

The Harlan Municipal Utilities' Board of Trustees met in regular session, October 28, 2021, pursuant to the rules and regulations as set forth in the office of the Secretary. The zoom option was available as a convenience to citizens. All attendance is on-site unless noted. Present were Trustees: Michelle Erickson David Tyrrel, Randall Rees, Nella Seivert and Terry Arentson. Absent: None. Staff Present: Kenneth Weber, Jennifer Kelly, Darwin Gessert and Jim Gedwillo. Guests: Todd Valline, Gene Gettys and Mike Kolbe. Legal Counsel: Matt Hudson. Present via Zoom: Bob Bjoin and Troy Schaben.

Chairperson Tyrrel called the meeting to order at 4:00 p.m. in the HMU Boardroom.

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

Moved by Seivert, seconded by Erickson, to approve the consent agenda which included: A) Approve Minutes of the Board Meeting of October 14, 2021; B) Abstract of Claims No. 1199 in the amount of \$752,301.14 and payment of same; and C) Upcoming Board Meetings of November 10 (electronic) and November 24, 2021 (Regular). A roll call vote was taken as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; Seivert – Aye; and Arentson - Aye. Motion carried unanimously.

Arentson stated that the Administrative Committee of himself and Michelle Erickson conducted a review of the performance plan for the past fiscal year and determined CEO's, performance to be satisfactory and to proceed with a salary increase of 1.875% as per employment contract. Moved by Arentson, seconded by Erickson, to approve the pay increase. A roll call vote was taken as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; Seivert – Aye; and Arentson - Aye. Motion carried unanimously.

Moved by Seivert, seconded by Rees, to approve General Policy No. 1 – Due Date, Delinquent Notice, Penalty, and Reconnection Fee for Non-Payment Re: Gas, Water & Electric Utilities. The revised policy allows for penalties to be applied in accordance with any law that overrules board policy as the laws change. A roll call vote was taken as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; Seivert – Aye; and Arentson - Aye. Motion carried unanimously.

Moved by Erickson, seconded by Rees, to approve Resolution No. 12-14 - Resolution Honoring the Service of Terry Arentson to the Harlan Municipal Utilities. Arentson served as a Trustee for eight and one-half years. A roll call vote was taken as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; Seivert – Aye; and Arentson - Abstain. Motion carried.

Moved by Arentson, seconded by Seivert, to approve the Agreement for Engineering Services, Harlan Municipal Utilities Anti-Degradation Alternatives Analysis, Harlan, Iowa (estimate for study related to change in chemicals at the water treatment plant -NPDES Permit) in the amount of \$19,300.00). [Non-Budgeted]. A roll call vote was taken as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; Seivert – Aye; and Arentson - Aye. Motion carried unanimously.

Moved by Seivert, seconded by Erickson, to proceed with litigation for the unpaid bills that Prairie Fire Construction Group has accumulated in the total amount of \$44,064.79. A roll call vote was taken as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; Seivert – Aye; and Arentson - Aye. Motion carried unanimously.

Informational items only are as follows: McClure Bills; PSN Rate Increase .05 per transaction; Itron Maintenance Contract Invoice (\$2,293.41); Western Area Power Administration Correspondence; APPA Membership Invoice (\$4,006.56); FEMA payment awarded (not received) for Covid-19 related expenses (\$11,793.59); Additional costs related to emergency electric repairs in the area of 12th & Hawkeye; replacing old concentric cable; and received from McClure Raw Water System Improvements Section 1 –Raw Water Mains - 90% Drawings, Bid Documents & Permit.

Following the CEO's report, closed session was entered.

Moved by Arentson, seconded by Erickson, to enter closed session to discuss marketing and pricing strategies and proprietary information of the telecommunications division whose competitive position will be harmed by public disclosure that is not required of potential or actual competitors and no public purpose is served by such disclosure, pursuant to Section 388.9(1) Code of Iowa. A roll call vote was taken on the motion as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; Seivert – Aye; and Arentson – Aye. Motion carried unanimously. Closed session was entered at 5:31 pm. Jennifer Kelly will take notes during the closed session. Moved by Arentson, seconded by Erickson, to exit closed session at 5:45 pm. A roll call vote was taken on the motion as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; Seivert – Aye; and Arentson – Aye. Motion carried unanimously.

Moved by Rees, seconded by Seivert, to approve the NCTC Master Agreement with Zayo for Wholesale Direct Internet Access per terms of the Master Agreement. A roll call vote was taken on the motion as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; Seivert – Aye; and Arentson – Aye. Motion carried unanimously.

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 (*term 2022*)