

## Sidney, Nebraska, December 14, 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 December 14, 2021 in the Council Room. Present in person were: Mayor Gallaway and Council Members: Arterburn, Sherman, Radcliffe, Olsen. Others present: City Manager Scott, City Clerk Borchert, City 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 minutes from November 23, 2021. Olsen moved, Radcliffe seconded, "That the minutes of the November 23, 2021 meeting be approved." Roll call vote: Yeas: Sherman, Gallaway, Radcliffe, Olsen. Nays: None. Abstain: Arterburn. Absent: None. Motion passed.

Mayor Gallaway asked if there were any comments by the public. Chief Joe Aikens introduced new police officers to the Council. Jose Barboza, Daniel Cole, Tristen Meyer, Colton McKenzie and Sam Lovato. Mayor Gallaway thanked them for their interest in Sidney and their career in Law Enforcement. Chief Aikens also informed Council of the promotions of Austin Smith and Scott Tobler to Sergeant.

Clerk Borchert reported a change in a state law (LB174) became effective August 28, 2021. The law requires a formal appointment by the mayor, of the Street Superintendent, by name, and reflect the appointment in the minutes before the upcoming year. Mayor Gallaway asked for a motion to appoint Clay H. Radtke, Street Superintendent for the 2022 year. Sherman moved, Arterburn seconded, "That Clay H. Radtke, Class A, License S-1072, as the Street Superintendent during January 1 through December 31, 2022, for the purpose of the 2022 calendar year Highway Incentive Payment. Roll call vote: Yeas: Arterburn, Sherman, Gallaway, Radcliffe, Olsen. Nays: None. Abstain: None. Absent: None. Motion passed.

City Manager Scott requested the reappointment of Kiersten Richards to the Economic Development Citizens Advisory Review Committee for a 4-year term. Mayor Gallaway asked for a motion for the reappointment of Richards. Arterburn moved, Sherman seconded, "That Kiersten Richards be reappointed to the Economic Development Citizens Advisory Review Committee." Roll call vote: Yeas: Arterburn, Sherman, Gallaway, Radcliffe, Olsen. Nays: None. Abstain: None. Absent: None. Motion passed.

Scott informed Council that Paul Strommen purchased the property at 15<sup>th</sup> & Toledo, formerly known as the Golden Living Center. Strommen is demolishing the property with intentions of developing the property. Strommen has incurred costs such as asbestos removal and landfill fees. Strommen has asked if any of those costs could be included in a TIF or another incentive. Scott contacted the TIF attorney and the attorney said that it was acceptable. Kendra Strommen said the property was purchased with goals in mind. The Strommen's want to do something that will benefit Sidney, although they have not committed to anything yet. Arterburn inquired about the current incurred costs. Strommen reported that 15 to 20 loads have been hauled out at approximately \$350 per load. The Strommen's have also had the asbestos hauled out by an asbestos company. Strommen said that expenses incurred were anywhere between \$15,000 to \$25,000. Gallaway stated that he looked forward to seeing their development plans.

Kami Balthazar, ALLO Communications, reported that ALLO is very excited to be in Sidney. ALLO has been around since 2003. They have 26 markets in 3 states and over 700 employees. Services with ALLO will include internet, data transport, video, voice, phone systems and connectivity to AWS, Azure and other cloud providers. Gallaway asked about the project timelines. Balthazar reported that initial guidelines were in the second quarter of 2022, but could be bumped up. Scott reported that the franchise agreement is exactly the same as what we have from other service providers. Michael Palmer, Electric Superintendent, reported that as the city installs the underground, the city would most likely include ALLO lines with the city's lines in conduit. ALLO would be responsible for taking care of their own lines if the city has already completed an underground project. ALLO would also have a store front. Attorney Leef added that this agreement is not an exclusive franchise. Mayor Gallaway asked for a motion to pass the franchise agreement. Radcliffe moved, Olsen seconded, "That the franchise agreement with ALLO be approved." Roll call vote: Yeas: Arterburn, Sherman, Gallaway, Radcliffe, Olsen. Nays: None. Abstain: None. Absent: None. Motion passed.

Scott reported that the city is getting ready to close out the JESWA project and the SRF loan and that we need to look at what the city needs to do moving forward. Scott suggested that JESWA, SPNRD and City Council need to have a joint meeting to discuss who will be responsible for certain types of maintenance, how the loan payments will be made and who will pay what percentages. Scott believes that the SPNRD and JESWA are looking at a new agreement that would continue the 80/20% SRF loan payments and create a new maintenance and enhancement agreement of the current project. Gallaway would like more information on the ½ cent sales tax that came before council. Scott gave the date of January 11, at 3:30 p.m. at the SPNRD building. Scott is unsure what the agenda will include at this time. The JESWA board will be creating the agenda.

On behalf of the City of Sidney, Scott requested the NE Department of Economic Development administer an extension of the grant duration for the Sidney Elks Club. The letter requests an extension of the grant because the bid competition was determined to be inadequate after solicitation of proposals from a number of sources on two different occasions. Sherman asked how long of extension would be needed. Scott reported that we would have to have the request in by April for an 18-month period. Gallaway asked if anyone could speak for fundraising efforts. Anita Pennel, Exalted Ruler for the Elks Lodge, reported that fundraisers will include Breakfast on Sunday mornings. The Elks also has over 1,000 hours of volunteer time. Pennel also said that the Lodge is one of the few places that offer banquet space. There have been plays that have been presented by Way Out West. Pennel said that they are trying to bring things back to downtown. Gallaway also noted that the CDGB grant can only be used for specific parts of the project, such as HVAC and ADA needs. Gallaway asked if there were any other types of grants out there. Cindy Bartling, secretary of the Elks Lodge and President of WOW Theater, reported that they have a meeting with Jana Jensen, who is instrumental in the parks project fund-raising. After the first of the year, they plan on working on a fund raising plan. A member had given the ELK's an incentive to match a donation of \$5000, which was matched by fund-raising efforts within only a few months. Gallaway asked for a motion to approve the request to extend the existing CBDG grant. Radcliffe moved, Sherman seconded, "That the City request the extension of the CDBG Grant." Roll call vote: Yeas: Arterburn, Sherman, Gallaway, Radcliffe, Olsen. Nays: None. Abstain: None. Absent: None. Motion passed.

Michael Palmer, Electric Superintendent, reported that two years ago Municipal Agency of NE (MEAN) issued a RFP on behalf of MEAN communities for solar PV to be installed in those communities. Proposals were received, but the project did not go forward due to prices being higher than expected. Prices for solar PV have continued to decline. MEAN issued another RFP on behalf of 10 member communities, although Sidney was not one of them. MEAN recommended that Sandhills Energy be awarded the PPA based upon the pricing received from six potential developers. Per MEAN's DG Policy, communities wishing to have renewable resource within their community are allowed to "self-generate" up to 5% of their power needs. In Sidney's case this equates to 2,377 kW-DC cap for a community solar project. The fixed PPA would be between Sandhill Energy, LLC and the City of Sidney for a period of 25 years. Sandhill Energy would own and maintain the solar facility, while the city would purchase all the energy generated from the facility and be responsible to secure the land that it is located at. Palmer stated that we are seeing major increases with our current power supply based upon its reliance on fossil fuels. Palmer foresees this as being cheaper than what we are going to buy from our whole sell power provider. Gallaway asked about the 5% cap. Palmer responded that our current power supply contract is total requirements, which means we have to buy from MEAN. Two megawatts of our power come from WAPA, the rest we have to purchase from MEAN. The intent of this RFP for the group is to lower the cost through economies of scale. Any energy purchased from Sandhills would be considered when figuring our Fixed Cost Recovery Charge and transmission cost. Palmer stated that we would have no ownership, but we would be obligated to purchase any output. Olsen asked Palmer what his recommendation would be. Palmer stated that we want to keep our options open for the best pricing. Palmer recommends exploring the option of installing solar PV consistent with MEAN'S current DG policy. Gallaway asked if it was 5% based on what the facility produces. Palmer stated it was 5% of our needs. Palmer stated that if this is something that Council would want to pursue, we would have to move on it as Sandhills is on a tight time schedule and wanting to take advantage of the tax credits available. Arterburn asked how much ground was needed. Palmer stated it would take about 15 acres of city ground. Palmer also noted if power isn't produced, there would be no cost to the city. Attorney Leef stated that this does not require a vote. This is only giving approval to move ahead to explore options. The consensus of Council was to continue to explore all options.

Rob Kuhns, Water/Sewer Superintendent, came before Council to seek approval to purchase a pickup which was included in the 2019 budget. The 2008 Ford currently has 204,000 miles and needs a new motor. The state bid came in at \$36400 and Panhandle Automotive at \$36000. The funds would come from the equipment reserves. Gallaway asked for a motion to approve the purchase of the pickup from Panhandle Auto. Radcliff moved, Olsen seconded, "That Council approves the purchase of the pickup from Panhandle Auto." Roll call vote: Yeas: Arterburn, Sherman, Gallaway, Radcliffe, Olsen. Nays: None. Abstain: None. Absent: None. Motion passed.

Mayor Gallaway asked for a motion to approve the claims for November, 2021. Olsen moved, Radcliffe seconded, "That the claims for November, 2021 be approved." Roll call vote: Yeas: Arterburn, Sherman, Gallaway, Radcliffe, Olsen. Nays: None. Abstain: None. Absent: None. Motion passed.

That the following claims for November 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, tr transfers, tx tax, ut utilities)

21<sup>st</sup> Century eq 137.10, 431.02; 3E Electrical eq 348.30; A Night at the Races se 390.75; Absolute Solutions se 365.00; Accelerated Receivables se 33.52; Action Communications se 299.82; Alexander, Tim se 250.00; American Environmental se 1890.00; B&C Steel eq 154.81; B&B Valley ct 12355.00; Baker & Taylor se 1488.84, 15.04; Barboza, Jose tt 137.00; Barker Cleaners se 30.00; Baum Hydraulics su 10.71; Bavco Backflow eq 301.40; Best Plumbing se 1857.09; Black Hills ut 1399.05, 122.46, 168.14, 32.52, 249.55, 61.24, 753.39; BOKF ct 8994.79; Bomgaars su 100.03, 261.26, 273.48, 397.16; Brenntag eq 4475.80; Busted Knuckle se 198.17; Capital One su 181.81; Cardmember su 3022.41, 31.96, 1951.53, 2140.85, 3450.22; Caselle ct 1694.00; CenturyLink su 193.77; Charter se 807.44, 358.86, 104.98; Cheyenne Co Community Center ct 11946.00; Cheyenne Co Emergency Center ct 28355.58; City of Sidney se

su tx 551.20, 40.80, 4.77, 14333.33, 16416.67, 475.00, 1000.00, 1247.04, 25.41, 482.26, sa 86884.63, 90275.90, 12148.82, 12128.10, 14708.87, 14882.03, 25388.42, 37431.79, 9911.76, 10166.52, 9752.36, 9128.03, in 4751.80, 63442.76, 6652.35, 8546.33, 518.62, 1181.97, 1183.65, 14098.97, 602.95, 6223.66, 357.96, 9161.44; City of Sidney Street re 560.00, 6413.45, 1233.42, 1644.00, 641.24, ut 3726.24, 1582.32, 169.76, 962.47, 414.09, 508.71, 11986.41, 10314.02; Clothes Hamper se 90.00; Consolidated Management se 178.96, 409.36; Contractor Materials se 1536.40, 9.00; CPS HR Consulting se 533.50; Cranmore Lawn se 3697.50; Cranmore Pest se 90.00; Culligan se 19.95, 36.00, 29.95, 29.95; Day & Night se 2516.00, 213.44, 360.00; Deaver Tire se 18.00; Demco su 94.40, 9.95; Department of Energy ut 15293.14; Diebold eq 806.66; Ditch Witch se 118.07; DP Electronics su 195.62, 133.98, 149.99, 467.63; E&S Auto su 794.82, 162.54, 813.24, 703.33, 66.57, 17.94, 417.46; Eakes su 32.49, 503.76, 217.04, 32.25, 14.60; Elan Visa su 137.97, 205.00, 3.99, 32.70, 285.80, 40.00; Engineering Unlimited se 211.44; Enviro Service se 120.00, 80.00; Equipment Transfer Reserves tr 4000.00, 7000.00, 55000.00, 5000.00, 6000.00, 33000.00, 35000.00, 39500.00, 2000.00, 3500.00, 3000.00, 60000.00, 50000.00, 62000.00, 85000.00; Finney's su 1352.03, 53.86, 1059.11, 175.18; Floyd's eq 291.04; Frenchman se 113.40, 55.49, 4865.92, 2562.44, 1258.54, 6699.76, 1468.81, 2109.01, 232.35, 356.81; Fyrtek eq 834.46; Gingerich, Sam su 1500.00; Golden West su 272.26; Grainger eq 419.58; Guideposts su 15.95, 3.99; Hach eq 288.87; Hamilton se 159.24, 49.95, 49.95; Haupt Landscaping se 1200.0; Hawkins Inc eq 666.54; Hometown Leasing ct 159.98, 135.13; Huber & Asso se 909.00; Ideal su 102.34, 51.17, 129.12; Independent Plumbing se 1699.00; Inland Truck eq 851.40; Landis & Gyr ct 754.88; Leal, Ron se 450.00; MacQueen Equip eq 198982.70; Matthews, Kim tt 98.00; Mizuno su 858.30; Municipal Chemical su 3900.00; MEAN ut 398407.78; Municipal Supply eq 56.44, 1201.07; Munimetrix ct 39.99; NDEE du 920.00, 115.00; NE Chamber du 400.00; NE Dept of Revenue tx 54546.43; NE Golf Asso du 22.00; NE law Enforcement du 558.00; NE Public Health se 736.00; NE Rural Water du 250.00; NE Salt & Grain su 3674.62; NT&T se 1718.20, 161.22, 260.25, 350.59, 62.93, 96.88, 185.71; NE Waste Reduction & Recycling du 25.00; NMC eq 3155.17, 909.09; Northwest Pipe eq 3228.95, 306.68; NT building su 20.00; One Call se 53.65, 53.65; POTK Network su 36.00; Palmer, Mike tt 36.00; Panhandle Auto se 69.93; PCAN du 50.00; Pins & Needles se 292.00; Platte River Tires su 1080.69; Power Screening eq 6152.47; Quill su 403.56, 67.40, 114.96; Radtke, Hank tt 16.00; Rood's Tire se 9.50, 25.75, 57.70; Russell Industries eq 543.30; Sargent Drilling eq 8077.80; Scotties Potties se 420.00; Segelke Janitorial se 780.00; Sidney Foundry du 1914.00; SRMC se 324.00; Sidney Sun Telegraph se 5.89, 1319.26; Sonny's su 98.73; Splish Splash se 328.38; Spring Creek Cleaning se 400.00, 400.00, 400.00; Stone, Eloise rt 400.00; SymbolArts se 206.65; T&L Cleaning se 275.00; Tital Machinery se 558.06; Tour Edge su 165.00; Trans Landfill Closure Acct tr 40408.00; Triple O's su 87.54; United Laboratories su 440.00; USA Bluebook su 287.58, 396.13; Verizon se 39.99, 300.66, 841.72, 64.88, 41.02, 128.06, 41.02, 82.04; Viaero se 34.72, 64.86; Volvik su 450.00; Waite, Patrick re 15.23; Wells, Don tt 16.00; Wheatbelt ut 11380.22; Whitebluffs se 683.89; Woods & Aitken se 366.00; WPCI se 231.50; Wyoming First Aid su 167.92; Young's Plumbing se 350.14.

Lane Kizzire, Financial Director, gave the budget report for November, 2021. Gallaway asked for a motion to approve the budget report. Radcliff moved, Olsen seconded, "That the budget reports be approved for November, 2021." Roll call vote: Yeas: Arterburn, Sherman, Gallaway, Radcliffe, Olsen. Nays: None. Abstain: None. Absent: None. Motion passed.

City Manager Scott reminded the public that the Hillside Golf Course has Christmas gifts available and the Aquatic Center has Pool Passes that would also make great Christmas presents. Scott also stated that we are continuing to update our streaming system. Scott thanked Wendall Gaston and the NE Community Foundation for donating 50 percent of the cost. The 3E meeting at WNCC was very productive promoting entrepreneurship. Scott thanked Mayor Gallaway for attending. The Chamber Banquet is January 29 and the City of Sidney Banquet is January 7.

Arterburn asked if the franchise fee include a public access channel. Scott replied that it did.

Olsen stated the Sidney Housing Authority has a meeting on December 15.

Gallaway stated that he visited with Wendall Gaston, former Councilman, about the franchise agreement with Charter. A representative from Charter came out from Kansas City. He had promised that they would replace the backend equipment – when it leaves the city and goes back to Charter/Spectrum. Both Gallaway and Gaston were under the opinion that this would have happened and it did not. Kizzire reported that the Eddie Trower was the person that came down from Kansas City for Charter in 2016. The minutes do not reflect anything about the equipment. The minutes include the channel be converted from high definition, the PEG channel as well as the franchise fee. Gallaway asked Kizzire to reach out to Charter in good faith. Gallaway stated that the Parade of Lights was well attended and thanked all who participated and helped with the event. He reported that Santa was in top form.

Meeting adjourned at 7:50 p.m.

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/s/ROGER GALLAWAY, MAYOR

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ATTEST: /s/LORI BORCHERT, CITY CLERK