or walking trail.

Park Superintendent Tom VonSeggern noted that the property has lots of mature trees and is close to the existing park for maintenance.

Olsen moved, Arterburn seconded "That the City move forward in pursuing an agreement for the Dorwart family land acquisition agreement." Roll call vote: Yeas: All council members present.

Item #7 – Community Center Recreational Programs Contract for Fiscal Year 2020-2021 was moved to the end of the meeting (Item 12b) so prior discussion could be held during the closed session prior to action on the item.

Economic Development Director, Melissa Norgard, presented an Economic Development Update including new jobs at UST Global and Nelnet who is in negotiations with a property owner to house their business; Progress of Elks renovation project; Downtown Master Plan Update; and an upcoming conference call regarding the Payroll Protection Program to be held at 9 a.m. on Thursday, June 4th.

She gave an update of the Small Business LB840 COVID 19 Applications, stating that the Committee will review final applications on June 2nd and final numbers will be presented at the next Council meeting.

She presented a letter of Termination for the Civic and Community Center Financing Fund Contract #18-03-163, which was signed and executed in May 2018, for the City to receive reimbursement of \$250,000 from the State Dept. of Economic Development for the redevelopment of Hickory Street Square. She noted that the stipulation that the project be completed by May 2021 was unrealistic and therefore the project was at a point where it will not be moving forward. Mayor Gallaway added that the design costs were more than what was allocated and the total project exceeded what was budgeted. It was the consensus of the Council that they would like a report on this item from Cheyenne County Chamber Director Hope Feeney before signing the letter of determination to terminate the contract.

Brushed Salon Appeal: City Attorney Leef reviewed the parameters of the City of Sidney Economic Development Small Business LB840 Forgivable and No Interest Loans COVID 19 program, citing paragraph B (1) of the plan which provides use of economic development funds to provide low interest or forgivable loans to qualifying businesses based upon job creation and/or retention. The jobs created or retained must also be above the

average wage scale for the community for their occupations. She did not feel that Brushed Salon met these requirements because there is no way to tell if the Palmers meet the average wage scale, as they operate as a sole proprietorship/individual contractor where wages for each employee cannot be determined. She noted that many independent contractors are running into the same problem, but the language of the plan does not allow alternative options. She stated that changes to plan could be made but would have to go through the correct process and be approved by a vote of the people.

Mike Palmer explained that he and his wife, Megan, run their entire business through their personal income tax, not as a sole proprietorship, noting that under IRS regulations self-employment does not allow individuals to pay themselves wages. He noted that he does the bookwork, inventory and other essential duties at the salon and should be considered an employee along with his wife, which they felt would meet the two-employee requirement of the LB840 loan program. He noted that there is nothing listed in our area for wages and rates scales for salons. He also noted that the Statute is set up for local control which gives a good indication that Council has the right to approve an appeal.

Economic Development Director Melissa Norgard stated that the Brushed Salon application was unanimously denied by the Economic Development Committee on the basis of no wages being stated, and the salon being considered as a sole proprietorship.

Councilman Arterburn moved, Radcliffe seconded "That the LB840 Forgivable Loan appeal of Brushed Salon be denied." Roll call vote Yeas: Arterburn and Radcliffe. Nays: Sherman, Gallaway and Olsen.

Councilman Olsen moved, Gallaway seconded "That the LB840 Forgivable Loan appeal of Brushed Salon be approved." Roll call vote: Yeas: Sherman, Gallaway and Olsen. Nays: Arterburn and Radcliffe.

Olsen moved, Sherman seconded "That the amount of the LB840 Forgivable Loan to Brushed Salon be approved in the amount of \$5,000." Roll call vote: Yeas: Sherman, Gallaway, Radcliffe, and Olsen. Nays: Arterburn.

City Manager/Staff Report: Interim City Manager Scott reported that beginning June 1st there will be a slow reopening of City services in conjunction with the Governor's DHM Phase II. He will issue a press release to the public by Thursday, May 28th regarding this. He noted that he is keeping the option to open the pool, but at this time it appears that this may not be feasible as it could not happen until mid-July at the earliest. **Parks Supt. Tom VonSeggern** also noted that it would take time to get supplies, etc. which could be a deterrent to a late season opening. He also reported that larvicide spraying for mosquitos will begin soon and individuals should contact him if they wish to be put on the "no spray" list. **Chief Joe Aikens** reported on the Test Nebraska program which provides COVID 19 testing to citizens across the State, noting there were no positives in Sidney from this testing. **Solid Waste Supt. Dean Sterling** reminded everyone that the Landfill is open Saturdays from 8 a.m. to noon; **Street Supt. Hank Radtke** reported that the crack sealing is done.

Council Comments: City Councilman Sherman thanked all the City employees for their hard work and is looking forward to City re-opening all services to the public in the near future. **Mayor Gallaway** reported that he had participated in a Western Nebraska Economic Development Committee round table discussion regarding what other communities are doing through the COVID19 Pandemic.

Mayor Gallaway stated that he would entertain a motion to go into closed session for the protection of the public interest to discuss the Community Center Recreational Programs Contract for Fiscal Year 2020-2021 and Personnel Matters re: City Manager candidate review. Sherman moved, Olsen seconded "That the City Council adjourn to closed session for the purpose of consideration of the Community Center Recreational Programs Contract for FY 2020-2020 and City Manager candidate review and legal contract matters." Roll call vote: Yeas: All council members present. Mayor Gallaway announced that the City Council will now go into closed session at 8:55 p.m. Upon Council's return from the closed session, Radcliffe moved, Olsen seconded "That the closed session end and that the

Council has come out of the closed session at 10:04p.m.” Roll call vote: Yeas: All council members present.

Radcliffe moved, Olsen seconded that the activities contract between the City of Sidney and Cheyenne County Community Center be approved as amended to clarify that fees charged participants are as necessary in addition to the City’s monthly payment to Center in order to cover all expenses of the activities. Roll call vote: Yeas: All council members present.

Meeting adjourned at 10:07 p.m.

/s/ROGER GALLAWAY, MAYOR

ATTEST: /s/CYNTHIA K HEILBRUN, CITY CLERK