

MEETING MINUTES
VILLAGE OF HMEINGFORD BOARD OF TRUSTEES
Special Meeting
September 26, 2019 6:00pm

Pledge of Allegiance

Opening prayer by Jake Frost

Meeting called to order at 6:05 p.m.

Present: Planansky, Wacker, Annen, and Novotny

Absent: Hunter

Public Open Meeting Act poster location was pointed out on the front panel of Chamber Council

Motion by Wacker, second by Novotny to excuse Deb Hunter from the September 26, 2019 Special meeting of the Village of Hemingford Board of Trustees meeting.

Voting Aye: Planansky, Wacker, Annen, and Novotny

Absent: Hunter

Discussion and possible action: Land lease between the Village of Hemingford and the Box Butte County Ag Society. Village board members and Ag Society board members had the opportunity to review the lease agreement, and ask any questions regarding the lease of Village Attorney Adam Hoelsing or GenPro representative Doug Dykstra.

Motion by Wacker and second by Novotny to approve the land lease between the Village of Hemingford and the Box Butte County Ag Society, contingent upon the approval by the Box Butte County Ag Society, also contingent upon the approval of the sub-lease and Power Purchase Agreement between the Village of Hemingford and VS Hemingford NE Solar LLC. Motion also directed Village of Hemingford Board Chairman John Annen to execute the lease agreement upon final clean draft.

Voting Aye: Planansky, Wacker, and Novotny.

Abstain: Annen

Absent: Hunter

Discussion and possible action: Power Purchase Agreement (PPA) between the Village of Hemingford and VS Hemingford NE Solar LLC. Village Attorney Adam Hoelsing told the board that there remained one red line in the agreement, telling the board their decision tonight was to move forward without the provision for a performance bond or letter of credit naming the Village as beneficiary. Going on to explain the difference between a performance bond and letter of credit. Saying the performance bond ensures removal at a third party's expense if the project is abandoned and uncompleted by the builder. A letter of credit would name the village as beneficiary and would guarantee funds available to the village if the construction and removal obligations of the contracts were not performed by the developer.

Motion by: Novotny and second by Wacker to approve the Power Purchase Agreement between the Village of Hemingford and VS Hemingford NE Solar LLC without the Performance Bond or Letter of Credit required contingent upon the approval of the PPA and land sub-lease by VS Hemingford NE Solar LLC, Motion also directed Village of Hemingford Board Chairman John Annen to execute the lease agreement upon final clean draft.

Voting Aye: Wacker, Annen, and Novotny

Voting Nay: Planansky

Absent: Hunter

Discussion and possible action: Approval of the land sublease between the Village of Hemingford and VS Hemingford NE Solar LLC.

Motion by: Novotny and second by Planansky to approve the land sublease between the Village of Hemingford and VS Hemingford NE Solar LLC. as prepared and presented, contingent upon the approve of same by VS Hemingford NE Solar LLC. Motion also directed Village of Hemingford Board Chairman John Annen to execute the lease agreement upon final clean draft.

Voting Aye: Planansky, Wacker, Annen, and Novoty.

Absent: Hunter

Motion to adjourn at 6:29pm by Wacker, second by Novotny

Voting Aye: Planansky, Wacker, Annen, and Novotny

Absent: Hunter

John Annen, Chairman

ATTEST:

Barb Straub, Village Clerk