

**METROPOLITAN UTILITIES DISTRICT**  
**Regular Meeting**

**8:15 a.m.**

**April 4, 2012**

**AGENDA**

1. Roll Call
  2. Open Meetings Act Notice
  3. Pledge of Allegiance
  4. Approval of Minutes – Regular Board Meeting, March 7, 2012
  5. President’s Report
  6. Billing Price Book (RESOLUTION)
  7. Reimbursement Resolution (RESOLUTION)
  8. KPMG Audit Report for 2011
  9. Capital Expenditures for Approval
  10. Acceptance of Contract and Payment of Final Estimates
  11. Bids on Materials and Contracts
  12. Report on Purchases Between \$25,000 and \$50,000
  13. Approval of Gas Construction Contractor
  14. Amendments to Water Rules (RESOLUTION)
  15. Condemnation Authority (RESOLUTION)
  16. Promotional Increases
  17. Other Matters of District Business for Discussion
  18. Collective Bargaining Strategy Session (CLOSED SESSION)
  19. Hearing on Employee Recommended Termination (CLOSED SESSION)
- ACCOUNTS,  
EXPENDITURES,  
FINANCE & RATES
- AUDIT
- CONSTRUCTION  
& OPERATIONS
- JUDICIARY &  
LEGISLATIVE
- PERSONNEL
- BOARD

## METROPOLITAN UTILITIES DISTRICT OF OMAHA

### Minutes of Regular Meeting

April 4, 2012

The Board of Directors of the Metropolitan Utilities District of Omaha met in the Board Room of the Headquarters Building at 1723 Harney Street in regular session at 9:45 a.m. on April 4, 2012.

Advance notice of the meeting was posted on the first floor of the Headquarters Building from March 7, 2012 to April 4, 2012. Notice of the meeting was published in the Omaha World-Herald on March 29, 2012. The agenda of the meeting was available for public inspection at the office of the Secretary and President and copies were delivered to Board Members on March 30, 2012.

#### **AGENDA NO. 1**

##### **ROLL CALL**

Chairperson McGowan called the meeting to order at 9:45 a.m. On a roll call votes the following members were present:

McGowan  
Dowd  
Frost  
Patterson  
Lindsay  
Cavanaugh  
Doug Clark, Secretary

Also present were various members of the staff, members of I.B.E.W #1521, Michelle Stromp of KPMG, and many member of the public.

#### **AGENDA NO. 2**

##### **OPEN MEETINGS ACT NOTICE**

Chairperson McGowan advised those in attendance that a copy of the Open Meetings Act was posted in the rear of the Board Room.

#### **AGENDA NO. 3**

##### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was conducted earlier during the Public Hearing, Special Board Meeting, and Committee Meetings and not repeated here. Chairperson McGowan welcomed those who cared to participate, to stand and recite the Pledge of Allegiance.

Chairperson McGowan announced that Agenda item numbers 18 and 19 in the subsequent Board Meeting will be reversed so that members of the public do not need to wait.

#### **AGENDA NO. 4**

##### **APPROVAL OF MINUTES OF THE REGULAR BOARD MEETING, MARCH 7, 2012**

Mr. Cavanaugh moved for approval of the minutes of the Regular Board Meeting March 7, 2012. Seconded by Mr. Patterson and carried on roll call vote.

Voting Yes: McGowan, Dowd, Frost, Patterson, Lindsay, Cavanaugh

Voting No: None

MINUTES FILE DOCUMENT NO. 136824

#### **AGENDA NO. 5**

##### **PRESIDENT'S REPORT**

Mr. Clark presented the President's Report discussing the highlights for the month, including budget variances on gas and water, year-to-date payroll and overtime statistics, and degree-days. There were five new crossbores discovered for a total of 36 since the program was begun. Mr. Clark gave updates on the infrastructure replacement statistics.

He reported the price of natural gas continues to decline. Mr. Clark also reported that the Legislature advanced LB 1087, which has been amended to become the Natural Gas Fuels Board. The District is the only organization that is a guaranteed member of the Fuels Board. Mr. Clark also reported that a resolution drafted by the District was passed the previous day by the Douglas County Board of Commissioners, endorsing the county's continued expansion of its use of natural gas as a transportation fuel. Mr. Clark also reminded the Board of the District's Earth Day promotion dropping its CNG price to \$0.99 for a 24-hour period on April 22<sup>nd</sup>. Currently projected sales of CNG fuel will be comparable to adding 320 homes to the District. Mr. Clark reported that the District's CNG fueling stations continue to attract a respectable volume of users, probably because of the efficiency of the fueling process: for a 100-gallon capacity bus, it only takes 25-30 minutes instead of 3 hours. Mr. Clark also reported the local adaptation rate has increased more quickly than expected.

#### **AGENDA NO. 6**

##### **BILLING PRICE BOOK (RESOLUTION)**

Mr. Cavanaugh moved for approval of the Resolution as well as all revisions in the Billing Price Book with two exceptions: the increases for the ¾" and 1" corporation, tap and inspection fee will be set at a 20% increase from the current rate. Seconded by Mr. Patterson and carried on roll call vote.

Voting Yes: McGowan, Dowd, Frost, Patterson, Lindsay, Cavanaugh

Voting No: None

MINUTES FILE DOCUMENT NO. 136825

#### **AGENDA NO. 7**

**REIMBURSEMENT RESOLUTION**

Mr. McGowan moved for approval of the Reimbursement Resolution attached to Deb Schneider's letter dated March 28, 2012. Seconded by Mrs. Lindsay and carried on roll call vote.

Voting Yes: McGowan, Dowd, Frost, Patterson, Lindsay, Cavanaugh  
Voting No: None

MINUTES FILE DOCUMENT NO. 136826

**AGENDA NO. 8**  
**KPMG AUDIT REPORT FOR 2011**

Mr. Patterson requested that the KPMG audit report for 2011 be placed on file.

**AGENDA NO. 9**  
**CAPITAL EXPENDITURES FOR APPROVAL**

Mr. Frost moved for approval of the Capital Expenditures for Approval as set out in the letter from Mr. Keep dated March 15, 2012. Seconded by Mr. Dowd.

Voting Yes: McGowan, Dowd, Frost, Patterson, Lindsay, Cavanaugh  
Voting No: None

MINUTES FILE DOCUMENT NO. 136827

**AGENDA NO. 10**  
**ACCEPTANCE OF CONTRACT AND PAYMENT OF FINAL ESTIMATES**

Mr. Frost moved for approval of the Acceptance of Contract and Payment of Final Estimates as set out in the letter from Mr. Keep dated March 27, 2012. Seconded by Mrs. Lindsay and carried on roll call vote.

Voting Yes: McGowan, Dowd, Frost, Patterson, Lindsay, Cavanaugh  
Voting No: None

MINUTES FILE DOCUMENT NO. 136828

**AGENDA NO. 11**  
**BIDS ON MATERIALS AND CONTRACTS**

Mr. Frost moved for approval of the provisions of the letter from Mr. Goodwin dated March 27, 2012 regarding acceptance of bids on materials and contracts for the previous month. Seconded by Mr. Cavanaugh and carried on roll call vote.

Voting Yes: McGowan, Dowd, Frost, Patterson, Lindsay, Cavanaugh  
Voting No: None

MINUTES FILE DOCUMENT NO. 136829

**AGENDA NO. 12**

**REPORT ON PURCHASES BETWEEN \$25,000 AND \$50,000**

Mr. Frost requested that this report be placed on file.

**AGENDA NO. 13**

**APPROVAL OF GAS CONSTRUCTION CONTRACTOR**

Mr. Frost moved for approval of the gas construction contractor as referenced in the letter from Stephanie Henn dated March 27, 2012. Seconded by Mrs. Lindsay and carried on roll call vote.

Voting Yes: McGowan, Dowd, Frost, Patterson, Lindsay, Cavanaugh

Voting No: None

MINUTES FILE DOCUMENT NO. 136830

**AGENDA NO. 14**

**AMENDMENTS TO WATER RULES (RESOLUTION)**

Mr. Dowd moved for approval of proposed amendments to the water rules as outlined in the letter from Mr. Bucher dated March 27, 2012. Seconded by Mrs. Lindsay and carried on roll call vote.

Voting Yes: McGowan, Dowd, Frost, Patterson, Lindsay, Cavanaugh

Voting No: None

MINUTES FILE DOCUMENT NO. 136831

**AGENDA NO. 15**

**CONDEMNATION AUTHORITY (RESOLUTION)**

Mr. Dowd moved for approval of the resolution granting condemnation authority as outlined in the letter from Mr. Bucher dated March 26, 2012. Seconded by Mr. Cavanaugh and carried on roll call vote.

Voting Yes: Dowd, Frost, Lindsay, Cavanaugh

Voting No: McGowan, Patterson

MINUTES FILE DOCUMENT NO. 136832

**AGENDA NO. 16**

**PROMOTIONAL INCREASES**

Mrs. Lindsay moved for approval of the promotional increases as outlined in the letter from Mr. Tripp dated March 30, 2012. Seconded by Mr. Patterson and carried on roll call vote.

Voting Yes: McGowan, Dowd, Frost, Patterson, Lindsay, Cavanaugh

Voting No: None

MINUTES FILE DOCUMENT NO. 136833

**AGENDA NO. 17**

**OTHER MATTERS OF DISTRICT BUSINESS FOR DISCUSSION**

Mr. McGowan asked if there were any other matters of District business for discussion or if any members from the public wished to address the Board. There were none.

MINUTES FILE DOCUMENT NO. 136834

**AGENDA NO. 18**

**HEARING ON EMPLOYEE RECOMMENDED TERMINATION (CLOSED SESSION)**

At 10:10 a.m., Mr. Patterson made a motion to go into closed session for the purpose of the discussing the employee termination recommendation from Management. Seconded by Mr. Cavanaugh and carried on a roll call vote.

Voting Yes: McGowan, Dowd, Frost, Patterson, Lindsay, Cavanaugh

Voting No: None

MINUTES FILE DOCUMENT NO. 136835

Mr. Friend arrived and joined the Board Meeting.

At 11:35 a.m., Mrs. Lindsay made a motion to go into open session. Seconded by Chairperson McGowan and carried on a roll call vote.

Voting Yes: McGowan, Dowd, Friend, Frost, Patterson, Lindsay, Cavanaugh

Voting No: None

MINUTES FILE DOCUMENT NO. 136836

Mrs. Lindsay made a motion to accept Management's recommendation that the employee be terminated. Seconded by Mr. McGowan and carried on a roll call vote.

Voting Yes: McGowan, Dowd, Friend, Frost, Patterson, Lindsay, Cavanaugh

Voting No: None

MINUTES FILE DOCUMENT NO. 136837

**AGENDA NO. 19**

**COLLECTIVE BARGAINING STRATEGY SESSION (CLOSED SESSION)**

At 11:50 a.m., Mr. Patterson made a motion to go into closed session for the purpose of discussing collective bargaining strategy. Seconded by Mrs. Lindsay, and carried on a roll call vote.

Voting Yes: McGowan, Dowd, Friend, Frost, Patterson, Lindsay, Cavanaugh

Voting No: None

MINUTES FILE DOCUMENT NO. 136838

At 12:41 p.m., Mr. Friend made a motion to return to open session. Seconded by Mr. Frost and carried on a roll call vote.

Voting Yes: McGowan, Dowd, Friend, Frost, Patterson, Lindsay, Cavanaugh  
Voting No: None

MINUTES FILE DOCUMENT NO. 136839

Mr. McGowan made a motion to adjourn. Seconded by Mrs. Lindsay and carried on a roll call vote.

Voting Yes: McGowan, Dowd, Friend, Frost, Patterson, Lindsay, Cavanaugh  
Voting No: None

MINUTES FILE DOCUMENT NO. 136840

The meeting adjourned at 12:41 p.m.

  
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Douglas R. Clark, Secretary