

Sidney, Nebraska, February 9, 2021 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 6:15 P.M. on February 9, 2021 in the Council Room. Present in person or by electronic means were: Mayor Gallaway and Council Members: Arterburn, Sherman, Radcliffe and Olsen. Others present: 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*, 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 Gallaway noted that Governor Ricketts Executive Order No. 20-36 allows governing bodies to meet by electronic communications from December 1, 2020 through April 30, 2021, as long as such meeting access is available to members of the public and members of the media.

Mayor Gallaway informed the public of the location of the posted Open Meetings Act.

Olsen moved, Arterburn seconded “That the minutes of the January 26, 2021 meeting be approved as printed. Roll call vote: Yeas: All council members present.

Mayor Gallaway announced that a public hearing would now be held at 6:17 p.m. regarding the 2021 One & Six-Year Street Improvement Plan; and consideration of Resolution No. 20210201 re: same.

Street Superintendent Hank Radtke presented the **2021 One & Six-Year Street Improvement Plan**, which includes the **One Year Plan** – 13<sup>th</sup> Avenue Illinois to BNRR, Elm Street 13<sup>th</sup> to 17<sup>th</sup>, and the Link 17J Project; and **Six-Year Plan** – which includes 12<sup>th</sup> Avenue Hickory to Illinois and 11<sup>th</sup> Avenue Hickory to Illinois. He noted that the City’s costs are 20% of the projects.

Don Dye, M.C. Schaff & Associates, noted that the 13<sup>th</sup> Avenue Project includes “tearing out” of 13<sup>th</sup> Street curb to curb and a 10 ft. width of concrete for the placement of the storm sewer drainage on King, Linden and Newton Streets. The bid opening for the project is February 16<sup>th</sup>.

Street Supt. Radtke noted that even though the City is soliciting bids for the 13<sup>th</sup> Avenue project, they are not committed to it if the costs come in over budget. However, the Council is still required by NDOR to approve the One & Six-Year Plan as presented.

There being no further comments, Mayor Gallaway closed the public hearing at 6:25 p.m. and asked for a motion to pass Resolution 20210201.

Radcliffe moved, Sherman seconded “That Resolution No. 20210201 be passed.” Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20210201

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

That the 2021 One Year and Six Year Street Improvement Plan has been presented to the Council of said City and that said Council deems it in the best interest of the City to adopt said plan as presented and said Plan be and hereby is approved and adopted.

Passed and approved this 9<sup>th</sup> day of February, 2021.

Don Dye, M.C. Schaff & Associates reported on the Traffic Signal Study at the intersection of Ft. Sidney Rd. and Pole Creek Crossing, which was tabled from the previous council meeting. He explained that of the nine warrants used for analysis only four pertained to this area – those being Warrant 1 – 8-hour Vehicular Volume, 2 – Four-Hour Vehicular Volume, 4 – Pedestrian Volume, and 7 – Crash Experience. After analysis of these warrant situations to the location in question, none met the guidelines for installation of a traffic light. He noted that a summer traffic survey could be taken, but, in his opinion, it would not make that much of a difference. He noted that if the City were to install a stop light system at this location it could cost around \$250,000 which would be the City’s responsibility.

Suggestions from Council included adding a red flashing light on Pole Creek Crossing and a yellow flashing light on Ft. Sidney Rd. Dye speculated that this may cause more confusion as to what signals meant to elderly individuals coming to and from the hospital, etc.

Dye’s recommendation for ways to improve visibility at this location included removal of the metal guardrails on Ft. Sidney Rd., which would increase the site distance from Pole Creek Crossing; and additional signage, besides the existing stop sign, on Pole Creek Crossing such as “Cross Traffic Does Not Stop.”

City Manager Scott will work with the engineers on options for future review and implementation.

Mayor Gallaway announced that the Council would now consider the Manager Application of David W Staab for High Plains Pizza Hut, Inc., Sidney, Cheyenne County, Nebraska; and Resolution No. 20210202 making a recommendation to the Nebraska Liquor Control Commission re: same.

Mr. Staab was present via Zoom to answer questions.

There being no questions or comments, Mayor Gallaway asked for a motion to approve Resolution 20210202 re: the Manager Application of David W Staab for High Plains Pizza Hut, Inc, Sidney, Cheyenne County, Nebraska.

Radcliffe moved, Sherman seconded “That Resolution No. 20210202 be passed and adopted.” Roll call vote: Yeas: All council members present.

RESOLUTION NO 20210202

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 David W. Staab for High Plains Pizza Hut, Inc., 572 Glover Rd, Sidney, Cheyenne County, Nebraska; and

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

Mayor Gallaway announced that the Council would now consider the Manager Application of Joseph D. Gorman for Dude’s Steak House & Brandin’ Iron Bar/Lounge LLC, 2124-2130 Illinois Street, Sidney, Cheyenne County, Nebraska; and Resolution No. 20210203 making a recommendation to the Nebraska Liquor Control Commission re: same.

Mr. Gorman was present to answer questions.

There being no questions or comments, Mayor Gallaway asked for a motion to approve Resolution 20210203 re: the Manager Application of Joseph D. Gorman for Dude’s Steak House & Brandin’ Iron Bar/Lounge LLC, 2124-2130 Illinois Street, Inc, Sidney, Cheyenne County, Nebraska.

Arterburn moved, Sherman seconded “That Resolution No. 20210203 be passed and adopted.” Roll call vote: Yeas: All council members present.

RESOLUTION NO 20210203

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 Joseph D. Gorman for Dude's Steak House & Brandin' Iron Bar/Lounge LLC, 2124-2130 Illinois Street, Sidney, Cheyenne County, Nebraska; and

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

Mayor Gallaway announced that the Council would now consider the Manager Application of Jason J. Schmunk for Sonny's Super Foods, 2020 10<sup>th</sup> Avenue, Sidney, Cheyenne County, Nebraska; and Resolution No. 20210204 making a recommendation to the Nebraska Liquor Control Commission re: same.

Mr. Schmunk was unable to attend the meeting due to weather.

There being no questions or comments, Mayor Gallaway asked for a motion to approve Resolution 20210204 re: the Manager Application of Jason J. Schmunk for Sonny's Super Foods, 2020 10<sup>th</sup> Avenue, Sidney, Cheyenne County, Nebraska

Radcliffe moved, Sherman seconded "That Resolution No. 20210204 be passed and adopted." Roll call vote: Yeas: All council members present.

RESOLUTION NO 20210204

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 Jason J. Schmunk for Sonny's Super Foods, 2020 10<sup>th</sup> Avenue, Sidney, Cheyenne County, Nebraska; and

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

Dean Sterling, Solid Waste Superintendent, appeared to request a burn permit to burn the tree pile at the Landfill that would be accessible for the whole year, weather permitting, with the approval of the Fire Chief. In past years he has requested a burn permit for specific dates and then not been able to use it due to weather related circumstances. This would allow him to notify the Fire Chief and burn on days when the conditions were favorable. He noted that instead of burning a large pile, as they have in the past, they intend to burn several small piles as a safety measure. The public would be notified by radio, website, etc. when the burns were to occur.

Councilman Arterburn inquired about the contract for grinding of wood for mulch instead of burning. Sterling explained that the contract was not renewed by the previous City Manager due to several factors which included: costs for grinding, lack of pallets vs. trees for grinding, etc.

Sherman moved, Olsen seconded "That the Solid Waste Superintendent and Fire Chief be designated the discretionary authority to burn the tree pile at the City of Sidney Landfill during the calendar year 2021 as weather permits." Roll call vote: Yeas: All council members present.

Todd Sukup, WWTF Superintendent, presented bids for a new 1/2-ton 4x4 pickup for the Wastewater Treatment Plant. The new pickup will replace a 1998 Chevy 1/2-ton pickup, which will be placed on a Police auction once the new pickup arrives. Sukup noted that \$33,000 had been budgeted for the purchase of a pickup in the FY 20/21 budget.

Two bids were received as follows: Janssen Ford, Holdrege, NE, \$27,977.00 and Panhandle Auto, Sidney \$28,120.50. Sukup noted that although there was not a large difference in price between the two

bids, the bid from Panhandle Auto was for a 4-cylinder engine rather than a V6 engine which was specified in the bid packet. He therefore recommended award of the bid to Janssen Ford of Holdrege, NE.

Olsen moved, Arterburn seconded "That the purchase of a 1/2 Ton Pickup for the WWTF be awarded to Janssen Ford, Holdrege, NE in the amount of \$27,977.00." Roll call vote: Yeas: All council members present.

Olsen moved, Sherman seconded "That the following claims for January 2021, 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 934.56, 70.71,191.00; 3E Electrical Engine & Equip su 18.91; Absolute Solutions su 545.44; Accelerated Receivables se 311.26; ALS Group se 1176.00; ALSCO se 135.00, 135.00; American Environmental Consult se 3551.67; American Legal Publishing Corp se 1443.20; Anderson Auto eq 33,931.00; Keith Andrew tt 302.00; ASCAP se 367.00; B & C Steel su 4.47; Baker & Taylor su 1601.50, 16.02; Barco Municipal Products su 100.00; Barker Cleaners se 30.00; Black Hills energy ut 2,794.24, 411.89, 701.24, 33.68, 1,118.32, -1,118.32, 1,183.32, 205.95, 1,939.25; BNSF ct 681.25; BOKF NA su 9,231.05; Bomgaars su 35.65, 82.27, 67.05, 95.79, 49.64, 129.65, 139.88, 45.95, 36.52, 65.85; Cardmember services su 2,951.34, 40.32, 90.32, 1,231.80, 255.04, 88.93; Carolina Software se 200.00; Caselle Inc ct 1,644.00; Cash-Wa Dist su 165.34; CENAGE Learning su 23.99; Charter Communications ut 209.96, 329.02, 99.98; Cheyenne Co Community Center ct 9,000.00; Cheyenne Co Emergency Comm Cnt ct 35,780.57; Cheyenne Co Treasurer se 15.00; City of Sidney ex 1,083.90, 50.00; City of Sidney Bond Account bd 7,995.13, 14,333.33, 16,416.67; City of Sidney Cemetery Perp ct 2,577.50; City of Sidney Economic Dev Fund ct 1000.00; City of Sidney Electric re 13.20, 31.33; City of Sidney Payroll sa 97,877.56, 123,012.73, 14,225.09, 11,567.48, 16,813.31, 15,454.24, 20,983.66, 20,982.06, 9,843.54, 9,901.59, 9,443.58, 9,144.00; City of Sidney Payroll Ins in 6,013.45, 67,672.91, 915.38, 8,867.23, 949.12, 14,891.31, 1,541.28, 15,866.98, 492.26, 4,595.13, 556.42, 6,905.02; City of Sidney Utilities ut 5,020.85, 222.50, 251.25, 964.46, 1,360.05, 9,366.66, 37.50, 11,862.52; County Printer su 203.00; Cranmore Fire Protection se 239.00, 56.00, 178.00; Cranmore Pest Control se 90.00; Culligan su 19.95, 47.95, 44.90, 29.95; Cummins Inc se 914.41; Darin's Auto Repair se 410.09, 752.30, 2,106.30; Deaver Tire Co LLC se 30.00, 18.00, 15.00; Demco su 394.43, 9.95; Department of energy su 15,821.64; Design Solutions 50,000.00; DP Electronics LLC su 1,339.92, 49.99, 26.88, 29.99; Dutton-Lainson Co su 1,037.38; E & S Auto Supply su 631.59, 454.43, 492.78, 10.09, 118.18, 405.38; Eakes Office Solutions su 400.93, 1,482.75, 116.97, 199.71; EcoResource Solutions Inc se 152.00; Eileen Nightingale re 6.49; Elan Visa su 495.93, 20.00, 20.62, 54.51, 279.98, 13.97, 266.48; Electrical Power Products su 15,917.00; Elliott Equipment Co su 1,349.06; Enchanted Snowflake Embroidery se 135.00; Enviro Service Inc se 80.00, 40.00; Finney's su 13.77, 27.98, 385.52, 351.52, 30.94; Floyds Truck Center Sidney se 280.97, 236.76, 11.07; Frenchman Valley Coop su 964.21, 2,540.93, 1,609.67, 2,482.41, 975.85, 505.80, 734.43; Fyr – Tek su 353.60; Galetton Gloves su 152.29; Galls LLC su 134.99, 562.57; GCSAA ex 400.00; Golden West Industrial Supply su 278.53; W. W. Grainger Inc su 523.04, 266.50; Guideposts su 31.90, 7.98; Hamilton Telecommunications ut 178.70, 49.95, 49.95, 245.00; Jim Holmes tt 16.00; Hometown Leasing ex 159.98; Huber & Associates se 750.00; Humdinger su 2,080.00; Ideal/Bluffs Facility Solutions se 4.28, 100.01, 129.12; Inland Truck Parts Co su 347.14; Irrigation & Turf Equipment su 1,814.02; Johnsen Corrosion Engine se 1,870.00; Journal Office Supply su 40.00; Kevin's Custom Electric se 64.50; Kois Brothers Equipment Co su 116.66; KSID se 994.00; L L Johnson

Distributing Co su 9,431.82, 424.05; Landis + Gyr Technology Inc ct 750.00; League of NE Municipalities tt 790.00; Ron Leal ct 450.00; Leef Law LLC se 10,109.90; MC Schaff se 4,945.00; Mediation West se 843.75, Mid States Organized Crime se 100.00; Municipal Energy Agency of NE su 454,283.87; Municipal Supply Inc su 20.72, 2,153.03; Munimetrix Systems Corp se 39.99; Napa Auto Parts su 6.32; NDEE – MSW Permit Renewal se 750.00; NDEE – Fiscal Services se 2,285.38; NDEE – Fiscal Services se 300.00; NE Chamber of Commerce se 400.00; NE Dept of Revenue ex 61,814.99; NE Public Health Environmental Lab ex 237.00, 241.00; NE Technology & Telecomm Inc ut 1,654.37, 154.37, 315.46, 329.61, 59.55, 92.06, 157.66; NE Turfgrass Assoc se 150.00; Northwest Pipe Fittings su 1,953.85; NT Building Supply su 49.56; OCLC Inc su 243.76; O’Keefe Elevator se 343.20; One Call Concepts Inc se 13.27, 13.26; OPTK Network se 36.00; Palmore Masonry & Concrete se 475.00; Payment Tech Fee ex 61.07, Pinnacle Sewer & Drain se 205.00; Pins & Needles Embroidery se 5.00; Pittam Body Shop se 500.00; Plummer Insurance Inc in 61,695.00, 23,439.00, 36,488.00, 27,339.00, 20,636.00, 28708.00; Rood’s Tire Center se 41.00, 102.00, 68.88, 34.65; Scotties Potties Inc se 560.00; Segelke Janitorial se 780.00; Sidney Glass se 45.00; Sidney Sun Telegraph se 11.78, 666.73, 9.94, 10.31; Sonny’s Super Foods su 13.86; Splish Splash Car Wash se 111.99, 411.89, -411.89; State of Ne Transport SW Reimb ex 31,145.00; Eloise Stone ct 400.00; Superior Outdoor Power su 1,049.33; SWANA se 223.00; T & L Cleaning se 275.00; Toro Company eq 2,496.00; Tour Edge su 455.50; Triple O’s Building Supply su 1,916.43; US Postal Service Neopost ex 826.90; USA Bluebook su 417.79, 989.07; Utility Service Co se 22,698.36; Verizon Wireless ut 40.01, 173.64, 759.43, 64.97, 41.06, 128.18, 45.34, 86.14; Vessco Inc ex 6,118.56; Viaero Wireless ut 34.74, 64.90; Wal Mart su 517.06, 62.28; Western United Elec Supply su 19,270.78; Wheat Belt PPD ut 260.49, 7,945.35; White Bluffs Vet Hospital ct 620.00; WPCI se 380.50.

Finance Director Lane Kizzire presented the Budget Report for January, 2021 noting that we are still waiting for the effects of the sales tax refund to fully hit us, but are in line on the other items. He noted that the State & Federal category is above budget due to the additional federal contributions to COVID-19 for transportation and public safety salaries. City Manager Scott stated that he will schedule a visit to Lincoln to review the sales tax issue on behalf of the City of Sidney in the near future.

Radcliffe moved, Sherman seconded “That the Budget Reports for January, 2021 be approved.” Roll call vote: Yeas: All council members present.

**City Manager/Staff Report:** City Manager Scott reported that he and Parks Supt. Tom VonSeggern have been moving ahead for the upcoming pool season in the “normal” fashion. He described last season versus the normal routine, noting that there has been no indication either way as of yet what this year will hold, and that the City will “roll with the punches” as they evolve.

**City Council comments:** Mayor Gallaway reported 1) that he, Councilman Sherman and Councilman Olsen had travelled to Lincoln to attend the hearing and testify on Senator Erdman’s bill LB562 re: moving the Nebraska Game & Parks Commission headquarters to Sidney, and Senator Hughes bill LB668 re: relocating the Game & Parks Headquarters to a county with a population of 10,000 or fewer and at least 200 miles from any city of the primary or metropolitan class. He noted that the proposal was taken seriously, but whether it makes it to the floor is anyone’s guess. They were commended by the gathering for putting Sidney’s best foot forward; 2) He polled the Council as to whether they should continue the Zoom meeting option for Council meetings going forward. Councilman Sherman was in favor of discontinuing the Zoom option, Councilmen Olsen, Radcliffe and Arterburn agreed that as long as the option was available it should be made available to those wishing to participate in that fashion. As this was a majority of Council, it will stay “as is” under the current directive by the Governor.

Meeting adjourned at 7:03 p.m.

/s/ROGER GALLAWAY, MAYOR

ATTEST: /s/CYNTHIA K HEILBRUN, CITY CLERK

