

## Gas Committee Meeting Minutes

March 11, 2021

Attendees: Mayor Smith, Aldermen Notheisen, Thomas, Heller, Trantham, Darter, Row and Hopkins. Also, in attendance, City Attorney Dan Hayes, Tim Birk and Shawn Kennedy. Attending by phone Alderman Buettner and Candidate Matt Buettner.

The meeting was called to order at 9 am by Chairman Notheisen. There were no petitions by citizens.

Notheisen led off the conversation pertaining to the most recent city gas bill of over \$1,300,000 that was over \$1,000,000 in excess of the norm. The meeting was called to discuss option on how to handle this extraordinary billing. With over \$800,000 in Force Majeure cost and over \$250,000 in penalties, it was felt that the gas department customers would be overly burdened with their gas bill almost 3 times higher than normal, especially in this difficult time due to the pandemic.

Over the last two days, discussions have been had with our management to pursue legal remedies to reduce or eliminate these charges. Mayor Smith has authorized Dan Hayes to contact our expert Natural Gas attorney Carl Fink for advice. Dan updated us on his call to Carl from yesterday. Carl did not recommend filing a lawsuit but did recommend withholding full payment while we resolve these extra costs and penalties. After our discussion, Alderman Darter made a motion to hire Carl Fink for advice and efforts to resolve the issues. Alderman Heller second the motion and motion passed 5-0.

With the timeline for our staff to prepare bills for our customers, there is an urgent need to make a decision on what rate to use for billing for the month of February. The conversation moved towards how best to move forward prior to the legal advice we anticipate. The consensus was to hold off on paying the excess charges and penalty until further notice. Alderman Trantham made a motion to pay our supplier what was determined to be our normal rate and then bill our customers based on that amount. Alderman Darter seconded the motion and it passed 5-0.

Alderman Thomas made a motion to adjourn at 9:40 am with a second coming from Alderman Heller. Motion passed 5-0.