

## Sidney, Nebraska, November 8, 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 7:00 P.M. on November 8, 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.

Mayor Gallaway asked for approval of the minutes for October 25, 2022. Olsen moved, Radcliffe seconded, "That the minutes for October 25, 2022 be approved." Roll call vote: Yeas: Ellwanger, Sherman, Gallaway, Radcliffe, Olsen. Motion passed.

Joshua Wood, Operations Director, Sidney Sun Telegraph, came before Council to inform them that the Sun Telegraph would be replacing the tethered awning on 12<sup>th</sup> Avenue. Mayor Gallaway cautioned Wood not to do improvements before incentive money is approved as they would be unable to get reimbursed. Gallaway thanked Wood for the information.

Mayor Gallaway opened a public hearing for **Resolution 20221101**, Class CK liquor license for James D Lenzen dba Jimmy'Gs; and making a recommendation to the NE Liquor Control Commission, at 7:04 pm. Lenzen was present to represent. There were no objections to the application. The public hearing was closed at 7:06 pm. Gallaway asked for a motion. Sherman moved, Ellwanger seconded, "That Resolution 20221101; Class CK liquor license for James D Lenzen dba Jimmy'Gs; and making a recommendation to the NE Liquor Control Commission be approved." Roll call vote: Yeas: Ellwanger, Sherman, Gallaway, Radcliffe, Olsen. Motion passed. \*\*Complete resolution can be viewed at the office of the City Clerk at 1115 13<sup>th</sup> Avenue.

Hank Radtke, Street Superintendent, asked for Council approval of **Resolution No. 20221102**, Year End Certification of City Street Superintendent. Radtke stated that this is an annual requirement that must be met in order for a municipality to qualify for an annual incentive payment by the state. Mayor Gallaway asked for a motion. Sherman moved, Radcliffe seconded, "That Resolution No. 20221102 be approved." Roll call vote: Yeas: Ellwanger, Sherman, Gallaway, Radcliffe, Olsen. Motion passed. \*\*Complete resolution can be viewed at the office of the City Clerk at 1115 13<sup>th</sup> Avenue.

Mayor Gallaway asked for a motion to approve his appointment of Clay H Radtke as the Street Superintendent. Olsen moved, Sherman seconded, "That the appointment of Clay H Radtke, as the Street Superintendent, Class A, License S-1072 be approved for January 1, 2023 – December 31, 2023 for the purpose of the 2023 calendar year Highway Incentive Payment." Roll call vote: Yeas: Ellwanger, Sherman, Gallaway, Radcliffe, Olsen. Motion passed.

Victoria Loghry came before the City Council to address concerns with her down-town buildings. Loghry said she had also discussed problems with the Planning Commission meeting on October 17. Loghry stated she has issues with her buildings because of the way the Electric and Zoning has placed the utilities. Loghry distributed photographs of electrical panels, which she believes is an eyesore. She also stated the garbage cans are causing damage to her building when it rubs against it. Mayor Gallaway asked if there were any zoning codes that were contrary to the landscaping plans. Loghry stated there were none. Gallaway asked what the Planning Commission suggestions were. Loghry responded that the Planning Commission stated that they would take it into consideration when doing the Master Comp Plan. Olsen asked if Loghry or other small business had asked for any incentives. Loghry had not asked for any. City Manager Scott stated the GL Huyett was planning on moving the electrical panel at Huyett's expense and that the City can not move any electrical until Huyett moves theirs. Mike Palmer, Electric Superintendent, stated that City policy is the City gets electrical to the property line and the property owner takes it to their meter. Loghry asked if the City has a special engineer look at the buildings before they install the electrical. Palmer reiterated that the City's responsibility is

to get electrical to the property line. Attorney Leef stated by state statute the City only has the authority to take service to the property line, the rest is the building owners decision. Palmer stated that the down-town area is a difficult area to service and that the City works in conjunction with the business owners to find an acceptable solution for all parties involved. Gallaway suggested that the City checks to see if the existing codes are in place and possibly identify other codes and policies so the City performs in a consistent manner. Palmer stated that the City never places anything on an owners' building or property without permission and that Loghry was saddled with the previous owners decisions. Sherman asked who would pay the cost of an engineer if it was made City policy. Marshall Hall, Chief Building Official, responded that it would be the business owner. Loghry thanked Council for their time. Gallaway thanked Loghry for bringing this to Council as well as to the Planning Commission.

Mayor Gallaway asked for approval of the claims. Sherman moved, Olsen seconded, "That the claims for October 2022 be approved." Roll call vote: Yeas: Ellwanger, Sherman, Gallaway, Radcliffe, Olsen. Motion passed.

That the following claims for October 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, tx tax, ut utilities)

21<sup>st</sup> Century Equipment eq 55.86, 99.14; Accelerated Receivables se 236.62; Acushnet eq 149.82; Air Quality se 630.00; ALSCO eq 123.88; American Environmental se 4830.00; American Legal se 495.00; Arrowhead su 181.70; Baker & Taylor su 2361.09, 23.78; Barboza, Joes tt 296.00; Bavco Backflow eq 779.00; Best Plumbing su 286.20; Black Hills Energy su 384.00, 19.64, 35.02, 37.65, 90.58, 9.83, 271.70; BOKF, NA ct 9160.21; Bomgaars su 10.47, 86.11, 68.77, 25.74, 43.52; Busted Knuckle se 4166.40; Cardmember se 2234.81, 899.82, 111.24, 1270.66, 21.97; Caselle ct 1828.00; Cashwa su 345.85; Cengage Learning su 177.54; Centurylink se 193.92; Charter se 403.49, 109.98; Cheyenne Co Community Center ct se 6250.00, 9000.00; Cheyenne Co Emergency Comm Center ct 27404.29; City of Sidney bd ex tx ut 209.25, 379.02, 10.00, 1000.00, 2482.10, 587.16, 605.36, 6937.54 sa 102667.88, 2018.10, 96041.69, 1805.41, 13367.08, 13032.03, 15780.21, 16008.83, 25494.99, 25336.00, 7967.29, 9031.01, 10425.61, 10650.93 in 5376.91, 64648.23, 786.55, 8579.19, 774.14, 10738.27, 1270.77, 104351.16, 552.16, 5595.22, 514.88, 1425.63 ut 8484.60, 1812.20, 26.80, 150.10, 2673.18, 70.95, 606.68, 15898.55, 772.48, 1049.33, 113.03; Consolidated Management eq 220.40, 137.90; Contractor Materials su 75.00, 212.10; Correll Refrigeration se 1745.00; Coyote Caller su 16.00; Cranmore Fire se 378.00; Cranmore Lawn ct 7133.99; Croell su 795.51; Culligan su 19.95, 29.95, 29.95; Darin's Auto se 420.00; Deaver Tire se 161.36, 15.00; Dept of Energy ct 17088.78; DHHS re 79.77; DP Electronics su 265.00, 702.98, 946.97, 118.25; E&S Auto su 12.18, 70.42; Eakes su 144.95, 66.58, 185.31, 2686.95, 73.96; Elan Visa su 309.28, 5.99, 249.42, 31.60, 20.00; Enviro Safety su 101.91; Enviro Service se 150.00; Everclear Window Cleaning se 375.00; Faris Plumbing se 4851.00; Finney's su 8.99, 139.66; Flood Communications se 5280.00; Floyd's Truck se 100.71; Frenchman Valley se 290.06, 2106.16, 2880.33, 2196.56, 8458.38, 2301.22, 1013.86, 1554.66; GLEC du 350.00; Gold Rush Committee se 5000.00; Gordon's Body Shop se 35.00; Grainger su 63.27; Guideposts su 15.95, 3.99; Helnore, Raymond re 65.85; High Plains Bud su 133.10, 103.55, 307.95; Hometown Leasing ct 159.98, 136.21; Huls Body Shop se 50.00; Iron Shoppe se 90.00; JJ Plumbing se 2600.00; Johnson, Maggie tt 20.00; Kansas Municipal se 900.00; Keep Sidney Beautiful ct 10000.00; Kizzire, Lane re 28.90; LL Johnson eq 7823.32; League of NE du 955.25, 650.00, 1805.25, 1120.25, 955.25; Leal, Ron ct 450.00; Leef Law ct 10000.00, 5000.00; Main Street Designs ut 3436.76; Melchior, Dave re 102.22; Miller & Sons Golf Cars se 90.90; MEAN ut du 427095.35, 10000.00; Municipal Supply su 3833.83; Munimetrix Systems su 39.99; NDEE Fiscal se 3999.90; NE Child Support re 283.38; NE Department of Environment & Energy se 380.00; NE Dept of Revenue tx 66411.98; NE law Enforcement Training Center du 175.00; NE Public Health Environmental Lab su 127.00; NE Rural Water du 275.00; NE Safety/Fire eq 231.00, 345.00; NE State Treasurer re 439.42; NT&T se 1784.66, 169.62, 281.04, 363.86, 67.43, 102.11, 213.07; NMC eq 379.74, 644.18; Northern Safety eq 286.67; Olsson Asso se 2474.06; OPTK Networks se 36.00; Palmer, Mike tt 123.00, 82.00; Panhandle Auto se 678.61, 75.52, 436.31; Panhandle Regional Development se 50.00; Paytech Fee se 30.00, 30.00; Pepsi su 409.09; Pins & Needles se 560.42; Plummer Ins se 80153.25, 12.75, 22096.50, 40451.25, 28030.50, 22502.75, 27644.50; Preferred Roofing se 330.00; Quadient Leasing ct 5010.00; RCIS se 1463.00; REI se 172.06; Rood's se 57.95; Sidney Glass su 565.94, 739.20, 50.00; Sidney Regional se 192.00; Sidney Sun Telegraph se 6.50, 1056.54; Simon Contractors su 269.00; Simon Materials su 527.50, 361.88; Sonny's su 537.69; Spic & span su 4723.10; Spring Creek Cleaning ct 412.00, 412.00; Sterling, Dean tt 106.00; T&L Cleaning ct 275.00; Thomson Reuters se 30.00; Time Clock Plus se 489.96; Titan Machinery su 31.00; TKE Elevator se 365.07; Triple O's su 420.88, 69.17; USA Bluebook su 493.99; Verizon su 40.03, 320.08, 813.96, 68.55, 42.83, 133.49, 42.83, 85.66; Vermeer High Plains su 759.29; Viaero se

34.49, 64.68; Wheatbelt ut 11954.23; Willow Lake Education su 93.96; WIN 911 Software su 800.00; Wolff, Duane tt 106.00; WPCI se 152.00.

Finance Director, Lane Kizzire, presented the Budget Reports for October 2022. Gallaway asked for a motion to approve the budgets. Radcliffe moved, Sherman seconded, "That the budget reports for October 2022 be approved." Roll call vote Yeas: Ellwanger, Sherman, Gallaway, Radcliffe, Olsen. Motion approved.

City Manager Scott reported a successful Trunk or Treat with over 900 children participating. Scott reminded Council of the Visioning & Strategic Planning Session.

Radtke reported that the City has barricades behind Grandma Jo's.

Sherman echoed Scott's comments on the Trunk or Treat. Sherman stated that he also is very accepting of constructive criticism and the City can work together for a solution. Sherman encouraged Loghry to reach out to the E3 Committee.

Olsen stated that the City takes care of the locals, not only the businesses that are considering coming to Sidney.

Gallaway reiterated Olsen's comments, as well as keeping an eye on the future. Gallaway's final comment was that communicating is the only way that we can all keep up our common goal and make our City be as good as it can be.

Meeting adjourned at 7:58 p.m.

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/s/ROGER GALLAWAY, MAYOR

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ATTEST: /s/LORI BORCHERT, CITY CLERK