

Sidney, Nebraska, April 12, 2022 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 April 12, 2022 in the Council Room. Present in person were: Mayor Gallaway and Council Members: Ellwanger, Sherman, Radcliffe and 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.

Gallaway asked for a motion to approve minutes from the City of Sidney Council meeting held on March 22, 2022. Ellwanger noted a correction that former Councilman Arterburn was listed as being present at the last Council Meeting. Borchert stated that the minutes had previously been corrected and will amended accordingly. Ellwanger moved, Sherman seconded, "That the minutes from the City of Sidney Council meeting held on March 22, 2022 be approved." Roll call vote: Yeas: Ellwanger, Sherman, Gallaway, Radcliffe, Olsen. Nays: None. Motion passed.

Mayor Gallaway announced that a Public Hearing would be held at 6:16 p.m., consideration of **Ordinance No. 1835**, application of rezoning for Alexander & Melissa Ramirez. Hal Lentz was present to represent. Lentz stated that the Ramirez's purchased the ground and were looking to build a house and plant some trees. There were no comments from the public. Gallaway closed the Public Hearing at 6:20 p.m.

Gallaway asked to designate the ordinance. Radcliff moved, Sherman seconded, "That Ordinance 1835 be designated." Roll call vote: Yeas: Ellwanger, Sherman, Gallaway, Radcliffe, Olsen. Nays: None. Motion passed. Gallaway asked Clerk Borchert to read the Ordinance by title. Borchert read, "THAT AN ORDINANCE PROVIDING FOR THE REZONING OF A TRACT OF LAND SECTION 8 TOWNSHIP 13 RANGE 49 PART OF NE/4 NORTH OF E-W ACCESS ROAD LANDS INSIDE AND COMMONLY KNOWN AS PARCEL 170074218, FROM C3 (COMMERCIAL) TO A (AGRICULTURAL); AMENDING THE SIDNEY ZONING CODE AND ZONING MAP OF THE CITY OF SIDNEY, NEBRASKA, ADOPTED BY ORDINANCE NO. 1835 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." Gallaway asked if there was a motion to suspend the readings. Sherman moved, Radcliffe seconded, "That the readings for Ordinance 1835 be suspended." Roll call vote: Yeas: Sherman, Radcliffe Nays: Gallaway, Olsen, Ellwanger. Motion denied. The second reading will be April 26, 2022.

Lane Kizzire, Finance Director, brought before Council information pertaining to the rate adjustments for Ordinances 1832, 1833 and 1834 and Resolution 20220302. Kizzire stated that this was the second reading. In summary, Kizzire stated, the goal was to raise revenues while not impacting the residential customers. Adjusting the rates and moving \$5 from the Water Debt Assessment to the Wastewater Debt Assessment will free up \$197,000 in the Wastewater budget every year. Adjusting the sewer and landfill rates so no residential customer sees a difference makes the timing impeccable. Kizzire also stated that an estimated additional \$100,000 annual revenue for the sewer department and \$150,000 annual revenue increase for the landfill with no impact to residential customers. Kizzire recommended that Council move forward with the rate adjustments and stated that they would not take effect until July 1, 2022. Gallaway recommended that the ordinances and the resolution all have the same actions taken on each.

Gallaway asked Clerk Borchert to read **Ordinance No. 1832** by title for a second time. Borchert read as follows: "AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA TO AMEND SECTION 1042.21A 2004 AND 2015 WATER PROJECT DEBT ASSESSMENT (WDA), OF CHAPTER 1042 WATER OF TITLE FOUR UTILITIES, OF PART 10 STREETS, UTILITIES AND PUBLIC SERVICES CODE OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, 1977, TO REDUCE THE WATER PROJECT DEBT ASSESSMENT; TO REPEAL ANY OTHER ORDINANCE OR PART OF ORDINANCE IN CONFLICT WITH THE PROVISIONS THEREWITH, AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE." Gallaway asked if there was a motion to suspend the third reading. Olsen stated he would like to move to a third reading. The third reading will be on April 26, 2022.

Gallaway asked Clerk Borchert to read **Ordinance No. 1833** by title for a second time. Borchert read as follows: "AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA TO AMEND CHAPTER 1045 SEWER AND PRIVATE DISPOSAL SYSTEMS OF TITLE FOUR UTILITIES, OF PART 10 STREETS, UTILITIES AND PUBLIC SERVICES CODE OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, 1977, TO PROVIDE FOR A WASTEWATER TREATMENT FACILITY PROJECT DEBT ASSESSMENT BY ADDING SECTION 1045.36 2009 WASTEWATER TREATMENT FACILITY PROJECT DEBT ASSESSMENT; TO REPEAL ANY OTHER ORDINANCE OR PART OF ORDINANCE IN CONFLICT WITH THE PROVISIONS THEREWITH, AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE." The third reading will be on April 26, 2022.

Gallaway asked Clerk Borchert to read **Ordinance No. 1834** by title for a second time. Borchert read as follows: "AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA TO AMEND SECTION 1045.31 CHARGES, OF CHAPTER 1045 SEWER AND PRIVATE DISPOSAL SYSTEMS OF TITLE FOUR UTILITIES, OF PART 10 STREETS, UTILITIES AND PUBLIC SERVICES CODE OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, 1977, TO PROVIDE FOR A DIFFERENT MONTHLY BASE CHARGE FOR YEARLY USAGE OF SEWERS AND PRIVATE DISPOSAL SYSTEMS, TO PROVIDE FOR A SEWER DEBT ASSESSMENT, TO REPEAL ANY OTHER ORDINANCE OR PART OF ORDINANCE IN CONFLICT WITH THE PROVISIONS THEREWITH, AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE." The third reading will be on April 26, 2022.

Following discussion by Council, it was decided that **Resolution No. 20220302**, City Landfill rate adjustments for the collection and disposal of waste, trash and rubbish, be tabled. Gallaway asked for a motion to table Resolution 20220302. Olsen moved, Sherman seconded, "That Resolution 20220203, addressing City Landfill rate adjustments, be tabled." Roll call vote: Yeas: Ellwanger, Sherman, Gallaway, Radcliffe, Olsen. Nays: None. Motion passed.

Gallaway brought before Council **Resolution No. 20220401**; amending THE FEE SCHEDULE TO ALLOW FOR ADDITIONAL FOOD VENDOR FEE OPTIONS TO OCCUPATION TAX, SECTION 882.08 FOOD VENDOR FEE; AND THE FOLLOWING CHARGES/FEEES ARE HEREBY APPROVED AND ADOPTED AND SHALL BE IN EFFECT AS OF JUNE 15, 2022. VENDORS SELLING FRUIT, VEGETABLES, FISH, MEAT, CHEESE AND MERCHANDISE FROM VEHICLES IN THE COMMERCIAL DISTRICTS OTHER THAN THOSE SELLING DIRECTLY

TO REGULARLY ESTABLISHED PLACES OF BUSINESS WITH THE CITY WILL PAY A PER DAY \$30 FEE; OR ANNUAL FEE OF \$350, SAID PERMIT BEGINNING UPON PURCHASE AND LASTING 12 MONTHS. Gallaway asked if there were any other comments. John Phillips, Sidney resident, stated that he thought the food vendors should have a Nebraska Sales Tax License and a Nebraska Food License, to be fair to other establishments and also that pay taxes and property taxes. Phillips also doesn't think that other vendors should be allowed to sell on the ballfields as he has an agreement with the Cheyenne County Community Center. Gallaway stated that there is a meeting with the Community Center on April 13, where this would be discussed. Attorney Leef stated that the resolution currently is addressing the occupation tax and that the issues being discussed are an administrative policy. Gallaway stated he thought this was an appropriate time to discuss the vendors playing by the same rules, checking for a food and sales tax licenses. Gallaway asked staff to further investigate this. Gallaway stated the current issue is setting an annual food/merchant vendor fee for \$350, Resolution No. 20220401. Gallaway asked if there were further comments or a motion. Radcliffe motioned, Sherman seconded, "That Resolution No. 20220401, adding a \$350 annual vendor fee to the fee schedule, be approved." Roll call vote: Yeas: Ellwanger, Sherman, Gallaway, Radcliffe, Olsen. Nays: None. Motion passed.

Gallaway brought before Council **Resolution No. 20220402**; approval of the application of subdivision for Keith & Marilyn Rieken to SUBDIVIDE A TRACT OF LAND LOTS 1 & 2, BLOCK 4 OF JOHN TREINEN SUBDIVISION BEING A REPLAT OF BLOCK 4 OF AMENDED PLAT OF JOHN J. TREINEN SUBDIVISION. LYING IN THE SOUTHEAST ¼ OF SECTION 6, TOWNSHIP 13 NORTH, RANGE 49 WEST OF THE 6TH PRINCIPAL MERIDIAN, OF THE CITY OF SIDNEY, CHEYENNE COUNTY, NE. Kizzire spoke on behalf of the Rieken's. Kizzire stated that this is a subdivision and not a rezoning. Gallaway asked for comments or a motion. Sherman moved, Ellwanger seconded, "That Resolution No. 20220402, application for subdivision for Keith & Marilyn Rieken, be approved." Roll call vote: Yeas: Ellwanger, Sherman, Gallaway, Radcliffe, Olsen. Nays: None. Motion passed.

Gallaway brought before Council **Resolution No. 20220403**; approval of THE SOUTH PLATTE NRD HAZARD MITIGATION PLAN. David Scott, City Manager, stated that every ten years the SPNRD updates the hazard mitigation plan. The plan covers hazard mitigation from all types of natural occurrences such a flood, wildfires, levee failure. The passing of this resolution will formally acknowledge the plan. Scott stated that he included a link to view the plan in its entirety in the meeting packet. Gallaway asked for a motion to approve the plan. Radcliffe moved, Olsen seconded, "That Resolution No. 20220403, approval of the South Platte NRD Hazard Mitigation Plan, be approved." Roll call vote: Yeas: Ellwanger, Sherman, Gallaway, Radcliffe, Olsen. Nays: None. Motion passed.

Tom VonSeggern, Parks Superintendent and Tree Board, stated that April 29, 2022 is Arbor Day in Nebraska. An annual Arbor Day Celebration with the City Tree Give-Away will be April 23 at the Lodgepole Valley Youth Camp. Registration will begin at 7:00 am. VonSeggern requested that the Mayor read and sign the Arbor Day Proclamation so the City could apply for 2022 Tree City USA designation at the end of the year. Mayor Gallaway read and signed the Arbor Day Proclamation.

City Manager Scott requested that the Mayor proclaim the week of April 18-22, 2022 as Community Development Week. Mayor Gallaway read and signed the Community Development Week Proclamation.

Michael Palmer, Electric Superintendent, stated that staff has continued working with Exponential Engineering Company to evaluate improvements that our 2019 Master Plan identified as possible projects to improved system reliability. The study included a new transmission delivery point which would create a loop of the existing transmission system and the possibility of installing distributed generation to restore essential loads on the distribution system. This generation would allow for rolling black-outs to customers in the event of a major disaster to the bulk electric system. The two options presented by Palmer were 1) Transmission for a total of \$4,085,000 and 2) Generation for a total of \$2,599,432. Palmer stated that staff recommends continuing to pursue the implementation of distributed generation at the South Substation consistent with Exponential Engineering recommendation. Alternatives are to pursue the new transmission delivery point or not moving forward with either project. Palmer reiterated that this will not feed the whole town. The city would still have rolling black-outs. The city has this budgeted for. Palmer stated that is if this is something Council would like to move forward with, he will fast track this from an engineering perspective so we can get the units pictured on reserve. Gallaway stated that Council has spent a lot of time planning. Radcliffe stated that there would be no increase cost to residents. Gallaway recommended that this be pursued. Council was in agreement. Attorney Leef stated this did not need a formal vote. Gallaway instructed Palmer to move ahead with the implementation and give them an updated report.

Finance Director Kizzire, presented the March 2022 budget reports to Council for approval. Gallaway asked for a motion. Olsen moved, Ellwanger seconded, "That the Budget Reports for March 2022, be approved." Roll call vote: Yeas: Ellwanger, Sherman, Gallaway, Radcliffe, Olsen. Nays: None. Motion passed.

Gallaway asked for a motion to approve the claims for March 2022. Ellwanger moved, Sherman seconded, "That the claims for March 2022, be approved." Roll call vote: Yeas: Ellwanger, Sherman, Gallaway, Radcliffe, Olsen. Nays: None. Motion passed.

That the following claims for March 2022, 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)

21st Century eq 311.09, 912.04, 1296.24, 126.35; A-1 Sports se 92.00; Accelerated Receivables se 119.60; Acushnet eq 1992.29; AlSCO eq 943.73; Altec eq 2021.88; American Environmental eq 3321.81; Arbor Day du 60.00; Associated Supply eq 771.46; Baker & Taylor su 1976.00; 19.76; Barker Cleaners se 30.00; Bayne, Blake re 8.24; Bello, Victor se 800.00; Benzel, Candy tt 39.00, 16.00; Black Hills ut 2945.01, 486.04, 710.88, 37.65, 859.34, 243.02, 1938.18; BOKF ct 8994.79; Bomgaars su 90.17, 18.99, 323.78, 53.06, 453.75, 383.66, 29.01; Brenntag Great Lakes eq 4899.54; Capital One su 130.14; Cardmember se 6467.02, 47.64, 415.66, 152.42, 250.26; Caselle ct 1774.00; CenturyLink se 1146.87, 192.51; Charter se 119.98, 389.14, 109.98; Cheyenne Co Community Center ct 9000.00; Cheyenne Co Court se 17.00; Cheyenne Co Emergency Comm Center ct 39329.50; City of Sidney tx se bd 1288.40, 3427.80, 14333.33, 14333.33, 16416.67, 237.50, 1000.00, 402.20, 1.13, 144.53, 353.87, sa 84445.18, 949.59, 86198.15, 11576.79, 11703.44, 15145.03, 86198.15, 24551.91, 25116.35, 10158.23, 10077.97, 9409.04, 9443.32, in 67825.32, 5651.86, 9532.80, 773.05, 13096.90, 973.78, 14261.81, 1238.77, 6223.66, 570.73, 9392.20, 570.72, ut 3009.81, 1977.77, 21.60, 155.93, 1292.62, 251.92, 1613.26, 7201.19, 2367.06, 10897.63, 122.15; Cleveland Golf eq 1798.95; Clothes Hamper se 15.00; Conserv Flag su 747.00; Consolidated Management su 127.52, 143.89; Contractors Materials eq 670.00; Country Printer su 306.00, 89.00, 548.00; Cranmore Pest Control se 90.00, 90.00; Culligan se 19.95, 41.95, 5.00, 29.95; Curlee, Mike se 320.00; Day & Night se 108.89,

848.80, 753.41; Demco su 325.46, 10.95; Dept of Energy ut 15821.64, 14401.30; DHHS du 700.00; Digital Alley eq 2292.00; DP Electronics su 2847.39, 739.98; Dynamic Brands se 160.00, 160.00; E&S Auto su 155.84, 247.00, 1241.61, 481.39, ; Eakes su 84.05; Eakes su 417.22, 23.16; Eichner Sales su 541.62; Elan Visa su 182.13, 182.36, 147.89, 40.00, Electrical Power Products eq 15310.35; Enviro se 100.00, 100.00, 37.00; Finneys su 332.37, 128.75; 488.56, 54.26, 301.41, 173.59, Flood Communications se 50.00; Floyd's Truck eq 871.38, 20.21; Frenchman Valley su 5327.94, 3127.98, 6655.13, 1338.55, 1049.69, 565.52; Gale/Cengage Learning se 232.71; Galeton Gloves su 669.26; Galls su 34.24; Grainger su 133.06, 565.76, 69.78; Guideposts su 15.95, 3.99; Hall, Marshall re 300.00; Hamilton se 160.20, 49.95, 49.95; Harmon, James tt 8.45; Hometown Leasing ct 159.98, 135.13; Humdinger eq 773.60; Ideal su 212.84, 143.40; Inland Truck eq 7654.85; Kantor, Kasey tt 70.00; LL Johnson eq 2775.40, 3827.17; Landis & Gyr eq 754.88; Law Enforcement du 78.00; League of NE se 73.75; Leal, Ron ct 450.00; Live View GPS se 958.80; Logan Contractors se 20587.50; Lundgren, Cory tt 189.00; Maddox Motors eq 3865.12; Marsau's su 154.25; Mid Plains Community College tt 190.00; Midwest Connect su 290.00; Midwest Laboratories, Inc su 62.44; MEAN ut 432150.27; Municipal Supply eq 1152066, 654.29; Munimetrix Systems se 39.99; NE Dept of Revenue tx 58287.90; NE law Enforcement Training du 19.25; NE Public Health Environmental Lab se 48.00; NE State Fire Marshall se 72.00; NE State Patrol se 912.00; NE Statewide Arboretum du 55.00; NT&T se 1791.45, 168.52, 265.54, 205.99, 147.09, 353.08, 67.06, 101.26, 263.72; NE Library Asso se 310.00; NMC eq 664.00, 263.84, 1608.22; NMVCA se 105.00; Norgard, Melissa se 420.00; NSG su 7388.23; Omaha World Herald se 712.40; One Call se 5.75, 5.75; OPTK Networks se 36.00; Palmer, Mike tt 4120.00, 71.00; Paytech Fee se 30.21; Perfection Door eq 1322.00; Phillips, Kim re 39.00, 16.00; Plummer Ins se 69271.00, 16016.00, 29729.00, 23898.00, 23150.00, 27717.00; Quadiant Leasing se 750.00; Quill su 141.40, 176.34, 150.40; R&T Excavation se 837.50; Rauner & Asso se 49000.00; Real, Branson re 214.08; Rinder Printing su 646.21, 1122.99, 1938.60, 3368.96, 1292.40, 2245.97, 430.80, 748.66; Roderick, Rob tt 8.45; Rood's Tire se 9.75, 32.00, 136.95, 357.90; RT Service eq 2082.96; Ruybal, Russell re 14.18; Saylor Screenprinting se 208.50; Scott, David re 116.26; Scotties Potties se 350.00; Segelke Janitorial ct 780.00; Sidney Glass se 324.75; SRMC se 462.00; Sidney Sun Telegraph se 6.63, 1028.96; Sonny's su 54.16; Splish Splash se 89.80, 14.00; Spring Creek Cleaning se 400.00, 400.00; Sukup, Todd tt 16.00; SymbolArts eq 424.50; T&L Cleaning se 275.00; Titan Machinery su 6.40; Tour Edge eq 138.00; Triple O's su 114.17, 41.89; UPPR ct 3477.83; Verizon se 40.01, 298.05, 814.44, 68.60, 42.84, 133.52, 42.84, 85.68; Vermeer High Plains eq 4082.73; Viaero se 34.69, 34.42, 64.80, 64.54; Volvik eq 156.00 841.72; Walker Const se 600.00; Weathercraft se 652.00; Wesco Distribution eq 6089.88; Western United eq 4570.15; Wheatbelt ut 292.98, 9958.64; Whipple, Matt re 70.00; Whitebluffs ct 600.00; WPCI se 491.00; Wyoming First Aid su 96.90, 35.18, 41.36.

City Manager Scott thanked Council and anyone that came to the Strategic Defense lunch. Scott attended a meeting in Cheyenne on April 6 to meet with Lt. Colonel's Joseph Coslett & Erick Green. Scott stated that on April 27, there will be an informational public forum presented by the USAF at the Sidney High School. On April 4, the City broke ground on the ALLO project. On April 18, the Parks Project will break ground. On April 19, from 2:30 pm to 3:30 pm at SRMC, Adrienne Smith will have a meet and greet. Breakfast on the Boss will be on May 3 at 7:00 am for City Staff and Council.

Palmer reminds the public to vote for their gas supplier before April 21. If you don't vote, you will roll over to the default rate which will be higher than if you make a choice. The City won project of the year for the Ballfield Replacement Lighting. Lighting is going up at the Hartzler Basketball Court. ACE will donate to any group for Community clean up. Contact Palmer for details.

Sherman stated the Lighting Committee will have a meeting at the Elks next Wednesday.

Galloway stated he also attended the Airforce meeting, which was very informative. The Legion Park playground will be closed temporarily for the Park Project. The Park Project will be open in July.

Meeting adjourned at 7:47 p.m.

/s/ROGER GALLAWAY, MAYOR

ATTEST: /s/LORI BORCHERT, CITY CLERK - TREASURER