

# AUSTIN UTILITIES

## MINUTES OF MEETING

4:00 pm, December 12th, 2023

Date

Regular Meeting

Kristin Johnson

President

### Members Present:

Kristin Johnson, President  
Jay Lutz, Commissioner - VP  
Steve Greenman, Commissioner  
Tyler Hulsebus, Commissioner  
Jeanne Sheehan, Commissioner

### Others Present:

Mark Nibaur, General Manager  
Alex Bumgardner, Utility Operations Director  
Marc Oleson, IT Director  
Dan Ulland, Employee Relations Director  
Ann Christianson, Finance Manager  
Kory Robinson, Finance & Customer Care Director  
Melissa Swenson, Communications & Energy Services Manager

### Members Absent:

President Kristin Johnson called the meeting to order.

Moved by Jeanne Sheehan, seconded by Steve Greenman, to approve the meeting agenda. Approved unanimously.

Moved by Jay Lutz, seconded by Jeanne Sheehan, to approve the regular meeting minutes of November 21st, 2023, with one correction to Commissioner motions upon entering closed session. Approved unanimously.

Moved by Steve Greenman, seconded by Jay Lutz, to approve the disbursements summary, accounts payable list, additional bills and expenses, and authorize warrants to be drawn for their payment. Approved unanimously.

Tom Dankert, Director of Administrative Services for the City of Austin, administered the oath of office to Tyler Hulsebus. Commissioner Hulsebus was appointed to complete Tom Baudler's term which runs through 2024.

Mark Nibaur, General Manager, and Ann Christianson, Finance Manager presented the proposed 2024 budget. The budget includes electric rates estimated at approximately a 2-4% increase. Water rates would be increased by 4.5% in the summer months. No change for natural gas rates. After some discussion, moved by Jeanne Sheehan, seconded by Tyler Hulsebus, to approve the 2024 budget as presented. Approved unanimously.

Mark Nibaur, General Manager, and Ann Christianson, Finance Manager presented the 2024 rate tariffs reflecting the increases associated with the 2024 budget. Moved by Tyler Hulsebus, seconded by Jeanne Sheehan, to approve the rate tariffs as presented. Approved unanimously.

Ann Christianson, Finance Manager, presented AU's investment policy. The policy now allows for investments in credit union CDs. Moved by Jay Lutz, seconded by Steve Greenman, to approve the investment policy as presented. Approved unanimously.

Mark Nibaur, General Manager, and Alex Bumgardner, Utility Operations Director, updated the Board on the 3M-Dupont PFAS class action lawsuit. AU could qualify for a settlement payment due to low levels of PFAS detected at the Country Club well which was previously slated for retirement. SL Environmental Group was chosen to represent Austin Utilities. There is no cost to AU unless a settlement is reached. Staff will keep the Board updated as the process continues.

Dan Ulland, Employee Relations Director, updated the Commissioners on MN's new Earned Sick and Safe time law going into effect in 2024. AU's policy will be expanded to include MN's required eligible uses of the earned time. All three union contracts will be updated to reflect the change.

Dan Ulland, Employee Relations Director, presented the proposed employment contract for Mark Nibaur, General Manager. The contract would run through August 31st of 2025. The salary would be \$190,680.01 from January 1, 2024 through December 31, 2024 and \$130,933.61 from January 1, 2025 through August 31, 2025 (pro-rated based on 66.67% of 196,400.41 for period worked in 2025). Nibaur would also be paid lump sum payments for performance achievements of \$8,000.00 on the first payroll on or after May 1, 2024, \$8,000.00 on the first payroll on or after October 1, 2024, \$8,500.00 on the first payroll on or after May 1, 2025, and \$2,831.00 on the first payroll on or after July 1, 2025 (pro-rated based on 33.3% of \$8,500.00 for period worked in second half of 2025). Moved by Jeanne Sheehan, seconded by Jay Lutz, to approve the General Manager contract as presented. Approved unanimously.

Mark Nibaur, General Manager, also updated the Board on the following:

- SMMPA meeting minutes
- Safety committee minutes
- Joe Bartholomew retirement
- Bed bugs in office and treatment
- AU Christmas party - Jan. 5th
- Service territory agreement with Freeborn Mower finalized
- Power supply plan progress

A brief discussion on potential committees and officers for 2024 was held. It was also noted that this is Ann Christianson's last board meeting before her retirement.

The next regular board meeting was scheduled for 4:00 pm, January 16th, 2024. Discussion was also held on a potential work session in February regarding the power supply plan.

Moved by Jeanne Sheehan, seconded by Tyler Hulsebus, to adjourn. Approved unanimously. Adjourned at 5:10 pm.

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President

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Secretary