

Sidney, Nebraska, August 22, 2017 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 August 22, 2017 in the Council Room. Present were: Mayor Arterburn and Council Members: Gallaway, Gaston, Utley, and Olsen. Others present: City Manager Sadler, City Attorney Leef and City Clerk Anthony. 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 Arterburn informed the public of the location of the posted Open Meetings Act.

Olsen moved, Utley seconded "That the minutes of the August 8, 2017 meeting be approved as corrected." Roll call vote: Yeas: All council members present.

Paul Donna, Director of RW Baird presented a proposal for refunding bonds for the Aquatic loan. After a discussion of same, Councilmember Gaston offered the following resolution and moved its passage and adoption:

RESOLUTION NO. 20170803

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

Section 1. That the following bond (the "Refunded Bond"), in accordance with its option provisions, is authorized to be called for payment on the date as set forth in a Call Direction (as defined below), after which date interest on the Refunded Bond will cease:

Recreational Facilities Public Infrastructure Bond, Swimming Pool Project, (Limited Sales and Property Tax Supported), Series 2016, dated March 31, 2016, in the outstanding principal amount of \$3,580,772.70

Section 2. The Refunded Bond is to be paid at the office of the Treasurer of the City, Sidney, Nebraska, as paying agent and registrar for the Refunded Bond (the "Paying Agent").

Section 3. The Mayor or the City Manager (each, an "Authorized Officer") are each individually hereby authorized at any time on or after the date of this resolution to direct the irrevocable call of the Refunded Bond on behalf of the City and such direction, when made in writing (the "Call Direction"), shall constitute the action of the City without further action of the Mayor or Council of the City. The Call Direction may be set for any date on or prior to June 30, 2018, after which time the Authorized Officers shall have no authority to make any such determination hereunder without further action of the Mayor and Council of the City and this resolution shall be of no further force and effect.

Section 4. A true copy of this resolution together with the executed Call Direction (together, the "Call Documents") shall be filed with the Paying Agent to effect the call of the Refunded Bond. Upon receipt of the Call Documents, the Paying Agent is hereby instructed to mail notice to the registered owner of the Refunded Bond not less than ten (10) days prior to the date fixed for redemption, all in accordance with the ordinance authorizing the issuance of the Refunded Bond, and to take all other actions deemed necessary in connection with the redemption of the Refunded Bond.

PASSED AND APPROVED this 22nd day of August, 2017.

Councilmember Gallaway seconded the motion for adoption of said resolution, and upon roll call vote the following voted AYE: Gallaway, Gaston, Arterburn, Utley and Olsen. NAY: None. The passage of said resolution having been consented to by a majority, the Mayor declared the resolution duly passed and adopted.

Thereupon, Council Member Gallaway introduced Ordinance No. 1793 entitled: "AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION LIMITED TAX REFUNDING BONDS, SERIES 2017B, OF THE CITY OF SIDNEY, NEBRASKA, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED THREE MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$3,800,000) FOR THE PURPOSE OF REFUNDING INTERIM FINANCING INCURRED TO PAY THE COSTS OF A NEW COMMUNITY SWIMMING POOL AND TO PAY COSTS OF ISSUANCE; 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 OF THE BONDS AND TO DESIGNATE THE FINAL TERMS, RATES AND MATURITY SCHEDULE FOR SAID BONDS WITHIN STATED PARAMETERS; APPROVING POST ISSUANCE COMPLIANCE POLICIES AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM" and Council Member Gaston moved that the statutory rule requiring reading on three different days be suspended. Council Member Olsen seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted YEA: Gallaway, Gaston, Arterburn, Utley and Olsen. The following voted NAY: None. The motion to suspend the rules was adopted by three-fourths of the City Council and the statutory rule was declared suspended for consideration of said ordinance. Said ordinance was then read by number and thereafter Council Member Utley moved for final passage of the ordinance, which motion was seconded by Council Member Gallaway. The Mayor then stated the question was "Shall Ordinance No. 1793 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Gallaway, Gaston, Arterburn, Utley and Olsen. The following voted NAY: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the City Council, the Mayor declared the ordinance adopted and the Mayor in the presence of the City Council signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto. Gallaway moved, Utley seconded "That Ordinance No. 1793 be published in pamphlet form as provided therein." Roll call vote: Yeas: All council members present.

City Manager Sadler presented a proposed addendum to the Cheyenne County Emergency Communications Center Interlocal Cooperation Agreement. Gallaway moved, Gaston seconded "That the addendum to the Cheyenne County Emergency Communications Center Interlocal Cooperation Agreement be approved." Roll call vote: Yeas: All council members present.

City Clerk Anthony read Ordinance No. 1792 by title for the third time as follows: "AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, RELATING TO ELECTRICAL RATES, EFFECTIVE DATE OF RATES, AMENDING SECTIONS 1048.04, 1048.05, 1048.06, 1048.065, 1048.11 AND 1048.13 OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA; AND PROVIDING FOR PUBLICATION". Utley moved, Olsen seconded "That Ordinance No. 1792 be passed and adopted." Roll call vote: Yeas: All council members present. 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. Gaston moved, Gallaway seconded "That Ordinance No. 1792 be published in *The Sidney Telegraph*." Roll Call Vote: Yeas: All Council members present.

Economic Development Director Melissa Norgard presented information re: vacancies in the Historic Preservation Board and the Economic Development Citizen's Advisory Review Board. There was no objections to advertising for same.

Mayor Arterburn announced that he had received two applications for the vacancy on the Airport Authority and he was recommending the appointment of Scott Cowan to same. Gaston moved, Utley seconded "That Scott Cowan be appointed to the Airport Authority." Roll Call Vote: Yeas: All Council members present.

Galloway moved, Olsen seconded “That the City of Sidney renew their membership in the Panhandle Area Development District and that Melissa Norgard be appointed as Board Member and Ed Sadler as Alternate.” Roll Call Vote: Yeas: All Council members present.

Following a review and discussion of the 2017-2018 proposed budgets, Gaston moved, Galloway seconded “That the proposed 2017-2018 budget statements be filed with the City Clerk for all funds including the tax levy for General Fund, Street Department and Debt Service; and that public hearings be set for September 12, 2017 for said budgets and for setting a property tax request different from last year.” Roll Call Vote: Yeas: All Council members present.

Assistant City Manager Martin and Solid Waste Superintendent Sterling presented proposed application to the Nebraska Department of Environmental Quality Solid Waste Reduction Grant and the Nebraska Environmental Trust Waste Management Grant to aid the City of Sidney in the purchase of a shredder, compactor and tarp system. This would enable the Solid Waste Department to run a more cost-effective operation. Information was given to compare the current system costs and the proposed. Extensive research has been made on the new system, including visits to other operations in the area. Financial implications was \$385,000 of City funds and \$1,075,000 in grant funds. Gaston moved, Utley seconded “That that applications for grants thru the various entities for purchase of a shredder, compactor and tarp system for the Solid Waste Department be approved.” Roll Call Vote: Yeas: All Council members present.

City Manager’s Report: The various celebrations are over and all went well and the budgets are being wrapped up. J. Leef informed the Council that she was declaring a conflict of interest in a legal case that is coming up and she wanted them to know that some other attorney would need to be hired for said case. Assistant City Manager Martin said she was really proud of all the work that had been done by the different departments for the various celebrations this month. Eclipse Reports were given by Police Chief Aikens and Library Director Sherman. Sherm also reported on the digitization project that is underway at the Library.

Council Comments: All Council Members and Mayor Arterburn gave congratulations on a successful event by all the staff and volunteers that had been involved in planning and working at the Sesquicentennial celebration, as well as the efforts of staff on the budgets.

Meeting adjourned at 8:38 p.m.

/s/JOE ARTERBURN, MAYOR

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

