

Sidney, Nebraska, June 28, 2016, 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 7:15 P.M. on June 28, 2016 in the Council Room. Present were: Mayor Nienhueser and Council Members: Gay, and Arterburn. Absent: Gallaway and Gaston. Others present: City Manager Sadler, City Clerk Anthony and 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 Nienhueser informed the public of the location of the posted Open Meetings Act.

Gay moved, Arterburn seconded "That Council Members Gallaway and Gaston be excused from this meeting." Roll call vote: Yeas: Nienhueser, Gay and Arterburn. Absent: Gallaway and Gaston.

Arterburn moved, Gay seconded AThat the minutes of the June 14, 2016 meeting be amended to correct the roll call vote regarding Resolution No. 20160602 to reflect Arterburn voting Nay. They were also amended to correct the name of one of the Boy Scouts that were present from Jeff to Gus Cowan; and that the amended minutes be approved." Roll call vote: Yeas: All council members present. Absent: Gallaway and Gaston.

Burke Splichal from Boy Scout Troop 90 was present to earn a Citizen/Merit badge. Mayor Nienhueser asked that if public wished to speak that they come to the podium and introduce themselves for the record.

City Manager Sadler presented the proposed conceptual design for the joint project with the City and JESWA to correct the storm water drainage area in east Sidney. The current proposal entails one berm and one dam as opposed to the berm and three new dams in this area as originally proposed. The one dam is basically intended to protect the area around the current Bomgaars, and the berm is intended to protect the area near the NRD office and housing to the north. The two dams to the east side of the project's area did nothing to protect any developed area and with the new requirements for developers to address storm water, these two structures seem to have little value for the future with the development picture unknown. The estimate for the proposed design is \$1.2 million. The City's share is 80% of final costs plus interest to be paid through sales tax revenues and possible other funding should it be so required. The design engineers have also been asked to provide the City with a relative cost of replacing the two 42" cement culverts with a large box culvert under the area for the future extension of Parkland Drive.

Gay moved Arterburn seconded "That the JESWA conceptual design be approved so the design engineer can proceed with the final designs." Roll call vote: Yeas: All council members present. Absent: Gallaway and Gaston.

The Clerk read Ordinance No. 1778 for the third time as follows: AThat the Ordinance entitled AAN ORDINANCE GRANTING TO BLACK HILLS GAS DISTRIBUTION, LLC D/B/A BLACK HILLS ENERGY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PERMISSION AND AUTHORITY TO CONSTRUCT, MAINTAIN AND OPERATE A GAS TRANSMISSION AND DISTRIBUTION SYSTEM, INCLUDING MAINS, PIPES, CONDUITS, SERVICES AND OTHER STRUCTURES, IN, UNDER, UPON, OVER, ACROSS AND ALONG THE STREETS, ALLEYS, BRIDGES AND PUBLIC PLACES WITHIN THE PRESENT AND FUTURE CORPORATE LIMITS OF THE CITY OF SIDNEY, NEBRASKA FOR THE FURNISHING, TRANSMISSION, DISTRIBUTION AND SALE OF GAS WHETHER ARTIFICIAL, NATURAL, MIXED OR OTHERWISE, FOR LIGHTING, HEATING, DOMESTIC, INDUSTRIAL AND OTHER USES IN SAID CITY AND ELSEWHERE, LIMITING THE TERM OF SAID GRANT, PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID COMPANY MAY OPERATE, AND REPEALING ALL OTHER ORDINANCES AND AGREEMENTS IN CONFLICT WITH THIS". Arterburn moved, Gay seconded "That Ordinance No. 1778 be finally passed." Roll call vote: Yeas: All council members present. Absent: Gallaway and Gaston. The passage and adoption of said ordinance having been concurred in by a majority of all members of the City Council was declared passed and adopted and the Mayor in the presence of the City Council signed and affixed his signature thereto. Arterburn moved, Gay seconded "That Ordinance No. 1778 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: All council members present. Absent: Gallaway and Gaston.

Discussion was held on the Jennifer Lane plans and specifications which include the L17J intersection turning lanes. Arterburn moved, Gay seconded AThat the Jennifer Lane plans and specifications which include the L17J intersection turning lanes be approved and that advertising for bids with a bid opening on July 18, 2016 be authorized.@ Roll call vote: Yeas: All council members present. Absent: Gallaway and Gaston.

Arterburn moved, Gay seconded AThat Resolution No. 20160606 be passed and approved.@ Roll call vote: Yeas: All council members present.

RESOLUTION NO. 20160605

Member Resolutions for Appointments

Director and/or Alternate Director to MEAN Board of Directors

BE IT RSOLVED that this is to certify that the City Council of the City of Sidney, State of Nebraska duly appointed Mike Palmer to serve as director to represent the City of Sidney on the Board of Directors of the Municipal Energy Agency of Nebraska. The appointment will run for a term of three (3) years with the powers and duties incident to such office. This certificate is issued in compliance with the Municipal Cooperative Financing Act contained in the Nebraska Revised Statutes §18-2401 et seq. (1987); AND

That this is to certify that the City Council of the City of Sidney, State of Nebraska duly appointed Ed Sadler to serve as alternate director to represent the City of Sidney on the Board of Directors of the Municipal Energy Agency of Nebraska. The appointment will run for a term of three (3) years with the powers and duties incident to such office. This certificate is issued in compliance with the Municipal Cooperative Financing Act contained in the Nebraska Revised Statutes §18-2401 et seq. (1987).

Representative and/or Alternate Representative to MEAN Management Committee

WHEREAS, the City of Sidney, State of Nebraska, is a party to the Electrical Resource Pooling Agreement and, pursuant to the terms of such Agreement, it is the responsibility of the City of Sidney to designate a representative and alternate representative to the Municipal Energy Agency of Nebraska Management Committee provided for under the terms of said Agreement.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Sidney, State of Nebraska, that:

1. The City Clerk is hereby directed to give written notice to the Municipal Energy Agency of Nebraska of the appointment of Mike Palmer as representative to said MEAN Management Committee.
2. The City Clerk is hereby directed to give written notice to the Municipal Energy Agency of Nebraska of the appointment of Ed Sadler as alternate representative to said MEAN Management Committee.

Representative and/or Alternate Representative to NMPP Members Council

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIDNEY, STATE OF NEBRASKA; that

1. Such City be and hereby is a member of the Nebraska Municipal Power Pool.
2. The City Council of the City of Sidney, State of Nebraska, do hereby appoint Mike Palmer as representative of the NMPP Members Council and that Ed Sadler is hereby appointed as Alternate Representative to the NMPP Members Council.

Director and/or Alternate Director to ACE Board of Directors

WHEREAS, the City of Sidney, State of Nebraska, is a party to the Interlocal Agreement creating the Public Alliance for Community Energy and, pursuant to the terms of said Agreement, it is the responsibility of the City to designate a representative of the City of Sidney to the Public Alliance for Community Energy Board of Directors provided for under the terms of said Agreement.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Sidney, that:

1. The City Clerk is hereby directed to give written notice to the Public Alliance for Community Energy of the appointment of Mike Palmer as the City's representative to said Board of Directors.
2. The City Clerk is hereby directed to give written notice to the Public Alliance for Community Energy of the appointment of Ed Sadler as the City's alternate representative to said Board of Directors.

City Manager Sadler presented information regarding re-appointing Deanna Volkmer and E. Todd Sherlock to the Planning Commission. He also noted that due to some resignations, we now have two vacancies and we will advertise as per the policy that was recently approved by the City Council. Gay moved, Arterburn seconded "That Deanna Volkmer and E. Todd Sherlock be re-appointed to the Planning Commission for three year terms." Roll call vote: Yeas: All council members present. Absent: Gallaway and Gaston.

Gay moved, Arterburn seconded "That Don Ogle be appointed to the Tree Board for a three year term." Roll call vote: Yeas: All council members present. Absent: Gallaway and Gaston.

City Manager Sadler presented an amended application to request the use of City property and ROW for public events. City Attorney reported she prepared insurance waivers to be used by individuals

or groups when applying for use of City property. This is currently being reviewed by our insurance carrier and others.

City Manager Sadler reviewed the proposed program that he had presented to Council on June 14th for residential energy savings. It included an energy rebates and LED bulb sale program for residential City electric customers. Pat Finney from Finney's ACE Hardware Store appeared to protest the sale of LED bulbs as it would be in competition with her business. Discussion was held on the details of the proposed sale of LED bulbs by the City and how the Rebate program would include purchase of LED bulbs from someone other than the City. The question regarding who the City would purchase their LED bulbs from and if ACE could be one of those entities was asked. Mrs. Finney felt that there could be some liability issues that would make her not to want to do this. The basic parameters of the Energy savings program that was approved on 6/15/16 was amended to read as follows:

- 1) This program is only available to current City electric customers,
- 2) Receipts must be provided,
- 3) Maximum rebate per electric customer per year is \$150,
- 4) Rebates are for up to 50% of the actual cost shown on receipts for eligible items up to \$75 per item,
- 5) Includes such things as any energy star electric appliances, programmable thermostats, heat pumps, insulation, A/C and water pipe insulation, florescent and LED lights.

Gay moved, Arterburn seconded "That the changes to the Energy Savings Program be approved." Roll call vote: Yeas: All council members present. Absent: Gallaway and Gaston.

Gay moved, Arterburn seconded "That the Budget Reports for all City Departments for May, 2016 be approved." Roll call vote: Yeas: All council members present. Absent: Gallaway and Gaston.

City Manager Report:

City Manager Sadler reported that Dawn Martin will begin work on July 5, 2016 as the Assistant City Manager. He reported on the Aquatic Center Revenue and the good comments on the facility by those in attendance at the Sidney Swim Meet this last weekend. Ed will be on vacation next week.

Meeting adjourned at 8:25 p.m.

/s/ MARK NIENHUESER, MAYOR

ATTEST: /s/G.F.ANTHONY, CITY CLERK

