

**MINUTES
CITY COUNCIL MEETING
November 2, 2010**

The Wayne City Council met in regular session at City Hall on Tuesday, November 2, 2010, at 5:30 o'clock P.M. Mayor Lois Shelton called the meeting to order with the following in attendance: Councilmembers Jim Van Delden, Jon Haase, Dale Alexander, Kaki Ley, and Ken Chamberlain; City Attorney Kyle Dahl; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Brian Frevert, Doug Sturm, and Kathy Berry.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on October 21, 2010, and a copy of the meeting notice and agenda were simultaneously given to the Mayor and all members of the City Council. All proceedings hereafter shown were taken while the Council convened in open session.

Councilmember Ley made a motion and seconded by Councilmember Chamberlain, whereas the Clerk has prepared copies of the Minutes of the meeting of October 19, 2010, and that each Councilmember has had an opportunity to read and study the same, and that the reading of the Minutes be waived and declared approved.

Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: 4IMPRINT, SU, 993.82; AMERITAS, SE, 2168.38; APPEARA, SE, 25.56; ARNIE'S FORD-MERCURY, SE, 409.40; BANK FIRST, FE, 195.00; CITY EMPLOYEE, RE, 13.37; CITY EMPLOYEE, RE, 75.40; BLACK HILLS ENERGY, SE, 87.68; BROWN SUPPLY, SU, 331.31; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 250.00; CITY OF WAYNE, RE, 22.04; CITY OF WAYNE, RE, 20.00; CITY OF WAYNE, RE, 15.00; CITY OF WAYNE, RE, 164.66; COMMUNITY HEALTH, RE, 4.00; DALE VITITO, SU, 47.94; DEMCO, SU, 111.51; ECHO GROUP, SU, 482.75; ED M FELD EQUIPMENT, SU, 405.00; ENDURANCE POWER

PRODUCTS, SU, 510.74; FIRST CONCORD GROUP, SE, 3824.78; FLOOR MAINTENANCE, SU 255.16; FORT DEARBORN LIFE, SE, 106.64; GALE GROUP, SU, 2399.00; GANA TRUCKING & EXCAVATION, SE, 2295.07; GAYLORD BROS, SU, 101.40; GERHOLD CONCRETE, SU, 93.00; GP GFOA, FE, 85.00; H.K. SCHOLZ COMPANY, SE, 11987.43; HD SUPPLY WATERWORKS, SU, 2693.61; HDR ENGINEERING, FE, 280.00; HOLIDAY INN "MIDTOWN", SE, 219.90; HYDRAULIC EQUIPMENT, SE, 3233.42; ICMA, SE, 5481.85; IRS, TX, 18592.39; KRIZ-DAVIS, SU, 6722.49; KTCH, SE, 80.00; CITY EMPLOYEE, RE, 58.40; MAIN STREET AUTO CARE, SE, 80.00; CITY EMPLOYEE, RE, 72.29; MERIT MECHANICAL, SE, 2585.73; MICHAEL TODD & CO, SU, 438.11; NE DEPT OF REVENUE, TX, 2756.75; NE RURAL WATER, FE, 120.00; NMC, SU, 37.52; NORFOLK DAILY NEWS, SE, 30.87; N.E. NE AMERICAN RED CROSS, RE, 59.24; NNPPD, SE, 2750.96; PETERSON INDUSTRIAL ENGINE, SE, 9642.27; CITY EMPLOYEE, RE, 417.76; PROVIDENCE MEDICAL, RE, 1634.00; QWEST, SE, 428.26; QWEST, SE, 214.89; STATE NATIONAL BANK, RE, 99.76; TAYLOR RACELY, SE, 1175.00; UNITED WAY, RE, 31.22; VERIZON, SE, 260.09; VIAERO, SE, 135.57; WAYNE GRAIN & FEED, SE, 14.00; APPEARA, SE, 73.16; AS CENTRAL SERVICES, SE, 448.00; BAIRD, HOLM, McEACHEN, SE, 6510.50; CHARTWELLS, SE, 5507.95; CITY OF NORFOLK, SE, 134.60; CITY OF WAYNE, RE, 250.00; CITY OF WAYNE, RE, 10.00; COMFORT INN, SE, 196.98; CORNHUSKER AUTO CENTER, SU, 20400.00; DE LAGE LANDEN FINANCIAL, SE, 77.00; DUGAN BUSINESS FORMS, SU, 972.50; EASYPERMIT POSTAGE, SU, 1167.97; ECHO GROUP, SU, 482.13; EISCHEID ARTIFICIAL RAIN, SE, 90.00; FLOOR MAINTENANCE, SE, 108.16; FREDRICKSON OIL, SU, 688.00; GARLOCK EQUIPMENT, SU, 37461.00; GERHOLD CONCRETE, SU, 15.99; GILL HAULING, SE, 133.00; HAUFF MID-AMERICAN SPORTS, SU, 35.00; HEIKES AUTOMOTIVE, SE, 69.23; HOLIDAY INN-DOWNTOWN, SE, 751.70; INNOVATIVE LABORATORY, SU, 1217.50; JASON CAROLLO, SE, 140.00; JEO CONSULTING GROUP, SE, 28055.19; KNIFE RIVER, SE, 639.03; KRIZ-DAVIS, SU, 527.18; MIDWEST OFFICE AUTOMATION, SE, 944.99; MIKE TOWNE, SE, 1100.00; MUNICIPAL SUPPLY, SU, 1015.63; NE DEPT OF ENVIRONMENTAL, FE, 150.00; NE PUBLIC HEALTH, SU, 327.00; NE SALT & GRAIN, SU, 5314.65; O'KEEFE ELEVATOR, SE, 2173.00; OLSSON ASSOCIATES, SE, 3095.30; OPTIMUM DATA, SU, 11140.00; PAC N SAVE, SU, 22.53; CITY OF WAYNE, RE, 13.69; PIEPER, MILLER & DAHL, SE, 4731.50; REPCO MARKETING, SU, 46.50; ROSE EQUIPMENT, SU, 1305.00; SPANN AUTO, SE, 440.80; STALP GRAVEL, SU, 774.87; STANLEY SECURITY SOLUTION, SU, 529.36; STATE NATIONAL BANK, RE, 9861.25; UPSTART, SU, 63.56; UTILITIES SECTION, FE, 585.00; VAN DIEST SUPPLY, SU, 61.75; VERIZON, SE, 121.34; W.T. COX SUBSCRIPTIONS, SU, 2482.31; WAED, RE, 6383.33; WAYNE COUNTY CLERK, SE, 47.00; WAYNE COUNTY COURT, RE, 650.50; WAYNE HERALD, SU, 88.00; WAYNE STATER, SE, 12.00; WAYNE VETERINARY CLINIC, SE, 210.00

Councilmember Chamberlain made a motion and seconded by Councilmember Van Delden to approve the claims. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Shelton advised the public that a copy of the Open Meetings Act was located on the south wall of the Council Chambers and was available for public inspection. In addition, she advised the public that the Council may go into closed session to discuss certain agenda items to protect the public interest or to prevent the needless injury to the reputation of an individual and if such individual has not requested a public hearing.

A pay request in the amount of \$92,137.50 was submitted by Eriksen Construction Company for work completed on the Wastewater Treatment Plant Project. The Project Engineer has reviewed the pay request and recommends approval of the same.

Councilmember Chamberlain made a motion and seconded by Councilmember Ley approving Application for Payment No. 3 for Eriksen Construction Company, Inc., in the amount of \$92,137.50 for the 2009-2010 Wastewater Treatment Facility Improvements, Phase 1 Project. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated the high creek flows this past spring did damage to two areas on the City's side of the Logan Creek bank that were already slowly deteriorating. The most damage was to our stormwater outfall in Boy Scout Park at the south end of Nebraska Street. Olsson Associates has prepared an engineering proposal for repairs to the two sites — Location 1 - \$4,300, and Location 2 - \$6,100.

Councilmember Ley introduced Resolution No. 2010-90 and moved for its approval; Councilmember Chamberlain seconded.

RESOLUTION NO. 2010-90

A RESOLUTION APPROVING ENGINEERING AGREEMENT WITH OLSSON ASSOCIATES FOR REPAIRS TO THE STREAM BANK AND DRAIN OUTLETS ON LOGAN CREEK.

Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Shelton declared the time was at hand for the public hearing to consider the Planning Commission's recommendation on a Request for a Use by Exception Permit, specifically Section 90-424(17) Vehicle Towing Service of the B-3 Neighborhood Commercial Zoning District of the Wayne Municipal Code. The applicant, Main Street Auto Care, LLC, wishes to operate a vehicle towing service at 614 Main Street.

Joel Hansen, Zoning Administrator, stated the Planning Commission held a public hearing on this matter and recommended approval of the Use by Exception request under Sec. 90-424(17) in the B-3 Neighborhood Commercial District for Main Street Auto Care, LLC, to operate a vehicle towing service at 614 Main Street, LLC, with the condition being that a fence of six feet high be built to obscure the wrecked vehicles, and subject to the following "Findings of Fact":

- Staff's recommendation; and
- Consistency with the Comprehensive Plan and the current and future land use maps.

Mr. Hansen stated the applicant is not planning on putting up a fence because they do not intend to store wrecked vehicles at this site. However, since this exception goes

with the property and not the owner, should they or another owner in the future decide to store wrecked vehicles at this site, the fence would be a requirement.

City Clerk McGuire had not received any comments for or against this public hearing.

There being no further comments, Mayor Shelton closed the public hearing.

Councilmember Chamberlain introduced Resolution No. 2010-88 and moved for its approval, which includes the requirement that a 6' high fence be built to obscure wrecked vehicles at such time as wrecked vehicles are stored at this location; Councilmember Alexander seconded.

RESOLUTION NO. 2010-88

A RESOLUTION APPROVING THE APPLICATION FOR ZONING USE BY EXCEPTION PERMIT TO OPERATE A VEHICLE TOWING SERVICE IN A B-3 NEIGHBORHOOD COMMERCIAL ZONING DISTRICT (614 MAIN STREET).

Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Chamberlain made a motion and seconded by Councilmember Ley approving Application for Payment No. 2 for M.E. Collins Contracting Co., Inc., in the amount of \$150,290.01 for the 2010 Wayne Sidewalk Replacement Project. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Shelton stated the next item on the agenda was the request from M.E. Collins Construction Company to extend their contract end date of November 1, 2010, which was tabled from the last meeting. No information was received from M.E. Collins prior to the meeting to help the Council in making their decision.

Jerry Kabourek, Vice President of M.E. Collins, was present to speak to Council. He had not prepared anything for this meeting. If the Council wants something prepared, he can do so and present it at the next meeting.

Councilmember Ley made a motion and seconded by Councilmember Chamberlain to table action on the request of M.E. Collins Construction to extend the contract end date on the 2010 Downtown Sidewalk Improvement Project until the November 16th meeting. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Shelton declared the time was at hand for the public hearing to consider the Planning Commission's recommendation on a Request for a Use by Exception Permit, specifically Section 90-144(8) Wind Generating System of the A-2 Agricultural Residential Zoning District of the Wayne Municipal Code. The applicant, Brian Bowers, wishes to use the ground to construct a two-tower windmill energy project. The location would be 812 Pheasant Run Road.

Councilmember Berry arrived at the meeting.

Joel Hansen, Zoning Administrator, stated the Planning Commission held a public hearing on this matter and recommended approval of the Use by Exception request under Sec. 90-144(8) in the A-2 Agricultural Residential Zoning District for Brian Bowers to use the ground to construct a two-tower windmill energy project, with the following conditions:

1. Setbacks to follow state regulations;
2. The wind turbines will not exceed 50 dBA at the nearest structure occupied by humans;
3. All turbines or towers shall be a solid color, either white, grey, or tan and finishes shall be matte or non-reflective;
4. Only regulatory signage is allowed; and

5. Decommissioning plan must be approved by the City Council;

and subject to the following “Findings of Fact”:

- Staff’s recommendation; and
- Consistency with the comprehensive plan, and the current and future land use map.

Mr. Hansen then presented staff recommendations. His concern at the Planning Commission meeting was that there was too much emphasis put on the specific project rather than the property in general. It’s important to remember that the use by exception goes with the property and not with the owner. The additional language he was recommending came from information he received at the Nebraska Planning & Zoning Organization’s annual meeting he attended last winter. That additional language is as follows:

1. Setbacks to follow State Regulations and keep all ice shatter zones off of adjoining properties;
2. The wind turbines will not exceed 50 dBA at the nearest or proposed structure occupied or to be occupied by humans;
3. All turbines or towers shall be a solid color, either white, grey, or tan, and finishes shall be matte or non-reflective;
4. All commercial/utility WECS (Wind Energy Conservation Systems) shall have a sign or signs posted on the tower, transformer, and substation, warning of high voltage. Other signs shall be posted on the turbine with emergency contact information. No other non-regulatory signage is allowed;
5. A WECS shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed from the site within 270 days. This period may be extended by the Zoning Administrator. Each commercial/utility WECS shall have a Decommissioning Plan outlining the anticipated means and cost of removing the WECS at the end of its serviceable life or upon being discontinued use. The Plan shall also identify the financial resources that will be available to pay for decommissioning and removal of the WECS and accessory facilities;
6. Clearance of rotor blades or airfoils must maintain a minimum of 12 feet of clearance between their lowest point and the ground;
7. All wind turbines, which are a part of a commercial/utility WECS, shall be installed with a tubular, monopole type tower;

8. Lighting, including lighting intensity and frequency of strobe, shall adhere to FAA requirements. Red or amber strobe lights shall be used during nighttime illumination. Red pulsating incandescent lights should be avoided;
9. All communications and feeder lines installed as part of a WECS shall be buried, when feasible. Feeder lines installed shall not be considered an essential service;
10. Solid and hazardous wastes, including but not limited to, crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable rules and regulations; and
11. The applicant shall be responsible for the immediate repair of damage to public drainage systems and roadways stemming from construction, operation, or maintenance of the WECS.

City Clerk McGuire had not received any comments for or against this public hearing.

Brian and Amy Bowers were present to answer questions. They showed a diagram of where the turbines will be located. They initially had concerns about wind turbines and did some investigation. They are relieved to see the conditions being brought forward because it answers some of the questions they had.

Amy Miller, who purchased a 10.1 acre tract of land from Brian and Amy Bowers, spoke concerning the matter. She spoke against this at the Planning Commission meeting, and noted they are still of that position. They understood that the Planning Commission had to approve project based on the use by exception with certain conditions. In regard to one of the conditions that the Planning Commission approved (specifically No. 2), she would like the same amended to also include the language “proposed structures to be occupied by humans.” It now just states “structures occupied by humans.” The reason for this additional language is that they do not plan on building a home for another year or so.

Mike Garvin stated he supported this amendment. He noted the sentence could state “The wind turbines will not exceed 50 dBA at the nearest presently occupied structure and/or proposed structure occupied by humans.”

Rod Johnson, United Farm and Ranch of Norfolk, manages the property for Hobart Jones who owns 40 acres directly to the west of Mr. Bowers’ property also addressed the Council. He was at the meeting in a representing capacity and had no bias either way. He stated that Mr. Jones felt that there is potential long-term development out there and in his home state of Oregon, there have been several articles about the safety and health issues regarding wind turbines. Mr. Johnson thought Mr. Jones would like to have more dialogue. At this time, Mr. Jones would like to say that he is opposed to it, but he has an open mind and would like to be more informed about this decision.

Mike Garvin of Renais Energy was present to answer questions and promote the wind energy project. Mr. Garvin noted that the turbines will be located differently than shown on the diagram to conform to the ice shatter zones.

City Clerk McGuire had not received any comments for or against this public hearing.

There being no further comments, Mayor Shelton closed the public hearing.

Councilmember Ley introduced Resolution No. 2010-89 and moved for its approval; Councilmember Van Delden seconded.

RESOLUTION NO. 2010-89

A RESOLUTION APPROVING THE APPLICATION FOR ZONING USE BY EXCEPTION PERMIT TO CONSTRUCT A TWO-TOWER WINDMILL ENERGY PROJECT IN AN A-2 AGRICULTURAL RESIDENTIAL ZONING DISTRICT (812 PHEASANT RUN ROAD).

Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Ron Asche, President and CEO of Nebraska Public Power District spoke on the 2011 Wholesale Rate Increase. Jack Henderson, NPPD Account Manager for the City of Wayne, was also present. The increases since 2006 were needed to pay for three major items:

1. Investments in aging facilities and equipment (infrastructure);
2. Higher costs for coal and uranium used at the major power plants which increased by more than 40%; and
3. Higher costs for power NPPD must purchase from facilities they don't own.

About 60% of NPPD's energy is produced from coal, and about 25% by their nuclear plant. Coal prices have just about doubled in cost.

In addition, based upon the anticipated load growth they were seeing prior to the economic recession in 2008, they anticipated the need for more generation capacity than what they had, so they entered into an agreement with OPPD to buy 25% of the output from their new coal fired plant that they were building in Nebraska City. They issued about \$200,000,000 in debt to finance their share of that project, plus they have their share of the maintenance and operating expenses for that plant. That, along with increases in the cost of hydro power they get from WAPA, was the third key driver for increasing costs.

They will be recommending to the Board a 9.7% overall average increase in wholesale electric rates for 2011. Key drivers for that are:

- Energy prices for surplus energy that they sell into the market have come down dramatically in the last couple of years. NPPD must have enough generation capacity to serve their customers' maximum peak load, which typically occurs during the hot summer months when air conditioning and irrigation load is at its most. During the balance of the year when their customers are not using all of

their energy they can produce, they take that into the wholesale energy market and try and sell it and make a profit or a margin on that and then bring that profit or margin back to help offset their costs that they have to recover from their Nebraska customers. In 2009, NPPD was selling surplus energy into the market for between \$.045/kwh and \$.05/kwh. With the economic recession and the demand for energy nationally going down, and with natural gas prices going down which sets the market price for electric energy, in 2009 and 2010, they were only selling that energy for about \$.025 or \$.030/kwh, which is a significant reduction from what NPPD had been receiving in the 2007-2008 time period. All of that reduction in price for that off system sales was margin that they were making on the sales, and with that lost margin, they now have to recover more of their fixed costs from their Nebraska customers. That is a key driver for the increase in 2011.

- Another thing that is a key driver is that in 2009-2010, they deferred a major maintenance outage on one of their coal fired units to keep their rates down as much as they could in those years, but they are now in a situation where they need to go ahead and do that next year. They already had a scheduled maintenance outage at their nuclear plant for next year. Therefore, they will end up with two major power plant outages in the same year which is somewhat unusual.
- Finally, they are still seeing a little bit of an increase in fuel costs from what they had the previous year.

Those are the major drivers for the proposed rate increase in 2011.

NPPD is very cognizant of the need to keep their rates as low as possible for the economic benefit of all the customers they serve. Some of the cost reduction things they did were: cut outside services wherever they could; restructure some of their short-term debt; and eliminate travel and training expenses to the extent that they weren't necessary for the safety and reliability of their people and equipment. In addition, they did not give any pay raises to any employees in 2010.

As far as the future is concerned, a lot will depend upon what happens at the federal level from environmental legislation, etc., and what the Environmental Protection Agency may require of them in the future regarding other emissions, primarily from their coal fired plants.

NPPD's Board of Directors has adopted a goal to get 10% of their energy from renewable resources by the year 2020. NPPD's board recognizes that there is value in having some portion of their energy resource mix from renewable energy. You don't have some of the risk there from an environmental standpoint that you do with a coal fired plant, nor do you have any fuel costs like coal or uranium. Even though wind energy is not free, it does provide a cushion against rising fuel costs and potential environmental regulations that are primarily associated with coal plants.

Concerning the next agenda item, Attorney Kyle Dahl advised the Council that Renais Energy has contacted their firm regarding work for preparing an LLC for them. In the interest of full disclosure, they have disclosed to Renais that they represent the City. He recommended the Council make a formal waiver regarding the potential for a conflict of interest.

Councilmember Chamberlain made a motion and seconded by Councilmember Ley waiving the potential for a conflict of interest between the Law Firm of Pieper, Miller & Dahl and Renais Energy. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson reviewed the proposed Power Purchase Agreement with Renewable Energy Development, LLC or what now may be called IP-Wayne, LLC. He presented the revised Sec. 7 of the agreement. Staff has been working with Mr. Garvin to revise Sec. 7 which is "Price for Energy Output." Section 7 will read as follows:

"The City agrees to purchase from the seller (IP-Wayne, LLC) any Energy Output from the turbines for sale by the Seller at a base rate of \$0.050 per kWh, subject to annual review and subsequent change/true-up as agreed upon by both the City and the Seller. "True-up", for purposes of this agreement, is broadly considered to be the difference between base and actual proven avoided City costs. The subsequent year base rate shall be

calculated and established by increasing the current true-up rate by (percent NPPD rate increase for subsequent year minus one point below NPPD's annual rate increase). The annual carrying costs for under collection/overpayment by either Seller or the City shall be 2% for 2011 adjustments and calculated using Treasury Bill annual percent yield for the adjustment period thereafter and shall be paid with the adjustment amount. For the period following the 30-day period specified in Section 5(a)(2) until the Completion Date, Seller shall be responsible for payment of all fixed charges required under the Delivery Arrangements Agreement for the use of the grid, except as such delay is caused by City's negligence or its breach of, or default under, this Agreement or the Delivery Arrangements Agreement."

The goal staff is working towards is to have this cost be the same cost as NPPD's wholesale power mix.

Garry Poutre, Superintendent of Public Works & Utilities, stated through this process, we utilized the services of our Rate Consultant, Mike Towne with Western Consulting. Mr. Towne reviews our retail rates every year. When staff started working with Renais in trying to come up with a rate we would pay them for the energy we purchased from them, they wanted to see a base rate. The \$.05 referred to in Sec. 7 is that base rate. That is the rate we will pay them for all of the energy we purchase from them this year. We estimate we will be purchasing somewhere in the neighborhood of 5,000 or 5,500 mWh a year from them for about \$250,00 - \$270,000 worth of power purchase in a year's time. Our rate consultant has determined that our actual purchase power costs are going to be somewhere in the neighborhood of \$.04 and maybe even a little bit less than that. At the end of the year after we have purchased a year's worth of power, and we break it down and look at the cost we paid for that power during each season (winter and summer) and during the on and off peak periods during each season, that is when we will true-up. We will compare the true-up cost or actual cost to the cost that we paid Renais. We are expecting we will overpay Renais by possibly as much as

20%. They will pay us back including 2% interest. Council can look at this as if the City is going to loan them \$50,000 over a year's time at 2% interest, because we expect we will overpay them by that amount. Mr. Towne believes it could even be more than that.

Mayor Shelton clarified that the City will be paying extra during the year until we get to the end and we do the true-up. This would be a 20-year agreement.

Mr. Asche stated the reason Nebraska doesn't have a lot of wind tower farms is that we are a public power state and not eligible for any of the federal incentives or subsidies that other states have been able to receive for renewable energy projects. That is in the form of production tax credits which is equivalent to \$.02 per kwh which is very significant, or they can get 30% funding up front to pay for part of the capital costs of the project. That 30% is free money from the government. The other thing is that in Nebraska, we don't need the energy. We have plenty of generation capacity and resources right now to meet all of our customer needs and that is why both NPPD and OPPD have adopted some renewable goals, but it's a very slow process.

Mr. Garvin noted that in Iowa, it is an investor owned utility industry. Eighty percent of the monies put into the wind farms in Iowa never stayed in Iowa. He has promised Governor Heinemann that anything he does will stay in Nebraska, which is why they have the farmer-owned projects and investments in companies that are going to do the construction here.

Councilmember Chamberlain introduced Resolution No. 2010-87 and moved for its approval, subject to the proposed changes noted in Sec. 7 - Payment for Energy Output; Councilmember Van Delden seconded.

RESOLUTION NO. 2010-87

A RESOLUTION APPROVING POWER PURCHASE AGREEMENT WITH IP WAYNE, LLC (WAYNE INDUSTRIAL WIND PARK PROJECT).

Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Shelton stated it was not specifically stated in the motion approving the Resolution for the use by exception permit for Brian Bowers to include the conditions recommended by the Zoning Administrator.

Councilmember Ley amended her motion approving Resolution 2010-89 subject to the conditions recommended by the Zoning Administrator, including the change regarding proposed structures as well as existing structures in No. 2 of those conditions; Councilmember Van Delden seconded. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Alexander made a motion and seconded by Councilmember Chamberlain to adjourn the meeting. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the meeting adjourned at 7:20 p.m.