



City of Grand Island

Tuesday, January 28, 2003

Council Session

Item G14

#2003-33 - Approving Continuation of Confidentiality Agreement for Electric Generation - MEAN/HU Project

Background:

The Municipal Energy Agency of Nebraska (MEAN) and Hastings Utilities (HU) are investigating the construction of a coal fired power plant in Hastings. After preliminary meetings where several electric suppliers from the area expressed interest in plant participation, the sponsors decided to proceed with the formal feasibility study.

Early on in the process, the project sponsors requested that the prospective participants agree to maintain some confidentiality of project specifics and feasibility study results. The City Council approved that Confidentiality Agreement. It had a one-year term and has recently expired.

Discussion:

The sponsors of the project have requested that the Confidentiality Agreement be extended for an additional five-year term.

Recommendation:

The Utilities Department would recommend extending the Confidentiality Agreement and continued participation in the project.

Fiscal Effects:

No payment is directly associated with the Confidentiality Agreement. If the City opts to participate in the project, financial commitments would come to Council as needed for that participation.

Alternatives:

None to continue the proposed project participation.

Staff Contact: Gary R. Mader

RESOLUTION 2003-33

WHEREAS, the Municipal Energy Agency of Nebraska (MEAN), Hastings Utilities (Hastings) and the City of Grand Island (City) are investigating the possibility of participating in a project to build a new generating unit in Hastings, Nebraska, and;

WHEREAS, the parties during the course of discussions may disclose to each other information which would otherwise be deemed confidential, and;

WHEREAS, in order to ensure that discussions are carried out in a frank and useful manner, it is necessary and appropriate that the parties agree to protect the confidential nature of such information, and;

WHEREAS, on July 10, 2001, by Resolution 2001-183, the City of Grand Island approve a Non-Disclosure Confidentiality Agreement by and between the City and the Municipal Energy Agency of Nebraska (MEAN) and the Hastings Utilities to enter into discussions to explore the possibility of participating in a project to build a new generating unit at Hastings, according to the terms of the agreement; and

WHEREAS, such agreement has expired, and the parties to the initial agreement wish to extend such agreement for an additional five-year term.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Non-Disclosure Confidentiality Agreement by and between the City and the Municipal Energy Agency of Nebraska and the Hastings Utilities as set out above is hereby approved for a five-year term

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute such agreement on behalf of the City of Grand Island.

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Adopted by the City Council of the City of Grand Island, Nebraska, January 28, 2003.

RaNae Edwards, City Clerk

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| Approved as to Form | ☐ _____ |
| January 24, 2003 | ☐ City Attorney |