

The Harlan Municipal Utilities' Board of Trustees met in regular session, April 28, 2022, pursuant to the rules and regulations as set forth in the office of the Secretary. The zoom option was available as a convenience for those unable to attend in person. All attendance is on-site unless noted (*Present via Zoom).

Present were Trustees: Michelle Erickson, David Tyrrel, Randall Rees, and James Shelton.

Absent: Nella Seivert.

Staff Present: Kenneth Weber, Jennifer Kelly, Colburn Warner and Jim Gedwillo.

Legal Counsel: Matt Hudson.

Guests: Natalie Crees.

Public: Gene Gettys, Todd Valline, Jay Christensen, Vaghn Perry, *Ashley Schleis and *Mike Anliker.

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

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

Moved by Rees, seconded by Erickson, to approve the consent agenda which included:

- A. Minutes of the April 14, 2022, Board Meeting;
- B. Abstract of Claims No. 1211 in the amount of \$959,075.94;
- C. Upcoming Board Meetings
 - May 12, 2022 – Regular Board Meeting;
 - May 26, 2022 – Regular Board Meeting

A roll call vote was taken on the motion as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; and Shelton - Aye. Motion carried.

Moved by Rees, seconded by Erickson, to approve Resolution No. 92-2022 Resolution approving and authorizing Amendment to Loan and Disbursement Agreement by and between the Municipal Utilities of the City of Harlan, Iowa and the Iowa Finance Authority, and authorizing and providing for the reissuance of the Water Revenue Capital Loan Notes, Series 2012. (The end result will be an interest savings of \$315,837.50 over the life of the loan with a maturity date of 2033). A roll call vote was taken on the motion as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; and Shelton - Aye. Motion carried.

There was a request from Crees Garden Center for an exception to the Water Conservation Policy due to nature of business and loss of revenue. There was only discussion and no motion. This item was tabled to the May 12, 2022, board meeting and the Water Conservation Policy will be brought back with changes to clarify.

Moved by Shelton, seconded by Erickson, to approve the recommendation from the insurance committee to renew Health (3.97% increase), Dental (11.20%) and Short-Term Disability Insurance effective July 1, 2022. A roll call vote was taken on the motion as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; and Shelton - Aye. Motion carried.

There was request from Gene Gettys on behalf of the City of Harlan, for a customer list consisting of addresses and phone numbers for a CDBG Application. Hudson, legal counsel, wanted to research the request further because it is illegal to give out cell numbers without consent and HMU has no way to distinguish between a landline and cell number. This item was tabled until the May 12, 2022, board meeting.

J. J. Jensen Sports Field Lighting Presentation Request for Donation and Fundraising Ideas. There was discussion but item was tabled until the May 12, 2022, board meeting so Mr. Schaben would be present to answer questions and present the project.

Moved by Rees, seconded by Erickson to approve the Viking Fire Protection contract (3-year renewal- office fire protection system) in the amount of \$720.00 per year. A roll call vote was taken on the motion as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; and Shelton - Aye. Motion carried.

Moved by Shelton, seconded by Rees, to approve the Western Area Power Administration (WAPA) Contract Agreement Exhibit B, Revision 2 and Exhibit C Revision 1. A roll call vote was taken on the motion as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; and Shelton - Aye. Motion carried.

Moved by Erickson, seconded by Shelton, to approve the TiVo/Rovi IGuide Agreement for an initial 3-year term where price is based on subscriber counts. A roll call vote was taken on the motion as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; and Shelton - Aye. Motion carried.

Discussion was held regarding request by Board Member Shelton to create “Charter(s)” for Board Committees - Draft Charter of Budget/Finance Committee has been submitted.

Moved by Erickson, seconded by Rees, to approve the Ziegler Customer Support Agreement for two (2) Generator Engines for the term of 3 years in the annual amount of \$18,836.56. A roll call vote was taken on the motion as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; and Shelton - Aye. Motion carried.

CEO, Ken Weber gave his report followed by informational only items which consisted of: Raw Water Resource Development Project Flood Plain Permit was received from the City on 04/21/2022; Western Area Power Administration (WAPA) Rate Increase of 15.3% effective 01/02/2023; Water Treatment Plant Antidegradation Study – Completion of Public Notice Requirement; Water Rate Increase Recommendation by Dave Berg Consulting; McClure Invoice in the amount of \$772.50 and McClure Invoice in the amount of \$13,005.00.

Moved by Erickson, seconded by Rees, to enter into closed session pursuant to Iowa Code §21.5(c) to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation. Jennifer Kelly will take minutes during the closed session. A roll call vote was taken on the motion as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; and Shelton - Aye. Motion carried. Closed session was entered at 5:03 pm.

Moved by Erickson, seconded by Rees to exit closed session at 5:27 pm. A roll call vote was taken on the motion as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; and Shelton - Aye. Motion carried.

Moved by Erickson, seconded by Rees to enter closed session pursuant to Iowa Code §21.5(1)(i) - To evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session. Closed session was entered at 5:31 pm and Jennifer Kelly will take minutes of the closed session. A roll call vote was taken on the motion as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; and Shelton - Aye. Motion carried.

Moved by Erickson, seconded by Rees to exit closed session at 6:01 pm. A roll call vote was taken on the motion as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; and Shelton - Aye. Motion carried.

Moved by Erickson, seconded by Rees, to authorize Chairperson, Tyrrel, to negotiate a contract with the potential CEO candidate within the parameters discussed. A roll call vote was taken on the motion as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; and Shelton - Aye. Motion carried.

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, Michelle Erickson (*fill-in term 2022*)

TRUSTEE, James Shelton (*term 2027*)