

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 16, 2009, at 8:00 a.m. This meeting was preceded by notice duly published in the Hastings Tribune on Tuesday, April 14, 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, Sanders, Stange, Cogley, Barfknecht, Odom, Scherr, Clark Haberman, Robin Vodehnal, Mike Wassenger of McDermott-Miller, Sullivan, Patterson, Mayor Powers

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.

During Public Comments, Clark Haberman expressed the following concerns:

Why design a nitrate water treatment plant (Westbrook) before the Wellhead Protection Committee has had time to make recommendations;

He would like to see nitrate tracking on all wells;

He is concerned about the quantity of ash that will be manufactured by WEC-2;

He is concerned with how bio-solids will be handled in the future.

Robin Vodehnal who is a chairman on the Wellhead Protection Committee stated that the committee has been meeting and a formal presentation will be made to the Board of Public Works. The committee is interested in speeding up a water meter replacement program.

Mike Wassenger of McDermott-Miller presented the 2008 Hastings Utilities Annual Audit. A clean audit was issued. The Board asked to have the partial assignment agreements with Heartland Consumer Power District and the Municipal Energy Agency of Nebraska approved by the Board in 2008 disclosed in the audit.

Moved by Hunt, seconded by Anderson, to accept the 2008 Hastings Utilities Annual Audit, subject to the information on the partial assignment of capacity being included, and that this audit be placed on file. Roll Call: Ayes; Hunt, Anderson, Shoemaker, Poppe, Krieger. Nays; None. Motion carried.

Moved by Hunt, seconded by Shoemaker, that upon the recommendation from staff, to award a contract for Water and Sanitary Sewer Main Improvements, Informal Contract No. 2009-04 IC-23, to Van Kirk Brothers Contracting, Sutton, Nebraska, in the amount of \$233,297.76, subject to payments from the developers being made.

Moved by Hunt, seconded by Shoemaker, to amend the motion to state that Hastings Utilities' Water Department shall pay an extra \$2,137.20 for the purpose of using Class 52 DIP pipe as betterment. Roll Call: Ayes; Hunt, Shoemaker, Krieger. Nays; Anderson, Poppe. Motion carried.

Vote on Main Motion with Amendment. Roll Call: Ayes; Hunt, Shoemaker, Poppe, Krieger, Anderson. Nays; None. Motion carried.

Moved by Hunt, seconded by Krieger, to amend the Policy for Water and Sanitary Sewer Real Estate Improvement Contracts to allow for 10 year repayment from the developer per the policy presented by staff. Roll Call: Ayes; Hunt, Krieger, Shoemaker, Anderson, Poppe. Nays; None. Motion carried.

Moved by Hunt, seconded by Poppe, to approve a Release of Easement for Lots 4 and 5 in the Lochland Meadows Subdivision Number 2, contingent upon obtaining a 10' easement, and to forward to the Mayor and City Council for their approval. Roll Call: Ayes Hunt, Poppe, Anderson, Krieger, Shoemaker. Nays; None. Motion carried.

Marty Stange gave a presentation on the beneficial use of fly ash. Staff was instructed by the Board to look into how the fly ash sales and deliveries can be documented in the 2010 agreement.

The Update on Well No. 33 Spinner Flow Study was delayed until the next meeting.

The Update on Design Status of 17th Street (Westbrook) Nitrate Water Treatment Plant was delayed until the next meeting.

The Update of PPGA Activities and Review of Minutes was delayed until the next meeting.

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

- a. Review, correction or approval of minutes of April 2, 2009, meeting
- b. Review and approval of checks issued April 13, 2009, with the exception of claim number 4977

to Sullivan Shoemaker Witt Burns and claim number 4997 to Phil Johnson & Associates, Inc.

- c. Review of payroll for period ending April 11, 2009
- d. Approval of the following work orders:
 - EL-128 Installation of a three-phase overhead transformer bank on 18th St. east of Saunders Ave. for the new Hastings Public School's Alternative Learning Center. Estimated Cost: \$10,201
 - EL-129 Relocation of padmount switch and single-phase underground electric line in Lochland Meadows northwest from the intersection of Quail Ridge Ave. and Mallard Way Ave. Estimated Cost: \$ 696
 - EL-130 Installation of a three-phase underground electric line and padmount transformer to serve the 2008/2009 addition to Mary Lanning Memorial Hospital at 8th St. and St. Joseph Ave. Estimated Cost: \$38,929
 - WA-246 New 8" water main on Lakeview Terrace, Wendell Drive to 33rd Street for Prairie Hills 2nd Addition. Estimated Cost: \$45,907
 - WA-248 Replacement of inoperable fire hydrants in system at the following locations: Four River Gun Club; Building 196 at NAD; 12th & Apache; Libbs Park; 606 N Shore Drive; 10th Street and St. Joe Avenue; 746 N Lincoln Avenue; 744 N Hastings Estimated Cost: \$38,230
 - SW-264 New 10" and 8" PVC sanitary sewer main to serve Prairie Hills 2nd Addition. Estimated Cost: \$85,459

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

Moved by Hunt, seconded by Poppe, to approve claim number 4977 to Sullivan Shoemaker Witt Burns in the amount of \$13,552.78. Roll Call: Ayes; Hunt, Poppe, Krieger, Anderson. Nays; None. Shoemaker abstained. Motion carried.

Moved by Poppe, seconded by Shoemaker, to approve claim number 4997 to Phil Johnson & Associates, Inc. in the amount of \$69.75. Roll Call: Ayes; Poppe, Shoemaker, Krieger, Anderson. Nays; None. Hunt abstained. Motion carried.

Moved by Hunt, seconded by Krieger, 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 updates on the status of environmental litigation. Roll Call: Ayes; Hunt, Krieger, Shoemaker, Poppe, Anderson. Nays; None. Motion carried.

The meeting closed to the public at 11:40 a.m. The executive session consisted of Board Members, Council Liaison Odom, the Board's Attorney, Mayor Powers, Mike Sullivan, Joe Patterson, and staff.

Moved by Hunt, seconded by Shoemaker, that the meeting be reopened to the public at 12:18 p.m. and that no decisions were made nor official actions taken during said Closed Session. Roll Call: Ayes; Hunt, Shoemaker, Poppe, Anderson, Krieger. Nays; None. Motion carried.

The meeting adjourned at 12:18 p.m.

Secretary