

The Harlan Municipal Utilities' Board of Trustees met in regular session, May 27, 2021, pursuant to the rules and regulations as set forth in the office of the Secretary. Due to the Covid-19 pandemic and social distancing recommendations the meeting was held electronically via Zoom for the public. Board members and staff were present on site in the HMU Boardroom. Present were Trustees: David Tyrrel, Connie Borkowski, Terry Arentson, Nella Seivert and Randall Rees. Absent: None. Staff Present: Kenneth Weber, Jennifer Kelly, Darwin Gessert and Jim Gedwillo. Present via Zoom: Gene Gettys, Mike Kolbe, Troy Schaben, Todd Valline, Josh Byers, Mike Anliker and Matt Hudson (legal counsel).

The meeting was called to order at 4:15 p.m. in the HMU Boardroom by Chairperson Borkowski.

Moved by Tyrrel, seconded by Rees, to approve the agenda.

Moved by Tyrrel, seconded by Arentson, to approve the consent agenda which included: A) Approve Minutes of the Board Meeting of May 13, 2021; B) Abstract of Claims No. 1189 in the amount of \$649,140.91 and payment of same; and C) Upcoming Board Meetings of June 10, 2021, (Electronic), and June 24, 2021. A roll call vote was taken as follows: Arentson– Aye; Tyrrel – Aye; Borkowski – Aye; Seivert – Aye; and Rees – Aye. Motion carried unanimously.

Moved by Tyrrel, seconded by Arentson, to approve public attendance at board meetings going forward. In addition to attending in person, the Zoom option will still be available for convenience of the community members. A roll call vote was taken as follows: Arentson– Aye; Tyrrel – Aye; Borkowski – Aye; Seivert – Aye; and Rees – Aye. Motion carried unanimously.

Moved by Seivert, seconded by Tyrrel, to remove the mandatory wearing of masks (current Covid 19 guidelines) on HMU premises. A roll call vote was taken as follows: Arentson– Aye; Tyrrel – Aye; Borkowski – Aye; Seivert – Aye; and Rees – Aye. Motion carried unanimously.

Moved by Arentson, seconded by Tyrrel, to rescind the Temporary Covid 19 Pandemic Leave Policy. A roll call vote was taken as follows: Arentson– Aye; Tyrrel – Aye; Borkowski – Aye; Seivert – Aye; and Rees – Aye. Motion carried unanimously.

Moved by Arentson, seconded by Tyrrel, to approve the Bond Counsel Engagement Agreement regarding the \$430,000 Water Revenue Capital Loan Notes with Ahlers & Cooney (Steve Nadel). A roll call vote was taken as follows: Arentson– Aye; Tyrrel – Aye; Borkowski – Aye; Seivert – Aye; and Rees – Aye. Motion carried unanimously.

Borkowski announced that this was the time and place of the Public Hearing on the Authorization of a Loan and Disbursement Agreement and the issuance of Notes to evidence the obligation of the City thereunder – Not to Exceed \$430,000 Water Revenue Capital Loan Notes. Borkowski asked if there had been any written objections. Weber stated that there had been none. Borkowski asked if there were any oral objections from anyone present or via Zoom. There were none. Borkowski stated that the time for receiving objections is closed.

Moved by Tyrrel, seconded by Arentson, to approve the Resolution Instituting Proceedings to take additional action for the Authorization of a Loan and Disbursement Agreement and the issuance of Not to Exceed \$430,000 Water Revenue Capital Loan Notes. A roll call vote was taken as follows: Arentson– Aye; Tyrrel – Aye; Borkowski – Aye; Seivert – Aye; and Rees – Aye. Motion carried unanimously.

Moved by Tyrrel, seconded by Arentson, to approve Resolution 86-2021 Approving and Authorizing a form of Interim Loan and Disbursement Agreement by and between the City of Harlan, Iowa, and the Iowa Finance Authority, and authorizing and providing for the issuance and securing the payment of \$430,000 Water Revenue Capital Loan Notes Anticipation Project Note, Series 2021, of the City of Harlan, Iowa, under the provisions of the Code of Iowa, and providing for a method of payment of said Notes. A roll call vote was taken as follows: Arentson– Aye; Tyrrel – Aye; Borkowski – Aye; Seivert – Aye; and Rees – Aye. Motion carried unanimously.

Moved by Tyrrel, seconded by Arentson, to approve the Agreement for Engineering Services with McClure for Harlan Municipal Utilities Pressure Filter No.1 Repairs Harlan, Iowa. Tyrrell asked if engineering services needed to be done since Filter No. 2 was just repaired. Weber, stated that HMU was still required to have engineering and specifications completed. A roll call vote was taken as follows: Arentson– Aye; Tyrrel – Aye; Borkowski – Aye; Seivert – Aye; and Rees – Aye. Motion carried unanimously.

Annual Review of Electric Policy #9 - The Lease and Agreement for Joint Use of Communications Facilities. Moved by Arentson, seconded by Tyrrel, to leave the policy as is. A roll call vote was taken as follows: Arentson– Aye; Tyrrel – Aye; Borkowski – Aye; Seivert – Aye; and Rees – Aye. Motion carried unanimously.

Moved by Arentson, seconded by Rees, to approve the MidAmerican Market Services Agreement JOU Confirmation Letter (Exhibit B) and Agent Services Confirmation Letter (Exhibit C). A roll call vote was taken as follows: Arentson– Aye; Tyrrel – Aye; Borkowski – Aye; Seivert – Aye; and Rees – Aye. Motion carried unanimously.

Moved by Tyrrel, seconded by Seivert, to rescind General Policy 109 -Commission for Marketing Associate. In accordance with the Manual of Benefits and Personnel Policies it will be effective July 1, 2021, to give employees a 30-day notice. A roll call vote was taken as follows: Arentson– Aye; Tyrrel – Aye; Borkowski – Aye; Seivert – Aye; and Rees – Aye. Motion carried unanimously.

Moved by Arentson, seconded by Tyrrel, to approve the Calix Annual Support Agreement for a 3-year term in the amount of \$10,495.00 per year. A roll call vote was taken as follows: Arentson– Aye; Tyrrel – Aye; Borkowski – Aye; Seivert – Aye; and Rees – Aye. Motion carried unanimously.

Moved by Arentson, seconded by Seivert, to approve the budget amendments for the 2020-2021 fiscal year as follows: A) Gas fund (adjustments due to February 2021 Polar Vortex), increase operating revenues by \$1,025,000 and increase operating expenses by \$1,400,000; and B) Water Fund (adjustment due to Water Treatment Plant remediation and Litigation), Increase Operating Expenses by \$200,000. A roll call vote was taken as follows: Arentson– Aye; Tyrrel – Aye; Borkowski – Aye; Seivert – Aye; and Rees – Aye. Motion carried unanimously.

Discussion was held on the Lease Agreement for Single Mode Dark Fiber Leased Telecommunications Service between Iowa Communications Network, Harlan Municipal Utilities and Harlan Community Library which expired June 30, 2020. The agreement was tabled until the June 24, 2021, meeting.

Moved by Arentson, seconded by Seivert, to approve the Collective Bargaining Agreement. The agreement is a 2 year contract effective July 1, 2021. All employees will receive a 2.25% cost of living increase July 1, 2021, and July 1, 2022. The electric foreman and journeyman lineman will also receive a market adjustment increase of \$4.50 per hour and \$3.00 per hour, respectively, each year. There was no change to longevity pay. A roll call vote was taken as follows: Arentson– Aye; Tyrrel – Aye; Borkowski – Aye; Seivert – Aye; and Rees – Aye. Motion carried unanimously.

Moved by Tyrrel, seconded by Arentson, to approve Resolution No. 12-13 Honoring the Service of Connie Borkowski to the Harlan Municipal Utilities. A roll call vote was taken as follows: Arentson– Aye; Tyrrel – Aye; Seivert – Aye; and Rees – Aye. Borkowski abstained. Motion carried.

Moved by Arentson, seconded by Seivert, to elect Tyrrel and Rees as Chairperson, and Vice-Chairperson, respectively, of the Board of Trustees, effective June 1, 2021. A roll call vote was taken as follows: Arentson– Aye; Tyrrel – Aye; Seivert – Aye; and Rees – Aye. Borkowski abstained. Motion carried.

Following the CEO's report, the meeting was adjourned.

These minutes are as recorded by the Secretary and are subject to approval at the next meeting of the Board of Trustees.

CHAIRPERSON, David Tyrrel (*term 2023*)

VICE-CHAIRPERSON, Randall Rees (*term 2025*)

TRUSTEE, Nella Seivert (*term 2024*)

TRUSTEE, Terry Arentson (*term 2021*)

TRUSTEE, Michelle Erickson appt 06/01/2021
(*term 2022*)