

(The following is a synopsis of the minutes of the West Branch City Council meeting. The full text of the minutes is available for inspection at the City Clerk's office. The minutes are not approved until the next regularly scheduled City Council meeting.)

**West Branch, Iowa
Council Chambers**

Special City Council Meeting

**March 31, 2014
7:00 p.m.**

Mayor Worrell opened the Special West Branch City Council meeting by welcoming the audience and the following City staff: City Administrator Matt Muckler, Deputy City Clerk Dawn Brandt, Safety Facilities Coordinator Paul O'Neil, and City Attorney Kevin Olson. Council members: Jordan Ellyson, Colton Miller, Mary Beth Stevenson, Brian Pierce, and Tim Shields.

APPROVE AGENDA/CONSENT AGENDA

- a) Approve minutes from the March 24, 2014 City Council Work Session.
- b) Approve minutes from the March 24, 2014 City Council Meeting.

Motion by Ellyson to approve the agenda/consent agenda, second by Shields. AYES: Ellyson, Shields, Miller, Stevenson, Pierce. Motion carried.

COMMUNICATIONS/OPEN FORUM - NONE

PUBLIC HEARING/NON-CONSENT AGENDA

Resolution 1186, approving membership for the City of West Branch, IA in the Iowa Communities Assurance Pool (ICAP) and the Iowa Municipalities Workers Compensation Association (IMWCA), approving annual contributions to both ICAP and IMWCA, and directing the city administrator to send notice of cancellation to EMC Insurance Companies./Move to action.

Randy Wehrman, Insurance Agent, Springdale Agency expressed his concern about the ICAP and IMWCA pooling agreements. He said this is not insurance and it is not regulated by the State of Iowa. EMC has returned \$18,500 in dividends to the City in the last five years.

Kyle Austen, Insurance Agent, Insurance Associates agent of record presented on behalf of ICAP and IMWCA. He gave some history on ICAP and the 700 governmental entities that make up their membership, including Johnson County and the City of Coralville. ICAP has been operating since 1986 and only insures governmental agencies.

City Attorney Kevin Olson asked if the City switched coverage would the ICAP and IMWCA coverage be bound tonight and Kyle answered yes.

City Administrator Matt Muckler noted the quote amounts: EMC came in at \$85,864.00 and the combined quote amounts for ICAP and IMWCA were \$68,560.63 which includes the contribution amount. Mayor Mark Worrell stated that while his preference is to work with local firms, that ICAP and IMWCA would provide a large savings in premiums to the City.

Councilperson Stevenson stated her disappointment that our current insurance company who we have been paying money to for many years isn't working with the city to provide the city with adequate legal representation on a current civil action filed against the city. Councilperson Ellyson agreed with Stevenson that the law firm that EMC provided for defense in the civil action does not specialize in municipal or TIF law. Attorney Kevin Olson stated that the Bradshaw Law Firm is very good and reputable, but they are not a municipal law firm.

Motion by Miller, second by Ellyson to approve Resolution 1186. AYES: Miller, Ellyson, Stevenson, Pierce, Shields. Motion carried.

Motion to adjourn to closed session to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where the disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation pursuant to Section 21.5(c) of the Code of Iowa. Motion by Shields to adjourn to closed session at 7:33 p.m. and second by Miller. AYES: Shields, Miller, Stevenson, Pierce, Ellyson. Motion carried.

Motion by Stevenson to adjourn from the closed session at 8:11 p.m. and second by Ellyson. AYES: Stevenson, Ellyson, Miller, Pierce, Shields. Motion carried.

Open session discussion began at 8:12 p.m.

Resolution 1187, approving Dorsey & Whitney LLP as the legal services provider with regard to the lawsuit captioned *Acciona Windpower North America, Inc. v. City of West Branch*, S.D. Iowa Case No. 14-cr-33-EJM and directing the city administrator to sign and return the letter of engagement to Dorsey & Whitney LLP./Move to action.

Olson discussed the letter of engagement, the attorney fees and regular reimbursable expenses for working on the case. This would be an acceptance to hire them to defend the City. Dorsey & Whitney will provide the City with monthly itemized billing statements.

Motion by Miller, second by Ellyson to approve Resolution 1187. AYES: Miller, Ellyson, Stevenson, Pierce, Shields. Motion carried.

CITY STAFF REPORTS

Muckler gave an update on a few items that will be on the April 7, 2014 Council meeting agenda.

COMMENTS FROM MAYOR AND COUNCIL MEMBERS

ADJOURNMENT

Motion to adjourn meeting by Shields, second by Ellyson. AYES: Shields, Ellyson, Miller, Stevenson, Pierce. Motion carried. City Council meeting adjourned at 8:19 p.m.

Mark Worrell, Mayor

ATTEST: _____
Dawn Brandt, Deputy City Clerk