

Sidney, Nebraska, August 10, 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 August 10, 2021 in the Council Room. Present in person were: Mayor Gallaway and Council Members: Arterburn, Radcliffe and Olsen. Absent: Sherman Others present: City Manager Scott, City Clerk Borchert. Absent: Attorney Leef. 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 informed the public of the location of the posted Open Meetings Act.

Mayor Gallaway asked for a motion to approve the absence of Councilman Sherman. Olsen moved, Radcliffe seconded, "That Councilman Sherman be excused from the meeting". Roll call vote: Yeas: Arterburn, Gallaway, Radcliffe, Olsen. Nays: None Abstain: None Absent: Sherman Motion carried.

Mayor Gallaway waived a motion for the July 27, 2021 minutes due to the absence of Councilman Sherman. Olsen and Arterburn would have to abstain as they were not present at the July 27 meeting, therefore, there would not be a majority vote to approve. The minutes for July 27, 2021 will go on the August 24 agenda for approval.

Mayor Gallaway asked Clerk Borchert to read the ordinance by title for the first reading. Borchert read the ordinance by title. Gallaway announced, "That a public hearing would now be held at 6:19 p.m. for consideration of rezoning application by Wamsley Construction to rezone 33 14 49 Part SW ¼ NW (191' x 258') 1.131 Acres, Lands inside Sidney, commonly known as 1109 Greenwood Road; from A (Agricultural) to M-1 (Light Manufacturing and Industrial) Zone; and Ordinance No. 1826, re: same. Gallaway asked how Black Hills and Pepsi were zoned. Kevin Kubo, Zoning Administrator, stated to the north was zoned C2, Pepsi C2, across the street C3 and to the West and East are both M1 properties. Kubo stated that C2 does not allow storage, C3 allows inside storage. Kubo reported that he had not received notification of any protest. Scott Wamsley was present to represent. Wamsley stated that he wanted to put up storage units using storage containers with RV shells between each container. Three sides of the RV unit would be closed and front open end. Olsen asked the size. Wamsley stated that the RV shells would be 40' by 14'. The containers would be 40' x 8'6". Starting out, Wamsley would construct two containers and one shelter. Containers are one time use and in good condition. They would all be the same color. He plans on landscaping the corners of the property. Eventually there will be a chain link fence with a gate. The surface ground will be crushed concrete. There were no further questions or comments from the public. Gallaway closed the public hearing at 6:28 p.m. Mayor Gallaway asked for a motion to designate the Ordinance. Arterburn moved, Olsen seconded, "That the Ordinance to rezone 33 14 49 Part SW ¼ NW (191' x 258') 1.131 Acres, Lands inside Sidney, commonly known as 1109 Greenwood Road; from A (Agricultural) to M-1 (Light Manufacturing and Industrial) Zone be designated as Ordinance No. 1826. Roll call vote: Yeas: Arterburn, Gallaway, Radcliffe, Olsen. Nays: None Abstain: None Absent: Sherman Motion carried. There was no motion to suspend requiring the ordinance to be read by title three different days. The second reading of the ordinance will be held on August 24, 2021.

Mayor Gallaway announced, "That a public hearing would now be held at 6:31 p.m. regarding the Class K Catering Application of Ol Pals dba Rock Sports Bar & Grill, located at 1540 10th Avenue, Sidney, Cheyenne County, NE 69162, making a recommendation to the Nebraska Liquor Control Commission." Bob Woodis was present to represent. Woodis stated that he has had numerous requests to provide services in other locations. He has previously obtained Special Designated Liquor Licenses. Chief Aikens had no concerns. No questions or comments from the public. Mayor Gallaway closed the public hearing at 6:34 p.m. and asked for a motion on the request. Radcliffe moved, Arterburn seconded, "That Resolution No. 20210801 be approved." Roll call vote: Yeas: Arterburn, Gallaway, Radcliffe, Olsen. Nays: None Abstain: None Absent: Sherman Motion carried.

RESOLUTION NO 20210801

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 Ol' Pals, dba Rock Sports Bar and Grill, located at 1540 10th Avenue, Sidney, Cheyenne County, NE 69162 to add a Catering Endorsement to a current Class "C" Liquor License; and that the Nebraska Liquor Control Commission be notified of said recommendation.

Glenda Gay Condon, representing the Ft Sidney Chapter NSDAR, presented a Proclamation for Constitution Day and Constitution Week which will be observed from September 17 – 23, 2021. Mayor Gallaway read, approved and signed the Proclamation.

Mayor Gallaway reviewed two applicants for the open position on the Airport Authority Board. Gallaway asked for a motion to appoint Nic Haas to fill the remainder of Shannon Odiett's term that expires in December of 2026. Olsen moved, Radcliffe seconded, "That Nic Haas fill the vacant seat expiring in December of 2026." Roll call vote: Yeas: Arterburn, Gallaway, Radcliffe, Olsen. Nays: None Abstain: None Absent: Sherman Motion carried.

David Scott, City Manager, recommend that Clint Norman be appointed for a term of four years on the Economic Development Citizen's Advisory Review Committee. There are currently six members on the board. Gallaway asked for a motion to appoint Clint Norman to the board. Radcliffe moved, Arterburn seconded, "That Clint Norman be appointed for a term of four years on the Economic Development Citizen's Advisory Review Committee." Roll call vote: Yeas: Arterburn, Gallaway, Radcliffe. Nays: None Abstain: Olsen Absent: Sherman Motion carried.

On behalf of the Oktoberfest Committee, Autumn Ramirez, secretary, requested to use Illinois Street and Highway 30, blocked off from 19th Avenue to 7th Avenue, on October 2, 2021, from 10:00 a.m. to 12:00 p.m. Gallaway reminded the public that this is a state road and this is something we have to do each year. Gallaway asked for a motion to approve the Resolution No. 20210802. Arterburn moved, Radcliffe seconded, "That Resolution No. 20210802 be approved." Roll call vote: Yeas: Arterburn, Gallaway, Radcliffe, Olsen. Nays: None Abstain: None Absent: Sherman Motion carried.

RESOLUTION NO. 20210802

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 2, 2021 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.

Mayor Gallaway asked for a motion for approval of the Claims for July, 2021. Radcliffe moved, Olsen seconded, "That the following claims for July 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: Arterburn, Gallaway, Radcliffe, Olsen. Nays: None Abstain: None Absent: Sherman Motion carried.

That the following claims for July 2021, are hereby approved and should be paid as provided by law out of the respective funds in the city treasury.” (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 2623.17, 15.92, 66.38, 226.24; 308AG eq 283.75; Absolute Solutions su 110.00; Accelerated Receivables se 106.69; Acushnet su 1710.47; ALSCo eq 422.70; American Environmental eq 3693.38; Arnold Pool su 140.35; Arrowhead su 407.25, 357.10, 348.00; Associated Supply su 1098.91; Baker & Taylor su 1026.10, 15.76; Ball, Erin re 100.00; Barker Cleaners se 30.00; Beehive su 2900.00, 5800.00, 2900.00, 2900.00, 5800.00; Bello, Victor se 250.00, 475.00; Black Hills Energy 1123.50, 7.21, 15.34, 43.92, 3.61, 35.85; Blanke, Jeff re 209.50; BOKF, NA ct 8994.80; Bomgaars su 45.98, 90.12, 404.55, 278.46, 2.69; Border States eq 44594.09; Brenntag su 9560.41; Brown, Craig re 209.50; Bucholz, Sarah re 25.00; Capital One su 42.72; Cardmember su 9483.72, 307.71, 979.62, 654.09, 70.72; Carolina Software se 200.00; Caselle ct 1694.00; Cashwa su 692.89, 856.02; Credit Card Fees 193.02, 68.40; CenturyLink se 195.66; Charter se 691.21, 17.78, 104.98; Cheyenne Co Community Center ct 9000.00; Cheyenne Co Emergency Center ct 32165.44; City of Sidney se tx tr ex bd 173.59, 406.80, 20.00, 20.00, 14333.33, 16416.67, 1187.50, 1000.00, 6600.91, 15.75, 1189.76, 49440.00, 124652.0, 38625.00, 26265.00, 1865.77, sa 108598.02, 111621.59, 11713.29, 11623.80, 14242.04, 14627.63, 37925.75, 23794.15, 9844.89, 9990.29, 9276.68, 9056.87, in 5351.96, 65022.96, 846.15, 8867.23, 729.91, 10629.55, 1446.79, 14398.70, 496.76, 4595.13, 556.42, 6905.02; ut 8967.74, 2467.82, 41.10, 147.24, 1031.03, 71.47, 572.34, 8512.26, 871.23, 10821.35, 112.45; Cobitco su 96635.58; Contractors Materials su 192.50, 1451.25, 309.50; CPS H Consulting se 500.50; Cranmore Fire se 261.00, 456.00, 318.00; Cranmore Lawn Service se 6912.61; Cranmore Pest Control se 90.00; Croell su 1370.25; Culligan se 19.95, 123.90, 5.00, 29.95; Cummins eq 319.63; Darins Auto se 308.99, 406.87, 1722.17; Day & Night se 535.66; Deaver Tire se 156.00, 18.00; Design Solutions se 51936.50, 260.00; Dietrich su 602.00, 306.30; DP Electronics su 1073.96, 440.74; E&S Auto su 780.51, 376.19, 1577.90, 8.68, 122.70, 287.31, 142.29; Eakes su 338.70, 1123.16, 329.38; EBSCO se 1016.09; Elan Visa su 1007.65, 22.80, 20.00, 21.27, 36.61, 66.24, 778.62, 20.00; Enviro Service se 40.00, 80.00; Ernest, Deanna re 5.18; Exponential Engineering se 1462.50; Falcon distributors eq 661.79; Finneys su 877.25, 97.99, 538.51, 199.40; Fire Station software su 358.00; Flood Communications 220.00; Floyd’s Truk se 127.28; Frenchman Valley su 100.34, 848.27, 1476.09, 6083.35, 1470.30, 915.55, 1103.15; Fyr-Tek su 561.26, 285.40; Galls su 149.27, 173.80; Gehrig Stitt Funeral Home re 195.00; Grainer su 131.59; Guidepost su 15.95, 3.99; Hamilton se 163.95, 49.95, 49.95; Harper Industries su 1406.37; Haupt Landscaping se 821.00; Hawkins eq 1551.26; High Plains Budweiser su 1164.15, 420.90, 247.00, 725.80, 747.15; Holiday Inn se 1099.70; Hometown Leasing ct 159.98, 135.13; Huber & Asso se 6144.00; Ideal Linen se 107.81, 161.40; Intermountain Sales of Denver eq 152.75; Interstate Batteries su 53.95; IRBY eq 6780.00; JC Golf su 653.50; Kevins Electric su 104.00, 7.47; Kizzire, Lane re 1162.80, 1162.80; Kriz Davis su 8.68; Landis & Gyr se 754.88; Leal, Ron se 450.00; Leef Law ct 15000.00; Lubrication Engineers su 381.80; Martin Marietta Materials su 22936.95; Matthews, Kim se 25.75; Midwest Connect se 321.00; MEAN ut 447247.74; Municipal supply su 7610.89; Munimetrix Systems se 39.99; Napa Auto Parts su 18.49; NDEE-Fiscal Services se 2520.28; NE Dept of HHS du 140.00; NE Power Review Board se 1241.85; NE Public Health Environmental Lab se 38.00; NE Safety/Fire se 360.00; NT&T se 1684.81, 154.53, 253.68, 336.62, 151.78, 162.09; Norgard, Melissa se 700.00; Northwest Pipe eq 1611.41, 1651.49; OCLC Inc su 243.76; One Call se 53.44, 53.44; OPTK Networks se 36.00; Palmer, Mike re 3400.00; Pepsi su 637.35, 268.10; Plummer Insurance se 140.00; Quill su 460.20, 112.20; R&T Excavating se 275.00; RCIS se 196.00; Reams Sprinkler eq 1176.57; Rinder Printer su 980.96, 2942.88, 1961.92, 653.97, Ritz Safety su 828.92; Roods Tire su 17.00, 2006.05; Sargent Drilling eq 84498.72; Schmunk, Tosha re 54.00; Scotties Potties se 840.00; Segelke Janitorial se 780.00; Sherwin Williams su 333.90; Shirt Tales su 93.53; Showcases su 1089.00, 87.00; SRMC se 593.00; Sidney Sun Telegraph se 6.26, 423.51, 69.89, 9.57; Silver State Consulting se 175.00; Simon Materials su 124.16; Sonnys su 9.43, 573.52; Spic & Span se 1387.50; Splish Splash se 28.88; Spring Creek Cleaning se 400.00; Stone, Eloise rt 400.00; Stone, Jay re 61.29; Swire Coca-Cola su 235.20; Sysco su 1242.88; T&L Cleaning se 275.00; The Chappell Register se 26.00; TKE Elevator se 353.49; Triple O’s su 6.99, 7.99, 52.64; USA Bluebook su 303.63; Verizon se 40.04, 291.04, 370.28, 65.07, 41.13, 128.39, 41.13, 82.26; Vermeer eq 1910.69, 293.65; Viaero se 34.74, 64.90; Wesco su 1472.75; Wheatbelt ut 13565.63; White Bluffs se 540.00; Wieser Construction se 1098.00; Wilson, Bryon se 550.00; Woods & Aitken se 244.00; WPCI se 205.00; Wyoming First Aid su 177.27

Mayor Gallaway asked for a motion for approval of the Budget Reports for July, 2021. Arterburn moved, Radcliffe seconded, “That the Budget Reports for July, 2021 be approved.” Roll call vote: Yeas: Arterburn, Gallaway,

Radcliffe, Olsen. Nays: None Abstain: None Absent: Sherman Motion carried.

David Scott, City Manager, reported that Link 17J has moved Highway 30 to the new concrete on the east and west sides. 13th Street is still in Phase 2. Elm Street is completely poured. Streets and sidewalks will be done by the time school starts. Scott reminds the public that these projects are being paid by the ½ cent sales tax and is not an additional cost to property tax. Scott thanked the city staff for working after the rain to get things cleaned up. The CASA event went really well. Chief Aikens reported that over 350 hotdogs were given out to the public. August 16 at 5:30 p.m. is the Housing Study and August 17 at 4:30 p.m. is the Budget Workshop Meeting.

Arterburn reported that the Big Boy train was in Sidney. Kelli O'Brein, Sr. Dir. Public Affairs – Corporate Relations of U.P.R.R, is open to discussing issues before there are problems. The Downtown Sounds was very successful. Gallaway stated that he thought it would be a great idea to find areas of common ground between the City and the Chamber. Olsen reported the he and Scott met with the Business Association Committee. They talked about which direction they should go as far as the Downtown Business Association being independent or being a part of the Chamber. The Committee felt it was too early to make that call. The Business Association Committee will send a survey out asking the business community questions, which they will review with council and the public when the results are received. Radcliffe expressed his thanks to everyone who worked on the Downtown Sounds. Gallaway reported that August 14 is the dedication for the Alan Hartzler Basketball Court located at the old swimming pool at 4:00 p.m. Alan was a long-time volunteer. A great effort by family and friends on this project. Gallaway suggested more benches, shade awnings, lighting to add to the project. Scott will meet with Tom VonSeggern, Parks Superintendent, to discuss this. Gallaway reiterated the success of the Downtown Sounds. Next Downtown Sounds is September 10. The Sidney High School fundraiser is August 21.

Meeting adjourned at 7:17 p.m.

/s/ROGER GALLAWAY, MAYOR

ATTEST: /s/LORI BORCHERT, CITY CLERK