

MINUTES
Decorah Municipal Electric Utility (MEU) Task Force
City Hall Council Chambers/ Electronic Meeting
Thursday February 17, 2022

Present: Task force members Carly Hayden Foster, Mark Lovelace, Andy Johnson, Karen McLean, Reg Laursen, Kristine Jepsen and Larry Wilson were present. Also in attendance were Mayor Lorraine Borowski and City Council Liaison Steve Zittergruen.

- Meeting called to order at 9:15 AM by Chair Hayden Foster.
- M/S/P approval of February 3, 2022 meeting minutes
- Chair Hayden Foster noted that the IUB's response (from James Boyd) to the informal complaint from the City of Decorah was received late on Friday 2/11/2022.

"Board Staff believes a meeting between the parties to discuss the issues involved in the complaint in more detail would be productive to assist in finding a resolution for this complaint. As a result, Staff is proposing a meeting between Alliant/IPL representatives, City of Decorah Staff, IUB Staff, and representatives from the Office of Consumer Advocate (OCA)."

A proposed agenda for the meeting was included in Mr. Boyd's response.

The question has arisen, should the City of Decorah have legal representation at the proposed meeting? City Attorney, John Anderson was consulted. He indicated that the City would best be represented by outside counsel with an expertise in these matters. In a response memo, Mr. Anderson suggested that the City clarify its objectives. If the primary objective is for Alliant/IPL to supply the City with a uniform data set, as previously requested, he would recommend David Lynch from the BrownWinick law firm. Mr. Lynch has extensive experience with the IUB. If the City's goals are broader in nature, he suggested the Ahlers & Cooney law firm. Task force members agreed that the primary objective was the former.

Discussion of the role of the OCA in the proposed meeting ensued. It was clarified that the OCA does not necessarily represent the complainant.

- Chair Hayden Foster presented the following draft recommendation (from the MEU Task Force to the City of Decorah) for consideration.

"The Decorah Municipal Electric Utility Task Force recommends that the City of Decorah acquire outside counsel to represent the City's interests for the remainder of the "informal" complaint process. This would include the meeting of parties proposed by IUB staff for early March, subsequent communication, and recommendation on whether to request continuation to the next ("formal") stage of the complaint process. Continuation to the formal complaint stage would not happen without a MEU Task Force report to council with a recommendation, and decision by council regarding additional funding.

The MEU Task Force believes that due to the complicated nature of the legal issues involved, an attorney should be chosen with extensive experience in IUB process and related rules and law, and be retained for this purpose only. The Task Force requests up to \$7,500 be approved for counsel, 32% of which is reimbursable by the USDA grant already acquired by the Task Force for this purpose (leaving the City with roughly \$5K in expense).”

Regarding the proposed budget for outside counsel, it was noted that

- the amounts in the draft recommendation are upper limits of what could be spent. The actual costs may be lower.
 - approximately 32% (\$2,500) of the cost would be funded by the USDA grant obtained by the task force. The City has funds in the sustainability fund that could support the remaining \$5,000 in expense.
- M/S/P via unanimous vote to forward the recommendation, as originally written, to the City Council for review at their February 21, 2022 meeting.
- M/S/P – to adjourn at 9:50 AM.