

AGENDA
REGULAR CITY COUNCIL MEETING
COUNCIL CHAMBERS, NOVEMBER 7, 2023, 5:15 P.M

The City Council will be meeting in the City of Harlan Council Chambers. This meeting is open to the public for in-person attendance. This meeting is also available electronically utilizing Zoom.com. The public can participate remotely via conference call by telephone or by audio on their own computer.

To participate by audio internet connection:

Join Zoom: Meeting ID: <https://us02web.zoom.us/j/85715158878>

To participate by phone: dial #1-312-626-6799 Meeting ID: **857 1515 8878**

1. OPENING BUSINESS

- A. Call meeting to order
- B. Roll call
- C. Clerk presents agenda (*Roll Call Vote*)
- D. Conflict of Interest (state if applicable)

2. CONSENT AGENDA

All items listed under the Consent Agenda will be enacted by one motion with a roll call vote. There will be no separate discussion of these items unless a request is made prior to the time Council votes on the motion.

Consent Agenda items may include any non-controversial subjects.

- A. Minutes of the 10/17/23 Council meeting
- B. Claims List No. 1301 in the amount of \$101,927.55
- C. Renewal Application for MONSE, INC. dba The Purple Door, Class C Retail Alcohol License

3. OTHER BUSINESS

- A. Resolution No. 2547 – Accept and Approve FY22/23 Annual Financial Report (*Roll Call Vote*)
- B. Review Three Flood Insurance Policies (*Roll Call Vote*)
- C. Review Settlement Agreement between City of Harlan and Windstream (*Roll Call Vote*)
- D. Review Dream Playground Naming (*Roll Call Vote*)

4. OTHER REPORTS

- A. City Administrator's Report
- B. Mayor's Report
 - 1. Appoint Michael Maass to the Harlan Municipal Utilities Board of Trustees for a 6-year term expiring 11/21/2029. (*Roll Call Vote*)
- C. Shelby County Chamber of Commerce & Industry Update
- D. Harlan Municipal Utilities Update
- E. Public Comments

5. CLOSED SESSION

- A. Enter into Closed Session pursuant to Iowa Code 21.5(1)(c) - 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. *(Roll Call Vote)*
- B. Motion to end Closed Session and return to Open Session *(Roll Call Vote)*

6. RESUME OPEN SESSION

- A. Possible Action from Closed Session

7. ADJOURN

CITY OF HARLAN – HARLAN, IOWA – NOVEMBER 7, 2023

The public was offered to participate by Zoom audio internet connection or by phone.

The City Council of the City of Harlan, Iowa met pursuant to law and the rules of said Council in regular session, in the Council Chambers at 5:15 o'clock P.M. the 7th day of November 2023. The meeting was called to order by Jay Christensen, Mayor in the Chair, and the following Council members were:

PRESENT: Troy Schaben, Sharon Kroger, RJ Bielenberg, Richard Petersen, Kyle Lindberg

PRESENT ELECTRONICALLY: Jeanna Rudolph

ABSENT: None

The City Clerk presented the agenda. It was moved by Lindberg and seconded by Petersen to approve the agenda. Roll call vote: AYES: Rudolph, Schaben, Kroger, Bielenberg, Petersen, Lindberg. NAYS: None. Motion carried.

The Mayor asked the Council members to state any conflicts of interest, as applicable.

All items listed under the Consent Agenda will be enacted by one motion with a roll call vote. There will be no separate discussion of these items unless a request is made prior to the time Council votes on the motion. Consent Agenda items may include any non-controversial subjects.

- A. Minutes of the 10/17/23 Council meeting
- B. Claims List No. 1301 in the amount of \$101,927.55
- C. Renewal Application for MONSE, INC. dba The Purple Door, Class C Retail Alcohol License

It was moved by Kroger and seconded by Bielenberg that the items on the Consent Agenda be approved and adopted. Roll call vote: AYES: Rudolph, Schaben, Kroger, Bielenberg, Petersen, Lindberg. NAYS: None. Motion carried and the Consent Agenda items were approved and adopted.

Council Member Petersen introduced Resolution No 2547 to Accept and Approve the 2022/2023 Annual Financial Report for Fiscal Year Ending June 30, 2023. Council Member Rudolph seconded the motion. Roll call vote: AYES: Rudolph, Schaben, Kroger, Bielenberg, Petersen, Lindberg. NAYS: None. Motion carried and the Resolution was duly adopted.

It was moved by Lindberg and seconded by Schaben to approve the dismissal of the three Flood Insurance Policies. Roll call vote: AYES: Rudolph, Schaben, Kroger, Bielenberg, Petersen, Lindberg. NAYS: None. Motion carried.

It was moved by Schaben and seconded by Petersen to approve the Settlement Agreement between City of Harlan and Windstream. Roll call vote: AYES: Rudolph, Schaben, Kroger, Bielenberg, Petersen. ABSTAIN: Lindberg due to stepping out of the room during that discussion. NAYS: None. Motion carried.

It was moved by Bielenberg and seconded by Lindberg to approve the naming of Dream Playground, following receipt of a \$250,000 monetary gift and mutual agreement of the final name. Roll call vote: AYES: Rudolph, Schaben, Kroger, Bielenberg, Petersen, Lindberg. NAYS: None. Motion carried.

The City Administrator presented his report.

The Mayor presented his report.

It was moved by Kroger and seconded by Petersen to appoint Michael Maass to the Harlan Municipal Utilities Board of Trustees for a 6-year term expiring 11/21/2029. Roll call vote: AYES: Rudolph, Schaben, Kroger, Bielenberg, Petersen, Lindberg. NAYS: None. Motion carried.

Updates were presented by the Shelby County Chamber of Commerce & Industry and Harlan Municipal Utilities.

It was moved by Kroger and seconded by Schaben to enter a closed session at 6:03 p.m. pursuant to Iowa Code 21.5(1)(c) - 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. Roll call vote: AYES: Rudolph, Schaben, Kroger, Bielenberg, Petersen, Lindberg. NAYS: None. Motion carried.

Council Member Rudolph had to leave the meeting at 6:48 p.m.

It was moved by Lindberg and seconded by Petersen to end the closed session and return to open session at 6:52 p.m. Roll call vote: AYES: Schaben, Kroger, Bielenberg, Petersen, Lindberg. NAYS: None. Motion carried.

There being no further business, the meeting was adjourned.

Jane Smith, City Clerk

Jay Christensen, Mayor

“These minutes are as recorded by the Clerk and are subject to Council approval at the next regular meeting.”