

Sidney, Nebraska, December 14, 2022 A Fair Housing City
Snow Declaration called; Meeting moved from December 13, 2022 via notifications

A meeting of the Mayor and Council of the City of Sidney, Nebraska, was convened in open and public session at 7:05 P.M. on December 14, 2022 in the Council Room. Present in person were: Mayor Gallaway and Council Members: Sherman, Radcliffe and Olsen. Others present: City Manager Scott, City Clerk Borchert, Attorney J. Leff (*via zoom*). 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. Notice of the change of meeting date was also given due to the Declared Snow Emergency. 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 excuse the absence of Council Ellwanger. Sherman moved, Gallaway seconded, "That Ellwanger's absence be excused." Roll call vote: Yeas: Sherman, Gallaway, Radcliffe, Olsen. Motion passed.

Mayor Gallaway asked for approval of the minutes for November 22, 2022. Radcliffe moved, Sherman seconded, "That the minutes for November 22, 2022 be approved." Roll call vote: Yeas: Sherman, Gallaway, Radcliffe. Abstain: Olsen. Motion passed.

City Manager Scott stated that the election results were confirmed on November 8, 2022. Confirmed votes as follows - *City Council 4-year term*: Paul Strommen 1149; Brad Sherman 904; Marva P. Ellwanger 822; Brandon Bondegard 982; Tony Jones 498; Scatterings 59. *City Council 2-year term*: Roger M. Gallaway 1365; Scatterings 50. *City Airport Authority*: Ron Meyer 1539; Scatterings 13. *City Renewal Sales and Use Tax*: Yes (for proposal) 1100, No (against proposal) 822. Mayor Gallaway asked for a motion to accept the County Clerk's certification of votes held on November 8, 2022 election in Cheyenne County. Olsen moved, Radcliffe seconded, "That the County Clerk's Certification Election of Votes held on November 8, 2022, be accepted." Roll call vote: Yeas: Sherman, Gallaway, Radcliffe, Olsen. Motion passed.

There being no further business, the Council adjourned *sine die* at 7:09 pm.

The newly elected members of the Council – Paul Strommen, Brad Sherman, Brandon Bondegard and Roger Gallaway were sworn into office by City Attorney Leef.

City Attorney Leef, acting as temporary chairman, called for nominations for Mayor of the Council. Roger Gallaway nominated Brad Sherman for Mayor. Leef asked if there were any other nominations. Leef asked for a motion to close the nominations. Gallaway moved "That nominations for Mayor be closed." *Voting was chosen to be done orally by Council*. Roll call vote: Yeas: Strommen, Sherman, Gallaway, Radcliffe, Bondegard. Motion (nomination) passed. Leef passed the meeting over to Mayor Brad Sherman. Mayor Sherman nominated Councilman Roger Gallaway for Vice-Mayor. There were no other nominations. Roll call vote: Yeas: Sherman, Gallaway, Radcliffe, Bondegard, Strommen. Motion (nomination) passed.

Attorney Leef clarified that due to the Emergency Snow Declaration and the change of the date of the meeting, only items of urgent or time sensitive matters be discussed and action taken.

Gallaway made a motion to table agenda items 9, 10, 12, 14 and 15 as they are not time sensitive and do not fall under emergency guidelines. Radcliffe seconded, "That items 9, 10, 12, 14, & 15 be tabled." Roll call vote: Yeas: Strommen, Gallaway, Sherman, Radcliffe, Bondegard. Motion passed.

Mayor Sherman called for a Public Hearing for **Resolution 20221201**, Class D liquor license for Maverik Inc. dba

Maverik 702 and manager application for Pamela J. Dillon; and making a recommendation to the NE Liquor Control Commission at 7:21 pm. Clerk Borchert stated that due to the inclement weather, a Maverik representative was unable to be present. Sherman closed the hearing at 7:21 pm. Sherman asked for a motion to approve Resolution 20221201. Gallaway moved, Bondegard seconded, "That Resolution 20221201, Class D liquor license for Maverik 702 and manager application for Pamela J. Dillon; and making a recommendation to the NE Liquor Control Commission be approved." Roll call vote: Yeas: Strommen, Gallaway, Sherman, Radcliffe, Bondegard. Motion passed.

Lane Kizzire, Finance Director, briefed Council on the implementation of the renewal of the ½ cent sales tax as per the November 8, 2022 election. Kizzire stated that the taxes would be implemented as follows: 50% street infrastructure, 25% Aquatic Center, 5% Hillside Golf Course, 10% Storm Water, 10% Park. Mayor Sherman asked to designate **Ordinance 1841**. Radcliffe moved, Gallaway seconded that Ordinance 1841 be designated. Roll call vote: Yeas: Strommen, Gallaway, Sherman, Radcliffe, Bondegard. Motion passed. Sherman asked the Clerk to read by title. Borchert read, "*An ordinance to increase the local option sales and use tax by one-half (1/2) percent from one and one-half percent to two percent upon the same transactions on which the State of Nebraska is authorized to impose such tax within the corporate limits of the City of Sidney, effective July 1, 2023 for a period of ten years; to provide for the repeal of all ordinances in conflict herewith; and to provide for an effective date of this ordinance.*" Sherman asked to waive the readings. Radcliffe moved, Strommen seconded, "That the three readings be waived." Roll call vote: Yeas: Strommen, Gallaway, Sherman, Radcliffe, Bondegard. Motion passed. Sherman asked to pass the ordinance. Gallaway moved, Strommen seconded, "That Ordinance 1841 be passed." Roll call vote: Yeas: Strommen, Gallaway, Sherman, Radcliffe, Bondegard. Motion passed. Sherman asked the Clerk to read by number. Borchert read, "1841". Sherman asked for a motion to publish. Gallaway moved, Bondegard seconded, "That Ordinance 1841 be published." Roll call vote: Yeas: Strommen, Gallaway, Sherman, Radcliffe, Bondegard. Motion passed.

Amanda Eastin, Library Director, stated that the board appointments are time sensitive as the Library Board meeting would be before the next council meeting. Eastin recommended appointment of Tanya Lewis and Steven DeWitt to the Library Board. Mayor Sherman asked for a motion. Gallaway moved, Radcliffe seconded, "That Tanya Lewis and Steven DeWitt be appointed to the Library Board." Roll call vote: Yeas: Strommen, Gallaway, Sherman, Radcliffe, Bondegard. Motion passed.

City Manager Scott came before Council on behalf of the UST Global building. UST Global has asked for early termination, vacating the building by January 31, 2023. UST Global's current lease will expire in August 31 of 2023. Scott stated the rent that UST Global pays is the property tax and the insurance on the building. Scott continued that no employees would lose their jobs and that UST Global is looking for a small building in Sidney. Scott also stated that there is an interested party in the purchase of the building. Gallaway asked Attorney Leef what type of advertisement needs to be done to sell the building. Leef stated that requirements would be to have an appraisal and to provide information regarding the sale. Leef also stated the building does not have to go out for an open bid, but has to be deemed in the best interests of the City. The sale must be exercised by ordinance as well as being published for three weeks and then the remonstrance period as well. Sherman asked for a motion. Bondegard moved, Radcliffe seconded, "That UST Global be allowed to terminate their lease by January 2023." Roll call vote: Yeas: Strommen, Gallaway, Sherman, Radcliffe, Bondegard. Motion passed.

City Manager Scott thanked the Chamber for their hard work and last-minute changes to the Holiday in Hickory event due to the weather. Scott also said the City Employee Recognition Banquet is January 6, 2023. Scott thanked the City crew for their work during the storm. Scott introduced Economic Director, Jeff Klare, to Council. Klare stated he believes his time here will bring new business opportunities as well as employees with a viable income.

Chief Aikens said the Shop with a Cop is this Saturday at the bowling alley.

Palmer congratulated the new Council and the Mayor.

Eastin reminded the public of the Library open house on the 15th.

Strommen thanked the City for swearing them in for public service.

Gallaway thanked everyone for making Holidays in Hickory a success. Gallaway thanked Bob Olsen and Marva Ellwanger for their service.

Sherman stated he looks forward to working with Strommen and Bondegard on Council. Sherman said we have a lot to look forward to.

Mayor Sherman asked for a motion for closed session. Gallaway moved, Radcliffe seconded, "That Council moves to close session for possible real estate negotiations." Roll call vote: Yeas: Strommen, Gallaway, Sherman, Radcliffe, Bondegard. Motion passed. Closed session began at 7:47 pm. Sherman asked for a motion to end closed session. Gallaway moved, Strommen seconded, "That closed session ends." Roll call vote: Yeas: Strommen, Gallaway, Sherman, Radcliffe, Bondegard. Motion passed. Closed session ended at 9:35 pm.

Gallaway stated that traditionally Council has one meeting in December. Mayor Sherman asked for a motion to amend the council meeting date. Strommen moved, Bondegard seconded, "That the Council Meeting be amended to one meeting in December and that there will be no meeting on December 27, 2022." Roll call vote: Yeas: Strommen, Gallaway, Sherman, Radcliffe, Bondegard. Motion passed.

Meeting adjourned at 9:38 p.m.

/s/BRAD SHERMAN, MAYOR

ATTEST: /s/LORI BORCHERT, CITY CLERK