

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

AUGUST 22, 2017

The Regular Meeting of the Ames City Council was called to order by Mayor Campbell at 6:00 p.m. on August 22, 2017, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. Present were Council Members Bronwyn Beatty-Hansen, Gloria Betcher, Peter Orazem, Amber Corrieri, Tim Gartin, and Chris Nelson. *Ex officio* Rob Bingham was present also.

Mayor Campbell announced that the Council would be working from an Amended Agenda. Two additional items are added to the Consent agenda following Item No. 10, i.e., setting the date of public hearing for the sale of 306 Wellons Drive and setting the date of public hearing for the vacation of 12th Street right-of-way adjacent to 1125 Maxwell Avenue. The date under Item No. 16, a waiver of the motorized vehicle prohibition to allow mobility-impaired individuals to tour Ada Hayden Heritage Park, was changed to September 19, and September 20 was added as the rain date.

PROCLAMATION FOR “DRINKING WATER TREATMENT RECOGNITION DAY,” AUGUST 26, 2017: Mayor Campbell proclaimed August 26, 2017, as “Drinking Water Treatment Recognition Day.” Present to accept the Proclamation were the Director of Water and Pollution Control John Dunn, Assistant Director of Water and Pollution Control Christina Murphy, Lyle Hammes, and Kris Evans. Ms. Evans issued an invitation to the Mayor, City Council, and entire Ames Community to the Ribbon Cutting ceremony to be held on Saturday, August 26, at 9:00 a.m. That ceremony will be followed by tours of the new facility until 1:00 p.m.

CONSENT AGENDA: Moved by Gartin, seconded by Corrieri, to approve the following items on the Consent Agenda:

1. Motion approving payment of claims
2. Motion approving Minutes of Regular Meeting of August 8, 2017, and Special Meetings of August 15, 2017, and August 17, 2017
3. Motion approving Report of Contract Change Orders for August 1 - 15, 2017
4. Motion approving new Class E Liquor, C Beer, & B Wine – Kum & Go #1215, 4506 Lincoln Way (pending final inspection)
5. Motion approving new Class C Beer Permit – HuaChao Snacks, 127 Welch Avenue
6. Motion approving temporary Outdoor Service Privilege (September 8 - 10) for Tip Top Lounge, 201 E. Lincoln Way
7. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Class E Liquor, C Beer, & B Wine – Hy-Vee Drugstore, 500 Main Street
 - b. Special Class C Liquor – Indian Delights, 127 Dotson Drive
 - c. Class C Liquor – Mandarin Restaurant of Ames, 415 Lincoln Way
 - d. Special Class C Liquor & Outdoor Service – Noodles & Company, 414 S. Duff Avenue, Ste. 101
 - e. Class E Liquor, C Beer, & B Wine – Cyclone Liquors, 626 Lincoln Way
 - f. Class E Liquor, C Beer, & B Wine – Kwik Stop Liquor & Groceries, 125 6th Street
 - g. Class C Liquor – Corner Pocket/DG’s Taphouse, 125 Main Street
8. Requests from Octagon Center for the Arts for 47th Annual Octagon Art Festival on Sunday,

September 24:

- a. Motion approving blanket Temporary Obstruction Permit and blanket Vending License for Central Business District
- b. RESOLUTION NO. 17-513 approving waiver of fee for blanket Vending License
- c. RESOLUTION NO. 17-514 approving closure of portions of Main Street, Burnett Avenue, Kellogg Avenue, and Douglas Avenue from 6 a.m. to 6 p.m.
- d. RESOLUTION NO. 17-515 approving use of Tom Evans Plaza and Cynthia Duff Plaza
- e. RESOLUTION NO. 17-516 approving waiver of fee for usage of electricity
9. Additional Requests from Healthiest Ames for Open Streets on Sunday, October 1, 2017:
 - a. RESOLUTION NO. 17-517 approving closure of Burnett Avenue from Main Street to 5th Street from 8:00 a.m. to 5:00 p.m.
 - b. RESOLUTION NO. 17-518 approving closure of 8 metered parking spaces and suspension of parking enforcement on Burnett Avenue
10. RESOLUTION NO. 17-552 setting date of public hearing for sale of 306 Wellons Drive to Habitat for Humanity of Central Iowa
11. RESOLUTION NO. 17-553 setting date of public hearing for vacation of 12th Street right-of-way adjacent to 1125 Maxwell Avenue
12. RESOLUTION NO. 17-519 approving one-year extension of Land Lease for Parking Lot P with Youth and Shelter Services
13. RESOLUTION NO. 17-520 approving Encroachment Permit for sign at 2625 North Loop Drive (ISU Research Park)
14. RESOLUTION NO. 17-521 approving Encroachment Permit for a sign at 2900 University Boulevard (ISU Research Park)
15. RESOLUTION NO. 17-522 approving Amendment to Professional Services Agreement with Stanley Consultants for 2017/18 Arterial Street Pavement Improvements
16. RESOLUTION NO. 17-523 approving Amendment to Professional Services Agreement with WHKS & Co., for 2016/17 Concrete Street Pavement Improvements
17. RESOLUTION NO. 17-524 waiving motorized vehicle prohibition to allow mobility-impaired individuals to tour Ada Hayden Heritage Park on September 19, 2017; and setting September 20, 2017, as a rain date
18. Electric Distribution Inventory Replenishment:
 - a. RESOLUTION NO. 17-525 awarding contract to Kriz-Davis Company of Ames, Iowa, in the amount of \$8,194.88 (inclusive of Iowa sales tax)
 - b. RESOLUTION NO. 17-526 awarding contract to Powerline Supply of Williamsburg, Iowa, in the amount of \$652.17 (inclusive of Iowa sales tax)
 - c. RESOLUTION NO. 17-527 awarding contract to RESCO of Ankeny, Iowa, in the amount of \$2,024.68 (inclusive of Iowa sales tax)
 - d. RESOLUTION NO. 17-528 awarding contract to Graybar Electric of Jefferson City, Missouri, in the amount of \$2,414.13 (inclusive of Iowa sales tax)
 - e. RESOLUTION NO. 17-529 awarding contract to Fletcher Reinhardt of Bridgeton, Missouri, in the amount of \$380.84 (inclusive of Iowa sales tax)
 - f. RESOLUTION NO. 17-530 awarding contract to WESCO Distribution of Des Moines, Iowa, in the amount of \$8,475.26 (inclusive of Iowa sales tax)

- g. RESOLUTION NO. 17-531 awarding contract to Irby Company of Fort Dodge, Iowa, in the amount of \$31,222.60 (inclusive of Iowa sales tax)
19. RESOLUTION NO. 17-532 approving preliminary plans and specifications for Furnishing 15kV Outdoor Metalclad Switchgear and 9kV Control Panels for Top-O-Hollow Substation Expansion and Breaker Addition; setting September 27, 2017, as bid due date and October 10, 2017, as date of public hearing
 20. RESOLUTION NO. 17-533 approving preliminary plans and specifications for 2017/18 Traffic Signal Program (East 13th Street/I-35 Northbound Exit Ramp); setting September 13, 2017, as bid due date and September 26, 2017, as date of public hearing
 21. RESOLUTION NO. 17-534 approving contract and bond for 2016/17 Right-of-Way Restoration
 22. RESOLUTION NO. 17-535 approving contract and bond for Water Pollution Control Facility Screening System Improvements Project
 23. RESOLUTION NO. 17-536 accepting completion of 2016/17 Scaffolding and Related Services and Supplies for Power Plant
 24. RESOLUTION NO. 17-537 accepting completion of 2016/17 Valve Maintenance and Related Services and Supplies for Power Plant
 25. RESOLUTION NO. 17-538 accepting completion of 2016/17 Specialized Wet Dry Vacuum, Hydro Blast, and Related Cleaning Services for Power Plant
 26. RESOLUTION NO. 17-539 accepting completion of Power Plant Fuel Conversion - Control Room Installation Contract
 27. RESOLUTION NO. 17-540 approving Plat of Survey for 1414 Florida Avenue
- Roll Call Vote: 6-0. Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

PUBLIC FORUM: No one spoke during Public Forum.

122 HAYWARD AVENUE: Building Official Sara VanMeeteren stated the reason this item was not on the Consent Agenda was because the footings have already been installed. The developer, JCorp, Inc. is nearing the end of its multi-use project at this address. The encroachment is for footings that are set beneath the sidewalk for a very large building. According to Ms. VanMeeteren, the encroachment will not affect the use of the sidewalk. City Manager Steve Schainker pointed out that footings would be very difficult, if not impossible, to move at this point. He pointed out that the proper sequence is to get the Encroachment Permit first. Ms. VanMeeteren stated that the developer and engineer were asked why the footings had been installed prior to obtaining an Encroachment Permit, and they explained that they had overlooked the Permits after they had received the site plan and building plan approvals. It was noted that the site plan approved by the City staff did not indicate that the footings would be placed in the City right-of-way.

Council Member Beatty-Hansen stated that the City needs to discourage the behavior of developers to just do something and then ask for forgiveness later. She asked if there was anything the City can do, e.g., some type of penalty. Interim City Attorney Mark Lambert answered that it could result in issuance of a Municipal Infraction, but if the fine would be so minimal that it wouldn't do much

towards discouragement. Council Member Gartin stated that he saw this as an understandable oversight. He felt that when a major construction project is happening, small matters get overlooked at times. Mr. Gartin also added that he agrees with discouraging willful disregard to the City's procedures, but believes that the City needs to be sensitive to reasonable error. Council Member Betcher commented that she did not agree that this was a reasonable error. To her, this is a local developer who has been through the process many times.

Council Member Orazem asked why the City did not just sell the land to the developer. City Manager Schainker explained that the area in question is a compact area and the City needs the land for utilities and sidewalks.

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO.17-541 approving the Encroachment Permit for building footings at 122 Hayward Avenue.

Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO.17-542 approving the Encroachment Permit for awnings at 122 Hayward Avenue.

Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

ENCROACHMENT PERMIT FOR WATER METER PIT AT 4018 ALDRIN AVENUE:

Council Member Betcher again asked why the developer did not get a Permit first. Council Member Gartin questioned whether anything would have changed if the request would have been done in a timely matter. Mr. Schainker noted that Public Works and or Water might have suggested a different location, and the City does have the right to say no.

Ms. VanMeeteren stated that Public Works was initially a bit nervous as the water pit will control the irrigation system for 32 private townhomes. Council Member Beatty-Hansen said that the point is that the City is not being asked first. Mr. Schainker advised that the City has a process for this and a signed Agreement informs the developer that the City may/can demand that the item be moved.

Moved by Beatty-Hansen, seconded by Gartin to adopt RESOLUTION NO. 17-543 approving an Encroachment Permit for a water meter pit at 4018 Aldrin Avenue.

Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

DOWNTOWN FACADE GRANTS: Director of Planning Kelly Diekmann stated that the City currently has \$100,000 in available funds to award to new grantees for the Downtown Facade Grant Program. That total does not include the \$56,423 awarded to the Sheldon-Munn project in 2015, which has not yet been closed out.

The first grant application was for the property at 238 Main Street, Quilting Connections. The

current tenant occupies the entire building. The owner is requesting a grant for the north (Main Street) facade. The building was originally built as a two-story structure, but suffered a major fire in 1987 resulting in the removal of the upper floor. Significant damage was done to the facade and the reconstruction included a mix of materials, including concrete panels, stucco, vertical wood panes, and the painting of remnants of the original brick. The proposed project would remove much of the non-compliant materials and rebuild the facade out to the front lot line. The facade is two storefronts wide and will emphasize that by cladding the east half with lighter colored brick over the canopy and a darker brick at the kick plate. The west half will use the darker brick to highlight the entrance. New store front windows will be installed. The store entrance will be recessed as will the existing middle door which had been used to provide access to the upper floor. It will be re-clad, but will retain its shape and location. New signage and lighting will be installed. The total estimated project cost is \$57,050. The estimate includes several items the City usually does not include in calculating cost share. The construction costs total \$39,550. The owner is also seeking an additional \$1,000 to help with the design costs, so the total recommended grant award is \$16,000 for Quilting Connection.

The second grant application was for the property at 208-5th Street, the Lechner Building. The building contains multiple commercial and two residential tenants. The building received a Facade Grant in 2012 for the replacement of ground floor windows and creation of a new store front appearance. The owner is requesting a grant for the replacement of the original windows on the second and third floors of the building with removal of two non-compliant filled-in transom windows. The original wood windows are in poor repair and are covered with aluminum storm windows. The project will involve removing the existing storm windows, repairing and restoring of the existing historic wood windows, and installing newer energy-efficient storm windows. The owner estimates the cost of the project at \$76,836, with an added ten percent contingency, for a total cost of \$88,361. Based on the design and scoring criteria, the eligible components of this project include the opening up of the two transoms on the front facade (removal of non-compliant elements) and the repair of the existing historic windows and mullions (to resist water and moisture penetration to preserve the building's structural integrity). The project costs are estimated to be \$33,051 (minus the contingency). Staff recommended up to \$15,000 or 50 percent of the actual costs. As a condition of the grant, staff recommended requiring the improvements of the non-compliant transom window openings on the side elevation to assist in broadening the overall project significance. Council Member Gartin asked if this was an exception or precedent to be able to do the side of the building. Mr. Diekmann responded that the grant will be covering just the front improvements.

The owner of Evert's Flowers, Home, and Gifts at 329 Main Street had submitted grant applications for installation of awnings along both the south facade (along Main Street) and the west facade (along Burnett Avenue). It was built as a two-story building in 1919, but the upper floor was removed. Many facade changes have occurred since that time. The owner is seeking two facade grants to replace the store front windows and install new doors, awnings and signage. The project will replace the large plate glass windows with multi-pane windows. The owner is also installing awnings over the windows. New signage and painting of the accent band above the awnings are included in the project. The improvements for each facade are similar. The south facade has an

estimated cost of \$21,129. The owner is requesting up to fifty percent, or \$10,580. The west facade has an estimated cost of \$18,033, and the owner is requesting up to fifty percent, or \$9,017. It was noted that the purpose of the Program is the removal of non-compliant features of a facade. In this case, the windows and doors are compliant; therefore, are not covered by the Program. Staff believes the only eligible activity in the grant request may be the installation of new awnings, the cost of which is estimated at \$5,315 for both facades. Staff is recommending a grant of 50%, or \$2,657.

According to Director Diekmann, due to the timing of solicitation for facade grants, there is an overlap of second round funds from the prior FY 2016-17 fiscal year and the award of first round grants with FY 2017-18 funds. Preferences in the Program are to award only one grant to a project per round and that a second request for a facade grant should occur in the spring round of review. Due to the low volume of applications and requested dollar value, staff recommended that the City Council consider the requests as a merged spring and fall round of funding to address that the 208-5th Street request is a second facade grant for the same facade and that 329 Main Street is actually two separate facade grants at the same time. This approach would be consistent with the intent of the Program to have preferences for new facade grant requests and to spread availability of funds to multiple projects while accounting for the timing of facade grant application process. The recommendation is to approve the Downtown Facade Improvement Grants for the four projects on three buildings as noted. The amount sought and recommended for awards is \$33,658, leaving \$66,342 that have not been committed in a grant agreement. An additional round of grant applications may be sought in the fall for award in a second round this spring.

Moved by Betcher, seconded by Correrri, to adopt RESOLUTION NO. 17-544 approving the Downtown Facade Grants as recommended by staff.

Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

SALE OF GENERAL OBLIGATION CORPORATE PURPOSE AND REFUNDING BONDS:

It was reported that the winning bid came from Janney Montgomery Scott out of Pennsylvania.

Moved by Betcher, seconded by Nelson, to approve RESOLUTION NO. 17-545 approving the sale of General Obligation Corporate Purpose and Refunding Bonds, Series 2017A, in the principal amount of \$11,970,000 to Janney Montgomery Scott.

Roll Call Vote: 6-0. Motion declared carried unanimously.

ADDITION OF ONE FTE CIVIL ENGINEER: City Manager Steve Schainker informed the City Council that the Public Works Department has a very robust work plan; requests are increasing from citizens and City Council. At this time, The City is in the process of hiring two engineers and looking to hire a third. That position would be part of the Traffic Division and would focus mainly on CIP project design. This would include traditional traffic projects (e.g., traffic signals and traffic calming), but would also take on project management for CIP programs that had migrated to the Engineering Division (e.g., Accessibility Enhancement, Shared Use Expansion, Multi-Modal Roadway Improvements, and other roadway and utility projects). This position would take a lead

role with customer service duties, such as localized traffic studies (stop signs, no parking, etc.), work on City Council referrals, citizen contacts, and right-of-way permits. Also, the new engineer would supervise the Ames Area Metropolitan Planning Organization work activities.

According to Mr. Schainker, the position would cost \$112,000. The majority of the cost, \$73,000 or sixty-five percent, will come out of CIP, not out of the operating budget. Road Use Tax will hit available balance in the fund and traffic studies because they are not assignable to large CIP projects; this will be about 25% of the salary. The Regional Planning Authority will take the last 10%. City Manager Schainker stated that the City needs to keep up with the Council's requests and have more timely responses to our customers.

Moved by Nelson, seconded by Corrieri, to adopt RESOLUTION NO. 17-548 approving the addition of one FTE Civil Engineer.

Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON VACATING RIGHT-OF-WAY LOCATED WEST OF 122 NORTH DAKOTA AVENUE: Mayor Campbell opened the public hearing. No one came forward to speak, and the hearing was closed.

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 17-549 approving the vacation of the right-of-way located west of 122 North Dakota Avenue.

Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON SALE OF RIGHT-OF-WAY LOCATED WEST OF 122 NORTH DAKOTA AVENUE: The public hearing was opened by the Mayor and closed after no one requested to speak.

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 17-550 approving the sale and conveyance by Quit Claim Deed of the vacated right of way at 122 North Dakota to The Preserve Ames, LLC.

Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON LEASE WITH TOWERCO IV, LLC, FOR CELLULAR ANTENNA AT HOMEWOOD GOLF COURSE: The Mayor opened the public hearing. No one asked to speak, and the hearing was closed.

Assistant City Manager Brian Phillips gave background on the TowerCo IV, LLC leasing a portion of the property at Homewood Golf Course for a cellular antenna. An agreement for this antenna has been in place since 1996. Because Homewood Golf Course is operated by the City as an enterprise, revenues from the cellular antenna accrue to the golf course operation. The lease is set to renew automatically every five years until its conclusion in December 2026. TowerCo has requested that

the lease be extended for five additional five-year renewal terms; that would cause the lease to expire in December 2051. Existing terms would remain the same, but the base rent would increase by fifteen percent every five years, as the existing terms require. Additionally, the lessee would continue to divide any sublease revenue equally with the City. City staff is satisfied with the current lease arrangement. The rental terms for this location are favorable to the City. The location of the antenna on the golf course is unlikely to conflict with any future plans the City may have for the property. In exchange for the extension of the lease, the City has requested and TowerCo has agreed that if the City requires the easement to be relocated it can be done one time during the life of the lease at the City's expense. The City may install equipment to provide high speed internet access onto the antenna. The City will not be charged rent for the equipment. TowerCo will replace the existing chain link fence around the antenna with a opaque fence made of wood that is compliant with the current zoning code. This antenna provides the golf course with significant rental that funds improvements to the golf course.

Moved by Beatty-Hansen, seconded by Nelson, to adopt RESOLUTION NO. 17-551 approving the lease with TowerCo IV, LLC, for a cellular antenna at Homewood Golf Course.

Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON AMENDMENT TO MAJOR SITE DEVELOPMENT PLAN FOR 3306 LINCOLN WAY (ASPEN HEIGHTS): Moved by Betcher, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 17-552 approving the Amended Major Site Development Plan to include a commercial sign program at 3306 Lincoln Way.

Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

ORDINANCE TO MODIFY SECTION 2.48 OF THE *MUNICIPAL CODE* PERTAINING TO THE CITY ATTORNEY: Moved by Orazem, seconded by Correrri, to pass on second reading an ordinance to modify Section 2.48 of the *Municipal Code* pertaining to the City Attorney.

Roll Call Vote: 6-0. Motion declared carried unanimously.

ORDINANCE REZONING PROPERTY, WITH MASTER PLAN, AT 3115, 3119, 3301, 3325, 3409, AND 3413 SOUTH DUFF AVENUE (BRICK TOWNE DEVELOPMENT) FROM HIGHWAY-ORIENTED COMMERCIAL (HOC) AND HIGH-DENSITY RESIDENTIAL (RH) TO PLANNED RESIDENCE DISTRICT (F-PRD) AND HIGHWAY-ORIENTED COMMERCIAL (HOC): Moved by Nelson, seconded by Beatty-Hansen, to pass on third reading and adopt ORDINANCE NO. 4321 rezoning property, with Master Plan, at 3115, 3119, 3301, 3325, 3409, and 3413 South Duff Avenue (Brick Towne Development) from Highway-Oriented Commercial (HOC) and High-Density Residential (RH) to Planned Residence District (F-PRD) and Highway-Oriented Commercial (HOC).

Roll Call Vote: 6-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

ORDINANCE TO REZONE PROPERTY, WITH MASTER PLAN, AT 1114 SOUTH DAKOTA AVENUE: Motion by Orazem, seconded by Corrieri, to adopt RESOLUTION NO. 17-552 approving the Zoning Agreement for 1114 South Dakota Avenue.

Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

Motion by Betcher, seconded by Nelson, to pass on third reading and adopt ORDINANCE NO. 4322 rezoning property located at 1114 South Dakota Avenue from Planned Residence District (F-PRD) to Community Commercial/ Residential (CCR).

Roll Call Vote: 6-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

COUNCIL COMMENTS: Rob Bingham, *ex officio* Member, noted that the Student Government was putting forth a resolution to reaffirm the cameras to go up in Campustown along Welch and Chamberlain.

Moved by Betcher, seconded by Beatty-Hansen, to refer to the City Attorney for a memo outlining what penalties are already available to the City Council in the Code and what other penalties could be levied against construction projects that encroach without a permit.

Council Member Gartin commented that he did not believe this to be a pattern and is concerned about putting too much time into this. He stated that he is not in favor of that.

Vote on Motion: 5-1. Voting aye: Beatty-Hansen, Betcher, Corrieri, Nelson, Orazem. Voting nay: Gartin. Motion declared carried.

CLOSED SESSION: Council Member Gartin asked Interim City Attorney Mark Lambert if there was a legal reason to go into Closed Session. Mr. Lambert replied in the affirmative stating there was a reason to go into Closed Session under Section 21.5(1)c, *Code of Iowa*, to discuss matters presently in or threatened to be in litigation.

Moved by Gartin, seconded by Beatty-Hansen, to go into Closed Session under Section 21.5(1)c, *Code of Iowa*, to discuss matters presently in or threatened to be in litigation.

Roll Call Vote: 6-0. Motion declared carried unanimously.

The Council returned to Regular Session at 7:10 p.m.

ADJOURNMENT: Moved by Betcher to adjourn at 7:11 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

Stacy Craven, Recording Secretary