

## 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, June 17, 2010, at 5:00 P.m. This meeting was preceded by notice duly published in the Hastings Tribune on Tuesday, June 15, 2010, 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, Dewalt, Krieger

Absent: Shoemaker

Also Present: Schultes, Meyer, Sanders, Cogley, Sekora, Goebel, Scherr, William Phillips, and Elizabeth Florian

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.

The Chairman gave the public an opportunity to speak and there were no public comments.

Board Member Hunt excluded himself as a Board Member during the discussion on Item 7 (Discussion of Services Provided to the Phil Johnson & Associates Water System).

Chairman Anderson explained this item was on the agenda so the Board could visit about the services offered to the new owners of the Phil Johnson & Associates water system.

William Phillips (Phillips Industries) spoke regarding the Phil Johnson & Associates water system. Mr. Phillips stated that he was surprised to read in the newspaper that the water system currently owned by Mr. Hunt was being discussed at the Board of Public Works meeting. He had read in the Hastings Tribune that Mr. Niemoth had formed an LLC and advertised this in legal notices as the Industrial East Water Systems LLC.

Mr. Willis Hunt told the Board that his request to have this item on the agenda had to do with the fact that he would like to have something in writing offering any new owners of the water system the same services that Hastings Utilities has provided to the Phil Johnson & Associates.

Attorney Scherr suggested the Board authorize staff to prepare a Resolution to lay out the terms with the new owner.

Moved by Anderson, seconded by Dewalt, to authorize staff with the assistance of legal counsel to meet with the potential new owners of the Phil Johnson & Associates water system to discuss terms and conditions for continued supply of wholesale water to the water system and bring a recommendation back to the Board. Roll Call: Ayes; Anderson, Dewalt, Krieger. Nays; None. Motion carried.

Mr. Hunt resumed his function as Board Member at the table.

A discussion of Out of District Water and Sanitary Fee for Lots 1 and 2 Florian Subdivision (N. Elm Avenue) was held. Elizabeth Florian stated that she felt they should not be responsible for the legal fees that were accrued during the negotiations with the Vandeventers on the sanitary sewer out of district fee.

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Moved by Hunt, seconded by Krieger, that this Board go into Closed Session, which Closed Session is clearly necessary for the public interest in that said Closed Session will consist of a strategy session relative to legal advise on negotiations. Roll Call: Ayes; Hunt, Krieger, Dewalt, Anderson. Nays; None. Motion carried.

The meeting closed to the public at 5:27 p.m. The executive session consisted of Board Members, Council Liaison Goebel, the Board's Attorney, and staff.

Moved by Krieger, seconded by Dewalt, that the meeting be reopened to the public at 5:35 p.m., and that no decisions were made nor official actions taken during said Closed Session. Roll Call: Ayes; Krieger, Dewalt, Hunt, Anderson. Nays; None. Motion carried.

Moved by Krieger, seconded by Dewalt, to settle the Out of District Sanitary Sewer Fee for Lots 1 and 2 Florian Subdivision (N. Elm Avenue) for an amount of \$2,487.68, which will not include the legal fees. Roll Call: Ayes; Krieger, Dewalt, Anderson. Nays; Hunt. Motion carried.

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

- a. Review, correction or approval of minutes of the June 3, 2010, meeting
- b. Review and approval of checks issued June 14, 2010, with the exception of check number 9076 to Phil Johnson & Associates
- c. Review of payroll for period ending June 5, 2010
- d. Approval of the following work orders:  
WA-254 New 8" D.I.P. Water Main on 14<sup>th</sup> St., Baltimore Ave. to MacArthur Rd.  
Estimated Cost: \$54,868

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

Moved by Krieger, seconded by Dewalt, to approve check number 9076 to Phil Johnson & Associates in the amount of \$200.69. Roll Call: Ayes; Krieger, Dewalt, Anderson. Nays; None. Hunt abstained. Motion carried.

A discussion was held on approving a Consent to Review of Hastings Utilities Indirect Charges. The Public Power Generation Agency has hired Black & Veatch to review the HU Indirect Charges and need the consent of HU to go forward with the study.

Moved by Dewalt, seconded by Hunt, that the Board authorize approval of consent to the study to review the HU Indirect Charges. Roll Call: Ayes; Dewalt, Hunt, Anderson, Krieger. Nays; None. Motion carried.

A discussion was held on the power line and switch box at Highland Park Cemetery and Ron Sekora gave a presentation on the location of the power line and the switch box. Mr. Sekora showed a picture of a padmount transformer that would replace the old translosures that we are replacing in the electric system as they need replacement. The padmount transformer is significantly smaller than the transclosure. The Board felt that would be a good improvement.

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The board discussed the location of the overhead power line in the cemetery which has been located in the cemetery for more than 50 years and has been rebuilt and in good operating condition. Members of the board expressed concern for options and who would pay any costs. The board directed staff to bring back potential options and cost estimates to the board.

The April 2010 Monthly Report was presented and discussed. Mr. Hunt questioned the numbers showing unaccounted for water. Mr. Schultes will research the reason for the unaccounted for water increase and report at the next meeting.

There was no update on PPGA activities and no minutes to review at this time. Mr. Meyer did report that the WEC-2 construction is on schedule.

Under Miscellaneous and Future Agenda Items, Mr. Schultes reported that there was a 115 KV circuit breaker failure at the 7<sup>th</sup> Street substation over the weekend which will require replacement and expensive repairs.

Moved by Hunt, seconded by Krieger, that this Board go into Closed Session, which Closed Session is clearly necessary for the public interest and for the prevention of needless injury to the reputation of an individual, which individual has not requested a public meeting, in order to discuss certain matters relating to personnel. Roll Call: Ayes; Hunt, Krieger, Dewalt, Anderson. Nays; None. Motion carried.

The meeting closed to the public at 6:52 p.m. The executive session consisted of Board Members, Council Liaison Goebel, the Board's Attorney, and staff.

Moved by Dewalt, seconded by Krieger, that the meeting be reopened to the public at 6:56 p.m., and that no decisions were made nor official actions taken during said Closed Session. Roll Call: Ayes; Dewalt, Krieger, Anderson, Hunt. Nays; None. Motion carried.

The meeting adjourned at 6:58 p.m.

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Secretary

## MINUTES OF THE MEETING OF THE BOARD OF PUBLIC WORKS

A special meeting of the Board of Public Works was held at the Hastings Utilities Board Room on Thursday, June 17, 2010, at 7:00 p.m. This meeting was preceded by notice duly published in the Hastings Tribune on Monday, May 10, 2010, 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, Dewalt, Krieger

Absent: Shoemaker

Also Present: Schultes, Sanders, Cogley, Stange, J. Sidlo, Goebel, Scherr, Bob Samuelson (Resident), Charles Wagner (Village of Juniata), Ron Seymour (UNL – Adams County Extension), Daryl Anderson (Little Blue NRD), Michele Bever (South Heartland District Health Department), William Phillips (Phillips Industries), and Glen Kroeker (Adams County Planning & Zoning)

Public Hearing on the Wellhead Protection Plan took place.

Glen Kroeker (Adams County P&Z) gave testimony in support of the plan and how it brought the different stakeholders together. He stated that water quality around the world and in this area will be even more important in the future. He commented on the quality of the plan and thanked the Board of Public Works for allowing staff to work on this vital project. He is happy to see the plan go forward and asked that the public be continued to be involved.

There was no opposition to the plan and no other public comments.

The Public Hearing was closed.

Moved by Hunt, seconded by Krieger, to approve Resolution No. 2010-03 approving the April 21, 2010, Wellhead Protection Plan. Roll Call: Ayes; Hunt, Krieger, Anderson, Dewalt. Nays; None. Motion carried.

The meeting adjourned at 7:14 p.m.

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Secretary