

The Harlan Municipal Utilities' Board of Trustees met in regular session, May 12, 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 Nella Seivert.

Absent: Jim Shelton. (Tried calling in via zoom and reception was not adequate).

Staff Present: Kenneth Weber, Jennifer Kelly, Colburn Warner and Donald Cote.

Legal Counsel: Matt Hudson.

Guests: Troy Schaben representing Monogram Prepared Foods and Harlan Little League.

Public: Joe Rueschenberg, Todd Valline, Vaughn Perry, \*Jane Smith and \*Mike Anliker (at 4:06 pm). Jane and Mike both left the meeting early due to poor audio quality.

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

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

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

- A. Minutes of the April 28, 2022, Board Meeting;
- B. Abstract of Claims No. 1212 in the amount of \$534,355.55;
- C. Upcoming Board Meetings
  - May 26, 2022 – Regular Board Meeting;
  - June 9, 2022 – Regular Board Meeting.

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

Moved by Erickson, seconded by Rees, to revise the water conservation policy. The following addition was made un the Water Watch and Water Warning Tier 1 Sections: Any business (unless otherwise noted in this section) that depends on the use of potable water for daily operation is asked to minimize water usage during a Water Watch, but is exempt from restrictions. This will not extend to a Tier II Water Warning. A roll call vote was taken on the motion as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; and Seivert - Aye. Motion carried.

City of Harlan Request for Customer List including customer addresses and phone numbers for a CDBG Application or bill inclusion for survey. General Policy No. 94 (Providing Customer Mailing Lists) was again presented with pricing information for customer addresses. General Policy No. 70 (Approved uses of HMU Billing) was also presented which states that the HMU billing should only be used for HMU purposes. Hudson stated once again that giving out cell phone numbers is a violation of FCC regulations. The Board of Trustees also stated that they still agree with the General Policy No. 70. There was no action due to lack of motion.

Troy Schaben was present to give a presentation on the J. J. Jensen Sports Field Lighting Presentation Request for Donation and Fundraising Ideas. Schaben stated that the project will be done in two phases (3 little league diamonds first and then the two high school diamonds). Erickson asked what kinds of fundraising are already being done and if the school was also donating. Schaben stated that the school was not donating and mentioned the flyers that have been handed out, presentations have been given to other community organizations and that parents are working concession stands. Schaben also mentioned some of the capabilities of the project such as streaming rights. Hudson stated that HMU cannot donate money or any like-kind (labor donations) to the Little League. Schaben stated that they could get around that by donating labor to the City of Harlan since the diamonds are City of Harlan property. Hudson stated that it was still his opinion that HMU cannot not make any type of donation. No action was taken.

Moved by Seivert, seconded by Rees, to approve the MidAmerican Market Services Agreement JOU Confirmation Letter for term of June 1, 2022, through May 31, 2023, and Agent Services for Load Forecasting Termination letter effective June 1, 2022. The load forecasting is no longer needed as Tenaska is providing those services now. A roll call vote was taken on the motion as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; and Seivert - Aye. Motion carried.

Moved by Seivert, seconded by Rees, to approve the SPP Attachment X (Credit Policy) of the Open Access Transmission Tariff and authorize Kenneth C. Weber to sign. This includes the Appendix A Credit Application Form; and Appendix E Annual Minimum Market Participation Criteria – Risk Management Certification Form. A roll call vote was taken on the motion as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; and Seivert - Aye. Motion carried.

Moved by Erickson, seconded by Seivert, to approve the contract for Joe Rueschenberg as HMU's new CEO, effective July 1, 2022. His three-year employment contract begins June 6, 2022 and expires May 31, 2025, with an initial annual salary of \$113,000. Upon completion of successful annual reviews, he will be eligible for increases of \$3,500 per year. A roll call vote was taken on the motion as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; and Seivert - Aye. Motion carried.

Informational items only were: 2021-2022 Budget Amendments of Electric Revenue & Expense Budgets were increased \$500,000 primarily due to additional MISO sales and Transmission Ownership Fees; Natural Gas Revenue & Expense Budgets were increased \$300,000 primarily due to increased sales and wholesale costs of Natural Gas and McClure Invoices in the amount of \$4,868.75

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.

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CHAIRPERSON, David Tyrrel (*term 2023*)

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

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TRUSTEE, Nella Seivert (*term 2024*)

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

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TRUSTEE, James Shelton (*term 2027*)