

The Harlan Municipal Utilities' Board of Trustees met in regular session, March 24, 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, Nella Seivert and James Shelton.
Absent: None.

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

Legal Counsel: *Matt Hudson.

Guests: Al Powers of P&E Engineering.

Public: *Gene Gettys, Todd Valline and Mike Kolbe. *Tim Miller at 4:31.

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 Shelton, to approve the consent agenda which included:

- A. Minutes of the March 10, 2022, Board Meeting;
- B. Abstract of Claims No. 1209 in the amount of \$736,993.34;
- C. Upcoming Board Meetings
 - April 14, 2022 – Electronic Board Meeting;
 - April 28, 2022 – Regular Board Meeting;

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

Moved by Erickson, seconded by Rees, to approve the materials rebid results for the Well Field Electrical System Upgrade and recommendation by Al Powers of P&E Engineering in the amount of \$118,242.73. A roll call vote was taken on the motion as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; Seivert – Aye; and Shelton - Aye. Motion carried.

Moved by Seivert, seconded by Rees, to approve the Horizontal Pressure Filter #1 pay estimate No. 2 in the amount of \$7,053.02 and final close out documents. . A roll call vote was taken on the motion as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; Seivert – Aye; and Shelton - Aye. Motion carried.

Moved by Rees, seconded by Erickson, to receive and file the McClure Antidegradation Study which is required by the Iowa Department of Natural Resources. Non-Budgeted. A roll call vote was taken on the motion as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; Seivert – Aye; and Shelton - Aye. Motion carried.

Moved by Rees, seconded by Seivert, to approve the purchase/lease of the Bobcat Mini-Excavator in the amount of \$63,798.20. A roll call vote was taken on the motion as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; Seivert – Aye; and Shelton - Aye. Motion carried.

Moved by Seivert, seconded by Erickson, to approve the annual membership assessment from Southwest Power Pool in the amount of \$6,000.00. A roll call vote was taken on the motion as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; Seivert – Aye; and Shelton - Aye. Motion carried.

Moved by Rees, seconded by Erickson, to approve the MISO Minimum Participation Criteria Attachment L-Credit Policy (Exhibit IV Annual Certification and Exhibit VIII Annual Disclosure) and authorize Ken Weber to sign. A roll call vote was taken on the motion as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; Seivert – Aye; and Shelton - Aye. Motion carried.

Moved by Seivert, seconded by Rees, to approve the Ribbon Network Phone Switch Support contract renewal in the amount of \$20,495.00. A roll call vote was taken on the motion as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; Seivert – Aye; and Shelton - Aye. Motion carried.

Moved by Erickson, seconded by Rees, to approve the response time for emergency personnel by increasing it from 30 minutes to 45 minutes to the customer's premise effective May 1, 2022. A roll call vote was taken on the motion as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; Seivert – Aye; and Shelton - Aye. Motion carried.

Moved by Seivert, seconded by Erickson, to approve the recommendation by the insurance committee to renew the Property/Casualty/Workman's Compensation Insurance with EMC as presented at the insurance meeting. A roll call vote was taken on the motion as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; Seivert – Aye; and Shelton - Aye. Motion carried.

Moved by Rees, seconded by Seivert, to approve the Commercial Driver License Agreement. A roll call vote was taken on the motion as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; Seivert – Aye; and Shelton - Aye. Motion carried.

Moved by Shelton, seconded by Seivert, to approve the request from the City of Harlan to allow for the use of water at the Community Garden as described in policy. A roll call vote was taken on the motion as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; Seivert – Aye; and Shelton - Aye. Motion carried.

Moved by Erickson, seconded by Seivert, to approve the request from the City of Harlan to allow filling and maintenance filling of the Norman D. Stamp Aquatic Center until a Tier II status is reached. The following will be added to the Water Policy No. 6.: Water Warning-Tier I 2(D) – The Norman D. Stamp Aquatic Center may slow-fill and ‘maintenance fill’, due to evaporation, upon written request from the City of Harlan and approval from the Harlan Municipal Board of Trustees prior to any Water Watch effective date. Estimated number of gallons (6,000 – 10,000 per day) shall be submitted with the request. Lewis Family Aquatic Center may also follow the same process for slow-fill and ‘maintenance fill’, if needed. A roll call vote was taken on the motion as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; Seivert – Aye; and Shelton - Nay. Motion carried. (Shelton would like a plan from the water committee before approving). Water Warning – Tier II(F) will be added: The Norman D. Stamp Aquatic Center and Lewis Family Aquatic Center will discontinue an slow-fill or ‘maintenance filling’. A roll call vote was taken on the motion as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; Seivert – Aye; and Shelton - Aye. Motion carried.

Moved by Seivert, seconded by Erickson, to approve to the Shelby County Chamber of Commerce & Industry annual funding request in the amount of \$35,000.00 for the 2022-2023 fiscal year. A roll call vote was taken on the motion as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; Seivert – Aye; and Shelton - Aye. Motion carried.

Information only items were: IDNR deferred the Raw Water Resource Development Project Construction Permitting to the City of Harlan; P&E Invoice in the amount of \$19,741.50 for the well field upgrade; McClure invoices; Effective May 1 office hours will be 7:30 am – 4:00 pm; and Suez Cyclone Water Tower maintenance contract in the amount of \$18,178.57.

New telephone system proposal for HMU internal use as presented by HunTel Communications - Unbudgeted. No motion for approval. Board requested that the system get budgeted in the 2023-2024 fiscal year.

Jim Shelton exited the meeting at 5:29 pm.

Moved by Seivert, seconded by Erickson to enter closed session 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 21.5(c). Closed session was entered at 5:34 p.m. Moved by Rees, seconded by Seivert, to exit closed session at 6:03 pm.

Moved by Seivert, seconded by Erickson to approve legal counsel to continue negotiations with the other party involved in the Prairie Fire Payment Agreement/Settlement and bring back a potentially agreeable settlement. A roll call vote was taken on the motion as follows: Erickson – Aye; Tyrrel – Aye; Rees – Aye; and Seivert – 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*)

