

**MINUTES OF CALLED MEETING OF THE BOARD OF WATER WORKS TRUSTEES
PURSUANT TO NOTICE
Tuesday, March 23, 2021**

The Meeting was conducted by video conference.

Present (by Video or Audio Conference Link):

Board Members: Chairperson Mr. Graham Gillette, presiding; Mr. Joel Aschbrenner, Ms. Andrea Boulton, Ms. Susan Huppert and Ms. Diane Munns

Staff members: Theresa Braden, Pat Bruner, Nathan Casey, Ted Corrigan, Kyle Danley, Doug Garnett, Amy Kahler, Mike McCurnin, Jenny Puffer, Jennifer Terry, and Michelle Watson

Also in attendance: John Lande (legal counsel), Rick Malm (legal counsel), Melissa Walker (MW Media Consultants, LLC)

Mr. Gillette called the meeting to order at 3:30 p.m.

Consent Agenda –

A motion was made by Mr. Aschbrenner, seconded by Ms. Munns, to approve Consent Items A, B, C, D, and E (Approval of Minutes, February 23, 2021, Board of Water Works Trustees Meeting; Minutes, March 2, 2021, Planning Committee Meeting; Minutes, March 2, 2021, Customer Relations Committee Meeting; Minutes, March 9, 2021, Finance and Audit Committee Meeting; Receipt and filing of the financial statements for audit purposes; Approval of Payments for February 2021; Approval of Summary of CEO-Approved Expenditures in Excess of \$20,000; and Approval of April 23, 2021, as the next meeting of the Board of Water Works Trustees). Upon roll-call vote, the motion was adopted with each member of the Board voting in favor of the motion.

Public Comment Period

No comments were received from the public.

Request Authorization for CEO and General Manager to Execute Amendment 2 to Joint Funding Agreement with U.S. Geological Survey for Des Moines River Wellfield Evaluation

On December 19, 2017, the Board of Water Works Trustees (the “Board”) authorized the CEO and General Manager to execute a Joint Funding Agreement (JFA) with the U. S. Geological Survey (USGS). The USGS share of project funding for this cooperative scientific investigation was \$166,257. DMWW’s share of project funding was \$498,772. The performance period was established from January 1, 2018 to July 31, 2020.

Amendment 1 to the JFA was executed in June 2020. This First Amendment:

1. Increased the USGS share of project funding from \$166,257 to \$190,257.
2. Extended the performance period from July 31, 2020 to September 30, 2021.

An Amendment 2 to the JFA is proposed to modify the scope of work and extend the boundary of the Study Area. Other provisions of the Amendment 2 to the JFA include the following:

1. The USGS share of project funding is increased by \$63,000 from \$190,257 to \$253,257.
2. The DMWW share of project funding is increased by \$140,000 from \$498,772 to \$638,772.

The performance period will be extended from September 30, 2021 to September 30, 2022.

A motion was made by Ms. Huppert, seconded by Ms. Boulton to authorize the CEO and General Manager to execute Amendment 2 to the Joint Funding Agreement No. 18EMNE000000134 in the amount of \$140,000. Upon roll-call vote, the motion was adopted, with each member of the Board voting in favor of the motion.

Request Authorization to Solicit Bids for 2021 Des Moines Water Main Replacement – Contract 2 – 48-inch Feeder Main at SE 15th Street and Martin Luther King Jr. Parkway and Establish the Date of the Public Hearing as the Date of the April 2021 Board Meeting

Des Moines Water Works (DMWW) staff have been coordinating and cooperating with developers moving forward with the Des Moines Transload Facility to be located near SE 15th and Martin Luther King Jr. Parkway. The site includes critical 48-inch feeder main facilities owned and operated by DMWW. Staff requested the developers to design the site in a way to take advantage of existing casing pipe that protects the feeder main, and they complied. Developers were also asked to expose the DMWW infrastructure in this area so that a condition assessment could be made. Unfortunately, that assessment recently revealed that the protective casing has deteriorated and is unsuitable and will not provide necessary feeder main protection. The feeder main and associated casing pipe was originally installed in 1969.

Staff considered a number of alternatives but has concluded that nearly 500 feet of 48-inch feeder main should be replaced to allow for safe water distribution system operations moving forward.

A motion was made by Ms. Munns, seconded by Ms. Boulton to authorize staff to solicit bids for the 2021 Des Moines Water Main Replacement Contract 2 - Feeder Main at SE 15th Street and Martin Luther King Jr. Parkway project and establish the date of the Public Hearing as the date of the April 2021 Board meeting, and direct staff to publish notice as provided by law. Upon roll-call vote, the motion was adopted, with each member of the Board voting in favor of the motion.

Request Authorization to Re-establish the Date of Public Hearing for Nitrate Removal Facility Crawlspace Renovation as the Date of the April 2021 Board Meeting

At the January 2021 Board meeting, staff was authorized to solicit bids for the Nitrate Removal Facility Crawlspace Renovation and establish the Date of Public Hearing as the date of the March 2021 Board meeting. Engineer's estimate for addressing issues associated with structural and top of clearwell distress was \$609,000. In the process of completing bid documents, additional corrosion of the Nitrate Removal Facility steel floor deck system was discovered requiring the creation of additional drawings and expanding the scope of work necessary for potential bidders to consider.

A motion was made by Ms. Huppert, seconded by Mr. Aschbrenner to authorize staff to re-establish the date of Public Hearing for Nitrate Removal Facility Crawlspace Renovation as the Date of the April 2021 Board meeting. Upon roll-call vote, the motion was adopted, with each member of the Board voting in favor of the motion.

2021 Des Moines Water Main Replacement Contract 1 – E. Pleasant View Drive and E. 17th Street

This project calls for the installation of approximately 2,500 feet of 8-inch polyvinyl chloride water main on E. Pleasant View Drive and approximately 1,100 feet of 12-inch ductile iron water main on E. 17th Street.

A Public Hearing was opened by Chairperson Gillette for comments from the public regarding the form of contract, plans and specifications, and estimated cost for the 2021 Des Moines Water Main Replacement Contract 1 – E. Pleasant View Drive and E. 17th Street project. Receiving no oral or written comments, the Public Hearing was closed.

A motion was made by Ms. Munns for adoption of the form of contract, plans and specifications, and estimated cost for the Project. The motion was seconded by Ms. Boulton. Upon roll-call vote, the motion was adopted with each member of the Board identified as present voting in favor of the motion.

After an analysis of the bids received was presented and considered. A motion was made by Mr. Aschbrenner, seconded by Ms. Boulton, to award the 2021 Des Moines Water Main Replacement Contract 1 – E. Pleasant View Drive and E. 17th Street contract to Synergy Contracting, LLC, in the amount of \$1,806,597, and to authorize the Chairperson and the CEO and General Manager to execute the contract. Upon roll-call vote, the motion was adopted with each member of the Board voting in favor of the motion.

MidAmerican Energy Company Electric Easement at Nollen Standpipe and Pump Station

MidAmerican Energy Company (MEC) is requesting an easement of 4 ft. by 10 ft. at the Nollen Pump Station and Standpipe at 2569 Hull Ave. in Des Moines. This easement would be used for placement of an above-ground junction box and routing of below-ground electrical conduits, wires, and cables for the transmission of electrical energy and for communication and electrical controls. Accommodating MEC with an easement does not create adverse conditions to DMWW.

A Public Hearing was opened by Chairperson Gillette for comments from the public regarding the granting of an easement to MidAmerican Energy Company (“MEC”) across DMWW real estate. Receiving no oral or written comments, the Public Hearing was closed.

A motion was made by Ms. Munns, seconded by Ms. Huppert to authorize the Chairperson and CEO and General Manager to execute the document granting an electric easement to MidAmerican Energy Company at Nollen Standpipe and Pump Station in the form presented. Upon roll-call vote, the motion was adopted, with each member of the Board voting in favor of the motion.

MidAmerican Energy Company Underground Electric Easement at NW 26th Street Booster Station

As part of the construction of the NW 26th Street Booster Station, a new electrical service is being provided by MidAmerican Energy Company (MEC). The nature of the electric service to this site (loop feed versus radial feed) will require MidAmerican Energy owned cabling to enter and exit the site. Therefore, reasonable accommodations on the part of DMWW to grant an easement are necessary. Easement area will include an area that allows entry and exit of cabling and conductors in addition to room to allow for installation of a pad-mounted transformer.

A Public Hearing was opened by Chairperson Gillette for comments from the public regarding the granting of an easement to MidAmerican Energy Company across Water Works’ real estate. Receiving no oral or written comments, the Public Hearing was closed.

A motion was made by Mr. Aschbrenner, seconded by Ms. Boulton to authorize the Chairperson and CEO and General Manager to execute the document granting an underground electric

easement to MidAmerican Energy Company at the NW 26th Street Booster Station in the form presented. Upon roll-call vote, the motion was adopted, with each member of the Board voting in favor of the motion.

Request for Proposals for Legal Services

The Dickinson Law Firm has served as legal counsel to the Board of Water Works Trustees since 1957, and Mr. Richard Malm of the Dickinson Firm was designated as legal counsel to the Board in November 1998. Mr. Malm transitioned to the title Of Counsel in January 2020. In light of the time that has passed since the last proposal, the Board has asked staff to draft a Request for Proposals (RFP) for legal services.

A motion was made by Ms. Huppert, and seconded by Ms. Munns, to authorize issuance of a Request for Proposals for legal services. Upon roll-call vote, the motion was adopted with each member of the Board voting in favor of the motion.

Board Committee Reports

The following reports were provided:

- Planning Committee – A meeting was held on March 2, 2021 as reflected in the minutes thereof. Ms. Boulton reported that the Long Range Plan Update was shared and discussed.
- Finance and Audit Committee – A meeting was held on March 9, 2021 as reflected in the minutes thereof. Mr. Aschbrenner gave a brief summary of the meeting.
- Customer Relations Committee – A meeting was held on March 2, 2021 as reflected in the minutes thereof. Ms. Huppert offered no additional comments.
- Bill Stowe Memorial – Mr. Gillette reported that the committee held an organizational meeting to re-group and continue moving forward with the project.
- Greater Des Moines Botanical Garden – Mr. Gillette advised that the new GDMBC CEO, Kim Perez, will be starting in April.
- Des Moines Water Works Park Foundation Board – Ms. Boulton reported that DMWW Park Foundation Board has a new members, offering many new ideas. Its efforts are focused on transitioning from infrastructure fundraising to more programming and educational connections to the park and park-related activities.

Staff Updates

External Affairs - Ms. Terry provided a legislative update.

CEO and General Manager's Comments

Mr. Corrigan advised that staff is working toward holding a COVID-19 vaccination clinic on-site. He also reported that the second round of PFAS testing showed traces of the contaminant in finished drinking water as did the first. Staff will continue to follow up with IDNR and the Iowa Air National Guard at the airport to monitor that situation.

Regionalization Discussion – Possible Closed Session

A closed session was suggested to consider regionalization strategy with respect to the following:

1. Methods of analysis of proposed transaction economics and alternative deal terms; and
2. Asset Transfer
3. Possible Negotiation Strategies

A motion was made by Ms. Munns, seconded by Ms. Huppert, to go into closed session under Section 388.9(1), Code of Iowa, to discuss marketing and pricing strategies and proprietary information that may impact its competitive position by public disclosure not required of potential or actual competitors related to ongoing negotiations over creating an integrated regional water authority with respect to the above described matters to avoid disclosure likely to prejudice or disadvantage the position of the Des Moines Water Works.

Upon roll-call vote, the motion was adopted, with Mr. Aschbrenner, Ms. Boulton, Mr. Gillette, Ms. Huppert, and Ms. Munns voting in favor of the motion.

The meeting then went into closed session.

The Board subsequently returned to open session.

No action was taken as a result of the closed session discussion.

Adjournment – Meeting adjourned by unanimous consent.

5:49p.m. adjourned