

**Resolution # \_\_\_\_\_**  
**XENIA RURAL WATER DISTRICT**  
**August 18, 2022 – 5:00 PM**  
**Regular Board Meeting Minutes**

Board Members Present: Lovett, Wilson, Becker, Carris, Sporrer, Jensen, Schrum

Board Members absent:

Staff Present: Andrews, Hammitt, Hayden, Iben, Lyons

Other Present : Frank Smith

Call to Order

Lovett called the meeting to order at 5:00 pm.

Approve Agenda

Motion #082201 made by Carris, seconded by Schrum to introduce and approve the August 18, 2022 Agenda. Motion passed. No dissenting.

Consent Agenda

Motion #082202 made by Becker, seconded by Jensen to approve the August 18, 2022 Consent Agenda items A, B, C, D and E. Motion passed. No dissenting.

Boone East Elevated Water Storage Tank Pay App No. 9

Motion #082203 made by Becker, seconded by Wilson to approve Boone East Elevated Water Storage Tank Payment Application No. 78 from Maguire Iron, Inc. in the amount of \$47,500.00. Motion passed. No dissenting.

Boone East Booster Pump Station Pay App No. 4

Motion #082204 made by Sporrer, seconded by Carris to approve Boone East Booster Pump Station Payment Application No. 3 in the amount of \$193,212.90. Motion passed. No dissenting.

Design Engineering Services – 2023 CIP Projects

Motion #082205 made by Wilson, seconded by Carris to approve selection of HR Green as the preliminary engineering study consultant for CIPs #1 and #2 above and authorize the CEO to negotiate and sign contracts for same. Motion passed. No dissenting.

Bulk Water Purchase Agreement – Woodward Resource Center

Motion #082206 made by Jensen, seconded by Becker to approve the Bulk Water Purchase Agreement between Xenia Rural Water District and the Woodward Resource Center. Motion passed. No dissenting. Wilson – Abstained.

Manager's Report

Updates were given on the following projects: Equipment supply issues, delay in getting new vehicles and meter pits; search for additional staffing and the City of Linden project.

Departmental Reports

Department updates were reviewed.

Old Business

None

New Business

None

Public Comment

None

Closed Session – Iowa Code 21.5 (c) for Purposes of Discussing Imminent Litigation Matter with Counsel

Motion #082207 made by Carris, seconded by Becker to go into closed session for purposes of discussing imminent litigation matters with counsel for the reasons set forth in, and pursuant to the provisions of Iowa Code 21.5(c). Roll Call: Lovett – Aye, Wilson – Aye, Becker – Aye, Carris – Aye, Schrum – Aye, Jensen – Aye, Sporrer – Aye

Motion #082208 made by Becker, seconded by Wilson to return to open session. Roll Call: Lovett – Aye, Wilson – Aye, Becker – Aye, Carris – Aye, Schrum – Aye, Jensen – Aye, Sporrer – Aye

Closed Session – Iowa Code 21.5 (c) for Purposes of Discussing Imminent Litigation Matter with Counsel

Motion #082209 made by Schrum, seconded by Becker to go into closed session for purposes of discussing imminent litigation matters with counsel for the reasons set forth in, and pursuant to the provisions of Iowa Code 21.5(c). Roll Call: Lovett – Aye, Wilson – Aye, Becker – Aye, Carris – Aye, Schrum – Aye, Jensen – Aye, Sporrer – Aye

Motion #082210 made by Becker, seconded by Carris to return to open session. Roll Call: Lovett – Aye, Wilson – Aye, Becker – Aye, Carris – Aye, Schrum – Aye, Jensen – Aye, Sporrer – Aye

Open Session

Motion #082211 made by Becker, seconded by Wilson to retain Belin firm to take such actions as are necessary, including commencing litigation, to protect Xenia’s exclusive right to provide public water service and to undertake all actions deemed appropriate related thereto. And to also authorize staff to execute the engagement letter provided by the Belin law firm for its representation of Xenia. Motion passed. Sporrer dissenting.

Adjournment

Motion #082212 made by Carris, seconded by Jensen to adjourn the meeting. Motion passed. No dissenting.

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Xenia Rural Water District, Secretary

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Date