

MINUTES OF THE MEETING OF THE BOARD OF PUBLIC WORKS

A regular meeting of the Board of Public Works was held at the Hastings Utilities Board Room on Thursday, April 2, 2009, at 8:00 a.m. This meeting was preceded by notice duly published in the Hastings Tribune on Tuesday, March 31, 2009, and by notices duly posted in the lobby of Hastings Utilities, 1228 North Denver Avenue, and the City Hall, 220 N. Hastings Avenue, and was therefore open to the public.

Present: Anderson, Hunt, Krieger, Shoemaker, Poppe

Also Present: Schultes, Meyer, Cox, Cogley, DeTour, Sekora, Scherr, Goebel, Odom

Chairman Anderson stated that the Board of Public Works is subject to the Open Meetings Laws and acknowledged that the Open Meetings Law poster has been posted in the room.

There were no public comments.

Moved by Poppe, seconded by Shoemaker, to approve Real Estate Improvement Contracts Residential Water Distribution System (WDS-2 2009-2) and Residential Sewer Distribution System (SDS-2 2009-1) with Timothy C. Zimmerman and Laurie A. Zimmerman (Lot One of Prairie Hills Second Addition), Sean M. Daly and Shannon K. Daly (Lot Two of Prairie Hills Second Addition), and David J. Schram and Brandee J. Schram (Lot Three of Prairie Hills Second Addition). Discussion followed. The motion and second were withdrawn.

Moved by Hunt to table this item until the next meeting. The motion died for lack of a second.

Moved by Shoemaker, seconded by Poppe, to approve Real Estate Improvement Contract for Residential Sewer Distribution System (SDS-2 2009-3) with Westbrook Village L.L.C. for the East 330.0 feet of the North 1,387.33 feet of the South 1,618.01 feet of the Northwest Quarter (NW ¼) of Section 36, Township 8 North, Range 10 West of the 6th P.M., Adams County, Nebraska, amending Exhibit B, and that the Chairman of the Board be authorized to sign the contract. Roll Call: Ayes; Shoemaker, Poppe, Krieger, Hunt, Anderson. Nays; None. Motion carried.

Moved by Poppe, seconded by Shoemaker, to approve Real Estate Improvement Contracts Residential Water Distribution System (WDS-2 2009-2) and Residential Sewer Distribution System (SDS-2 2009-1) with Timothy C. Zimmerman and Laurie A. Zimmerman (Lot One of Prairie Hills Second Addition), Sean M. Daly and Shannon K. Daly (Lot Two of Prairie Hills Second Addition), and David J. Schram and Brandee J. Schram (Lot Three of Prairie Hills Second Addition), and that the Chairman of the Board be authorized to sign the contracts. Roll Call: Poppe, Shoemaker, Hunt, Krieger, Anderson. Nays; None. Motion carried.

Moved by Hunt, seconded by Poppe, to ratify the appointments of George Anderson and Scott Krieger to serve as Class A HEDC Executive Committee Board Members and Marvin Schultes to serve as a Class B Board Member. Roll Call: Ayes; Hunt, Poppe, Shoemaker. Nays; None. Krieger and Anderson abstained. Motion carried.

Marvin Schultes gave a presentation on the December 2008 Monthly Report and a discussion on the Rate Stabilization Fund and Board policy amounts took place. The policy will be discussed further at a future Board Meeting.

Don Cox gave an update on CPEP and the Prepaid Natural Gas Status. At this time, there is not enough savings involved to go forward with the project. The status will be continually monitored.

George Anderson reported on the Business Committee's discussion. In light of the announcement of the Armour plant closing, the Business Committee has made recommendations to defer some of the capital improvements and curtail as much overtime as possible. The committee will meet again in the future to discuss further options as needed.

A discussion on Legislative Bills LB-436, Amendment 708, and LB-663, regarding net metering, took place. The Board would like to support LB-436. Chuck Shoemaker recommended that language be included to allow for our local board to make decisions on the costs reimbursed.

Moved by Shoemaker, seconded by Hunt, to support Amendment 708 to LB 436 on net metering, so long as it provides that the local board has authority to pay for the net energy produced by the local generator at a higher rate than the "avoided cost" rate set forth in the bill, if that is determined to be appropriate by the local board.. Roll Call: Ayes; Shoemaker, Hunt, Krieger, Anderson. Nays; Poppe. Motion carried.

Moved by Hunt, seconded by Krieger, that the following items on the Consent Agenda be approved:

- a. Review, correction or approval of minutes of March 12, 2009, meeting
- b. Review and approval of checks issued March 30, 2009, with the exception of claim number 4735 to Gessford Machine Shop and claim number 4830 to Westland Building Co., Inc.
- c. Approval of the following claims:
 - General Operating Fund against the Electric Fund – \$3,417,110.21
 - General Operating Fund against the Combined Fund - \$2,628,217.83
- d. Review of payroll for periods ending March 14 and 28, 2009
- e. Approval of the following work orders:
 - EL-126 Installation of a three-phase overhead transformer bank on Adams Central Ave., ¼ mile south of D-L-D Rd., for service to an irrigation well and pivot.

Estimated Cost: \$4,920

Roll Call: Ayes; Hunt, Krieger, Anderson, Poppe, Shoemaker. Nays; None. Motion carried.

Moved by Hunt, seconded by Poppe, to approve claim number 4735 to Gessford Machine Shop in the amount of \$2,335.76. Roll Call: Ayes; Hunt, Poppe, Krieger, Shoemaker. Nays; None. Anderson abstained. Motion carried.

Moved by Poppe, seconded by Krieger, to approve claim number 4830 to Westland Building Co., Inc. in the amount of \$606.82. Roll Call: Ayes; Poppe, Krieger, Anderson, Shoemaker. Nays; None. Hunt abstained. Motion carried.

Moved by Hunt, seconded by Poppe, that this Board go into Closed Session, which Closed Session is clearly necessary for the protection of the public interest in that said Closed Session will consist of a strategy session relative to energy supply negotiations. Roll Call: Ayes; Hunt, Poppe, Anderson, Krieger. Nays; None. Shoemaker was out of the room. Motion carried.

The meeting closed to the public at 11:55 a.m. The executive session consisted of Board Members, Council Liaisons Goebel and Odom, the Board's Attorney and staff.

Krieger left during the Executive Session.

Moved by Hunt, seconded by Poppe, that the meeting be reopened to the public at 12:02 p.m. and that no decisions were made nor official actions taken during said Closed Session. Roll Call: Ayes; Hunt, Poppe, Shoemaker, Anderson. Nays; None. Motion carried.

There was no update on PPGA Activities. The minutes were reviewed.

There were no Miscellaneous and Future Agenda Items discussed.

The meeting adjourned at 12:02 p.m.

Secretary