

RESOLUTION NO. 2022-28

A RESOLUTION APPROVING COMMUNITY-WIDE BLANKET CONSTRUCTION PERMIT AGREEMENT BETWEEN THE CITY OF WAYNE AND BLACK HILLS NEBRASKA GAS, LLC D/B/A BLACK HILLS ENERGY.

WHEREAS, the City of Wayne, Nebraska, including the Wayne City Council, is desirous of entering into a "Community-Wide Blanket Construction Permit Agreement" with Black Hills Nebraska Gas, LLC d/b/a Black Hills Energy to provide for the timely and efficient construction, installation, operation, maintenance, and expansion of natural gas facilities throughout the entire corporate limits of Wayne, Nebraska; and

WHEREAS, the recommendation is to approve said agreement.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that the "Community-Wide Blanket Construction Permit Agreement" between the City of Wayne and Black Hills Nebraska Gas, LLC d/b/a Black Hills Energy, which is attached hereto, be accepted as recommended, and the Mayor is authorized and directed to execute said agreement on behalf of the City.

PASSED AND APPROVED this 5th day of April, 2022.

THE CITY OF WAYNE, NEBRASKA

By: _____
Mayor

ATTEST:

By _____
City Clerk

**COMMUNITY-WIDE BLANKET CONSTRUCTION
PERMIT AGREEMENT**

This Agreement is entered into between Black Hills Nebraska Gas, LLC d/b/a Black Hills Energy (“Black Hills Energy”), and the City of Wayne, Nebraska (City).

WHEREAS, the City has passed and adopted a natural gas franchise ordinance permitting Black Hills Energy, among other things, the right to construct, install, occupy, operate, maintain, and expand its natural gas facilities in the City right-of-way and other public places within the City; and

WHEREAS, Black Hills Energy will continue to construct, install, operate, maintain, and expand its facilities throughout the corporate limits of the City of Wayne, Nebraska; and

WHEREAS, Black Hills Energy desires a blanket permit to construct, install, operate, maintain, and expand its natural gas facilities throughout the City; and

WHEREAS, the blanket permit would allow Black Hills Energy to commence construction, installation, operation, maintenance, or expansion of its natural gas facilities without the obligation of filing for individual and separate permits or other permissions with the City as those permits would be allowed under the blanket permit pursuant to the Community-Wide Construction Permit Agreement; and

WHEREAS, the City and Black Hills Energy desire to enter into an agreement that provides for the timely and efficient construction, installation, operation, maintenance, and expansion of natural gas facilities throughout the entire corporate limits of City; and

WHEREAS, the City desires to inspect the permitted projects to assure any construction complies with City Code and permit standards.

NOW, THEREFORE, BE IT RESOLVED that Black Hills Energy and the City mutually agree as follows:

1. Black Hills Energy shall be permitted to construct, install, operate, maintain, and expand its natural gas distribution facilities across all the City under a blanket construction and digging permit. The blanket permit grants Black Hills Energy the right to commence underground and aerial construction in City’s Right-of-Way and Utility Easements;
2. Black Hills Energy shall pay to City permit fees in the amount of \$1,000 per area A & C for work in 2022;
3. Black Hills Energy shall abide by all state “one-call” laws;
4. Black Hills Energy agrees potholing of existing utilities will be performed by hand digging or using a hydro-vac in situations where hand-digging is not practical;
5. All soils removed by Black Hills Energy as part of excavation will be stored on tarps and reused, in an effort to return the site to its original condition;
6. Black Hills Energy shall remove gravel prior to any alley excavation. Gravel shall be stored and reused post-excavation, in an effort to return the alley to its original condition;

7. Prior to construction, installation, or expansion of Black Hills Energy facilities, Black Hills Energy or its contractor will conduct a pre-construction field briefing within the grid. City's inspector is invited to attend the meeting to provide feedback prior to construction;
8. At the completion of each grid, Black Hills Energy and City will complete a final inspection and annotate any discrepancies that the contractor must repair;
9. The permit shall be satisfied when both Black Hills Energy and City are satisfied with repairs;
10. If a discrepancy is found after the final inspection (such as a bad coupler preventing cable pulling), Black Hills Energy will direct the contractor to repair the discrepancy at Black Hills Energy's expense;
11. All restoration will be completed to Black Hills Energy's standards, as well as the City's standards;
12. City inspectors shall be permitted to spot check any subcontractor, at any time, with or without notice, and to provide oversight and feedback;
13. All the terms and conditions herein contained are contingent upon the signing of this Agreement; and
14. The term of this Agreement shall commence upon approval of the City and shall continue from year to year. The Agreement may be terminated at any time after one-hundred and eighty (180) days written notice by either the City or by Black Hills Energy upon written notice to terminate.

IN WITNESS WHEREOF, the parties to this Community-Wide Blanket Construction Permit Agreement have affixed their signatures on the date specified below.

CITY OF WAYNE, NEBRASKA
A municipal corporation

By: _____
 Mayor

ATTEST:

By: _____
 Betty A. McGuire, City Clerk

Date: _____

BLACK HILLS NEBRASKA GAS, LLC
D/B/A BLACK HILLS ENERGY

By: _____
 Kevin Jarosz, Vice President, Operations

Date: _____