

City of Cambridge  
 City Council Meeting  
 Monday, September 20, 2021  
 6:30 P.M.  
 Cambridge Community Building  
 722 Patterson St

Pursuant to notice published in the Valley Voice on Thursday, September 16, 2021, the Cambridge City Council convened in open public meeting at 6:30 P.M. on September 20, 2021 at the Cambridge Community Building, 722 Patterson Street. Present were Mayor David Gunderson, City Council Members Vernita Saylor, Tony Groshong, Derek Raburn, Mike Harris and Kevin Banzhaf. Absent was City Council Member Jeff Ommert. City Staff present were City Clerk/Treasurer Kandra Kinne, Utility Supervisor Dave Houghtelling and City Attorney Lisa Shifflet. Visitors present were Genny Kubik for the *Valley Voice*, Larry Steele of *Miller & Associates* and David Custer of *Twin Valleys Public Power District*. Mayor Gunderson opened the meeting with the Pledge of Allegiance. Mayor Gunderson announced the open meeting law is posted on the east wall of the meeting room and available for public inspection.

**Public Hearings:**

**A. Adding Warehouse as a conditional use in "C-2" Highway Commercial Zone:** Mayor Gunderson opened the public hearing at 6:31 P.M. There were no members of the public present to speak in favor of or opposition to the proposed amendment. Mayor Gunderson then closed the public hearing at 6:32 P.M.

1. Motion to waive reading on three different days Ordinance No. 786 - Derek Raburn stated the motion, seconded by Vernita Saylor, to waive the three readings of Ordinance No. 786. Mayor Gunderson read Ordinance No. 786 by title and called for the vote. Voting yes were Vernita Saylor, Tony Groshong, Derek Raburn, Mike Harris and Kevin Banzhaf. Jeff Ommert was absent and not voting. Motion carried unanimously by City Council members present.

2. Motion to approve Ordinance No. 786 on final reading. Vernita Saylor stated the motion, seconded by Tony Groshong, to approve Ordinance No. 786. Mayor Gunderson read Ordinance No. 786 by title and called for the vote. Voting yes were Vernita Saylor, Tony Groshong, Derek Raburn, Mike Harris and Kevin Banzhaf. Jeff Ommert was absent and not voting. Motion carried unanimously by City Council members voting for Ordinance No. 786 as follows:

**ORDINANCE NO. 786**

AN ORDINANCE AMENDING ZONING ORDINANCE 2015, REVISED AUGUST 2020; AMENDING CHAPTER TWO, ARTICLE 6, SECTION 03 CONDITIONAL USES; ADDING WAREHOUSE EXCEPT FOR PRODUCTS OF A HIGHLY EXPLOSIVE COMBUSTIBLE OR VOLATILE NATURE; REPEALING ALL ORDINANCES IN CONFLICT; EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF  
CAMBRIDGE, FURNAS COUNTY, NEBRASKA AS FOLLOWS:

Section 1. Zoning Ordinance 2015, Revised August 2020, Chapter 2, Article 6, Section 03  
– Conditional uses

**2-603 CONDITIONAL USES**

The following conditional uses may be permitted subject to approval procedures outlined in these regulations:

1. Telephone Exchanges, electric substations or other similar public utilities. Outdoor amusement establishments such as amusement parks, permanent carnival and kiddie parks, miniature golf and pitch and putt courses, driving ranges and other similar establishments.
2. Electric and telephone substations, regulator stations and other similar utility uses on or above the surface of the ground.
3. Commercial recreation center.
4. Recreational vehicle parks subject to the following conditions:
  - a. A recreational vehicle park shall be constructed to accommodate at least ten (10) vehicles.
  - b. Each recreational vehicle site shall be at least 900 square feet in area and the average park density shall not exceed 30 recreational vehicles per gross acre.
  - c. Provisions are made to assure surface drainage so as to prevent accumulation of stagnant water.
  - d. All internal roads shall be at least twenty (20) feet in width and shall be paved with asphalt, concrete, asphaltic concrete or other approved all-weather surfacing. Dead-end streets longer than 100 feet shall provide a turnaround area at their terminus with a radius of not less than 60 feet.
  - e. The grade of individual recreational vehicle stands shall not exceed 3 inches per 10 feet across the width of the stand.
  - f. All utilities, water and sewer connections and facilities shall be approved by the Zoning Administrator.
  - g. No vehicle may remain at a recreational vehicle park for more than thirty (30) consecutive days.
5. Contractor and electrical supply office and equipment storage yard, providing the storage yard is completely enclosed with a six foot solid fence, wall or hedge when adjacent to a residential district.
6. Restricted (adult Entertainment) Businesses.
7. Communication Towers.
8. Meteorological Towers.
9. Non-Commercial Wind Energy Systems.

- 10. Feed and Seed Stores.
- 11. Storage Containers, provided that they are only used during construction and prior to the issuance of a Certificate of Occupation.
- 12. Warehouse except for products of a highly explosive combustibile or volatile nature.

Section 2. Ordinances in conflict. All Ordinances in conflict with this Ordinance are hereby repealed.

Section 3. Effective Date. This ordinance shall be in effect after its passage, approval and publication according to law.

**B. Re-zone a tract of land north of Twin Valleys Public Power District Headquarters from "R-2" Multifamily Zone to "C-2" Highway Commercial Zone:** Mayor Gunderson opened the public hearing at 6:33 P.M. to re-zone a tract of land at 1125 Nasby St from "R-2" Multi Family Zone to "C-2" Highway Commercial Zone. There were no members of the public present to speak in favor of or opposition to the proposed ordinance to re-zone a tract of land north of the Twin Valleys Public Power District Headquarters.

1. Motion to waive reading on three different days Ordinance No. 787 –Tony Groshong stated the motion, seconded by Mike Harris, to waive the reading on three different days for Ordinance No. 787. Mayor Gunderson read Ordinance No. 787 by title and called for the vote. Voting yes were Vernita Saylor, Tony Groshong, Derek Raburn and Mike Harris. Jeff Ommert was absent and not voting. Kevin Banzhaf abstained from voting. Motion carried unanimously by City Council members present.

2. Motion to approve Ordinance No. 787 – Derek Raburn stated the motion, seconded by Mike Harris, to approve Ordinance No. 787. Mayor Gunderson read Ordinance No. 787 by title and called for the vote. Voting yes were Vernita Saylor, Tony Groshong, Derek Raburn and Mike Harris. Jeff Ommert was absent and not voting. Kevin Banzhaf abstained from voting. Motion carried unanimously by City Council members present for Ordinance No. 787 following:

Ordinance No. 787

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF A TRACT OF LAND BEING NORTH OF TWIN VALLEYS PUBLIC POWER DISTRICT HEADQUARTERS BUILDING AT 1125 NASBY STREET, NOW VACATED, LOT 4, HAMMONDS RE-PLAT #2 AN ADDTION TO THE CITY OF CAMBRIDGE, FURNAS COUNTY, NEBRASKA FROM "R-2" MULTI-FAMILY RESIDENTIAL ZONING CLASSIFICATION TO "C-2" HIGHWAY COMMERCIAL ZONING CLASSIFICATION; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the application to re-zone the above described premises by Twin Valleys Public Power District, has been received by the City Council, the City Planning Commission and the Board of Education.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CAMBRIDGE,  
FURNAS COUNTY, NEBRASKA;

Section 1. The Cambridge City Council hereby amends the City of Cambridge Zoning Regulations 2015, Revised August 2020 to change the zoning of a tract of land North of Twin Valleys Public Power District Headquarters Building at 1125 Nasby Street now vacated, Lot 4, Hammonds Re-Plat #2, an addition to, Cambridge, Furnas County, Nebraska from "R-2" Multi-Family Residential Zoning Classification to "C-2" Highway Commercial Zoning Classification.

Section 2. That notice of such application has been published as provide by law in the Valley Voice, a legal weekly newspaper of Cambridge, Nebraska, and

Section 3. The Clerk shall file a copy of the ordinance with the County Register of Deeds 15 days after approval by the Cambridge City Council.

Section 4. This Ordinance shall be in full force and take effect from and after its passage, approval and publication according to law.

**C. Conditional Use Permit Application of Twin Valleys Public Power District to construct a warehouse in a "C-2" Highway Commercial Zone:** Mayor Gunderson opened the public hearing at 6:36 P.M. The City Council received the written finding of fact as "Exhibit 1". City Council noted the Planning Commission received a copy of the Written Finding of Fact as "Exhibit 1" at their meeting. David Custer, presenting Twin Valleys Public Power District, stated staff had contacted all resident within 300 feet. He stated the building would be used to store trucks to provide more space in their warehouse to store materials. Stocking more materials has become necessary due to delays in received materials ordered. Most green space will remain and Twin Valleys Public Power will put in a new fence. There were no other public comments. Mayor Gunderson closed the public hearing at 6:41 P.M. Motion to accept the Written Finding of Fact as "Exhibit 1" made by Derek Raburn, seconded by Tony Groshong. Voting yes were Vernita Saylor, Tony Groshong, Derek Raburn and Mike Harris. Jeff Ommert was absent and not voting. Kevin Banzhaf abstained from voting. Motion carried unanimously by City Council members present. Motion to approve conditional use permit application. Tony Groshong stated the motion, seconded by Vernita Saylor, to approve the conditional use permit application of Twin Valleys Public Power District to construct a warehouse in a "C-2" highway commercial zone. Voting yes were Vernita Saylor, Tony Groshong, Derek Raburn and Mike Harris. Jeff Ommert was absent and not voting. Kevin Banzhaf abstained from voting. Motion carried unanimously by City Council members present.

**Consent Agenda:** Minutes of September 8, 2021 and the claims report. The City Council received a copy of the minutes of September 8, 2021 and the claims report. Derek Raburn stated the motion, seconded by Tony Groshong, to approve the minutes of September 8, 2021, and the claims report. Voting yes were Vernita Saylor, Tony Groshong, Derek Raburn, Mike Harris and Kevin Banzhaf. Jeff Ommert was absent and not voting. Motion carried for the minutes of September 8, 2021, and the following claims:

City of Cambridge			
Claims Report			
To Mayor and City Council			
9/20/2021			
Period 09/09/2021 TO 09/20/2021			
Check No.	Vendor, For	Amount	Dept. Total
<u>Combined Utility:</u>			
32324-32328	Payroll	6,385.30	
32329	Ag Valley, Fuel	158.57	
32330	American Agricultural Lab, Wastewater testing	64.50	
32331	Blue Cross Blue Shield, Health Insurance	11,233.58	
32332	Brico Pest Control, Spray bugs	100.00	
32333	Cambridge General Store, Supplies	98.29	
32334	Cambridge Super Market, Supplies	4.99	
32335	City of Cambridge, Payroll ACH Error	3,071.53	
32336	Eakes Office Supplies, Office Supplies	8.36	
32337	Nebraska Public Health, Water Testing	30.00	
32338	Northwestern Mutual, Annuity	2,735.90	
32339	Southwest Farm & Auto, Supplies, Repairs	80.14	
32340	Twin Valleys Public Power District, Contract	9,889.07	
32341	USABLE Life, Insurance	81.00	
32342	void	0.00	
32343	Card member Services, Postage, Supplies	764.38	
ACH	Payroll	2,779.38	
ACH	Black Hills Energy, Utility	123.83	
ACH	Nebraska Department Revenue, Sales Tax	13,126.51	
ACH	IRS, Federal With holdings	2,821.42	
ACH	Waypoint Bank Return Item	375.00	53,931.75
<u>City Account (General Fund):</u>			
49468	Payroll	38.14	
49469	Replace Lost Check	138.52	
46470	Replace Lost Check	138.52	
49471	Replace Lost Check	729.56	
49472-49474	Payroll	884.07	
49475	Ag Valley, Fuel	166.53	
49476	Akrs Equipment, Repair Gator	815.76	
49477	Bernie Jones Auto, Repairs	304.24	
49478	Brico Pest Control, Spray bugs	100.00	
49479	Cambridge General Store, Supplies	90.82	
49480	Cambridge Public School, Tobacco & Liquor License Fees	2,110.00	
49481	Cambridge Super Market, Supplies	13.68	

49482	CenturyLink, Police phone	59.96	
49483	D & M Security, Museum Security	55.50	
49484	Employee Deductible, flex spending	17.19	
49485	Hackel Construction, Swimming Pool Project Pay Request	142,695.61	
49486	Employee Deductible, flex spending	77.47	
49487	Employee Deductible, flex spending	438.05	
49488	Sandry Fire, Supplies	5,279.15	
49489	Southwest Farm & Auto, Supplies, Repairs	41.93	
49490	State Treasurer, Dog License Fees	165.00	
49491	Twin Valley Public Power, Utility	59.85	
49492	void	0.00	
49493	Card member Services, Postage, Supplies	136.08	
49494	Waypoint Bank, Loan Payment	1,545.00	
ACH	Payroll	92.35	
ACH	IRS, Federal With holdings	21.62	
ACH	Black Hills Energy, Utility	91.86	
ACH	IRS, Federal With holdings	175.71	156,482.17
	<u>City of Cambridge TIF:</u>		
1153	Cline Williams, Attorney Fees	102.50	
1154	First Central Bank, Cobblestone TIF	8,297.63	8,400.13
	<u>LB840/ Revolving Loan/ HTC:</u>		
4453	Down Payment Assistance refund overpayment	125.00	
4454	City of Cambridge, Distribution Sales Tax	19,938.50	
4455	void	0.00	
4456	Card member Services, Postage, Supplies	86.56	
4457	Cross Creek Golf Links, Distribution Sales Tax	6,439.66	26,589.72
	Total:	245,403.77	245,403.77

#### **Appointments:**

Park Board Appointments: Vernita Saylor stated the motion, seconded by Tony Groshong to approve the recommendation of the Park Advisory Board for the appointment of Diane Deselms. Voting yes were Vernita Saylor, Tony Groshong, Derek Raburn, Mike Harris and Kevin Banzhaf. Jeff Ommert was absent and not voting. Motion carried unanimously by City Council members present.

#### **Reports of Officers, Boards & Committees:**

##### a. Miller & Associates – Swimming Pool Project

Larry Steele of Miller & Associates provided information regarding dewatering and stainless steel gutter material. Discussion was held on the budget for the project (\$1,740,000), and funding source (\$1,835,704) not including the bond payment due in 2022. The change order of \$2,144.80 will be applied to the contingency budget. A construction meeting was held recently; dewatering was discussed. Larry Steele suggested that the City share in the cost of dewatering

estimated to be \$8,000.00. Since stainless steel gutter costs have increased, Steele recommended a different grade. A drywell anti-flotation slab will be installed – no change order required for this or for a change in PVC ceiling panels. Vernita Saylor stated the motion, seconded by Mike Harris, for the City to split the cost for dewatering with the contractor, Hackel Construction. Voting yes were Vernita Saylor, Tony Groshong, Derek Raburn, Mike Harris and Kevin Banzhaf. Jeff Ommert was absent and not voting. Motion carried unanimously by City Council members present. Vernita Saylor stated the motion, seconded by Mike Harris, to approve changing the stainless steel gutter material from 316L to 304L. Voting yes were Vernita Saylor, Tony Groshong, Derek Raburn and Mike Harris. Kevin Banzhaf voted no. Jeff Ommert was absent and not voting. Motion carried by the majority of City Council members present. Vernita Saylor stated the motion, seconded by Tony Groshong, to approve pay request #1 to Hackel Construction for \$142,695.61. Voting yes were Vernita Saylor, Tony Groshong, Derek Raburn, Mike Harris and Kevin Banzhaf. Jeff Ommert was absent and not voting. Motion carried by City Council members present.

b. Planning Commission Reports – Vernita Saylor stated the motion, seconded by Tony Groshong, to approve the recommendations of the Planning Commission for permits for the following: Andrew Benson to construct a new home at 40309 Harvest Drive; Shane Hannah of 311 Neville Street for new windows, sliding door, deck and sidewalk; and Brad Holtze of 911 Parker Street to construct a garage. Voting yes were Vernita Saylor, Tony Groshong, Derek Raburn, Mike Harris and Kevin Banzhaf. Jeff Ommert was absent and not voting. Motion carried by City Council members present.

c. City Clerk/Treasurer Report – Kandra Kinne advised that the Line Loss Report is contained in Council packets. She also reported on the status of mowing letters and advised that a policy is needed to pass costs on to customers for electric maintenance costs. City Council discussed the process to pass on costs to customers. Utility Supervisor would need to have input to office staff to bill customers.

d. Planning Commission Report – Council discussed accessory building and uses and recommended to the Planning Commission that accessory building and accessory use be defined in “R-1” and “R-2” as conditional use when the principal use is demolished or moved.

e. Park Board Report – Tony Groshong stated the motion, seconded by Mike Harris, to accept the Park Board Minutes of September 14, 2021. Voting yes were Vernita Saylor, Tony Groshong, Derek Raburn, Mike Harris and Kevin Banzhaf. Jeff Ommert was absent and not voting. Motion carried by City Council members present.

f. utility Supervisor Report – Dave Houghtelling reported on the following: trying to get neon light on the Light Plant to work properly; Rob Musil has been trimming trees at the Cemetery; and staff is trying to kill the grassy sandburs at the Cemetery.

**Unfinished Business:**

John & Valerie MacLeod Small Generation Interconnection Application for 1313 Galligar Street – Item tabled while waiting on electrical inspection report.

**New Business:**

## a. Water Rates Ordinance No. 790 – First Reading

Derek Raburn stated the motion, seconded by Vernita Saylor, to approve the first reading of Water Rates Ordinance No. 790. Mayor Gunderson read Ordinance No. 790 by title. Voting yes were Vernita Saylor, Tony Gunderson, Derek Raburn, Mike Harris and Kevin Banzhaf. Jeff Ommert was absent and not voting. Motion carried by City Council members present for the first reading of Ordinance No. 790 as follows:

CITY OF CAMBRIDGE  
ORDINANCE NO. 790

AN ORDINANCE SETTING THE MUNICIPAL WATER DEPARTMENT  
MINIMUM RATES FOR PREMISES LOCATED WITHIN AND WITHOUT THE  
CORPORATE LIMITS OF THE CITY OF CAMBRIDGE; CONNECTION FEES;  
EFFECTIVE DATE OF THE ORDINANCE; REPEALING ANY ORDINANCES IN  
CONFLICT.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY  
OF CAMBRIDGE, FURNAS COUNTY, NEBRASKA, AS FOLLOWS:

Section 1. Amending Chapter Seven, Section 211 of the City of Cambridge Municipal Code 2015: All water consumers shall be liable for the minimum rate provided by Ordinance unless and until a consumer shall direct the Utility Supervisor to shut off the water at the stop box, in which case he or she shall not be liable thereafter for water usage until the water is turned on again. (Neb. Rev. State §§ 17-540, 17-542)

Section 2. Municipal Water Department Minimum Rates. The water rates and connection fees herein specified shall be charged to water users for premises located both within and without the corporate limits of the Municipality for water furnished them by the Municipal Water Department:

Premises located within the corporate limits of the Municipality for water shall pay Twenty-Seven Dollars and fifty cents (\$27.50) per month or any part of a month; together with an additional charge of One Dollar and Seventy-Five Cents (\$1.75) per one thousand (1,000) gallons of water used per month or any part of a month.

Premises located without the corporate limits of the Municipality for water shall pay Thirty-Four Dollars and Thirty Eight Cents (\$34.38) per month or any part of a month; together with an additional charge of Two Dollars and Nineteen Cents (\$2.19) per one thousand (1,000) gallons of water used per month or any part of a month.



Industrial rate within and without the corporate limits of the Municipality for water shall pay Three Thousand Seven Hundred Fifty Dollars (\$3,750) per month minimum charge for five million (5,000,000) gallons water. Over five million (5,000,000) gallons water will be billed at a rate of seventy- Five cents (.75) per thousand (1,000) gallons of water used per month or any part of a month.

Water rates will be based per meter and each water service will be billed with the base fee plus the additional charge per one thousand gallons of water used per month or any part of a month for each water meter in service.

For each connection or tap made, pursuant to a water user's contract entered into between the Municipality and a water user to a water main of the Municipality for the purpose of providing water to premises located within the corporate limits of said municipality, the applicant for such connection shall pay to said Municipality the following applicable connection fee, to wit:

For  $\frac{3}{4}$  Inch diameter service, a fee of \$200.00

For 1 inch diameter service, a fee of \$225.00

No connection or tap in excess of one inch in diameter will be allowed for a residential service customer. For commercial and industrial customers the size of the connection or tap and connection fee will be negotiated between the Governing Body and the customer.

The Governing Body may provide water service for new residential, commercial or industrial customers outside the city limits in accordance with the policy by the Cambridge City Council and amended from time to time.

Section 2. Effective Date of the Ordinance. This ordinance shall be in full force and effect after its passage, approval and publication according to law and beginning with water meter readings December 16, 2021, billing dated January 31 2022.

Section 3. Repeal of Ordinances in Conflict. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. Ordinance No. 718 is hereby repealed.

**B. Salary Ordinance No. 791 for fiscal year 2021-2022**

1. Waive Reading on three different days - Vernita Saylor stated the motion, seconded by Derek Raburn, to waive the three readings of Ordinance No. 791. Voting yes were Vernita Saylor, Tony Groshong, Derek Raburn, Mike Harris and Kevin Banzhaf. Jeff Ommert was absent and not voting. Motion carried by City Council members present.
2. Motion to approve Ordinance No. 791 – Vernita Saylor stated the motion, seconded by Tony Groshong, to approve Ordinance No. 791. Voting yes were Vernita Saylor, Tony Groshong, Derek Raburn, Mike Harris and Kevin Banzhaf. Jeff Ommert was absent and not voting. Motion carried by City Council members present for Ordinance No. 791 as follows:

**City of Cambridge  
Furnas County, Nebraska  
Ordinance No. 791**

**AN ORDINANCE OF THE CITY OF CAMBRIDGE, FURNAS COUNTY, NEBRASKA,** establishing annualized salaries and wages for the fiscal year beginning October 1, 2021 and ending September 30, 2022 of the employees, repealing all prior conflicting ordinances and ordering the publication of this ordinance.

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF CAMBRIDGE, NEBRASKA AS FOLLOWS:**

**Section 1.** Mayor and City Council Salaries set by Ordinance No. 695, Approved October 4, 2010.

**Section 2.** The hourly rate to be paid, from October 1, 2021, to full time and part time employees for fiscal year 2021-2022 are established as follows:

<u>Position</u>	<u>Salary</u>
Utility Supervisor	\$37.34/Hr.
City Clerk/ Treasurer	\$31.16/Hr.
Office Assistant	\$17.06/Hr.
Office Assistant	\$15.51/Hr.
Water Operator	\$25.48/Hr.
Wastewater Treatment Plant Operator	\$23.82/Hr.
Utility Employee	\$18.00/Hr.
Librarian	\$1,449.98/month
Librarian Assistant	\$12.73/Hr.
Librarian Assistant	\$12.36/Hr.
Museum Director	\$11.40/Hr.
Museum Assistant	\$10.82/Hr.
Temporary/Part-time/Summer Maintenance (Parks & Mowing) (Seasonal Employment)	\$13.52/Hr.
Temporary/Part-time/Summer Maintenance (Cemetery & Mowing) Seasonal Employment)	\$11.14/Hr.

-Swimming Pool, Current Wage. Wage for summer 2021 will be set by motion when hired.  
(All Seasonal Employment)

Swimming Pool Manager (Summer-Seasonal)	\$14.55/Hr.
Swimming Pool Assistant Manager	\$11.00 to \$11.40/Hr.
Life Guard	\$9.00/Hr. to 9.40/Hr.
Volunteer Firemen	\$10.00/Hr. while called out
EMTs	\$30.00/Hr. while called out
Ambulance Drivers	\$10.00/Hr. while called out

**Section 3.** The Salaries provided by this Ordinance will be effective after passage and approval of this ordinance.

**Section 4.** All prior ordinances in conflict herewith are repealed

**Section 5.** This Ordinance take effect after approval and publication as provided by law

c. Approval to file utility lien for unpaid utilities at 417 Park Avenue – Vernita Saylor stated the motion, seconded by Tony Groshong, to approve filing a utility lien for unpaid utilities at 417 Park Avenue. Voting yes were Vernita Saylor, Tony Groshong, Derek Raburn, Mike Harris and Kevin Banzhaf. Jeff Ommert was absent and not voting. Motion carried unanimously by City Council members present.

d. Executive Session – Derek Raburn stated the motion, seconded by Vernita Saylor, to adjourn to executive session with legal counsel for pending litigation at 8:15 P.M. Voting yes were Vernita Saylor, Derek Raburn, Mike Harris and Kevin Banzhaf, Tony Groshong voted no. Jeff Ommert was absent and not voting. Motion carried by City Council members present. 8:25 p.m. Adjourn to Executive Session. Mike Harris stated the motion, seconded by Derek Raburn, to return to regular session. Voting yes were Vernita Saylor, Derek Raburn, Mike Harris and Kevin Banzhaf, Tony Groshong voted no. Jeff Ommert was absent and not voting. Motion carried by City Council members present. 8:26 p.m. return to regular session. Mayor Gunderson announced that the only item discussed was pending litigation.

**Adjournment:**

Vernita Saylor stated the motion, seconded by Mike Harris, to adjourn at 8:26 p.m. voting yes were Vernita Saylor, Derek Raburn, Mike Harris and Kevin Banzhaf, Tony Groshong voted no. Jeff Ommert was absent and not voting. Motion carried by unanimously by City Council members present.

Attest: Kandra J. Kinne, City Clerk/Treasurer

David Gunderson, Mayor

"Exhibit #1"

*Twin Valleys Public Power District*

C. Minimum requirements. A conditional use permit shall not be granted unless specific written findings of fact directly based upon the particular evidence presented support the following conclusions:

1. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations.

*Twin Valleys PPD will be using a licensed architectural firm to design all aspects of the building and site. They are charged with following all rules and regulations of local, state and federal governments.*

2. The proposed conditional use at the specified location will not adversely affect the welfare or convenience of the public.

*The location of the building is such that no new access point will be needed from the city street. The existing fence will be expanded to include the building into our existing warehouse area. The traffic to our facility will not change due to the new construction.*

3. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.

*The building will be built a substantial distance from the city streets and property lines. It will utilize the same access drive as our current facility.*

4. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:

- a. The location, nature and height of buildings, structures, walls, fences on the site, and
- b. The nature and extent of landscaping and screening on the site.

*The building's overall height will not be higher than our current facility and will be built of quality material in a color that matches our current facility. We will continue to take care of the significant green space that the building and fenced-in area do not occupy.*

5. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.

*Accommodations have and will be made so all customers and employees will have ample off-street parking. The new building will not affect the way deliveries currently are or will be handled.*

6. Adequate utility, drainage, and other such necessary facilities have been or will be provided.

*The architectural firm will be charged with making sure utilities and drainage are adequate and follow best industry practices.*

7. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys

*As we are not changing the way we access our facilities, we feel this will not be a problem. The existing warehouse/building drive is not accessed directly off the highway. The traffic to our facility will not change due to the new construction.*