

CITY OF CRETE, NEBRASKA
CITY COUNCIL REGULAR MEETING

July 20, 2021

Notice of the meeting was given by posting and publishing in The Crete News, the appointed method for giving notice as shown by the Proof of Publication attached to the minutes. Advance notice of the meeting was also given to the Mayor and City Council. Pursuant to Section 84-1412(8) of the Nebraska Open Meetings Act, the City has posted a current copy of the Open Meetings Act, Laws of the State of Nebraska in the back of the Council Chambers. Additional copies are available to read. The City may consider items listed on the agenda in random order. All proceedings shown were taken while the meeting was open to the attendance of the public.

Those in attendance pledged allegiance to the flag.

1. Open Meeting

2. Roll Call

Dan
Papik: Present

Travis
Sears: Present

Dale
Strehle: Present

Present: 3.

3. Items of Business

A. Discuss and provide a recommendation to the City Council on approving the preliminary and final plats for Belohlavy Estates First Subdivision.

Recommend to the City Council to approve the preliminary and final plats for Belohlavy Estates First Subdivision. Carried with a motion by Travis Sears and a second by Dan Papik.

Dan Papik: Aye, Travis Sears: Aye, Dale Strehle: Aye
Aye: 3, No: 0

B. Discuss and provide a recommendation to the City Council on authorizing the Library Director to apply for a 2021 American Rescue Plan Act (ARPA) Formula Grant for the Crete Public Library.

Recommend to the City Council to authorize the Library Director to apply for a 2021 American Rescue Plan Act (ARPA) Formula Grant for the Crete Public Library. Carried with a motion by Travis Sears and a second by Dan Papik.

Dan Papik: Aye, Travis Sears: Aye, Dale Strehle: Aye
Aye: 3, No: 0

C. Discuss and provide a recommendation to the City Council on enacting Ordinance 2132: An ordinance granting a natural gas franchise to Black Hills Energy.

Recommend to the City Council to enact Ordinance 2132: An ordinance granting natural gas franchise to Black Hills Energy. Carried with a motion by Travis Sears and a second by Dan Papik.

Dan Papik: Aye, Travis Sears: Aye, Dale Strehle: Aye

Aye: 3, No: 0

D. Discuss the status of the water improvement project and remaining rusty water issues on the southside of the City.

4. Officers' Reports

5. Adjournment

Mayor

(SEAL)

City Clerk

I, Judi Meyer, City Clerk for the City of Crete, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council. I hereby certify that a copy of the Open Meetings Act was posted in the back of the Council Chambers. I certify that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk. I certify that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting and that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public. I certify that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of the City Council. I certify that all news media requesting notification concerning meetings of the City Council were provided with advance notification of the time and place of said meeting and the subjects to be discussed.

City Clerk

(S E A L)

DRAWINGS FOR

BELOHLAVY ESTATES FIRST

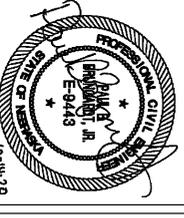
INFRASTRUCTURE IMPROVEMENTS - 2020

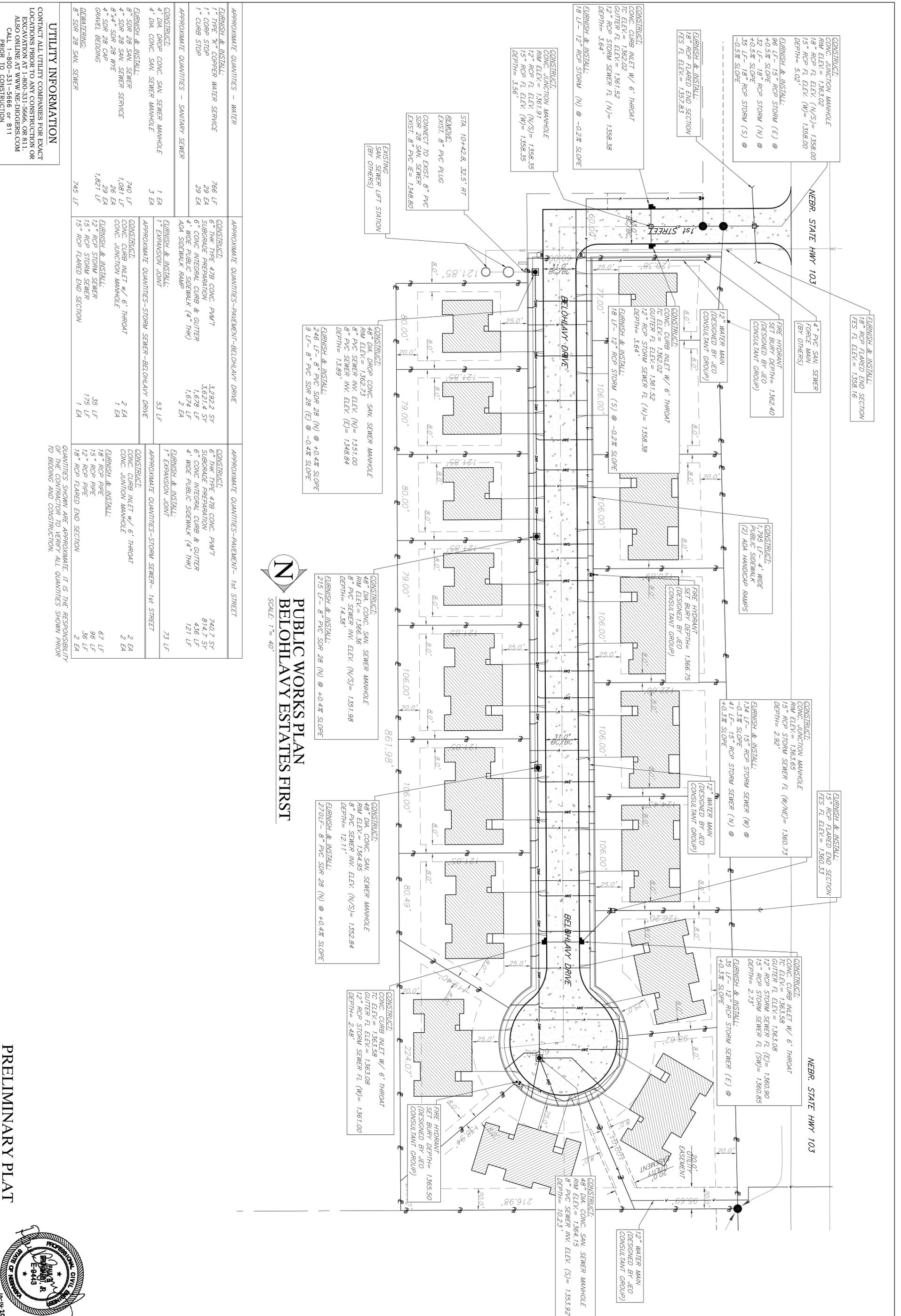


CRETE, NEBRASKA

BE PROJECT NO. 2020-027

BE BRUNGARDT
ENGINEERING, L.L.C.
P.O. BOX 2052 • KEARNEY, NEBRASKA • 308-236-2168
• CIVIL AND STRUCTURAL ENGINEERING •





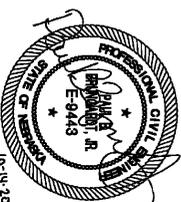
UTILITY INFORMATION
 CONTACT ALL UTILITY COMPANIES FOR EXACT LOCATIONS PRIOR TO ANY CONSTRUCTION OR EXCAVATION AT 1-800-331-5666, OR 811. ALSO ONLINE AT WWW.NE-DIGGERS.COM CALL 1-800-331-5666 OR 811 PRIOR TO CONSTRUCTION

APPROXIMATE QUANTITIES - WATER	APPROXIMATE QUANTITIES -PAVEMENT- BELOHLAVY DRIVE	APPROXIMATE QUANTITIES -PAVEMENT- 1st STREET
FURNISH & INSTALL: 1" TYPE "X" COPPER WATER SERVICE 1" CORP STOP 1" CURB STOP APPROXIMATE QUANTITIES - SANITARY SEWER CONSTRUCT: 4" DIA. DROP CONC. SAN. SEWER MANHOLE 4" DIA. CONC. SAN. SEWER MANHOLE FURNISH & INSTALL: 8" SDR 28 SAN. SEWER 4" SDR 28 SAN. SEWER SERVICE 6" 4" SDR 28 WYE 4" SDR 28 CAP GRAVEL BEDDING DEWATERING: 8" SDR 28 SAN. SEWER	CONSTRUCT: 6" THK TYPE 478 CONC. PAVT SUBGRADE PREPARATION 6" CONC INTEGRAL CURB & GUTTER 4" WIDE PUBLIC SIDEWALK (4" THK) ADA SIDEWALK RAMP FURNISH & INSTALL: 1" EXPANSION JOINT APPROXIMATE QUANTITIES-STORM SEWER- BELOHLAVY DRIVE CONSTRUCT: CONC. CURB INLET W/ 6' THROAT CONC. JUNCTION MANHOLE FURNISH & INSTALL: 12" RCP STORM SEWER 15" RCP STORM SEWER 18" RCP FLARED END SECTION	CONSTRUCT: 6" THK TYPE 478 CONC. PAVT SUBGRADE PREPARATION 6" CONC INTEGRAL CURB & GUTTER 4" WIDE PUBLIC SIDEWALK (4" THK) FURNISH & INSTALL: 1" EXPANSION JOINT APPROXIMATE QUANTITIES-STORM SEWER- 1st STREET CONSTRUCT: CONC. CURB INLET W/ 6' THROAT CONC. JUNCTION MANHOLE FURNISH & INSTALL: 18" RCP PIPE 15" RCP PIPE 12" RCP PIPE 18" RCP FLARED END SECTION
766 LF 29 EA 29 EA	3,292.2 SY 3,621.4 SY 1,678 LF 1,674 LF 2 EA	740.2 SY 814.2 SY 436 LF 121 LF
1 EA 3 EA	53 LF	73 LF
740 LF 1,081 LF 26 EA 29 EA 1,821 LF	2 EA 1 EA 35 LF 175 LF 1 EA	2 EA 2 EA 67 LF 96 LF 36 LF 2 EA

PUBLIC WORKS PLAN
BELOHLAVY ESTATES FIRST

SCALE: 1" = 40'

PRELIMINARY PLAT



PUBLIC WORKS PLAN

BELOHLAVY ESTATES FIRST
 CRETE, NEBRASKA

BRUNGARDT
ENGINEERING

PROJECT NO:
2020-027
 DRAWN BY:
J.E.M.
 DATE:
10/14/2020

DATE: 10-14-20
 SHEET NO:
2 OF 7
 DRAWING NO:
2020-027

NEBR. STATE HWY 103

NEBR. STATE HWY 103

SUMMATION OF QUANTITIES
 GRADING & EROSION CONTROL - BELOHLAVY ESTATES FIRST
 CLEARING & GRUBBING (R.O.W. ONLY) (1'-0" THK) 7,367.1 SY
 ENHANCEMENT (IN PLACE) (MMF=1.4) 16,955 CY
 EXCAVATION 610 CY
 CONTRACTOR FURNISH 23,130 CY
 CONSTRUCT:
 CONSTRUCTION ENTRANCE 1 EA
 CONCRETE WASHOUT PIT 1 EA
 EROSION CONTROL SILT FENCE 923 LF
 TEMP. EARTH BERM 720 LF

PROJECT NO: 2020-027
 DRAWN BY: J.E.M.
 DATE: 10/14/2020

CONSTRUCT:
 STONE CONSTRUCTION
 ENTRANCE
 (REFER TO SHEET 5 OF 15
 FOR DETAIL)

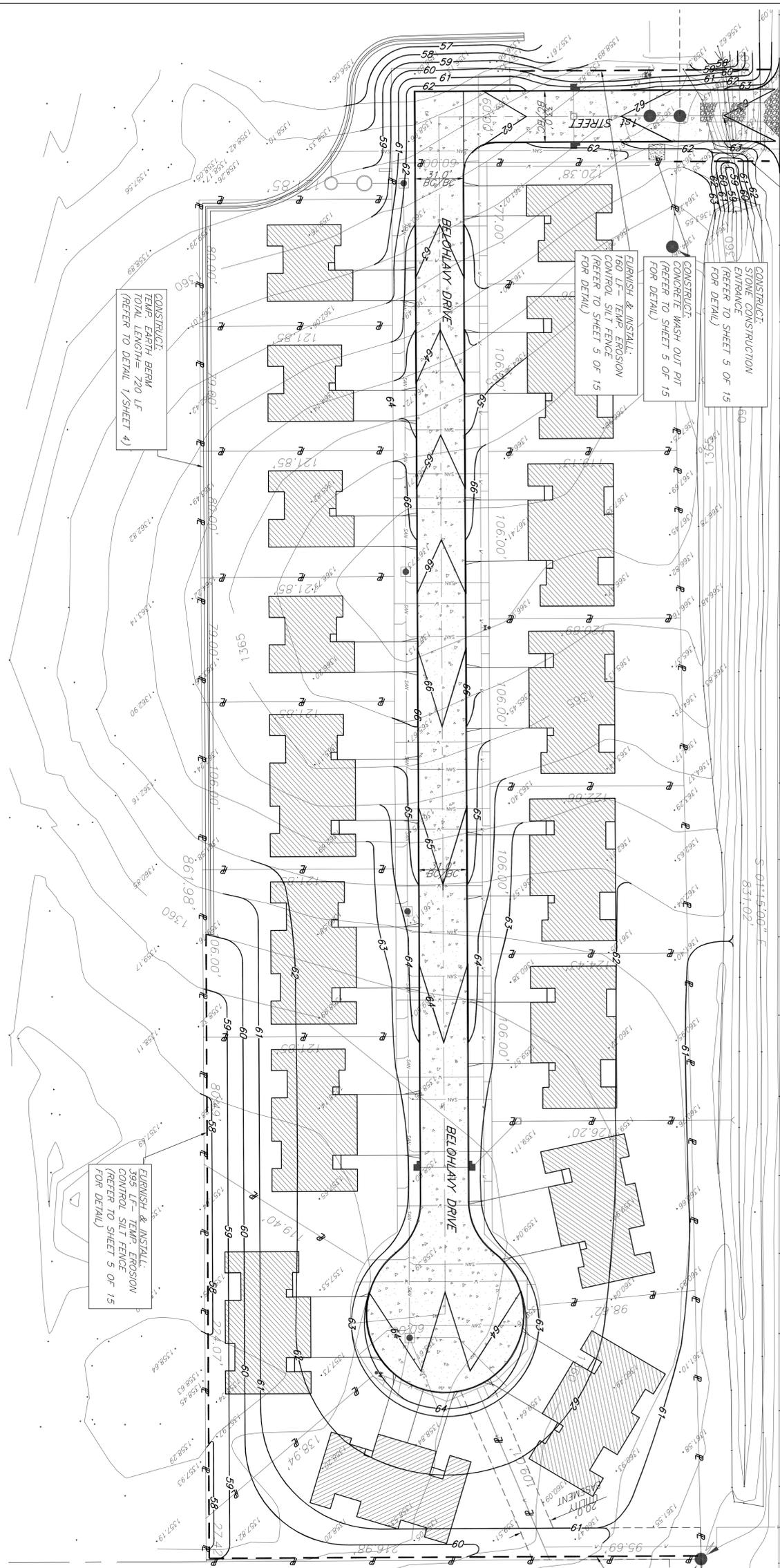
FURNISH & INSTALL:
 160 LF TEMP. EROSION
 CONTROL SILT FENCE
 (REFER TO SHEET 5 OF 15
 FOR DETAIL)

CONSTRUCT:
 TEMP. EARTH BERM
 TOTAL LENGTH= 720 LF
 (REFER TO DETAIL 1/SHEET 4)

FURNISH & INSTALL:
 308 LF TEMP. EROSION
 CONTROL SILT FENCE
 (REFER TO SHEET 5 OF 15
 FOR DETAIL)

FURNISH & INSTALL:
 308 LF TEMP. EROSION
 CONTROL SILT FENCE
 (REFER TO SHEET 5 OF 15
 FOR DETAIL)

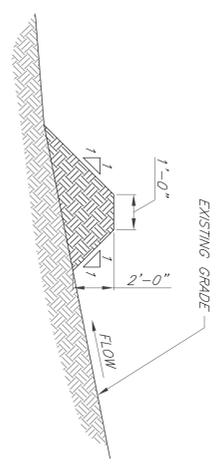
ALL QUANTITIES PROVIDED ARE APPROXIMATE. IT IS THE RESPONSIBILITY
 OF THE CONTRACTOR TO DETERMINE ALL NECESSARY QUANTITIES FOR
 BID.



**SITE GRADING/
 EROSION CONTROL PLAN
 BELOHLAVY ESTATES FIRST**

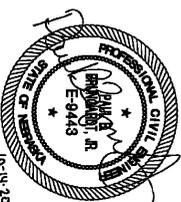
SCALE: 1" = 40'

1 EARTH BERM DETAIL
 SHEET NO SCALE



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PRELIMINARY PLAT

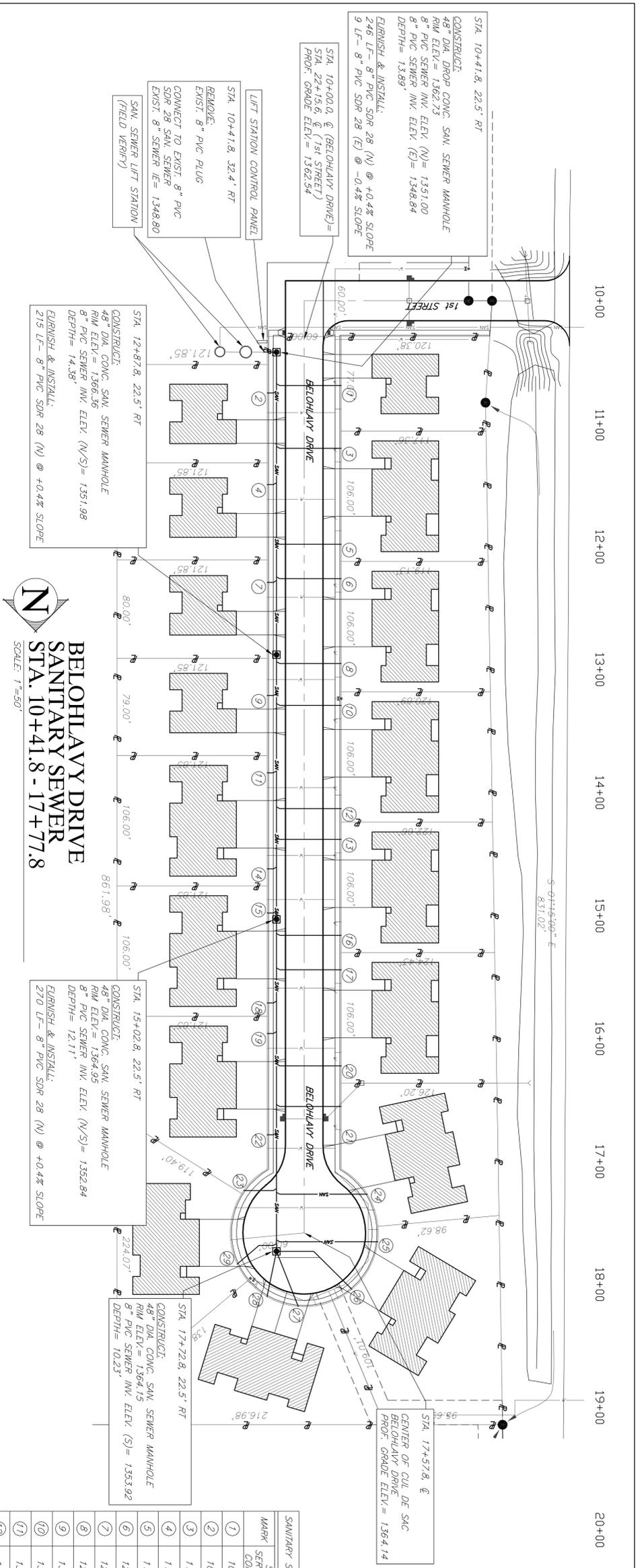


**SITE GRADING/
 EROSION CONTROL PLAN**

**BELOHLAVY ESTATES FIRST
 CRETE, NEBRASKA**



DATE: 10/14/2020
 SHEET NO: 3 OF 7
 DRAWING NO: 2020-027



**BELOHLAVY DRIVE
SANITARY SEWER
STA. 10+41.8 - 17+77.8**

SCALE: 1"=50'

APPROXIMATE QUANTITIES - SANITARY SEWER

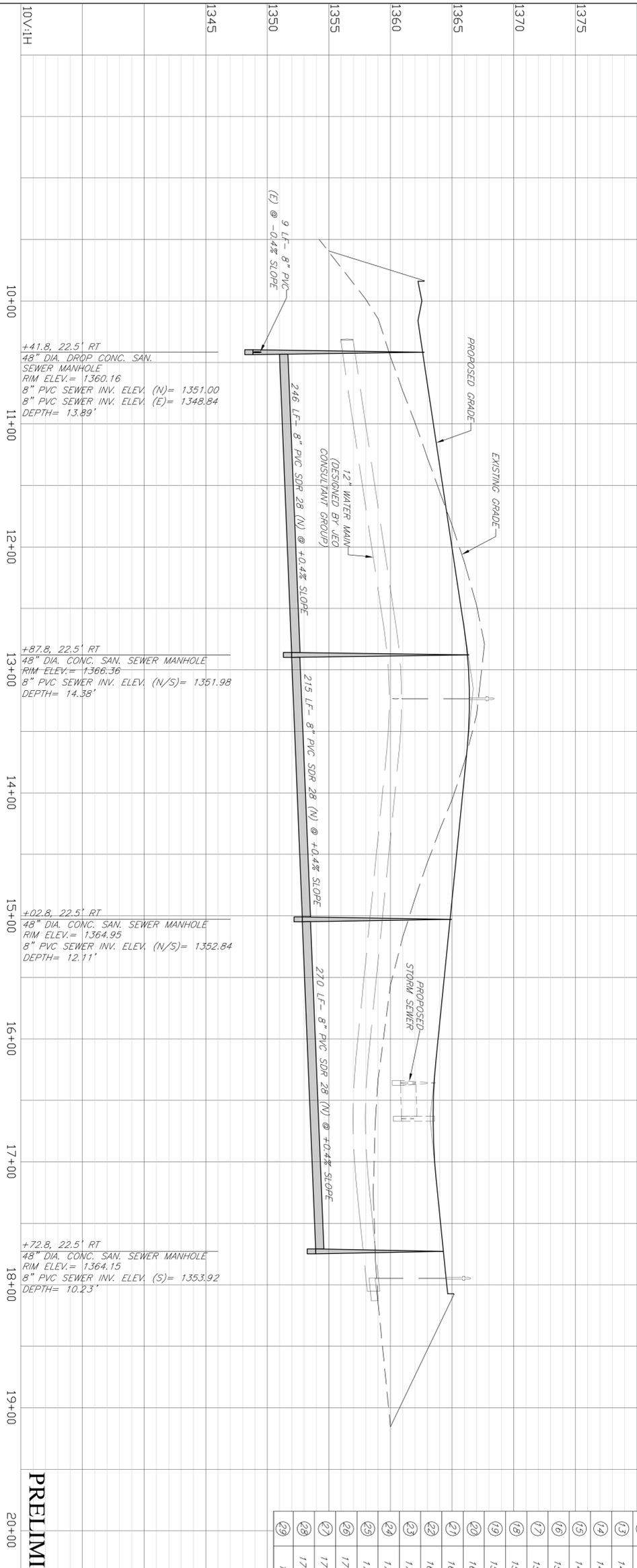
CONSTRUCT:	4" DIA. DROP CONC. SAN. SEWER MANHOLE	1 EA
	4" DIA. CONC. SAN. SEWER MANHOLE	3 EA
FINISH & INSTALL:	8" SDR 28 SAN. SEWER	740 LF
	4" SDR 28 SAN. SEWER SERVICE	1,081 LF
	8" x 4" SDR 28 WYE	26 EA
	4" SDR 28 CAP	29 EA
	GRAVEL BEDDING	1,821 LF
DEWATERING:	8" SDR 28 SAN. SEWER	745 LF

QUANTITIES SHOWN ARE APPROXIMATE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ALL QUANTITIES SHOWN PRIOR TO BIDDING AND CONSTRUCTION.

NOTE: SANITARY SEWER MAINS AND SERVICES SHALL BE LAID A MINIMUM OF 10' HORIZONTALLY FROM ANY EXISTING OR PROPOSED WATER MAIN. THE DISTANCE IS MEASURED FROM THE CENTERLINE OF THE WATER MAIN TO THE BOTTOM OF THE WATER MAIN OR SERVICE CROSS. THIS DISTANCE SHALL BE AT LEAST 18" ABOVE THE TOP OF THE SANITARY SEWER.

SANITARY SEWER SERVICE TABLE

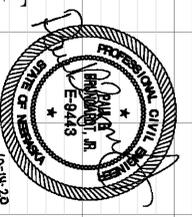
MARK	STATION	INV. ELEV. @ SEWER CONNECTION	INV. ELEV. @ PROP. MAIN	SERVICE LENGTH
1	10+68.0	1351.10	1353.75	53 LF
2	10+73.0	1351.12	1351.50	8 LF
3	11+20.0	1351.31	1354.00	53 LF
4	11+48.0	1351.42	1351.80	8 LF
5	11+96.0	1351.62	1354.30	53 LF
6	12+24.0	1351.73	1354.40	53 LF
7	12+27.0	1351.74	1352.10	8 LF
8	12+93.0	1352.00	1354.65	53 LF
9	13+19.0	1352.00	1351.45	8 LF
10	13+27.0	1352.14	1354.80	53 LF
11	13+82.0	1352.36	1352.75	8 LF
12	14+11.0	1352.47	1355.12	53 LF
13	14+36.0	1352.57	1355.26	53 LF
14	14+60.0	1352.67	1353.05	8 LF
15	14+96.0	1352.81	1353.15	8 LF
16	15+14.0	1352.88	1355.55	53 LF
17	15+42.0	1353.00	1355.65	53 LF
18	15+69.0	1353.10	1353.45	8 LF
19	15+94.0	1353.20	1353.55	8 LF
20	16+20.0	1353.31	1356.00	53 LF
21	16+74.0	1353.52	1356.15	53 LF
22	16+77.0	1353.54	1353.90	8 LF
23	17+22.0	1353.72	1355.10	27 LF
24	17+25.0	1353.73	1355.20	74 LF
25	17+65.0	1353.89	1355.55	82 LF
26	17+72.8.0	1353.92	1355.40	72 LF
27	17+72.8.0	1354.92	1355.90	46 LF
28	17+72.8.0	1353.92	1355.60	32 LF
29	17+68.0	1353.90	1355.60	32 LF



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PRELIMINARY PLAT



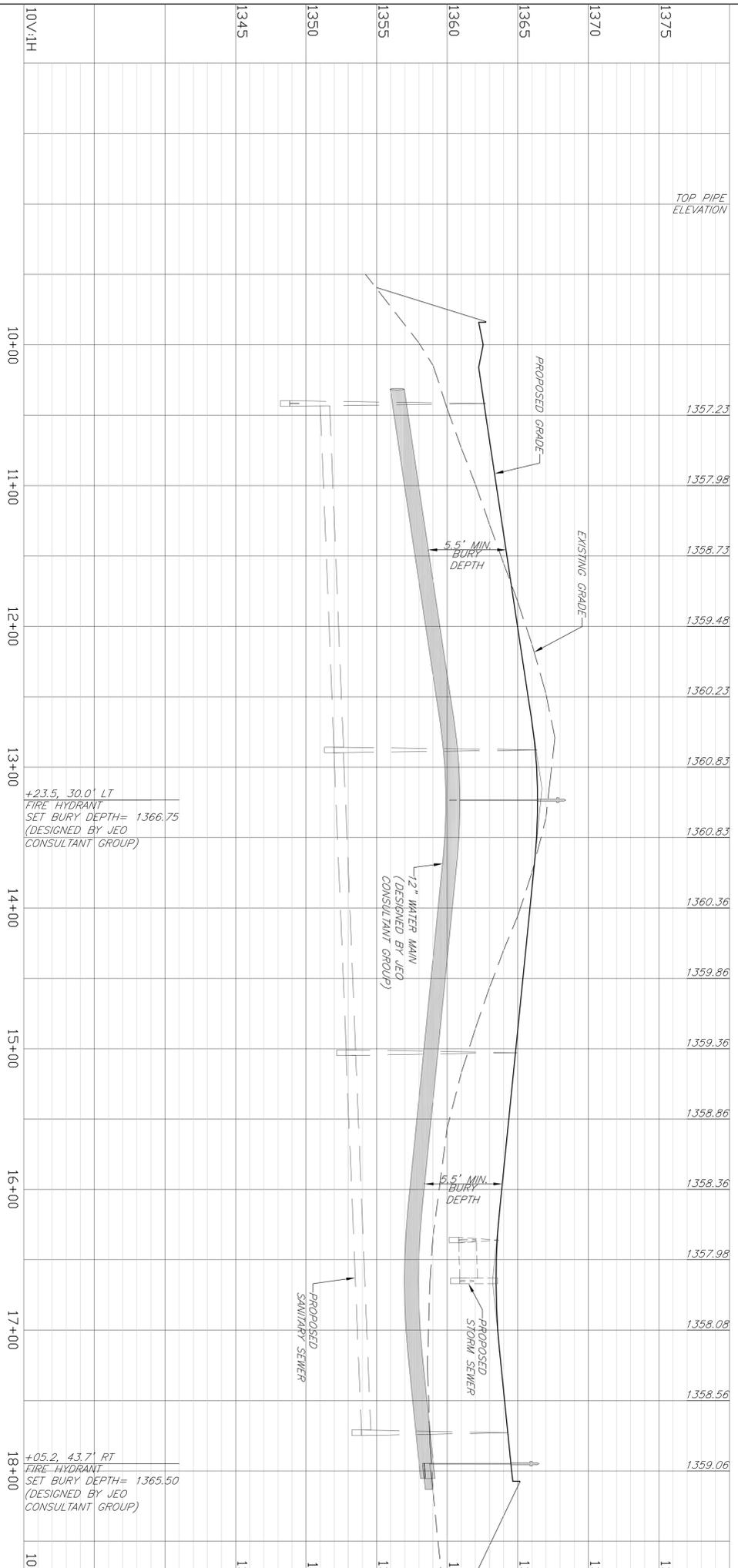
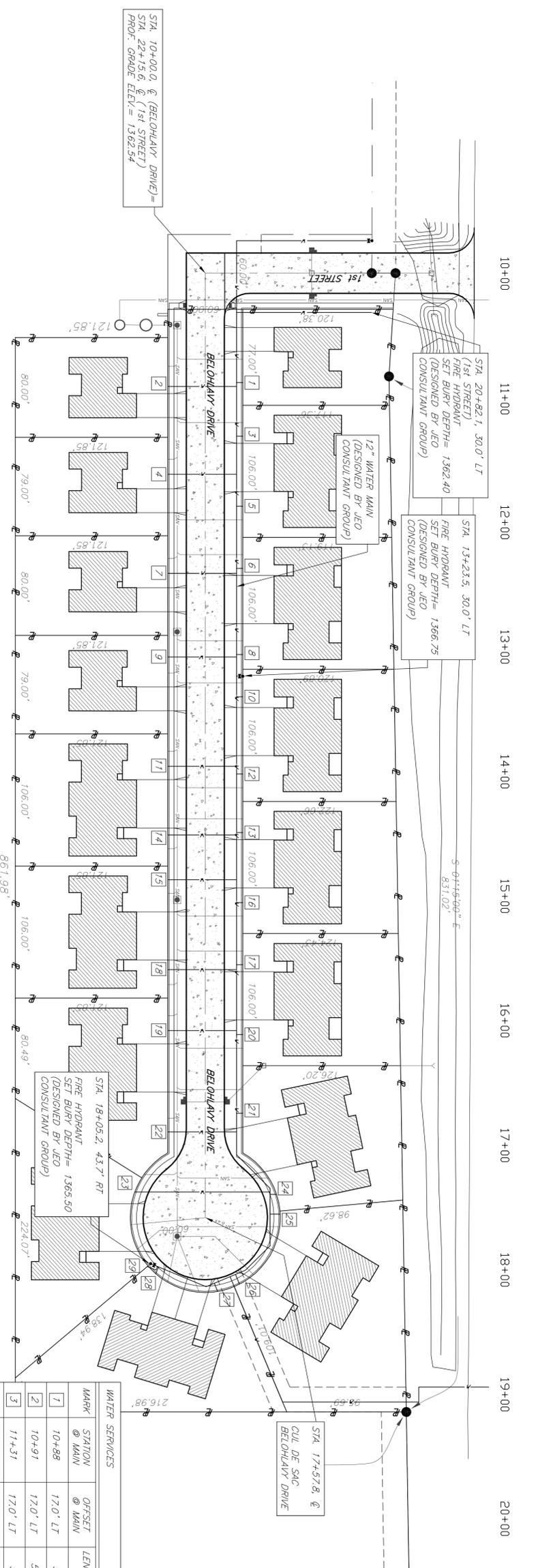
**BELOHLAVY DRIVE
SANITARY SEWER
PLAN & PROFILE**

**BELOHLAVY ESTATES FIRST
CRETE, NEBRASKA**



PROJECT NO:
2020-027
DRAWN BY:
J.E.M.
DATE:
10/14/2020

DATE: 10/14/20
SHEET NO: 4 OF 7
DRAWING NO: 2020-027




BELOHLAVY DRIVE
WATER MAIN
STA. 10+88.0 - 18+08.0
 SCALE: 1"=50'

APPROXIMATE QUANTITIES - WATER

FLURISH & INSTALL:	766 LF
1" TYPE "K" COPPER WATER SERVICE	29 EA
1" CURB STOP	29 EA

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NOTE: SANITARY SEWER MAINS AND SERVICES SHALL BE LAID A MINIMUM OF 10' HORIZONTALLY FROM ANY EXISTING OR PROPOSED WATER MAIN. THE DISTANCE IS TO BE MEASURED FROM OUTSIDE TO OUTSIDE EDGE OF PIPE WHEN THIS MINIMUM HORIZONTAL DISTANCE IS NOT MET OR WHEN A WATER MAIN OR SERVICE CROSS, THE BOTTOM OF THE WATER MAIN MUST BE AT LEAST 18 INCHES ABOVE THE TOP OF THE SANITARY SEWER.

UTILITY INFORMATION

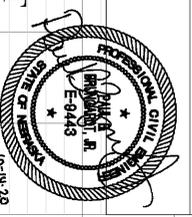
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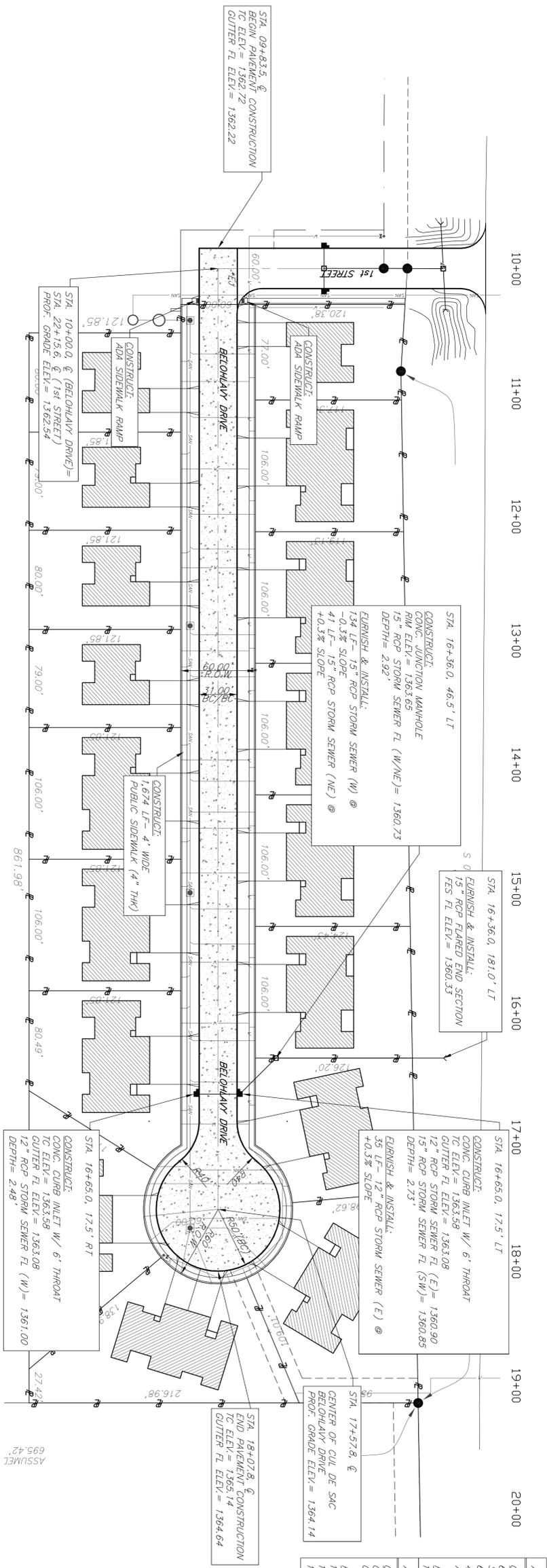
MARK	STATION @ MAIN	OFFSET @ MAIN	LENGTH	UNIT	STATION @ PROP. LINE	OFFSET @ PROP. LINE	CURB BOX TOP ELEV.
1	10+88	17.0' LT	5	LF	10+88	30.0' LT	1363.40
2	10+91	17.0' LT	55	LF	10+91	30.0' RT	1363.50
3	11+31	17.0' LT	5	LF	11+31	30.0' LT	1364.05
4	11+61	17.0' LT	55	LF	11+61	30.0' RT	1364.52
5	11+87	17.0' LT	5	LF	11+87	30.0' LT	1364.90
6	12+37	17.0' LT	5	LF	12+37	30.0' LT	1365.65
7	12+41	17.0' LT	55	LF	12+41	30.0' RT	1365.72
8	13+06	17.0' LT	5	LF	13+06	30.0' LT	1366.50
9	13+08	17.0' LT	55	LF	13+08	30.0' RT	1366.50
10	13+40	17.0' LT	5	LF	13+40	30.0' LT	1366.50
11	13+96	17.0' LT	55	LF	13+96	30.0' RT	1366.00
12	14+02	17.0' LT	5	LF	14+02	30.0' LT	1365.95
13	14+49	17.0' LT	5	LF	14+49	30.0' LT	1365.50
14	14+51	17.0' LT	55	LF	14+51	30.0' RT	1365.47
15	14+87	17.0' LT	55	LF	14+87	30.0' RT	1365.11
16	15+05	17.0' LT	5	LF	15+05	30.0' LT	1364.93
17	15+55	17.0' LT	5	LF	15+55	30.0' RT	1364.43
18	15+59	17.0' LT	55	LF	15+59	30.0' RT	1364.39
19	16+08	17.0' LT	55	LF	16+08	30.0' RT	1363.90
20	16+11	17.0' LT	5	LF	16+11	30.0' LT	1363.87
21	16+74	17.0' LT	5	LF	16+74	30.0' LT	1363.60
22	16+89	17.0' LT	55	LF	16+89	30.0' RT	1363.60
23	17+38	51.9' LT	109	LF	17+37	56.4' RT	1364.50
24	17+40	51.9' LT	6	LF	17+39	57.1' LT	1364.00
25	17+55	51.9' LT	8	LF	17+58	60.0' LT	1364.75
26	18+04	24.2' LT	9	LF	17+95	27.4' LT	1364.95
27	18+10	7.1' LT	7	LF	18+00	9.8' LT	1365.00
28	17+95	37.3' RT	6	LF	18+10	39.7' RT	1364.70
29	17+97	38.3' RT	11	LF	18+12	46.4' RT	1364.70

INSTALL: (1)-1" DIA. CURB STOP
(1)-1" DIA. CURB STOP
1" TYPE "K" COPPER SERVICE

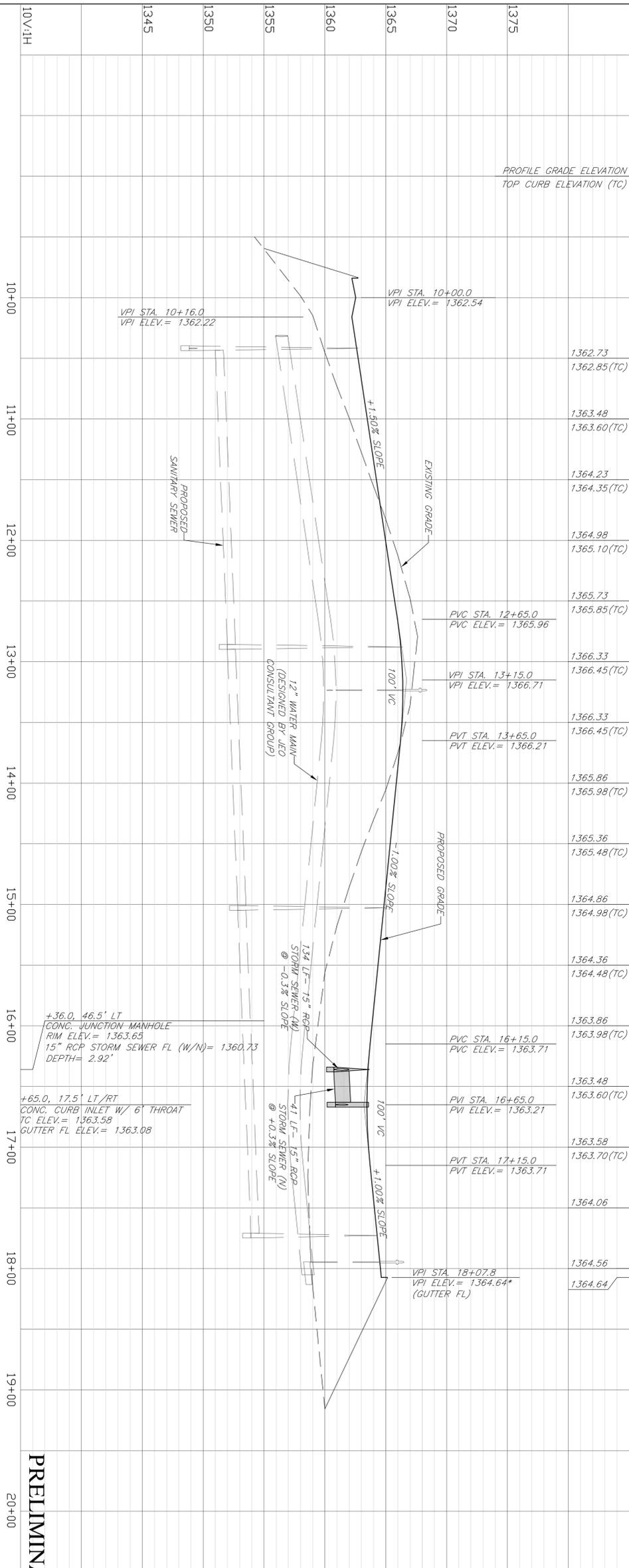
NOTE: ALL ELBOWS AND OTHER APPURTENANCES REQUIRED TO HAVE WATER SERVICE AT PROPERTY LINE IS CONSIDERED SUBSIDIARY TO THE BID ITEM 1" TYPE "K" COPPER WATER SERVICE.

PRELIMINARY PLAT






BELOHLAVY DRIVE
PAVING-STORM SEWER
STA. 9+83.5 - 18+07.8
 SCALE: 1"=50'

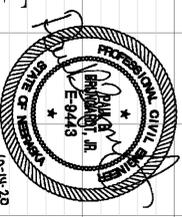


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APPROXIMATE QUANTITIES-PAVEMENT	
CONSTRUCT:	3,292.2 SY
6" THK TYPE 47B CONC. PAV'T	3,621.4 SY
SUBGRADE PREPARATION	1,678 LF
6" CONC INTEGRAL CURB & GUTTER	1,674 LF
4" WIDE PUBLIC SIDEWALK (4" THK)	2 EA
ADA SIDEWALK RAMP	1 EA
FURNISH & INSTALL:	53 LF
1" EXPANSION JOINT	
APPROXIMATE QUANTITIES-STORM SEWER	
CONSTRUCT:	2 EA
CONC. CURB INLET W/ 6" THROAT	1 EA
CONC. JUNCTION MANHOLE	
FURNISH & INSTALL:	35 LF
12" RCP STORM SEWER	175 LF
15" RCP STORM SEWER	1 EA
15" RCP FLARED END SECTION	

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PRELIMINARY PLAT



BELOHLAVY DRIVE
PAVING-STORM SEWER
PLAN & PROFILE

BELOHLAVY ESTATES FIRST
CRETE, NEBRASKA



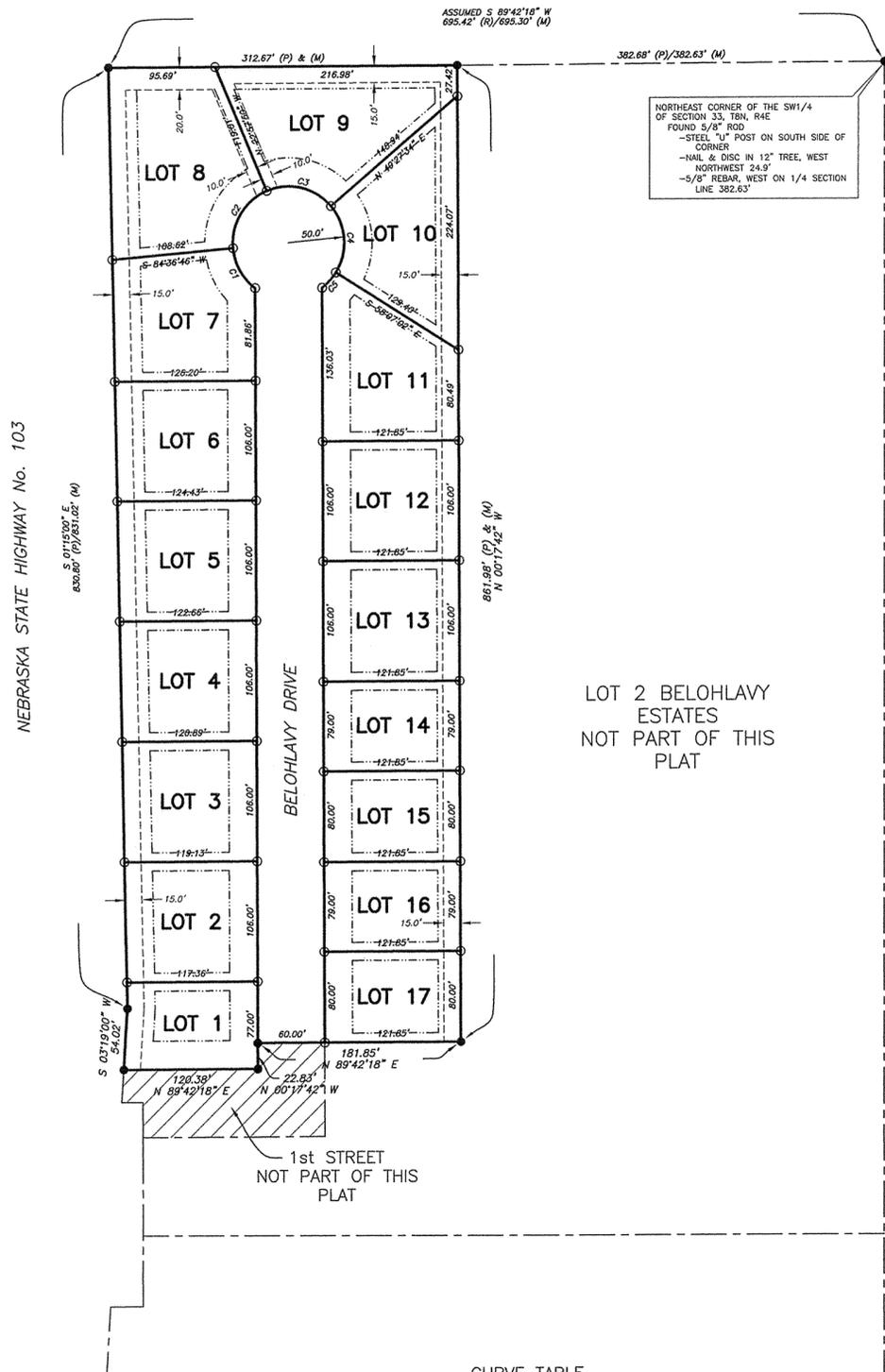
PROJECT NO: 2020-027
 DRAWN BY: J.E.M.
 DATE: 10/14/2020

DATE: 10/14/2020
 SHEET NO: 6 OF 7

BELOHLAVY ESTATES FIRST SUBDIVISION

A SUBDIVISION OF LOT ONE, BELOHLAVY ESTATES,
CITY OF CRETE, SALINE COUNTY, NEBRASKA.

NOT PART OF THIS PLAT



NORTHEAST CORNER OF THE SW1/4 OF SECTION 33, T8N, R4E
FOUND 5/8" ROD
-STEEL "U" POST ON SOUTH SIDE OF CORNER
-NAIL & DISC IN 12" TREE, WEST NORTHWEST 24.9'
-5/8" REBAR, WEST ON 1/4 SECTION LINE 382.63'

LOT 2 BELOHLAVY ESTATES
NOT PART OF THIS PLAT

CURVE TABLE

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH
C1	50.00'	48°02'16"	41.92'	40.70'
C2	50.00'	72°25'24"	63.20'	59.08'
C3	50.00'	72°25'24"	63.20'	59.08'
C4	50.00'	72°25'24"	63.20'	59.08'
C5	50.00'	20°57'08"	18.28'	18.18'

LEGAL DESCRIPTION AS RECOMMENDED BY KYLE MANLEY, CRETE CITY ATTORNEY

A tract of land being all of Lot One (1), Belohlavy Estates, City of Crete, Saline County, Nebraska, more particularly described as follows:
Referring to the northeast corner of the Southwest 1/4 of Section 33, T8N, R4E of the 6th P.M., Saline County, Nebraska and assuming the north line of said Southwest 1/4 as bearing S 89°42'18" W and all bearings contained herein are relative thereto; thence S 89°42'18" W on the aforesaid north line a distance of 382.63 feet to the ACTUAL PLACE OF BEGINNING, said point being the northeast corner of said Lot One; thence continuing S 89°42'18" W on the afore described course and on the north line of said Lot 1 a distance of 312.67 feet to a point on the east right-of-way line of Nebraska State Highway No. 103, said point being the northwest corner of said Lot 1; thence S 01°15'00" E on the aforesaid east right-of-way line and the west line of said Lot 1 a distance of 831.02 feet; thence S 03°19'00" W on the aforesaid east right-of-way line and the west line of said Lot 1 a distance of 54.02 feet to the southwest corner of said lot; thence N 89°42'18" E on the south line of said Lot 1 a distance of 120.38 feet; thence N 00°17'42" W a distance of 22.83 feet; thence N 89°42'18" E on the aforesaid south line a distance of 181.85 feet to the southeast corner of said Lot 1; thence N 00°17'42" W on the east line of said lot a distance of 861.98 feet to the place of beginning. Containing 6.38 acres, more or less.

SURVEYOR'S CERTIFICATE

I, Trenton D. Snow, a Professional Land Surveyor licensed in the State of Nebraska, do hereby certify that I surveyed "BELOHLAVY ESTATES FIRST SUBDIVISION", a subdivision of Lot One, Belohlavy Estates, City of Crete, Saline County, Nebraska, as shown on the above plat. The lots are well and accurately staked and marked; the dimensions of the lots are as shown on the above plat; the lots bear their own number; and the survey was made using known and recorded monuments. All information shown hereon is true and correct to the best of my knowledge and belief.

(S E A L)

Trenton D. Snow
Nebr. Reg. L.S. No. 626

Date

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that Belohlavy Estates, L.P., a Nebraska Limited Partnership, by and through Matthew Thomas, its President, being the sole owner of the land described hereon has caused the same to be surveyed, subdivided, platted and designated as "BELOHLAVY ESTATES FIRST SUBDIVISION", a subdivision of Lot One, Belohlavy Estates, City of Crete, Saline County, Nebraska, and said owner hereby ratifies and approves the disposition of the property as shown on the above plat, and hereby dedicates to the use and benefit of the public, the streets and utility easements as shown upon said plat, and acknowledges said subdivision to be made with the free consent and in accord with the desires of said owner.

Dated this ____ day of _____, 2021.

_____(signature)
Matthew Thomas, President of Belohlavy Estates, L.P., a Nebraska Limited Partnership

ACKNOWLEDGMENTS

STATE OF _____)
COUNTY OF _____)ss

The foregoing instrument was acknowledged before me this ____ day of _____, 2021 by Matthew Thomas, President of Belohlavy Estates, L.P., a Nebraska Limited Partnership.

_____(S E A L)
Notary Public

PLANNING COMMISSION APPROVAL:

The undersigned does hereby certify that the foregoing plat of "BELOHLAVY ESTATES FIRST SUBDIVISION" was approved by the City of Crete Planning Commission on the ____ day of _____, 2021.

Chairperson

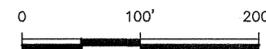
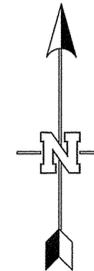
CITY COUNCIL APPROVAL:

The undersigned does hereby certify that the foregoing plat of "BELOHLAVY ESTATES FIRST SUBDIVISION" was approved by the Mayor and City Council on the ____ day of _____, 2021.

Mayor

ATTEST: _____ (S E A L)

JUDI MEYER
CITY CLERK



- Scale: 1" = 100'
- (M) = Measured Distance
 - (P) = Platted Distance
 - + = Temporary Point
 - = Corner Found (5/8" Capped Rebar Except As Indicated)
 - = Corner Established (5/8" x 24" Capped Rebar)
 - = Building Setback Line
 - = Utility Easement Line

TRENTON D. SNOW, LLC
A Land Surveying Company



1309 Central Avenue
P.O. Box 1772
Kearney, NE 68848
Office: (308) 234-1764
Fax: (308) 237-7679
Cellular: (308) 253-1055
www.nebraskasurveys.com

FINAL PLAT

ORDINANCE NO. 2132

AN ORDINANCE OF THE CITY OF CRETE, NEBRASKA RELATING TO NATURAL GAS DISTRIBUTION; TO GRANT BLACK HILLS NEBRASKA GAS, LLC D/B/A BLACK HILLS ENERGY A NONEXCLUSIVE NATURAL GAS DISTRIBUTION FRANCHISE AND THE ABILITY TO CONSTRUCT, OPERATE, MAINTAIN, AND EXTEND A NATURAL GAS DISTRIBUTION SYSTEM WITHIN THE STREETS, ALLEYS, AND OTHER PUBLIC RIGHTS-OF-WAY THROUGHOUT THE CITY OF CRETE, NEBRASKA.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRETE, NEBRASKA:

Section 1. That the City hereby grants a nonexclusive natural gas distribution franchise to Black Hills Nebraska Gas, LLC, a Delaware limited liability company d/b/a Black Hills Energy, and its lessees, successors, heirs, and assigns for a period of fifteen years from the effective date of this ordinance.

Section 2. That Black Hills Energy is hereby granted the right, privilege, and authority to construct, install, maintain, operate, and extend a natural gas distribution system in, along, over, or across all present and future streets, alleys, bridges, public rights-of-way, and public easements within the City of Crete. Said natural gas distribution system shall include all facilities necessary for the purpose of supplying natural or processed gas to the buildings and residences in the city, which includes, but is not limited to, all mains, services, pipes, conduits, and other apparatuses and appliances necessary or convenient for transporting, distributing, and supplying natural gas, and any other operations connected therewith or incident thereto that are necessary and proper to providing natural gas service to the city.

Section 3. That Black Hills Energy shall use its best efforts to maintain its natural gas distribution system in a condition sufficient to meet the current and future energy requirements of the city and shall apply for and obtain all permits required by federal, state, or local law prior to engaging in any work unless an emergency situation necessitates the taking of immediate actions that are vital to protect the public health, safety, or welfare.

- (a) Any and all excavations made and any pavements, sidewalks, curbing, or other public infrastructure altered, taken up, or otherwise affected by the actions of Black Hills Energy shall be done in such a manner as to cause only such inconvenience to the City and the general public as is reasonably necessary, and all repairs and replacements shall be made promptly by Black Hills Energy and shall leave all affected property in a similar or better condition as existed immediately prior to the excavation or other work done.
- (b) The City shall provide Black Hills Energy reasonable notice of plans for street improvements where paving or resurfacing of a permanent nature is involved and may affect the natural gas distribution system. The notice shall contain the nature and character of the improvements, the rights-of-way upon which the improvements are to be made, the extent of the improvements, when the City will start the work, and, if more than one right-of-way is involved, the order in which the work is to proceed. The notice shall be given to Black Hills Energy as soon as practical in advance of the actual commencement of the work in order to give Black Hills Energy the opportunity to make any additions, alterations, or repairs to its facilities.
- (c) In the event of an emergency situation, Black Hills Energy shall notify the City as soon as reasonably possible and, within a reasonable time after the emergency situation has been resolved, shall apply for and obtain any permits or authorizations required by the City for the actions conducted during the emergency situation.

Section 4. That, upon the receipt and acceptance of a valid application for service, Black Hills Energy shall make reasonable extensions of its natural gas distribution system to serve customers located within the current or future corporate limits of the City if such extension is economically feasible as determined by criteria approved by the Nebraska Public Service Commission.

Section 5. That Black Hills Energy shall remove and relocate any portion of its natural gas distribution system from the public rights-of-way upon reasonable notice from the City if such removal or relocation is necessary to prevent interference with public or private projects.

- (a) If the removal or relocation is due to a public project, such as to change the grade of or otherwise alter any street, alley, bridge, or public right-of-way or for the construction of any public utility, then all costs and expenses of the work shall be the responsibility of Black Hills Energy unless otherwise reimbursed by federal, state, or local legislative act or governmental agency.
- (b) If the removal or relocation is for the primary benefit of a commercial or private project or as a result of the initial request of a commercial or private developer or other nonpublic entity, then Black Hills Energy shall receive payment for the costs and expenses of the work as a precondition to removing or relocating any portion of its natural gas distribution system.
- (c) The City shall provide Black Hills Energy written notice of its order to vacate a public right-of-way, and, if alternative public right-of-way locations are available, the notice shall provide a reasonable alternative location for the natural gas distribution system. The receipt of such notice shall not deprive Black Hills Energy of its right to operate and maintain its natural gas distribution system in said public right-of-way until it (i) receives the reasonable cost of relocating the same, if applicable, and (ii) obtains a reasonable public right-of-way, dedicated utility easement, or private easement alternative location.
- (d) The City shall consider reasonable alternatives in designing its public works projects and exercising its authority under this section so as to not arbitrarily cause Black Hills Energy unreasonable additional expense.

Section 6. That Black Hills Energy shall have the right and authority to adopt reasonable rules and regulations limiting, curtailing, allocating, or withholding extensions of its natural gas distribution system or the supply of natural gas to any customers or prospective customers if a supplier is unable to provide an adequate supply of natural gas due to an emergency, an order or decision of a public regulatory body, or any other acts beyond the control of Black Hills Energy. Any such rules and regulations shall be uniform as applied to each class of customers or prospective customers and shall be nondiscriminatory as between communities receiving service from Black Hills Energy.

Section 7. That Black Hills Energy shall only charge such rates for natural gas service and adopt such rules and regulations regarding the character, quality, and standards of its natural gas service as have been approved by the Nebraska Public Service Commission or other regulatory body or bodies as may, from time to time, be vested by law with authority and jurisdiction over public utilities.

- (a) Black Hills Energy and the franchise granted herein shall be subject to all conditions, limitations, and immunities provided for and applicable to the operations of a public utility by federal or state law.
- (b) Should any judicial, regulatory, or legislative body having proper jurisdiction take any action that precludes Black Hills Energy from recovering from its customers any cost associated with providing natural gas services, the City shall amend this ordinance in accordance with the action taken, if needed.
- (c) The terms and conditions of this ordinance shall take precedence over any conflicting terms or conditions contained in any other ordinance enacted by the City.

Section 8. That Black Hills Energy shall remit to the City all taxes, fees, fines, assessments, or other payments as they become due and payable, as provided by and in the manner prescribed by any federal, state, or local laws, rules, and regulations, which shall include an occupation tax equal to five percent (5%) of the gross receipts derived from the business of distributing and selling natural gas within the city.

Section 9. That Black Hills Energy and the City may enter into any supplemental agreements that govern the franchise granted herein, the provision of natural gas service to the city, and the relationship between the entities as long as such agreements do not change, amend, or alter any of the terms, conditions, or provisions of this ordinance.

Section 10. That Ordinance No. 1649 and all ordinances or parts of ordinances in conflict herewith shall be repealed and that any partial repeal shall not affect the other parts of ordinances that can be given effect without the repealed parts.

Section 11. That if any section, part, or provision of this ordinance is for any reason held invalid, the invalidity thereof shall not affect the validity of any other section, part, or provision of this ordinance.

Section 12. That this ordinance shall be published in pamphlet or book form and shall take effect and be in full force and effect from and after its passage, approval, and publication, as provided by law.

PASSED AND ENACTED the 20th day of July 2021.

Mayor

ATTEST:

City Clerk