

Sidney, Nebraska, September 27, 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 September 27, 2016 in the Council Room. Present were: Mayor Nienhueser and Council Members: Gallaway, Gaston, and Gay. Absent: Arterburn. 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.

Gallaway moved, Gaston seconded "That the minutes of the September 13, 2016 meeting be approved as printed." Roll call vote: Yeas: All council members present. Absent: Arterburn.

Gay moved, Gallaway seconded "That Council Member Arterburn be excused from this meeting." Roll call vote: Yeas: All council members present. Absent: Arterburn.

Paul Donna, Managing Director of Robert W. Baird & Co. presented a Finance Plan for the City of Sidney General Obligation Bonds which included objectives and constraints for: definitive long term financing; utilization of a combination of property taxes, tax increment financing, occupancy taxes and special assessments; obtain an investment grade credit rating; and to designate the new bond issue as bank qualified tax exempt obligations which will require the issuance of multiple series of bonds. Mr. Donna reviewed the estimated sources and uses, the estimated total debt service if rated "A"; the estimated debt service allocation and impact and a calendar of events. Questions, answers and discussion followed.

Gaston moved, Gallaway seconded "That Resolution 20160907 be approved." Roll call vote: Yeas: All council members present. Absent: Arterburn.

RESOLUTION NO. 20160907

BE IT RESOLVED AND ENACTED BY THE MAYOR AND COUNCIL OF THE CITY OF SIDNEY, NEBRASKA, as follows:

Section 1. That the following notes, in accordance with their option provisions, are authorized to be called for payment on the date as set forth in one or more Call Directions (as defined below), after which date interest on the notes will cease:

(a) Bond Anticipation Notes, Series 2014, dated July 2, 2014, in the total principal amount of \$4,045,000, numbered as shown on the books and records of the Paying Agent and Registrar and maturing in the principal amount(s) as follows:

<u>Principal</u>	<u>Maturity Date</u>
\$4,045,000	June 15, 2017

Said notes (the "2014 Notes") are subject to redemption at any time on or after January 2, 2016, at the principal amount thereof plus accrued interest to date fixed for redemption.

(b) Bond Anticipation Notes, Series 2015, dated June 30, 2015, in the total principal amount of \$3,035,000, numbered as shown on the books and records of the Paying Agent and Registrar and maturing in the principal amount(s) as follows:

<u>Principal</u>	<u>Maturity Date</u>
3,035,000	December 15, 2016

Said notes (the "2015 Notes") are subject to redemption at any time on or after December 30, 2015, at the principal amount thereof plus accrued interest to date fixed for redemption.

(c) Bond Anticipation Notes, Series 2015B, dated August 18, 2015, in the total principal amount of \$3,035,000, numbered as shown on the books and records of the Paying Agent and Registrar and maturing in the principal amount(s) as follows:

<u>Principal</u>	<u>Maturity Date</u>
\$3,035,000	December 15, 2016

Said notes (the "2015B Notes") are subject to redemption at any time on or after December 30, 2015, at the principal amount thereof plus accrued interest to date fixed for redemption.

Section 2. Each of the 2014 Notes, the 2015 Notes and the 2015B Notes (collectively, the "Notes") are to be paid at the office of the Treasurer of the City, Sidney, Nebraska, as paying agent and registrar for the Notes (the "Paying Agent").

Section 3. The Mayor or the City Manager (each, an "Authorized Officer") are each individually hereby authorized to determine on behalf of the City the call date for each series of said Notes, and such determination, when made in writing, in substantially the form attached hereto (each, a "Call Direction"), shall constitute the action of the City without further action of the Mayor and Council. In the event any applicable Call Direction is not executed and delivered on or before June 15, 2017, the Authorized Officers shall have no authority to make any further determinations hereunder without further action of the Mayor and Council Members of the City and this resolution as it relates to future Call Directions, if any, shall be of no further force and effect.

Section 4. A true copy of this resolution together with the applicable executed Call Direction (together, the "Call Documents") shall be filed with the Paying Agent to effect the call of the particular series of Notes to be called for redemption. Upon receipt of the Call Documents for a series of Notes, the Paying Agent is hereby instructed to mail notice to each registered owner of such Notes not less than thirty days prior to the date fixed for redemption, all in accordance with the ordinance or ordinances authorizing the issuance of the Notes, and to take all other actions deemed necessary in connection with the redemption of such Notes.

Gaston moved, Gay seconded "That the Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION VARIOUS PURPOSE BONDS, IN ONE OR MORE SERIES, OF THE CITY OF SIDNEY, NEBRASKA, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED FOURTEEN MILLION FIVE HUNDRED THOUSAND DOLLARS (\$14,500,000) FOR THE PURPOSE OF PAYING INTERIM FINANCING FOR THE COSTS OF STREET IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NOS. 53, 54, 56, 58, 59, 60, 61 AND 62, SEWER SYSTEM IMPROVEMENTS IN SANITARY SEWER EXTENSION DISTRICT NOS. 21, 23 AND 24, AND WATER SYSTEM IMPROVEMENTS IN WATER EXTENSION DISTRICT NOS. 21, 22 AND 23; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID BONDS; AUTHORIZING OFFICERS OF THE CITY TO MAKE ARRANGEMENTS FOR THE SALE OR PLACEMENT OF THE BONDS AND TO DESIGNATE THE FINAL TERMS, RATES AND MATURITY SCHEDULE FOR EACH SERIES OF SAID BONDS WITHIN STATED PARAMETERS; APPROVING POST ISSUANCE COMPLIANCE POLICIES AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM" be designated as Ordinance No. 1781." Roll call vote: Yeas: All council members present. Absent: Arterburn. Gay moved, Gallaway seconded "That the Statutory requirement requiring the ordinance to be read by title three different days be suspended." Roll call vote: Yeas: All council members present. Absent: Arterburn. The motion having been concurred in by three-fourths of the Council be declared passed and adopted and said statutory requirement suspended. The City Clerk then read the Ordinance by number. Gaston moved, Gay seconded "That Ordinance No. 1781 be finally passed." Roll call vote: Yeas: All council members present. Absent: Arterburn. 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. Gallaway moved, Gaston seconded "That Ordinance No. 1781 be published in pamphlet form." Roll call vote: Yeas: All council members present. Absent: Arterburn.

A franchise agreement with Charter Communications VI, LLC was discussed. Since the Council had questions about the agreement as well as the services given to the community, the agreement was tabled until the Company could have somebody present to discuss the Council's concerns. City Manager Sadler said he would relay this information on to Charter.

Gay moved, Gallaway seconded "That RESOLUTION NO. 20160908 be passed and approved." Roll call vote: Yeas: All council members present. Absent: Arterburn.

RESOLUTION NO. 20160908

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SIDNEY, NEBRASKA:

That the Planning Commission of the City of Sidney, Nebraska, has submitted to the City Council of the City of Sidney, Nebraska, its final report regarding a Chronic Nuisance Ordinance for the City of Sidney; and

That the City Council of the City of Sidney proposes to consider said report; that a public hearing will be held thereon in the Municipal Building of the City of Sidney, Nebraska, at 7:15 o'clock P.M. on the 11th day of October, 2016 at which time and place parties in interest and citizens shall have an opportunity to be heard; and that the City Clerk is hereby directed to give the proper notice of said hearing in compliance with the law at least ten days prior to said hearing.

Gaston moved, Gallaway seconded “That Bruce Leypoldt be re-appointed and Marva Ellwanger and Rev. Edna “Tar” Drazdowski be appointed for three year terms to the City of Sidney Historic Preservation Board.” Roll call vote: Yeas: All council members present. Absent: Arterburn.

Gaston moved, Gallaway seconded “That Scott McDaniel be re-appointed for a four year term to the City of Sidney Housing Authority Board.” Roll call vote: Yeas: All council members present. Absent: Arterburn.

Gaston moved, Gay seconded “That Jennifer Ramsey be appointed to fill the unexpired term of Michelle Onstott to the City of Sidney Library Board.” Roll call vote: Yeas: All council members present. Arterburn. Andrew Sherman, Library Director, informed the Council that Ms. Onstott’s term expires in December, 2016 and the Library Board will ask the Council to appoint Jennifer to a full term at that time.

Gallaway moved, Gay seconded “That the Budget Reports for all funds for August, 2016 be approved.” Roll call vote: Yeas: All council members present. Absent: Arterburn.

City Manager’s Report: Ed said that he and his wife are looking forward to their first Oktoberfest in Sidney. He also announced that Tina Hochwender has resigned her position of Economic Development Director effective 10/14/16. FYI – Ed and J. have met to outline their upcoming schedule of needed code changes, etc.

Council Comments: Council Member Gallaway remarks were about the stop light at Anna Drive & Old Post Road and the right hand merge lane pros and cons. Council Member Gaston and the other member thanked Paul Donna for his presentation of the Finance Plan and Tina for her job well done. Mayor Nienhueser told Tina he hated to see her leave Sidney but wanted to say thank you and to wish her the best of luck in her future endeavors.

Meeting adjourned at 8:35 p.m.

/s/MARK NIENHUESER, MAYOR

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

