

MINUTES OF THE BOARD OF PUBLIC WORKS

A special meeting of the Beatrice Board of Public Works was held on the 21st day of December, 2015 at 6:30 p.m. in the BPS Admin Bldg Meeting Room, 320 North 5th Street, Beatrice, Nebraska.

ROLL CALL

Attending: Boardmembers: Baehr, Eskra, Leech, Moon, and Moran.

Absent: Boardmembers: None.

Chairman Dave Eskra announced that a copy of the Open Meetings Act is available in the meeting room and is accessible to members of the public.

CONSENT AGENDA

- a. Approve agenda as submitted.
- b. Receive and place on file all notices pertaining to this meeting.
- c. Receive and place on file all materials having any bearing on this meeting.

Moved by Moran, seconded by Moon, that the items listed under the consent agenda, be approved, accepted, and/or ratified as presented.

Roll Call: Yea: Baehr, Eskra, Leech, Moon, Moran

Nay: None

MOTION CARRIED.

PUBLIC HEARINGS/BIDS

There were no public hearings/bids.

RESOLUTIONS

Recommend approval of resolution entering into NPPD Contract to the Mayor and City Council.

Moved by Moran, to recommend to the Mayor and City Council to approve the resolution entering into NPPD Contract.

Chairman Eskra announced that without a second, the motion will not be considered.

Recommend approval of resolution giving NPPD notice to terminate contract to the Mayor and City Council.

Moved by Moran, seconded by Moon, to recommend to the Mayor and City Council to approve the resolution giving NPPD notice to terminate contract.

Tobias Tempelmeyer, General Manager, noted the current NPPD contract has a notice provision, in which either party must give notice five (5) years prior to the term of the contract if you do not wish to renew the contract. Tempelmeyer noted that this motion would be to recommend to the

Mayor and City Council to give notice to NPPD pursuant to provisions. The City would continue to purchase power from NPPD for the next three (3) years at 100%, and would be allowed to go elsewhere for a percentage of their power during years four (4) and five (5).

Ken Curry, NPPD Vice President of Customer Services, noted to the BPW Board that NPPD has had 58 customers sign Contract A, leaving only six (6) of their customers who have not signed. Curry noted that what it comes down to is the long term value and wished the BPW Board their best in making the decision.

Roll Call: Yea: Baehr, Eskra, Leech, Moon, Moran
Nay: None

MOTION CARRIED.

Recommend approval of resolution entering into Engagement Letter for Legal Services with BairdHolm, LLP to the Mayor and City Council.

Moved by Moran, seconded by Leech, to recommend to the Mayor and City Council to approve the resolution entering into Engagement Letter for Legal Services with BairdHolm, LLP.

Tobias Tempelmeyer, General Manager, reviewed the proposed resolution which would allow the City to enter into an Engagement Letter for Legal Services with BairdHolm, LLP. BairdHolm is a firm out of Omaha, who has expertise in special type of law for contractual issues and the City would look at utilizing them for both the termination of the NPPD contract and the contract with a new vendor.

Roll Call: Yea: Baehr, Eskra, Leech, Moon, Moran
Nay: None

MOTION CARRIED.

Recommend approval of resolution entering into Joint Defense Agreement to the Mayor and City Council.

Moved by Moran, seconded by Baehr, to recommend to the Mayor and City Council to approve the resolution entering into Joint Defense Agreement.

Tobias Tempelmeyer, General Manager, presented the resolution to enter into a Joint Defense Agreement with a number of other entities in which have filed a lawsuit against NPPD for charging different rates for those who signed the new contract and those customers who have not. This Agreement would have the City join the lawsuit and one (1) attorney would represent all customers as a whole.

Bob Moran inquired what the City's share would be. Tempelmeyer noted it is estimated that it will be between \$50,000-60,000. Tempelmeyer noted the number is fluid, as more customers may join the Agreement.

Roll Call: Yea: Baehr, Eskra, Leech, Moon, Moran
Nay: None

MOTION CARRIED.

Recommend approval of resolution entering into AEP Contract to the Mayor and City Council.

Moved by Moran, seconded by Moon, to recommend to the Mayor and City Council to approve the resolution entering into AEP Contract.

Tobias Tempelmeyer, General Manager, noted that if the City does not sign with NPPD to purchase the electricity, the City would need to find another supplier. Tempelmeyer noted the company that is being recommended is AEP. AEP was one (1) of the entities that responded to RFP, they are a very financially sound company and, final touches were done on the contract this afternoon.

Roll Call: Yea: Baehr, Eskra, Leech, Moon, Moran
Nay: None

MOTION CARRIED.

ORDINANCES

There were no ordinances.

PUBLIC FORUM

No one appeared at public forum.

DISCUSSIONS/REPORTS

There were no discussions/reports.

The Board of Public Works recessed at 6:41 p.m.

ADJOURNMENT

The next regular BPW Board Meeting will be held January 13, 2016 at 12:10 p.m. in the BPW Service Center Conference Room, 500 North Commerce Street, Beatrice, Nebraska.

Moved by Moon, seconded by Moran, that the meeting be adjourned at 8:09 p.m.

Roll Call: Yea: Baehr, Eskra, Leech, Moon, Moran
Nay: None

MOTION CARRIED.

Bob Moran, Secretary

Dave Eskra, Chairman