

**OFFICIAL PROCEEDINGS OF THE  
BOARD OF WATER, ELECTRIC,  
AND COMMUNICATIONS TRUSTEES  
OF THE CITY OF MUSCATINE, IOWA  
DECEMBER 20, 2018 – 5:30 P.M.**

The Board of Trustees met in regular session at Muscatine Power and Water's Administration/Operations Building, 3205 Cedar Street, Muscatine, Iowa, on Thursday, December 20, 2018, at 5:30 p.m.

Chairperson Keith Porter called the meeting to order. Members of the Board were present as follows: Trustees Tracy McGinnis, Susan Eversmeyer, Steven Bradford, Kevin Fields and Keith Porter.

Also present were Sal LoBianco, General Manager of Muscatine Power and Water; Jerry Gowey, Board Secretary; Charles Potter, Muscatine Journal; Doyle Tubandt, former Board Member/Customer; Erika Cox, Brandy Olson, Tim Reed, Gage Huston, and Brenda Christensen of Muscatine Power and Water.

Chairperson Porter stated at the December 6, 2018, City Council meeting, Mayor Diana Broderson forwarded the City of Muscatine's Board of Commission Nominating Committee's recommendation to Council to appoint Kevin Fields to the Board of Water, Electric, and Communications Trustees, and the City Council ratified the appointment. Chairperson Porter continued that Mr. Fields will complete Mr. Doyle Tubandt's current term on the MP&W Board of Trustees that will end June 30, 2021, upon which date Mr. Fields will be eligible for reappointment. Trustee McGinnis moved, seconded by Trustee Eversmeyer, to receive and place on file the Certificate of Appointment for Kevin Fields to the Board of Trustees for a period of December 1, 2018, through June 30, 2021. All Trustees present voted aye. Motion carried.

The next item on the agenda was a recommendation for a resolution recognizing Mr. Doyle Tubandt for thirteen years of service, from October 8, 2005 to December 1, 2018, as a member of the MP&W Board of Trustees. Chairperson Porter shared some of the highlights of Mr. Tubandt's tenure as a Trustee. Mr. LoBianco thanked Mr. Tubandt for his support of MP&W and the community and citizens of Muscatine. The following resolution was submitted to recognize Mr. Tubandt's service:

**RESOLUTION 18-31**

**Resolution Recognizing Doyle Tubandt for Thirteen Years of  
Service as a Trustee of the Board of Water, Electric, and Communications for  
the City of Muscatine, Iowa**

WHEREAS, Doyle Tubandt served as a member of the Board of Water, Electric, and Communications Trustees of the City of Muscatine, Iowa for the period of October 5, 2005, through December 1, 2018, during which time Trustee Tubandt willingly contributed his knowledge and personal time toward the betterment and efficient operation of the municipal Water, Electric, and Communications Utilities of the City of Muscatine, Iowa; now therefore,

BE IT RESOLVED, by the Board of Water, Electric, and Communications Trustees of the City of Muscatine, Iowa, that the appreciation of the Board of Trustees and of the citizens of Muscatine, Iowa to Trustee Tubandt be evidenced by forwarding a copy of this resolution to him duly signed on behalf of this Board; and,

BE IT FURTHER RESOLVED, that the resolution be included in the minutes of the Board.

Trustee Bradford moved, seconded by Trustee McGinnis, that said resolution be passed, approved, and adopted this 20<sup>th</sup> day of December 2018. On roll call Trustees McGinnis, Bradford, Eversmeyer, Fields and Porter voted aye. Voting nay, none. Resolution carried.

Chairperson Porter asked if there was anyone in attendance who wished to make any public comments. There were no public comments.

The minutes of the November 27, 2018, public hearing and regular meeting were presented as previously submitted to all Board members. Trustee McGinnis moved, seconded by Trustee Eversmeyer, that the minutes be approved and placed on file as submitted. All Trustees voted aye. Motion carried.

The list of expenditures and transactions for November 2018 was presented as previously submitted to all Board members. After review, Trustee Bradford moved, seconded by Trustee Fields, to ratify payments of \$9,582,841.10 for the Electric Utility, \$498,843.63 for the Water Utility, and \$922,325.36 for the Communications Utility for a total amount of \$11,004,010.09. All Trustees voted aye. Motion carried.

The next item on the agenda was a Recommendation to Accept Contract Change Order No. 1 and Final Acceptance for the 69kV Duct Bank Construction and Conduit Installation for Linn Street Project. Mr. LoBianco told the Board that at the April 2018 Board Meeting, this contract for a small part of the Mississippi Drive Project was awarded to Triple B Construction for \$144,738.50. CCO No. 1 decreases the amount of the contract by \$1,327.00 with the adjustment being for final unit quantities. He continued that the total project expense remains under budget and that MP&W Management recommends that the Board approve Contract Change Order No. 1 and accept as complete the Contract with Triple B Construction for the 69kV Duct Bank Construction and Conduit Installation for Linn Street Project. After discussion and review, the following resolutions were submitted:

#### **RESOLUTION 18-32**

WHEREAS, Contract Change Order No. 1 has been prepared to said contract with Triple B Construction for the 69kV Duct Bank Construction and Conduit Installation for Linn Street Project in the decreased total amount of \$1,327.00 and that said Contract Change Order was reviewed by the Board, and Muscatine Power and Water Management has recommended approval of said Contract Change Orders; now therefore,

BE IT RESOLVED, by the Board of Water, Electric, and Communications Trustees that said Contract Change Order No. 1 in the decreased total amount of \$1,327.00 be approved for an amended contract price of \$143,411.50 for the 69kV Duct Bank Construction and Conduit Installation for Linn Street Project.

Trustee Eversmeyer moved, seconded by Trustee Bradford, that said resolution be passed, approved, and adopted this 20<sup>th</sup> day of December 2018. On roll call Trustees McGinnis, Bradford, Eversmeyer, Fields and Porter voted aye. Voting nay, none. Resolution carried.

#### **RESOLUTION 18-33**

WHEREAS, it appears in a written report from Muscatine Power and Water Management that the contract with Triple B Construction for the 69kV Duct Bank Construction and Conduit Installation for Linn Street Project in the final amount of

\$143,411.50 has been substantially completed in accordance with the project specifications and the recommendation has been made that said contract be accepted by the Board of Water, Electric, and Communications Trustees of the City of Muscatine, Iowa; now therefore,

BE IT RESOLVED, by the Board of Water, Electric, and Communications Trustees of the City of Muscatine, Iowa, that the 69kV Duct Bank Construction and Conduit Installation for Linn Street Project, furnished under the above-named contract be accepted and approved by the Board; and,

BE IT FURTHER RESOLVED, that five percent (5%) of the contract price be retained for a period of thirty-one (31) days from and after the date of resolution, all in accordance with the provisions of the Code of Iowa.

Trustee McGinnis moved, seconded by Trustee Bradford, that said resolution be passed, approved, and adopted this 20<sup>th</sup> day of December 2018. On roll call Trustees McGinnis, Bradford, Eversmeyer, Fields and Porter voted aye. Voting nay, none. Resolution carried.

Mr. LoBianco reminded the Board that the revised Service Rules were presented to the Board of Trustees at the November 2018 Board meeting for information and review. No additional feedback was received from the Board regarding the Service Rules. Trustee Bradford moved, seconded by Trustee McGinnis, to approve the Service Rules for the Water, Electric, and Communications Utilities as presented at the November Board of Trustees meeting. All Trustees voted aye. Motion carried.

Mr. LoBianco next asked the Board for approval of the revised 2019 Critical Issues. He stated that he and Staff had reviewed the 2018 Critical Issues and most of the previous 2018 Critical Issues will continue to be a Critical Issue for 2019, with some small revisions. He continued that after review, it was decided that the Energy Policy and Regulation would be removed and that a new Critical Issue of Cyber Security would be added to the 2019 Critical Issues list. Trustee Eversmeyer moved, seconded by Trustee Fields to approve the 2019 Critical Issues. All Trustees voted aye. Motion carried.

Mr. LoBianco next recommended that the regularly scheduled December 2019 Board Meeting date of December 31, 2019, be rescheduled to Thursday, December 19, 2019, due to the holidays. Trustee Bradford moved, seconded by Trustee McGinnis, that the December Board Meeting date be changed to Thursday, December 19, 2019. All Trustees voted aye. Motion carried.

Chairperson Porter stated that with the resignation of Trustee Tubandt, he was recommending that Trustee Fields be appointed to the Planning and Operations Committee and be appointed as the Chair of the Personnel & Public Relations Committee. Trustee Eversmeyer moved, seconded by Trustee Bradford, to appoint Trustee Fields to the committees for the remainder of the 2018/2019 terms. All Trustees voted aye. Motion carried.

Chairperson Porter recommended that Trustee Fields be appointed to the MAGIC Board effective January 1, 2019, for a two-year term to represent Muscatine Power & Water, with his term ending December 31, 2020. Trustee Porter was thanked by Mr. LoBianco and the Board for his term of service on the MAGIC Board, which ends December 31, 2018. Trustee McGinnis moved, seconded by Trustee Eversmeyer, to appoint Trustee Fields to the MAGIC Board effective January 1, 2019, for a two-year term. All Trustees voted aye. Motion carried.

In the General Manager's Report, Mr. LoBianco stated that the Lobby Redesign Project was moving forward, and Ms. Cox provided the Board with a virtual tour of the new lobby design. Mr. Huston gave the Board an update on the Unit 9 Outage.

The November Financial Operating Statements and Balance Sheets were presented as previously submitted to all Board members. Mr. Gowey reviewed the November financials for each Utility. After review and discussion, Trustee Eversmeyer moved, seconded by Trustee Fields, to receive and place on file the November Financial Operating Statements and Balance Sheets for the Water, Electric, and Communications Utilities. All Trustees voted aye. Motion carried.

The Competitive Quotes for Public Improvements Report was presented as previously submitted to all Board members. There were no items for approval.

The November departmental reports were presented as previously submitted to all Board. Trustee McGinnis moved, seconded by Trustee Bradford, to receive and place on file the November Departmental Reports. All Trustees voted aye. Motion carried.

At 6:15 p.m. Chairperson Porter recommended that the meeting be closed to the public in accordance with Iowa Code Chapter 21.5(b) for the purpose of discussing potential litigation regarding the Fiber to the Home Project. Trustee McGinnis moved, seconded by Trustee Fields, that the meeting be closed to the public in accordance with Iowa Code Chapter 21.5 (b). On roll call Trustees McGinnis, Bradford, Eversmeyer, Fields and Porter voted aye. Voting nay, none. Motion carried.

The meeting was closed to the public at 6:16 p.m. Charles Potter and Brenda Christensen left the meeting.

At 6:45 p.m. Trustee Eversmeyer moved, seconded by Trustee Bradford, to reconvene the meeting to open session.

At 6:46 p.m. Chairperson Porter recommended that the meeting be closed to the public in accordance with Iowa Code Chapter 21.5(1)(i) to providing an update on the General Manager Succession Process and Candidate Review. Trustee Bradford moved, seconded by Trustee Eversmeyer that the meeting be closed to the public in accordance with Iowa Code Chapter 21.5(1)(i), as requested in writing by the General Manager and candidates, for the purpose of discussing the General Manager Succession Process and Candidate Review in accordance with Iowa Code Chapter 21.5(1)(i). On roll call Trustees McGinnis, Bradford, Eversmeyer, Fields and Porter voted aye. Voting nay, none. Motion carried.

The meeting was closed to the public at 6:47 p.m. Erika Cox, Jerry Gowey, Brandy Olson, Tim Reed, and Gage Huston left the meeting.

The meeting reconvened to open session at 7:30 p.m.

Chairperson Porter asked if there were any other items of business. With no other items of business, the meeting was adjourned at 7:30 p.m.

BOARD OF WATER, ELECTRIC, AND  
COMMUNICATIONS TRUSTEES OF  
THE CITY OF MUSCATINE, IOWA



Jerry Gowey  
Board Secretary