

Sidney, Nebraska, June 9, 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 June 9, 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, Sherman seconded "That the minutes of May 26, 2020 be approved as corrected." Roll call vote: Yeas: All council members present.

Mayor Gallaway announced that a Public Hearing would now be held at 7:19 p.m. to consider 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 and Ordinance No. 1819 re: same.

The following appeared in person via video conference or by agent and were heard: Mark Gillham of Floyd's Truck Center.

Chief Building Official Kevin Kubo confirmed that the C-3 designation would help with future development of this corridor down the line. He noted that it was Floyd's intention to fence the property with security slats that block visibility into the site. A trailer/office would be placed on site and a portion of the property be used as a towing company.

Mark Gillham of Floyd's Truck Center, noted that the property consists of 11.24 acres. The towing company has signed a 5-year lease with an option to purchase five acres on the far west section of the property for their business, pending Council approval. He noted that lease will include language that will allow Floyd's Truck Center, the owner, inspection of the premises at will, a requirement to follow all City Codes, and a short-term staging clause stating that no vehicle will be stored on the lot for more than six months. The property will have a gravel access and electricity. Mr. Gillam noted that there are no plans for the remaining 6.24 acres at this time, but they would like to see more truck-related businesses in this area.

Police Chief Joe Aikens identified the towing company as Rocky Mountain Towing of Cheyenne, WY, who is an all-purpose towing company, not just for semis. He also clarified that the privacy fence will not be around the entire 11.24 acres owned by Floyd's Truck Center, but added as property is rented/developed.

There being no further questions or comments on the rezoning request Mayor Gallaway closed the public hearing at 7:30 p.m.

Olsen moved, Arterburn seconded "That the Ordinance entitled AN ORDINANCE PROVIDING FOR THE REZONING OF 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, 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. 1819.” Roll call vote: Yeas: All council members present. The Clerk read the Ordinance by number. 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 June 23, 2020.

Olsen moved, Arterburn seconded “That Robert England, Doug Loghry and Bob Long be re-appointed to a 3-year term on the City of Sidney Planning Commission.” Roll call vote: Yeas: All council members present.

Library Director Richard Sandstrom notified the Council of a vacancy on the Library Board following the resignation of Kim Hofrock. The vacancy will be advertised and a recommendation for appointment will be submitted to Council for approval following application deadline.

A request authorizing the Mayor to sign the letter of receipt terminating the Civic and Community Center Financing Fund (CCCFF) Contract #18-03-163 for the redevelopment of Hickory Street Square (tabled from last Council meeting) was presented by Melissa Norgard, Economic Development Director, and Hope Feeney, Cheyenne County Chamber Director. Per the contract, the project and funds were to be utilized within 24 months. Even though an extension was requested and granted in January 2019 to extend the project completion date until May 2021, it was determined that this was an unrealistic goal and the letter of receipt terminating the Contract should be signed.

Reasons given for the failure of the project included lack of community support, too close to the railroad tracks-noise, opposition to closing off the street, not enough prioritization or public information to promote the project from the onset, and not enough involvement by community to complete various aspects of the project.

Burke moved, Sherman seconded “That the Mayor be authorized to sign the letter of receipt terminating the Civic and Community Center Financing Fund Contract #18-03-163 for the redevelopment of Hickory Street Square.” Roll call vote: Yeas: All Council members present.

Melissa Norgard, Economic Development Director, presented an update on the LB840 COVID 19 Applications to date. She noted that the Economic Development Citizen’s Advisory Review Committee had met on June 2, 2020 for their final meeting, at which time a total of \$135,000 in loans had been approved. She noted that if the appeals go through the allotted amount of \$150,000.00 will have been met.

Melissa Norgard, Economic Development Director presented two LB840 Appeals from (1) Shirt Tales and (2) Textured Edge. She noted that the two applications had been unanimously denied by the Economic Development Citizen’s Advisory Review Committee based on: 1) no wages listed, as employees could not be defined, and 2) status of sole proprietorship.

Amanda Sharman, owner/operator of Shirt Tales, stated that she had based her appeal for LB840 COVID 19 funds on the fact that she is set up the same as Brushed Salon, who recently won an LB840 appeal. She explained that she operates the business and has her two children, ages 14 and 15, work for her. She noted that although she does not have a “payroll”, she does pay them to work. She gave the definition of an employee as someone who works for a person for wages and salary.

When asked her opinion on the appeal, City Attorney Leef advised that if this was a similar situation as the last appeal by Brushed Salon, which the Council approved, then Council should approve this request, as they had set a precedent with the previous request.

Sherman moved, Olsen seconded "That the LB840 Appeal of Shirt Tales be approved." Roll call vote: Yeas: Sherman, Galloway and Olsen. Nays: Arterburn and Radcliffe.

Sherman moved, Olsen seconded "That Shirt Tales be awarded a \$5,000 forgivable loan from the LB840 COVID 19 funds." Roll call vote: Yeas: Sherman, Galloway, Olsen and Radcliffe. Nays: Arterburn.

Tiffany Kellar, owner/operator of Textured Edge Salon, presented her appeal for LB840 COVID 19 funds in the amount of a \$5,000.00 forgivable loan. She stated that she has three stylists in her salon. One she pays on a weekly commission basis, as well as bookwork and secretarial work for the salon. Her appeal is also similar to that of Brushed Salon.

Sherman moved, Olsen seconded "That the LB840 Appeal of Textured Edge Salon be approved." Roll call vote: Yeas: Sherman, Galloway and Olsen. Nays: Arterburn and Radcliffe.

Sherman moved, Olsen seconded "That Textured Edge Salon be awarded a \$5,000 forgivable loan from the LB840 COVID 19 funds." Roll call vote: Yeas: Sherman, Galloway, Olsen and Radcliffe. Nays: Arterburn.

Rob Kuhns, Water/Sewer Superintendent, appeared to request permission to put out a Request for Proposal (RFP) for a new SCADA system, which runs the whole Water system. He explained that the current system is 17 years old (with a life expectancy of 10-15 years) and is in need of updated technology, as the radios are unreliable. He further explained that if the system was updated the staff would not have to come in to the shop for a one-hour callout, but would be able to diagnose problems without leaving home. Kuhns stated that he would like to see where bids for a complete system and/or replacement parts upgrade come in. Interim City Manager Scott noted that \$300,000.00 is budgeted in the equipment reserve fund for this project, and that it would come not out of the water budget.

Radcliffe moved, Sherman seconded "That staff be given permission to move ahead with the RFP process for a new SCADA system." Roll call vote: Yeas: All council members present.

Radcliffe moved, Sherman seconded "That the following claims for May 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)

21<sup>st</sup> Century eq 55.11, 4500.00, 386.88, 187.86; 911 Custom se 670.00; Accelerated Receivables se 11.03; AEDLAND su 384.50; ALSCO su 335.82, 141.88; Altisource Single Family re 38.83; Arrowhead Distributing su 148.90; ASCAP su 11.67; Aulick Industries eq 20891.44, 109.74; Bailey Nurseries su 2372.40; Bamford Inc su 225.00; Barker Cleaners su 30.00; Beckenhauer Construction su 100.00; Black Hills ut 150.46, 1276.19, 168.23, 428.32, 33.27, 227.32, 84.12, 645.82; Bomgaars su 75.55; Border States eq 32133.80; Cardmember se 1523.90, 95.01, 138.09, 595.02; Caselle ct 1644.00; Cash-wa su 488.30; Charter Communications su 241.09, 17.18, 99.98; Cheyenne Co Chamber ct 12500.00; Cheyenne Co Community Center ct 8000.00; Cheyenne Co Emergency Comm Cntr ct 27687.32; City of Sidney ex se su tt tx 159.60, 9000.00, 25000.00, 928.00, 10200.00, 5000.00, 237.50, 1000.00, 2.25, 4755.25, 289.06, bd 5987.46, 17666.67, 19750.00 sa 91645.23, 92567.55, 12687.86, 12608.04, 15404.19, 14364.84, 24240.43, 24480.92, 10938.39, 10989.50, 7371.34, 7278.55 in 5597.35, 58522.60, 1005.99, 10731.68, 837.36, 11445.82, 1836.78, 17848.94, 372.10, 5005.81, 541.05, 5728.00 ut 5346.04, 77.06, 168.69,

983.90, 882.02, 91.63, 10979.99, 11706.44, 41.21; Contractor Materials su 54.00, 170.00; Cornhusker Int'l su 76.33; Cranmore Fire se 257.00, Cranmore Pest se 90.00; Culligan su 41.95, 10.00, 29.95; Deaver Tire su 15.00, 364.00; Dept of Energy ut 17876.47; Dietrich su 231.00, 241.40; Ditch Witch eq 152.12; Dole, Daniel re 226.69, DP Electronics su 1189.94, 89.97, 45.00, 399.99, 956.72; E&S Auto su 560.76, 213.98, 130.64, 187.72, 320.94; Eakes su 77.32; Eco Resource Solutions se 1338.50; Emergency Service se 305.00; Enviro se 120.00, 40.00; Exponential Engineering eq 7747.50; Filsinger Excavating se 100.00; Finney's su 132.25, 22.90, 366.08, 15.17; Floyd's Truck se 4414.49, 279.22; Fremont Nat'l ct 9026.88; Frenchman Valley se 2940.86, 1813.80, 4014.24, 1110.44, 576.63, 572.05; Fyrtek su 125.00; Galls su 204.00; Gerdes, John re 38.67, Golden West eq 1064.09; Gorman, Patty re 164.00; Hach eq 1451.65; Hamilton se 179.45, 179.45, 49.95; High Plains su 325.15, 136.80, 396.90, 579.50, 16.05; Hometown Leasing ct 159.98; Hydro Optimization se 3270.15; Ideal Linen su 325.29, 155.25; In'tl Institute of Municipal Clerks du 170.00; Iron Soppe se 586.45; JC Golf su 370.00; Jirdon su 424.70; JT Heating se 1138.98; Kilbride, Patrick re 238.62; LL Johnson eq 3185.82; Landis & Gyr su 750.00; Larson, Kyle re 164.00; Leal, Ron ct 450.00; Lichti, Keith re 18.92; Logan Contractors su 21625.00; Municipal Chemical su 3140.50; MEAN ut 407991.31; Munimetrix su 39.99; Murphy Tractor eq 28.14; Napa su 9.50; NE Dept of Revenue tx 64125.30; NE Golf Asso du 440.00; NE Municipal Power Pool du 1200.00; NE Public Health se 382.00; NE Safety/Fire su 125.00, 345.00; NT&T se 1576.33, 143.31, 305.40, 324.23, 143.72; NE Emergency Equipment su 1960.00; NEland Magazine se 250.00; Newman Traffic su 341.34, 748.69; NMVCA du 30.00; ODB eq 879.51; One Call se 58.12, 58.12; Painter, Rebecca re 70.81; Panhandle Clerk's Asso du 20.00; Payment Tech Fee se 30.63, 31.88; Pepsi su 74.70, 49.80; Perfection Door eq 523.72; Pins & Needles su 126.00, Points West Ins su 479.00; Poss, Emily re 70.52; Productivity Plus eq 395.00; QA Balance se 105.00; Reams Sprinkler su 373.03; Repco Marketing su 41.30; Ritz Safety su 323.40; Rocha, sustin re 43.08; Rood's Tire su 8.00, 22.50, 84.00, 17.00; Sandberg Implement su 82.19, Schwartz Contracting su 40.40; Segelke Janitorial se 780.00; SRMC se 492.00; Sidney Sun Telegraph se 689.74, 13.02, 15.09; Simon Materials su 24.08; Sonntag, Goodwin & leef se 10000.00, 5000.00; Sonny's su 72.17; Spick & Span su 2063.00, 140.00; Splish Splash se 102.02; Stone, Eloise rt 400.00; Swire Coca-Cola su 75.60; Triple O's su 23.58, 521.94, 109.97, 123.78; US Postal se 10000.00; Verizon 942.05, 745.35, 59.23, 33.72, 110.64, 33.68, 51.02; Viaero se 64.65, 64.72; Walmart su 293.31, Wesco eq 6111.37; Wheatbelt ut 12138.51; Whitebluffs su 745.00; Wiemers, Lea re 52.00; Wolford, Marie rt 916.47; Woods & Aitken su 330.00; Richard Sandstrom re 21.48; Dp Electronics su 810.00; US Postal Svc su 274.00; Sauder's se 210.82; Elan Visa su 858.01; Baker & Taylor su 2158.43; City of Sidney ut 574.70; Culligan se 19.95; Demco su 20.24; Elan Visa su 258.34; Guidepost su 55.82; Journal Office su 40.00; Nt&T se 167.31; NELink su 36.0; OCLC su 243.76; Publisher Prime se 14285; Quill su 628.20; Verizon su 39.99; Sidney Sun Telegraph se 31.22.

**City Manager/Staff Report: Interim City Manager Scott** reported that COVID 19 testing was conducted at the Wheatbelt building last Sunday, June 7<sup>th</sup>, with 38 tests performed; He has signed off on a Fireworks Display on July 3<sup>rd</sup> to be held in the same location and format as previous years; Staff is working on getting the Swimming Pool up and running for a date in July as yet to be determined. He noted that lifeguards had been onboarded earlier in the year so we have enough to operate during the limited swim season; the Library will be open to the public in limited capacity as of June 15<sup>th</sup>. **Street Supt. Radtke** reported that they will closing a portion of SW 11<sup>th</sup> Avenue for street repairs beginning June 10<sup>th</sup>. An alternate route will be provided for traffic during the project. **Electric Supt. Palmer** reported that Sidney had weathered the wind storms with only minor outages. A couple of the Electric crew were sent to Haxtun, CO on a mutual aide call due to the storm damage there. **Library Director Sandstrom** stated that the Library is open by "appointment only" this week but will be open, with modifications, to the public Monday, June 15<sup>th</sup>. **Parks Supt. VonSeggern** stated that the playground in the park is now open to the public.

**Council Comments: Councilman Arterburn** asked when the Library book sales would be held- which would be later this month. **Councilman Radcliffe** sent well wishes to both businesses who had funding appeals on the agenda tonight. **Councilman Sherman** thanked City staff for their continued

efforts and is looking forward to celebrating the 244<sup>th</sup> birthday of our country at the pool with fireworks on July 3rd. **Mayor Gallaway** stated that Council is conducting final interviews for City Manager next week. He announced the names of the three final candidates: David Scott, current Interim City Manager, Jeff Wells of Fort Morgan, CO, and Pam Caskie of Sevierville, TN. He noted that interviews with the three finalists will be held next week on June 17th, June 18th, and June 19th. It was decided that there would not be a need to conduct a closed session on this matter tonight, pending interviews with finalists next week.

The meeting adjourned at 8:45 p.m.

/s/ROGER GALLAWAY, MAYOR

ATTEST: /s/CYNTHIA K HEILBRUN, CITY CLERK