

Village of Rapids City
November 25th, 2024
Committee of the Whole Meeting

Committee of the Whole Meeting to discuss:

- Waterloo Contractor Developments
- Closed/Executive Session

President Mire called the meeting of the Committee of the Whole to order at 5:30pm.

Roll Call:

Physically Present: Rankin, DeMarlie, Polenske, Robertson, and Mire

Absent: Fiems and Fowler

Others:

Physically Present: Clerk Housenga, Attorney Jim Zmuda, Attorney Arthur Eggers

Virtually: None

Mire opened this meeting by taking roll call. At 5:31pm Rankin motioned to enter Closed Session to discuss potential litigation with McClintock Trucking and Excavation. Polenske seconded the motion; all present members were in agreement.

At 6:26pm Mire resumed the Open Session of this Committee of the Whole Meeting. Mire noted no votes were taken in Closed Session. Roll call was once again taken, those in attendance were Rankin, DeMarlie, Polenske, Robertson, and Mire. Those also in attendance were Zmuda, Eggers and Housenga.

Mire then requested what the Board's desired action would be to take with the knowledge obtained during Closed Session. Rankin motioned and Robertson seconded to direct Zmuda and Eggers to file the appropriate paperwork to engage in arbitration in response to McClintock Trucking and Excavating's claim. Discussion, questions and answers session occurred while the Board tried to make a decision on the best course of action to take that would be in the best interest of the residents and Village as a whole. Mire identified there were still unanswered questions pertaining to the arbitration process therefore asked the Board if Closed Session was again needed.

Robertson motioned to enter Closed Session and to suspend his previous motion at 6:37pm with Rankin seconding to further discuss details of the potential litigation with McClintock Trucking and Excavation. All present members voted yes. Motion carries.

At 6:45pm Mire resumed this Committee of the Whole Meeting. Roll call was once again taken, in physical attendance were Rankin, DeMarlie, Polenske, Robertson, and Mire. Those also in attendance were Zmuda, Eggers and Housenga. Mire once again noted no votes were taken in the second Closed Session of the night.

Rankin motioned and Robertson seconded to direct Zmuda and Eggers to file the appropriate paperwork to engage in arbitration in response to McClintock Trucking and Excavating's claim. DeMarlie voted no and Rankin, Robertson and Polenske voted yes. Motion carries.

Mire then recommended increasing the allotted amount for attorney's fees from \$15,000.00 to \$25,000.00. Rankin motioned to increase the allotted limit for Attorney's to \$25,000.00 for fees related to litigation costs for the Waterloo Project. Polenske seconded the motion. DeMarlie and Robertson voted no, Rankin and Polenske voted yes, President Mire casted a tie-breaking vote with a yes vote. Motion carries.

Village of Rapids City
November 25th, 2024
Committee of the Whole Meeting

Robertson motioned to adjourn this Committee of the Whole Meeting; DeMarlie seconded. All members of the board concurred, motion passes. President Mire adjourned by consensus of the Board at 6:48pm.

Missy M. Housenga
Village Clerk