



**IMU BOARD OF TRUSTEES OF THE ELECTRIC,
WATER AND COMMUNICATIONS UTILITIES**

November 22, 2021

5:30 PM

City Hall Council Chambers

Agenda

- 1. Call to Order**
- 2. Roll Call**
- 3. Public Comment**
- 4. Consent Agenda:**
 - A. Approval of minutes of the prior board meetings from November 8 and 10, 2021.
- 5. Electric Utility Informational Items**
- 6. Water Utility Informational Items**
- 7. Communications Utility Informational Items**
- 8. Combined Electric, Water and Communications Action Items**
 - A. Resolution of the Indianola Municipal Utilities regarding the objection of authority to remove Board Members.
- 9. Combined Electric, Water and Communications Informational Items**
- 10. Other Business**
 - A. Enter into closed session in accordance with Iowa Code Section 21.5 (1)(c) to discuss strategy with legal counsel in matters that are presently in litigation or where litigation is imminent and where its disclosure would be likely to prejudice or disadvantage the government.
 - B. Enter into closed session in accordance with Iowa Code Section 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.
- 11. Adjourn**

MEMORANDUM

To: IMU Board of Trustees of the Electric, Water and Communications Utilities

From:

Date: November 22, 2021

Subject: Approval of minutes of the prior board meetings from November 8 and 10, 2021.

Recommendation: Simple motion is in order.

Attachments:

1. 11082021 Minutes
2. 11102021 Special Meeting Minutes



**IMU BOARD OF TRUSTEES OF THE ELECTRIC,
WATER AND COMMUNICATIONS UTILITIES**

November 8, 2021

5:30 PM

City Hall Council Chambers

Minutes

The Indianola Municipal Utilities Board of Trustees met in regular session on November 8, 2021 in the City Hall Council Chambers. Chairperson Voigts called the meeting to order and on roll call the following members were present: Deb Richardson, Adam Voigts, Mike Rozga and Lori Smith and, via Zoom (due to the pandemic), Lesley Forbush. ABSENT: None.

In public comment, Brad Ross, 812 North S Court, stated he had shared comments with the City Council supporting Adam Voigts and Mike Rozga. Steve Armstrong, 607 South N Street, spoke in favor of the leadership at IMU. Stephanie Erickson, 1102 East Kentucky Avenue also spoke in favor of the leadership of the Board and IMU General Manager.

Rozga moved to approve the Consent Agenda and Richardson seconded it. Question was called for, and on voice vote the Chairperson declared the motion carried unanimously. The consent agenda was as follows:

- Approval of Claims for October 28, 2021.
- Approval of Claims for November 9, 2021.
- Approval of September financial reports.
- Approval of Minutes from October 11 and 21, 2021.

Mike Metcalf, Electric Superintendent, stated staff is performing annual tree trimming, maintenance and locates. The department has also continued to work on downtown easements in regard to the Streetscape Project and is working with developers on projects for next spring.

Water Superintendent Lou Elbert reported the Water Department has been working on water main breaks, locates and maintenance. Supplies have been ordered to finish projects for a phase of the Streetscape Project and for hydrant repairs.

Richardson moved and Smith seconded to approve Resolution 2021-029 authorizing Teklink Communications to install drop conduit for IMU Fiber. In discussion, Communications Utility Superintendent Kurt Ripperger stated Bear is not able to continue performing the drops. The same subcontractor will do the work through TekLink. TekLink's pricing is similar to Bear's. On roll call, the vote was AYES: Richardson, Forbush, Voigts, Rozga and Smith. Whereupon the Chairperson declared the motion carried unanimously.

Superintendent Ripperger reported staff has performed outdoor plant work before winter; approximately 70 installations will be performed in November, including some new ones on South R Street; applications will be submitted for a grant to install fiber in a new area; and television contract negotiations were finalized last week.

In combined utility informational items, General Manager Chris Des Planques stated the strategic plan was discussed at the October 21 special meeting. He is working with the consultant on the draft plan.

Chairperson Voigts put on the public record that the current mayor has notified himself and Board Member Rozga that she intends to remove them from the Board, and they will go through the process afforded to them.

The Board did not enter into closed session.

At 6:00 p.m. Board Member Rozga moved to adjourn the meeting. Board Member Richardson seconded it. Question was called for and on voice vote the Chairperson declared the motion carried unanimously.

Adam Voigts, Chairperson

ATTEST:

Jackie Raffety, Deputy City Clerk



**IMU BOARD OF TRUSTEES OF THE ELECTRIC,
WATER AND COMMUNICATIONS UTILITIES**

November 10, 2021

5:30 PM

City Hall South Conference Room

Minutes

The Indianola Municipal Utilities Board of Trustees met in special session on November 10, 2021 at 5:30 p.m. in the City Hall South Conference Room. Chairperson Voigts called the meeting to order and on roll call the following members were present: Adam Voigts, Mike Rozga and Lori Smith and via Zoom: Deb Richardson and Lesley Forbush. Absent: None.

There were no public comments offered.

Rick Malm and John Lande, attorneys for Dickinson, Mackaman, Tyler and Hagen P.C., provided information about their firm and gave opinions on the issue regarding notices of removal of trustees from the board. They stated they have not identified any conflicts of interest but will do a final clearing of conflicts. General Manager Chris Des Planques noted that this firm was contacted on a recommendation from IAMU.

The closed session was stricken from the agenda.

Board Member Smith moved, and Richardson seconded to approve Resolution 2021-030 to appoint counsel to the Indianola Municipal Utilities. On roll call the vote was AYES: Richardson, Forbush and Smith. NAYS: None. ABSTAIN: Voigts and Rozga due to potential personal benefit.

The meeting was adjourned at 5:46 p.m. on a motion by Smith and seconded by Rozga. On a voice vote, the motion passed unanimously.

Adam Voigts, Chairperson

ATTEST:

Jackie Raffety, Deputy City Clerk

MEMORANDUM

To: IMU Board of Trustees of the Electric, Water and Communications Utilities
From: Jackie Raffety, Deputy Clerk
Date: November 22, 2021
Subject: Resolution of the Indianola Municipal Utilities regarding the objection of authority to remove Board Members.

Recommendation: Roll call is in order.

Attachments: 1. Res 2021- re. Removal

Resolution of the Indianola Municipal Utilities

WHEREAS, the Indianola Municipal Utilities (“IMU”) is an independent city utility established under Iowa Code Chapter 388;

WHEREAS, the IMU Board of Trustees (the “Board”) has sole authority to manage, control, and operate the utility;

WHEREAS, Mike Rozga and Adam Voigts are duly appointed and acting Trustees of the Board;

WHEREAS, Mr. Rozga and Mr. Voigts received an order dated November 4, 2021 from Indianola’s Mayor, Pamela Pepper, purporting to remove them as Trustees of the Board under Iowa Code § 372.15;

WHEREAS, Mr. Rozga and Mr. Voigts are not subject to removal because (1) they are not “city officer[s]” within the meaning of § 372.15 of the Iowa Code; and (2) removal of a Trustee of a municipal utility under Iowa Code § 372.15 is inconsistent with Chapter 388;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Board objects to Mayor Pepper’s authority to remove an independent, duly appointed, and acting Trustee of IMU;

IT IS FURTHER RESOLVED that the Board hereby directs its counsel, Dickinson, Mackaman, Tyler & Hagen, P.C., to state the objection of the Board and IMU to the Mayor and City Council.

Passed and Approved this _____ day of November, 2021.

Adam Voigts, Chairperson

_____, Board Secretary

MEMORANDUM

To: IMU Board of Trustees of the Electric, Water and Communications Utilities

From: Jackie Raffety, Deputy Clerk

Date: November 22, 2021

Subject: Enter into closed session in accordance with Iowa Code Section 21.5 (1)(c) to discuss strategy with legal counsel in matters that are presently in litigation or where litigation is imminent and where its disclosure would be likely to prejudice or disadvantage the government.

Recommendation: Roll call to enter and exit the closed session is in order.

Attachments: None

MEMORANDUM

To: IMU Board of Trustees of the Electric, Water and Communications Utilities

From: Jackie Raffety, Deputy Clerk

Date: November 22, 2021

Subject: Enter into closed session in accordance with Iowa Code Section 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.

Recommendation: Roll call to enter and exit the closed session is in order.

Attachments: None