



CITY OF PELLA

CITY COUNCIL OFFICIAL MINUTES

December 5, 2017

A. CALL TO ORDER BY MAYOR AND ROLL CALL

The City Council of the City of Pella, Iowa, met in regular session at the Public Safety Complex meeting room at 7:00 p.m., Mayor Jim Mueller presiding. Council members present were: Mark De Jong, Tony Bokhoven, Dan L. Vander Beek, Harold Van Stryland, Bruce Schiebout, Larry Peterson. Absent: None. City Administrator Mike Nardini, City Attorney Bob Stuyvesant, and City Clerk Mandy Smith were present. Five staff members and ten members of the general public signed the register.

B. MAYOR'S COMMENTS

1. Announce Policy and Planning meeting following the regular Council meeting to discuss:
 - a. 2015 Building Code Update
 - b. Proposed Urban Renewal Area
2. Approval of tentative agenda. Bokhoven moved to approve the tentative agenda, seconded by Van Stryland. On roll call the vote was: AYES: Bokhoven, Van Stryland, Schiebout, Peterson, De Jong, Vander Beek. NAYS: None. Motion carried.
3. Announce closed session pursuant to Iowa Code Chapter 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.
4. Announce closed session pursuant to Iowa Code Chapter 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.

***PUBLIC FORUM (for anyone wishing to address Council regarding agenda items)**

No comments were received.

C. APPROVAL OF CONSENT AGENDA

De Jong moved to approve the consent agenda, seconded by Schiebout. On roll call the vote was: AYES: De Jong, Schiebout, Peterson, Bokhoven, Vander Beek, Van Stryland. NAYS: None. Motion carried. The following items were approved:

1. Approval of Minutes
 - a. Official Council Minutes for November 21, 2017
2. Report of Committees
 - a. Policy and Planning Minutes for November 21, 2017

PRESENT: Mayor Jim Mueller, Mark De Jong, Tony Bokhoven, Dan L. Vander Beek, Harold Van Stryland, Bruce Schiebout, Larry Peterson
ABSENT: None

OTHERS: City staff and visitors

The Policy and Planning meeting began at 8:10 p.m. The first item on the agenda was a discussion regarding seeking proposals to conduct a municipal telecommunications utility feasibility study. The need for a municipal telecommunications utility is being driven by concerns expressed in the community regarding high speed internet. During a recent PACE Alliance roundtable discussion, area businesses expressed concerns over high speed internet reliability, cost, and service level issues.

Approximately 17 years ago, the City hired VECTREN Communications Services, Inc. to conduct a comprehensive feasibility study. The full system buildout estimate was between \$14-19 million. The City ultimately decided not to proceed at that time due to the significant costs involved.

The feasibility study's scope of work includes analyzing the current providers in the community, analyzing the City's electric utility fiber optic network, developing a conceptual network design including the ability to accommodate Advanced Metering Infrastructure (AMI) for the City's electric utility, and developing a proposed business model and ten-year financial forecast.

Staff is proposing to issue the request for proposal (RFP) on November 27, 2017 with proposals due to City Hall by 4:00 p.m. on January 10, 2018. The final feasibility study would be due in May of 2018. Ultimately, if Council decides to proceed with a municipal telecommunications utility, it would require a public referendum in the fall of 2018. At the end of the discussion, it was unanimous to have staff proceed with releasing the RFP.

The next item on the agenda was a discussion about funding requests staff has received for the 2018-2019 fiscal year budget. The requests include:

- Construction of a Historical Trail Walk by Sunken Garden
- Proposed Dog Park
- Hotel/Motel Tax Distribution Requests

- Phase II Sports Park Addition
- Request to pave 218th Avenue from Washington Street to St Mary's Church

It was unanimous to have staff proceed with scheduling a special Council work session in January to address these requests. Each of the organizations will be invited to make a presentation to Council.

The meeting adjourned at 8:28 p.m.

Respectfully submitted:

Mandy Smith

City Clerk

3. Petitions and Communications

a. Renewal of Special Class C Liquor License (Beer/Wine) with Sunday Sales for Yamato Japanese Steak House

BACKGROUND: New Yamato Pella, DBA Yamato Japanese Steak House at 1590 Washington Street, has applied for renewal of their Special Class C Liquor License (Beer/Wine) with Sunday Sales privileges. The term of the new license is 12 months and would expire on January 20, 2019. The application has been completed online with the state, and staff is recommending approval.

ATTACHMENTS: Application
 REPORT PREPARED BY: City Clerk
 REVIEWED BY: CITY ADMINISTRATOR
 CITY CLERK
 RECOMMENDATION: Approve renewal

b. Renewal of Class E Liquor License with Class B Wine Permit, Class C Beer Permit (Carryout Beer), and Sunday Sales for Wal-Mart Supercenter #751

BACKGROUND: Wal-Mart Stores, Inc., DBA Wal-Mart Supercenter #751 at 1650 Washington Street, has applied for renewal of their Class E Liquor License with Class B Wine Permit, Class C Beer Permit (Carryout Beer), and Sunday Sales privileges. The term of the new license is 12 months and would expire on January 31, 2019. The application has been completed online with the state, and staff is recommending approval.

ATTACHMENTS: Application
 REPORT PREPARED BY: City Clerk
 REVIEWED BY: CITY ADMINISTRATOR
 CITY CLERK
 RECOMMENDATION: Approve renewal

4. Administration Reports – None

D. *PUBLIC HEARINGS – None

E. PETITIONS & COMMUNICATIONS – None

F. PLANNING & ZONING ITEMS – None

G. ADMINISTRATION REPORTS – None

H. RESOLUTIONS

1. Resolution No. 5815 entitled, "RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF PELLA AND DEWILD GRANT RECKERT AND ASSOCIATES COMPANY D/B/A DGR ENGINEERING IN CONNECTION WITH THE BROOK CIRCLE CABLE REPLACEMENT PROJECT". Bokhoven moved to approve, seconded by Schiebout. On roll call the vote was: AYES: Bokhoven, Schiebout, Peterson, De Jong, Vander Beek, Van Stryland. NAYS: None. Motion carried.

BACKGROUND: This resolution approves an engineering services agreement with DGR Engineering in the amount of \$39,700 for engineering services relating to the Brook Circle Cable Replacement Project. The Brook Circle Subdivision, constructed in the 1970s, was an early residential neighborhood served by underground electrical infrastructure. It was constructed with direct-buried open-concentric cable operating at 2,400 V. This means that there is no protection for the cable's neutral wire from dirt, moisture, and corrosion. Also, it is the only remaining section of town operating at 2,400 V.

The proposed improvement can be described in general as follows: The City of Pella is proposing to convert the 2,400 V single phase distribution circuit that serves the Brook Circle development to 7,200 V. The existing underground primary cable is open concentric cable and is installed in the rear lots of the development. The City proposes to install new jacketed concentric cable and relocate the electrical facilities to street right of way. Approximate length of proposed cable is 0.60 mile of single phase distribution.

This resolution would approve an engineering services agreement that includes a lump sum amount of \$29,700 for the design and bid phases as well as an estimated \$10,000 hourly fee for the preliminary/planning and construction/final phases for a total of \$39,700. It should be noted that approval will be sought from the City of Pella if more hours are needed to complete the project.

The schedule for the project is as follows:

Plans and Specs Complete	May 2018
Bid Opening	June 2018
Construction Start	July 2018
Construction Complete	September 2018

The engineer's estimated project cost, including engineering, totals approximately \$279,700.

Due to the historical knowledge of the City's electrical system and an established relationship, staff recommends approval of the agreement with DGR. The Electric Department has worked with DGR consultants since the early 1990s and believes they have a good baseline knowledge of our systems and operations. Furthermore, the total engineering services fee of \$39,700 is approximately 14% of the estimated total project cost, which staff believes is very reasonable. Finally, if Council approves this contract, electric utility revenues will fund the anticipated improvements.

ATTACHMENTS: Resolution, Engineering Services Agreement
REPORT PREPARED BY: Electric Department
REPORT REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK
RECOMMENDATION: Approve resolution

2. Resolution No. 5816 entitled, "RESOLUTION APPROVING CHANGE ORDER #1, CHANGE ORDER #2 (FINAL QUANTITY ADJUSTMENT), AND ACCEPTING THE PUBLIC IMPROVEMENTS FOR THE EAST 3RD STREET AND LINCOLN STREET RECONSTRUCTION PROJECT 2017". Schiebout moved to approve, seconded by Van Stryland. On roll call the vote was: AYES: Schiebout, Van Stryland, Peterson, De Jong, Bokhoven, Vander Beek. NAYS: None. Motion carried.

BACKGROUND: This resolution approves change order #1, change order #2 (final quantity adjustment), and accepts the public improvements for the East 3rd Street and Lincoln Street Reconstruction Project 2017. As background, the project consisted of total reconstruction of Lincoln Street from Hazel to East 3rd and East 3rd Street from Columbus to Lincoln including pavement replacement, replacing and increasing the size of the sanitary sewers including sewer services, storm sewers, associated intakes, secondary storm sewer, subdrains, and associated work.

Change Order #1 - Increase of \$1,000

This change order increases the construction contract of Blommers Construction by \$1,000 to remove the large buried chunks of concrete at the intersection of East 3rd Street and Columbus Street.

Change Order #2 (Final Quantity Adjustment) - Decrease of \$8,436.75

This change order decreases the construction contract of Blommers Construction by \$8,436.75 due to final quantity adjustments.

Listed below is a summary of the contract.

Original Contract	\$373,025.75
Change Order #1	1,000.00
Change Order #2	<u>(8,436.75)</u>
Revised Contract Amount	<u>\$365,589.00</u>

Acceptance of Project

The engineer for the project, Garden & Associates, is recommending acceptance of the project and believes the project was completed in accordance with the approved plans and specifications.

ATTACHMENTS: Resolution, Engineer's Acceptance Letter, Change Order No. 1, Change Order No. 2
REPORT PREPARED BY: Public Works Department
REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK
RECOMMENDATION: Approve resolution

3. Resolution No. 5817 entitled, "RESOLUTION APPROVING AMENDMENT NO. 2 TO THE ENGINEERING DESIGN PHASE SERVICES AND FEES WITH HR GREEN, INC. FOR THE REVERSE OSMOSIS TREATMENT SYSTEM, NEW JORDAN WELL, WATER TREATMENT PLANT IMPROVEMENTS, AND RAW WATER MAIN". Schiebout moved to approve, seconded by Peterson. On roll call the vote was: AYES: Schiebout, Peterson, De Jong, Bokhoven, Vander Beek, Van Stryland. NAYS: None. Motion carried.

BACKGROUND: This resolution approves Amendment No. 2 to the engineering services agreement with HR Green, Inc. for the Reverse Osmosis (RO) Treatment System, New Jordan Well, Water Treatment Plant Improvements, and Raw Water Main. The proposed amendment includes additional engineering for this project.

As background, Eriksen Construction has experienced roughly a seven-month delay in completing the improvements to the City's water treatment plant. As a result, the project has required additional engineering and oversight by our engineer, HR Green. Through October 27, 2017, HR Green has informed the City they have incurred expenses of approximately \$110,000 above their original contract amount. In addition, HR Green is projecting the delay will require additional engineering of approximately \$65,000 to complete the project. It is important to note, project completion is tentatively scheduled for February of 2018.

The total of proposed Amendment No. 2 to HR Green's contract is \$171,934, which includes a credit in the amount of \$3,066 to offset the City's cost to relocate Flowmeter 104 for the existing Jordan Well. HR Green is providing this credit due to the fact that the flowmeter was shown on the incorrect raw water line on the design drawings and not identified until after installation.

Below is a summary of the City's contract with HR Green:

Original Engineering Design Contract	\$ 945,500
Amendment #1 for Additional Engineering Design	147,500
Amendment #1 for Construction Observation Services	894,000
Amendment #2 for Additional Construction Observation Services	<u>171,934</u>
Total HR Green Contract	<u>\$2,158,934</u>

Since it appears the additional engineering expenses being proposed through Amendment No. 2 were a direct result of delays by Eriksen Construction, staff will be proposing these expenses be deducted from the balance of Eriksen Construction's contract.

ATTACHMENTS: Resolution, HR Green Professional Services Agreement Amendment No. 2
REPORT PREPARED BY: City Administration
REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK
RECOMMENDATION: Approve resolution

4. Resolution No. 5818 entitled, "RESOLUTION APPROVING PRELIMINARY PLAT FOR BROWNE ADDITION". Van Stryland moved to approve, seconded by Bokhoven. On roll call the vote was: AYES: Van Stryland, Bokhoven, Vander Beek, Schiebout, Peterson, De Jong. NAYS: None. Motion carried.

BACKGROUND: This resolution approves a preliminary plat for Browne Addition. The applicants, Dustin and Rachel Browne, are proposing to subdivide one parcel into two lots to sell an existing home on the property. This home is located on proposed Lot 2 of the preliminary plat. Lot 1 will be used as it is today for agricultural purposes.

Pella City Code Requirements for Subdivision Plats

The subdivision ordinance states that the City Council shall review the preliminary plat for conformance with the Comprehensive Plan, Zoning Ordinance, and Chapter 170, and shall consider the recommendations of reviewing parties. Preliminary plats are required whenever the subdivider of any tract or parcel of land within the platting jurisdiction of the City wishes to make a subdivision. The preliminary platting process allows the City Council the opportunity to review the overall layout of the lots, street pattern, as well as compliance with all applicable City infrastructure and code requirements.

Land Conditions and Characteristics

Current Zoning Classification

The property is zoned Community Commercial (CC). The CC zoning district accommodates a variety of commercial uses, some of which have significant traffic or visual effect. These districts may include commercial uses which are oriented to services, including automotive services, rather than retail activities. These uses may create land use conflicts with adjacent residential areas, requiring provision of adequate buffering. This district is most appropriately located along major arterial streets or in areas that can be adequately buffered from residential districts.

ADJACENT ZONING DISTRICTS			
North	South	East	West
Agricultural (A1)	Community Commercial (CC)	Community Commercial (CC)	Community Commercial (CC)

Proposed Land Use

The applicant has no intention of developing the property at this time. The purpose of the subdivision is to sell the existing home and separate the agricultural land from this home. Single-Family Detached Residential land uses are permitted by right in the CC zoning district.

Lot Requirements

The developer has indicated an intent to subdivide the parcel into two individual parcels. The following are the site development regulations for the CC zoning district:

Bulk Regulations	Community Commercial (CC) Zoning District
Proposed Lot Size (Acres)	Lot 1 = 5.10 and Lot 2 = 2.53
Minimum Lot Area	7,000-square feet
Minimum Lot Width	50-feet
Setbacks	Front = 25-ft; Side = 10-ft; Rear = 25-ft; Height (max) = 50-ft

Staff Comment: The proposed development meets the minimum requirements in the City's zoning ordinance, specifically Table 165.12-3.

Required Improvements

According to Chapter 170.12, before the final plat of any area shall be accepted and recorded, the subdivider is required to make and install all public improvements located in Chapter 170.13. The following is a review of those requirements:

Streets: The subdivider shall grade and improve all new streets between the property lines, within the subdivided area. The paving on such new streets shall be built according to the Design Standards.

Staff Comment: The proposed subdivision does not necessitate any new street construction or reconstruction.

Storm Sewer and Drainage: The subdivider shall construct all storm water management structures including, but not limited to, storm sewers, drains, inlets, manholes, and drainage conveyances to provide for the adequate removal of all surface drainage according to the design standards and specifications. Engineering calculations, including references to support all assumptions and recommendations, shall accompany all storm water management system designs.

Staff Comment: The existing agricultural land of Lot 1 and open space areas of Lot 2 are expected to maintain runoff as it does currently. No additional public improvements are required. Further storm water management will be necessary if, and when, future development occurs.

Secondary Storm Sewer: Subdividers must provide a secondary storm sewer system with access to the system from all lots in a subdivision. The City Engineer may grant a waiver to this requirement based on the zoning of the subdivision, topography, or other site characteristics of each lot. Proposed secondary storm sewer system designs, including locations of conduit, grading, drainageways, and outlets, must be shown on the preliminary plat.

Staff Comment: The City Engineer has granted a waiver to this requirement based on the topography of the site and approves the preliminary plat as shown and submitted.

Sanitary Sewer: The subdivider shall construct sanitary sewers in conformance with the Design Standards and Standard Specifications. The subdivider shall provide a connection for each lot to the sanitary sewer. The sanitary sewer shall be in operation prior to occupancy of any building.

Staff Comment: The existing home is served by a private on-site wastewater disposal system. Further, the proposed subdivision is outside the City's Urban Services Area.

Water Mains and Fire Hydrants: The subdivider shall install water mains and fire hydrants in the subdivided area. The installation of water mains and fire hydrants shall be made prior to the street pavement construction and shall be in conformance with the Design Standards and Standard Specifications.

Staff Comment: The proposed subdivision does not necessitate any additional infrastructure requirements and is currently served by Central Iowa Rural Water.

Sidewalks: Property owners shall install a four-foot wide concrete sidewalk along each lot frontage prior to the issuance of an occupancy permit for the structure on the lot. Sidewalks shall be installed in accordance with the Design Standards and Standard Specifications.

Staff Comment: Given that adjacent properties do not offer the amenity of a sidewalk, staff believes this requirement should be waived until future sidewalks are extended to this site to ensure connectivity.

Erosion Control Measures: The subdivider shall construct and maintain erosion and sediment control measures in accordance with the Design Standards.

Staff Comment: The subdivider has indicated that the excess green space will maintain erosion and sediment control for the site as it currently does today and meets the requirements by the City Engineer.

Comprehensive Plan

Chapter 170.06(2) requires the City Council to review the final plat for conformance with the Comprehensive Development Plan, including the Future Land Use Map. The Future Land Use Map of the Comprehensive Plan identifies this site for "Low Density Residential" land uses, which

can accommodate single-family attached projects with densities up to 6 units per acre. Staff believes the existing use of the property meets the community's goals listed in the Comprehensive Plan and complies with the Future Land Use Map.

Summary and Staff Recommendation

The subdivision plat has been revised to reflect City of Pella staff and consultant comments. Staff finds the preliminary plat meets the minimum requirements of the subdivision ordinance. Additionally, staff finds the development conforms to the City's Comprehensive Plan. It is important to note, the Planning and Zoning Commission unanimously approved the preliminary plat during their meeting on November 27th. Based upon the findings, staff recommends approval of the preliminary plat.

ATTACHMENTS: Resolution, Preliminary Plat
REPORT PREPARED BY: Planning and Zoning
REPORT REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK
RECOMMENDATION: Approve resolution

5. Resolution No. 5819 entitled, "RESOLUTION OF PELLA CITY COUNCIL APPROVING FINAL PLAT FOR BROWNE ADDITION". Van Stryland moved to approve, seconded by Peterson. On roll call the vote was:

AYES: Van Stryland, Peterson, De Jong, Bokhoven, Vander Beek, Schiebout. NAYS: None. Motion carried.
BACKGROUND: This resolution approves a final plat for Browne Addition. The applicants, Dustin and Rachel Browne, are proposing to subdivide one parcel into two lots to sell an existing home on the property. This home is located on proposed Lot 2 of the preliminary plat. Lot 1 will be used as it is today for agricultural purposes.

Pella City Code Requirements for Final Plats

The subdivision ordinance states that the City Council shall review the final plat for conformance with the Comprehensive Plan, Zoning Ordinance, approved preliminary plat, and Chapter 170.

Final Plat

The final plat is the legal document that is recorded with the Marion County Recorder's office. The sale of subdivided lots can only proceed after this recording. The primary purpose of the final plat is to delineate property boundaries and to describe and dedicate rights-of-way and easements.

Preliminary Plat

The final plat must conform to the approved preliminary plat. Given the existing infrastructure located in the area, staff believes the final plat meets the requirements to be considered immediately following the preliminary plat. Any modifications or conditions approved during consideration of the preliminary plat should be continued to consideration of the final plat.

Comprehensive Plan

Chapter 170.06(2) requires the City Council to review the final plat for conformance with the Comprehensive Development Plan, including the Future Land Use Map. The Future Land Use Map of the Comprehensive Plan identifies this site for "Low Density Residential" land uses, which can accommodate single-family attached projects with densities up to 6 units per acre. Staff believes the existing use of the property meets the community's goals listed in the Comprehensive Plan and complies with the Future Land Use Map.

Summary and Staff Recommendation

The subdivision plat has been revised to reflect City of Pella staff and consultant comments. Staff finds the final plat meets the minimum requirements of the zoning ordinance. Additionally, staff finds the development conforms to the City's Comprehensive Plan. It is important to note, the Planning and Zoning Commission unanimously approved the final plat during their meeting on November 27th. Based upon the findings, staff recommends approval of the final plat.

ATTACHMENTS: Resolution, Final Plat
REPORT PREPARED BY: Planning and Zoning
REPORT REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK
RECOMMENDATION: Approve resolution

6. Resolution No. 5820 entitled, "RESOLUTION APPROVING CHANGE ORDERS #1 THROUGH 6 AND CHANGE ORDER #8 WITH HOOYER CONSTRUCTION FOR THE CALDWELL PARK IMPROVEMENTS PROJECT". Schiebout moved to approve, seconded by Bokhoven. On roll call the vote was: AYES: Schiebout, Bokhoven, Vander Beek, Van Stryland, Peterson, De Jong. NAYS: None. Motion carried.

BACKGROUND: This resolution approves change orders #1-6 and #8 in the amount of \$4,949.72 for the City's construction contract with Hooyer Construction for improvements to Caldwell Park.

Listed below is a summary of each change order:

1. **Pickle Ball Court & Retaining Wall.** Changes the pickle ball court retaining wall from block to concrete, decreasing the space between the wall and court fences. This change also moves the courts 7' west to keep them farther away from homes. Net cost increase of \$1,092.50.
2. **Park Benches.** The City will supply benches for the project in order to include them in the memorial bench program. Net cost decrease of \$2,800.
3. **Curb and Gutter.** This change includes leaving the existing concrete along University Street. Net cost decrease of \$3,000.
4. **Replace Concrete in Concessions Area.** Once fully exposed by the removal of items stored in the room, it was noted that the flooring was sloped away from the drain and also that the concrete was brush finished, making it difficult to properly clean the facility for food service operations. Net cost increase of \$1,650.25.
5. **Translucent Roof Panels.** Panels to match the profile of the roof are no longer available through the specified vendor. A different type of panel was approved for use. Net cost increase of \$839.74.
6. **Add Lighting to Flag Pole and Conduit for Future Skate Park Lighting.** This includes adding lighting to the new flag pole plaza area and putting conduit in place for the possible future addition of security lighting to the skate park. Net cost increase of \$6,735.98.
8. **Concrete Sealer.** At staff's request, concrete sealer was added for the restroom and concessions area to aid in cleaning the facility. Net cost increase of \$431.25.

Staff is recommending approval of change orders #1-6 and #8 in the amount of \$4,949.72 thereby adjusting the total contract price to \$773,949.72. There are no additional costs for engineering services related to the above listed change orders.

If Council approves change orders #1-6 and #8 as recommended by staff, listed below is a contract summary:

Original Construction Contract	\$769,000.00
Change Order #1	1,092.50
Change Order #2	(2,800.00)
Change Order #3	(3,000.00)
Change Order #4	1,650.25
Change Order #5	839.74
Change Order #6	6,735.98
Change Order #8	<u>431.25</u>
Total Revised Construction Contract	<u>\$773,949.72</u>

In considering these change orders, it is important to realize the amount of the current change orders is equal to less than 1% of the original contract; well below industry standards of 5 to 8% for renovations.

ATTACHMENTS: Resolution, Change Orders #1-6 and #8
REPORT PREPARED BY: Community Services
REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK
RECOMMENDATION: Approve resolution

I. ORDINANCES – None

J. CLAIMS

1. Abstract of bills No. 1996. Schiebout moved to approve, seconded by Bokhoven. On roll call the vote was: AYES: Schiebout, Bokhoven, Vander Beek, Van Stryland, Peterson, De Jong. NAYS: None. Motion carried.

K. OTHER BUSINESS / *PUBLIC FORUM (any additional comments from the public)

Comments were received and addressed.

At 7:51 p.m., Council went into the Policy and Planning meeting, ending at 8:07 p.m.

L. CLOSED SESSION

1. At 8:07 p.m., Bokhoven moved to enter into closed session pursuant to Iowa Code Chapter 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, seconded by Van Stryland. On roll call the vote was: AYES: Bokhoven, Van Stryland, Schiebout, Peterson, De Jong, Vander Beek. NAYS: None. Motion carried. At 8:14 p.m., Bokhoven moved to reconvene to regular session, seconded by Schiebout. On roll call the vote was: AYES: Bokhoven, Schiebout, Peterson, De Jong, Vander Beek, Van Stryland. NAYS: None. Motion carried. Van Stryland made a motion to accept the settlement offer from Mutual Med Insurance Services in the amount of \$5,000, seconded by Peterson. On roll call the vote was: AYES: Van Stryland, Peterson, De Jong, Bokhoven, Vander Beek, Schiebout. NAYS: None. Motion carried.
2. At 8:15 p.m., Bokhoven moved to enter into closed session pursuant to Iowa Code Chapter 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, seconded by Schiebout. On roll call the vote was: AYES: Bokhoven, Schiebout, Peterson, De Jong, Vander Beek, Van Stryland. NAYS: None. Motion carried. At 8:37 p.m., Bokhoven moved to reconvene to regular session, seconded by Van Stryland. On roll call the vote was: AYES: Bokhoven, Van Stryland, Schiebout, Peterson, De Jong, Vander Beek. NAYS: None. Motion carried. No action was taken regarding this closed session.

M. ADJOURNMENT

There being no further business claiming their attention, Peterson moved to adjourn, seconded by Bokhoven. On roll call the vote was: AYES: Peterson, Bokhoven, Vander Beek, Van Stryland, Schiebout, De Jong. NAYS: None. Motion carried. Meeting adjourned at 8:41 p.m.