

Sidney, Nebraska, June 26, 2018 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 26, 2018 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.

Utley moved, Olsen seconded "That the minutes of the June 12, 2018 and the June 25, 2018 meetings be approved as printed." Roll call vote: Yeas: All council members present.

Whereupon Council Member Gaston offered the following resolution and moved its passage and adoption:

RESOLUTION NO. 20180605

BE IT RESOLVED by the Mayor and Council of the City of Sidney, Nebraska, as follows:

Section 1. The Mayor and Council hereby find and determine that in connection with the issuance of not to exceed \$1,575,000 of Solid Waste Disposal Facilities Revenue Bonds, Series 2018, proposed to be issued by the Sidney Area Solid Waste Agency (the "Agency") it is necessary and advisable for the City of Sidney to execute and deliver a Fourth Addendum to that Service Agreement dated June 25, 1996, by and between the City and the Agency and to that Management Agreement dated August 13, 1996 and that such Fourth Addendum has been prepared and submitted for approval by the Mayor and Council and that it is necessary and advisable that said Fourth Addendum be approved and its execution and delivery authorized.

Section 2. The Mayor (or in the Mayor's absence, the Vice President of the City Council) is hereby authorized to execute and deliver for and on behalf of the City of Sidney, Nebraska, said Fourth Addendum in substantially the form presented but with such changes as such officer shall deem appropriate for and on behalf of the City.

Section 3. The Mayor (or in the Mayor's absence, the Vice President of the City Council) and the City Clerk are hereby further authorized to execute and deliver any other certificates and instruments as may be deemed necessary on behalf of the City in connection with the issuance of such Bonds by such Agency and the execution and delivery of such Fourth Addendum and to take any and all further actions deemed necessary or appropriate by such officers in connection with the matters approved and authorized by this resolution.

Section 4. The Mayor and Council hereby state that it is the intention of the City that the interest on such Bonds proposed to be issued by the Agency shall be excludable from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and the Mayor and Council hereby authorize the Mayor and City Clerk to take any and all actions necessary or appropriate to carry out said intention and for the obtaining of such interest exclusion. Designation of said Bonds by the Agency as "qualified tax-exempt obligations" under Section 265(b)(3)(B)(i)(III) of the Code by and for the City and the Agency is

hereby authorized and confirmed and the City hereby covenants and warrants that it does not anticipate issuance directly by it or on its behalf of tax-exempt bonds or other tax-exempt interest bearing obligations in an amount in excess of \$10,000,000 in calendar 2018. The Agency is hereby determined to be a subordinate entity issuing bonds on behalf of the City within the meaning of Section 148(f)(4)(D)(iv) of the Code and the City hereby irrevocably allocates \$1,575,000 in principal amount of bonds for the calendar year 2018 to the Agency pursuant to said Section 148(f)(4)(D)(iv) and determines that the City will receive substantial benefits from the issuance of said Bonds. It is understood that said Bonds shall constitute an obligation of the Agency payable only from the sources specified in the authorizing resolution of the Agency.

Section 5. This resolution shall be in force and take effect as provided by law.

PASSED AND APPROVED this 26th day of June, 2018.

The foregoing Resolution having been read, Member Galloway seconded the motion for passage, and after discussion the roll call was made thereon, and the following members of the Council voted in favor of the passage and adoption of said resolution: Galloway, Gaston, Arterburn, Utley and Olsen. The following members of the Council voted against the same: None.

Said resolution, having been consented to by the majority of the members of the Council, was by the Mayor declared passed and adopted.

Melissa Norgard, Economic Development Director, gave an update on the proposed sale of Lot 4, Sidney Business Park Addition. She explained the proposed agenda to accomplish this sale.

Galloway moved, Gaston seconded "That the Ordinance entitled "AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, AUTHORIZING THE SALE OF ALL RIGHT, TITLE AND INTEREST OF THE CITY OF SIDNEY, NEBRASKA, IN AND TO A TRACT OF LAND LEGALLY DESCRIBED AS LOT FOUR SIDNEY BUSINESS PARK ADDITION, SIDNEY, CHEYENNE COUNTY, NEBRASKA; AND SPECIFYING THE TERMS OF SUCH SALE IN SECTION TWO BELOW" be designated as Ordinance No. 1798." Roll call vote: Yeas: All council members present. Gaston moved, Galloway seconded "That the Statutory requirement requiring the ordinance to be read by title three different days be suspended." Roll call vote: Yeas: Galloway, Gaston, Utley and Olsen. Nays: Arterburn. The motion having been concurred in by three-fourths of the Council be declared passed and adopted and said statutory requirement suspended. The Clerk then read the Ordinance by number. Gaston moved, Galloway seconded "That Ordinance No. 1798 be finally passed." 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. Galloway moved, Gaston seconded "That Ordinance No. 1798 be published in The Sidney Sun Telegraph." Roll call vote: Yeas: All council members present.

Melissa Norgard, Economic Development Director, reported on a grant application and contract with the State of Nebraska for Site and Building Development funds to assist NexGen Outfitters with building a facility at the Sidney Industrial Park. The funds will be utilized for building acquisition, building construction, site preparation and engineering costs for the construction of the headquarters and warehouse facility. Approval of the grant application and loan agreement for the \$250,000 Site & Building Development Fund would be granted to the City of Sidney and in turn the City of Sidney will grant the funds to NexGen Outfitters. Galloway moved, Olsen seconded "That the Mayor be authorized to sign the grant application and the contract with the State of Nebraska for a Site and Building Development Fund." Roll call vote: Yeas: All council members present.

Jo Houser, Human Resource Director, presented new drug testing policies to the City Council for DOT-FTA employees, DOT-FMCSA employees, and Non-DOT employees. She answered questions that were asked by

the City Council. Gaston moved, Gallaway seconded “That the new drug testing policies as proposed be accepted and approved. Roll call vote: Yeas: All council members present.

Gaston moved, Olsen seconded “That Ben Schmitt be appointed for a three year term to the Sidney Planning Commission.” Roll call vote: Yeas: All council members present. Mr. Schmitt was in attendance and shared his background and why he wanted to serve on the Planning Commission.

Gallaway moved, Utley seconded “That the May, 2018 Budget Reports for all departments be approved.” Roll call vote: Yeas: All council members present.

City Manager's/Staff Report: City Manager Sadler reported he was back from vacation; Chip sealing July 2-11th as well as the Parks doing tree trimming for same; on the upcoming Country Western Downtown Sounds on July 6; budget work underway; and a spreadsheet was prepared to show how many new customers the Utility's had signed up from 2016 thru present (575 new customers). Library Director reported that permanent furniture has been installed in the Maker Space.

City Council Remarks: Olsen commented that he needed to get to the Library to see the new Maker Space. Gallaway reported on the High School's Auto Show. Gaston shared the article about Sidney being one of the top 10 in Nebraska for utility affordability. Arterburn shared that he liked both Country and Western.

Meeting adjourned at 8:50 p.m.

/s/ JOE ARTERBURN, MAYOR

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

