

MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT THE LIBRARY COMMUNITY ROOM

January 17, 2017

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene City Library Community Room January 17, 2017 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

Dan Gookin) Members of Council Present
Amy Evans)
Loren Ron Edinger)
Woody McEvers)
Kiki Miller)

Dan English) Member of Council Absent

CALL TO ORDER: Mayor Widmyer called the meeting to order.

INVOCATION: Pastor Rick Kahlbau with Calvary Chapel CDA provided the invocation.

PLEDGE OF ALLEGIANCE: Councilmember McEvers led the pledge of allegiance.

AMENDMENTS TO THE AGENDA: Mayor Widmyer announced that the approval of the Trails and Bikeways Master Plan will not be considered as part of Resolution No. 17-001 this evening, as staff will take it back to the Pedestrian/Bicycle Committee for additional input.

CONSENT CALENDAR: **Motion** by Gookin, second by Edinger to approve the consent calendar.

1. Approval of Council Minutes for the January 3, 2017 Council Meeting.
2. Approval of Bills as Submitted.
3. Approval of General Services and Public Works Committee Meeting Minutes held on January 9, 2017.
4. Setting of General Services and Public Works Committees meetings for January 23, 2017 at 12:00 noon and 4:00 p.m. respectively.
5. Setting of a Public Hearing for February 21, 2017 for A-1-17 - A proposed annexation from County Agriculture Suburban to City R-3 (Residential at 3 units/acre) zoning at N. of Thomas Lane, requested by: Aspen Homes, LLC.
6. Approval of a Beer and Wine License for Relic Smoke House and Pub; 1901 E. Sherman Avenue, Todd and Michele Clark (new).
7. Approval of Findings and Order for the Approval of the Appeal of the Planning Commission denial of ZC-3-16 a request for a zone change from R-12 (Residential at 12 units/acre) to NC (Neighborhood Commercial)

8. Resolution No. 17-001-

- a. Amendment to the Professional Service Agreement with Welch-Comer for Memorial Park
- ~~b. Approval of the Trails and Bikeways Master Plan~~
- c. Authorization for the Parks Department to apply for a Recreational Trail Programs grant to repair and sealcoat the Centennial Trail
- d. Amendments to the agreements with Diamond Parking recognizing new work regarding the Scofflaw Program related to unpaid parking tickets
- e. Amendments to the Agreement with Schaffer's Towing recognizing new work regarding the Scofflaw Program related to unpaid parking tickets
- f. Approval of the Community Development Block Grant (CDBG) Citizen Participation Plan Update
- g. Declaration of the Chlorine "A" Repair Kit surplus and authorization to donate it to the Kootenai County Fire Department
- h. Authorization of the purchase of one Water Department utility vehicle at a cost of \$28,794 from Parker Lincoln Ford
- i. Approval of an On-Call Services Agreement with JUB Engineers, Inc. for provision of engineering and consultant services for in-house water-related small projects
- j. Approval of an Interagency Agreement with the Hayden Area Regional Sewer Board (HARSB) for the laying of a Sewer Pipe Along Seltice Way
- k. Approval of an Interagency Agreement with the Post Falls Highway District (PFHD) for cost-sharing for the Seltice Way Revitalization Project
- l. Approval of a Utility Agreement with the Dalton Water Association (DWA) and the Local Highway and Technical Assistance Council (LHTAC) for the Government Way Improvement Project
- m. Amendment to the Agreement with Welch Comer Engineers for landscaping design for the Seltice Way Revitalization Project in the amount of \$19,000.00

DISCUSSION: Councilmember Miller noted that after the last Council meeting she was asked why there were two Ordinances with Avista for the franchise agreement. She confirmed with the City Attorney that it is normal and regular procedure and that there were two Ordinances approved one for gas and one for electric.

ROLL CALL: Edinger Aye; Miller Aye; McEvers Aye; Gookin Aye; Evans Aye. **Motion Carried.**

PUBLIC COMMENTS:

Alex Castagno, Coeur d'Alene, noted that he is the owner of Coeur d'Alene Bike Company and that he does not oppose a bike share program, but he is concerned it will cause competition with existing local companies. Specifically, he noted that the location of the bike share racks and the price point might give Zagster an advantage. He requested the City work with local shops to ensure pricing is fair to locals and tourists. Councilmember McEvers asked if Mr. Castagno attended the Pedestrian/Bicycle Committee meetings when this was being discussed and if he discussed this with other area shops that agree with his position. Mr. Castagno stated that he did not attend the meeting and that he has not talked with other bike shops.

APPOINTMENTS: Mayor Widmyer asked for the appointment of Chris Delorto and Mark Puddy to the Pedestrian/Bicycle Committee.

MOTION: Motion by Evans, seconded by Gookin to approve the appointment of Chris Delorto and Mark Puddy to the Pedestrian/Bicycle Committee. **Motion carried.**

RESOLUTION NO. 17-002

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH ZAGSTER, INC., TO PROVIDE A FRAMEWORK FOR DISCUSSIONS TO ENABLE THE CITY TO FUND A BIKE SHARING PROGRAM TO BE PROVIDED BY ZAGSTER, INC.

STAFF REPORT: Trails Coordinator Monte McCully explained that he brought the idea of creating a bike share program forward to Council last year. He noted that this program would provide people the opportunity to check out or rent a bike from various locations around town. The company Zagster installs the infrastructure, provides the bikes, and contracts out the repair and rebalancing with local bike shops. They will conduct their own tech support. Zagster will solicit sponsors to fund the program and if they do not retain enough sponsors, the City will not accept this program. Mr. McCully estimated approximately 10 hours of staff time will be spent assisting Zagster in establishing the program. He clarified that he would review proposed locations with local bike shops and set pricing accordingly. The agreement with Zagster allows the City to set the pricing. The program is intended to have six locations with 40 bikes, with each location having 80 bike parking spots. Zagster will contract with a local bike shop to move bikes from one location to another. In other communities he contacted, they noted that they have not experienced competition with local bike shops.

DISCUSSION: Councilmember McEvers asked for clarification regarding the cost and how the sharing program works. Mr. McCully explained that the program is based on a program in use in the Netherlands wherein they have bikes freely available for use by anyone. He clarified that the City would not have to charge for use. Councilmember Gookin noted that he has seen this type of program in other countries, but is concerned that the City is too small. Mr. McCully noted that Zagster has experience in smaller cities and some that are not much bigger than Coeur d'Alene, with success. Councilmember Gookin expressed concerns with the MOU, which states the City and Zagster will actively solicit sponsors, which would indicate staff would be seeking sponsors. Councilmember Miller noted discussion regarding staff's role occurred at the General Services Committee meeting and it was clarified that the City would provide a leads list for potential sponsors and not actively seek sponsorships. Mr. McCully informed the Council that they could request changes to the Agreement tonight to better clarify staff's role. Councilmember Miller noted that if Zagster does not get the sponsorship funding, the project does not move forward. Mr. McCully explained that this program would also help the City meet gold status for bike friendly community. Councilmember Miller expressed concern that the City is too small for this to be a successful program. She wants to support the Pedestrian/Bicycle Committee but it feels like it will be competing with local businesses. Additionally, she feels other entities can help make this program come forward, and this may cause more liability for

the City. Councilmember Evans clarified that during the General Services Committee meeting the City's legal counsel clarified that there is no additional liability to the City. Councilmember Miller expressed concern that there could be liability later in the program life. Councilmember Gookin explained that Zagster is a for profit business relying on the government and believes it is corporate welfare.

Mr. McCully explained that the definitive agreement would come back to Council; however, if the Council does not want to institute the program, they should not approve the MOU, as Zagster will spend a lot of time and effort to gain sponsorship in the meantime. Mayor Widmyer felt that with the City setting the pricing it would be able to protect local companies. He noted that Zagster could currently contract work with any business in town and establish a program without involving the City; however, they want to be on public rights-of-way so they need to work with the City. Councilmember Edinger asked for clarification regarding who had the idea for a bike share program. Mr. McCully explained that the Pedestrian/Bicycle Committee has been talking about it for over 10 years, but could not figure out how to do it cost effectively. He heard about Zagster from another employee, who had received an advertisement, and called them to enquire about their program. Councilmember Edinger asked if the City has reached out to all the bike shops. Mr. McCully noted that he sent email to all, met with several shop owners in person to discuss any concerns of competition, and wants to work with them on the proposed locations and pricing. Councilmember Evan noted that one bike shop she spoke with felt that it would encourage ridership, bike sales, maintenance, and be a benefit to the community. Additionally, that shop owner noted that his bike rentals were from tourist wanting to ride the trails, not do short commuting trips. City Administrator Jim Hammond felt there were two issues that need to be addressed; one is working on the MOU language to clarify that the City is not required to solicit sponsorship, the other issue is to determine if the Council wants to go forward with this type of project. Councilmember Gookin expressed concern that this was not bid out, and this is providing an exclusive service. Mayor Widmyer felt that the City does need to be sensitive to the local businesses and felt this program should enhance businesses.

MOTION: Motion by Evans, seconded by Miller to approve **Resolution No. 17-002**, approving a Memorandum of Understanding with Zagster to start a bike share program, with amendments to the MOU to clarify staff's role is not to solicit sponsorships.

DISCUSSION: Councilmember Gookin asked for clarity regarding what is intended to be staff's support role. Councilmember Miller said that it could be to provide leads of potential sponsors. Councilmember Gookin felt that this is a private company gaining government support so it will compete with private businesses so he will not support this request. Councilmember Evans asked Mr. McCully to work with local bike shops to set prices and set the locations of the stations.

ROLL CALL: Miller Aye; McEvers Aye; Gookin No; Evans Aye; Edinger Aye. **Motion Carried.**

RESOLUTION NO. 17-003

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ACCEPTING THE BID OF APOLLO, INC., FOR CITY OF COEUR D'ALENE WASTEWATER TERTIARY TREATMENT PHASE 2 IMPROVEMENTS.

STAFF REPORT: Wastewater Project Manager Jim Remitz explained that there were three pre-qualified bidders who submitted bids on December 29, 2016 for the Tertiary Treatment Phase 2-Improvement Project. Apollo, Inc. was the lowest responsive bidder at \$16,169,000.00. Staff requests Council to approve the award of the project to Apollo, Inc. and approve the accompanying agreement.

DISCUSSION: Councilmember McEvers explained that this is a large project at a high price point and Mr. Remitz will oversee this project. Mr. Remitz noted that they have spent 18 months and over \$1 Million to get the design phase ready to this point. This will move the City into compliance with phosphorous requirements. Councilmember Gookin noted that this plant is fantastic and has remarkable science behind it. Mr. Remitz explained that they would build it to capacity, which is just over 5-million gallons per day. Councilmember Miller expressed appreciation for the thorough explanation of how the bids were reviewed. She asked for an explanation regarding the contingency allowance. Mr. Remitz explained that the contingency allowance was set within bid documents in four areas underground utility, concrete, mechanical, and electrical. The contingency noted is their pricing for any additional work in those four areas.

MOTION: Motion by McEvers, seconded by Evans to approve **Resolution No. 17-003**, approving an Agreement with Apollo, Inc. in the amount of \$16,169,000 for the AWTF Tertiary Treatment Phase 2 Improvements Project.

ROLL CALL: McEvers Aye; Gookin Aye; Evans Aye; Edinger Aye; Miller Aye. **Motion Carried.**

A-3-16 - LAKE CITY ENGINEERING; 2650 & 2750 W. PRAIRIE AVENUE FOR ANNEXATION AND ZONING FROM COUNTY AG TO CITY R-8 - PRAIRIE TRAILS - PURSUANT TO COUNCIL ACTION DATED SEPTEMBER 6, 2016

RESOLUTION NO. 17-004

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING AN ANNEXATION AGREEMENT WITH MILLER DEVELOPMENT GROUP, LLC, FOR +/- 9.47 ACRES LOCATED EAST OF ATLAS ROAD AND SOUTH OF PRAIRIE AVENUE, AND NORTH AND WEST OF SUNSHINE MEADOWS, ALSO KNOWN AS PRAIRIE TRAILS.

MOTION: Motion by Gookin, seconded by Edinger to approve Resolution No. 17-004, approving an Annexation Agreement with Miller Development Group, LLC. for 2650 & 2750 W. Prairie Avenue.

ROLL CALL: Gookin Aye; Evans Aye; Edinger Aye; Miller Aye; McEvers Aye. **Motion Carried.**

**ORDINANCE NO. 3557
COUNCIL BILL NO. 17-1000**

AN ORDINANCE ANNEXING TO AND DECLARING TO BE A PART OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, SPECIFICALLY DESCRIBED PORTIONS OF SECTION 27, TOWNSHIP 51 NORTH, RANGE 4 WEST, BOISE MERIDIAN; ZONING SUCH SPECIFICALLY DESCRIBED PROPERTY HEREBY ANNEXED; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

MOTION: Motion by Edinger, seconded by Gookin, to pass the first reading of **Council Bill No. 17-1000.**

ROLL CALL: Evans Aye; Edinger Aye; Miller Aye; McEvers Aye; Gookin Aye. **Motion carried.**

MOTION: Motion by McEvers, seconded by Edinger, to suspend the rules and to adopt **Council Bill 17-1000** by its having had one reading by title only.

ROLL CALL: Evans Aye; Edinger Aye; Miller Aye; McEvers Aye; Gookin Aye. **Motion carried.**

RECOMMENDATION TO NEGOTIATE AN AGREEMENT FOR CONSTRUCTION MANAGER/GENERAL CONTRACTOR SERVICES WITH GINNO CONSTRUCTION FOR THE CITY HALL REMODEL.

STAFF REPORT: Municipal Services Director Renata McLeod explained that the City advertised the request for qualification for a CM/GC for the City Hall Remodel project. Proposals were due January 9, 2017, with three proposals being received. One proposal was deemed non-responsive, as they did not have their Idaho Public Works Construction Management License, as required by the request for qualifications. The other two proposals came from Ginno Construction and Contractors Northwest. The review team met on January 11, 2017, completed rating sheets with Ginno being rated an average of 92.20 out of 100 points, and Contractors Northwest rated at 87.20 out of 100. Both firms submitted very closely rated proposals and are both capable of doing the job. The review team and staff are recommending Ginno Construction.

DISCUSSION: Councilmember Gookin requested that staff include the timeline for construction within the contract documents. Mayor Widmyer noted that a Council workshop will be held to go over the floorplan and deadlines for the project.

MOTION: Motion by Evans, seconded by McEvers to direct staff to negotiate an Agreement for Construction Manager/General Contractor Services with Ginno Construction for the City Hall Remodel. **Motion carried.**

(LEGISLATIVE HEARING) A-6-16 - A PROPOSED 7.46 ACRE ANNEXATION FROM COUNTY LI TO CITY C-17 APPLICANT: IRON LEGACY, LLC LOCATION: W. SIDE OF ATLAS RD. S. OF HANLEY AVENUE

STAFF REPORT: Planner Sean Holm noted that the applicant, Iron Legacy, LLC. has requested the annexation of approximately 7.46 acres of land located on the southwest corner of Atlas Road and Hanley Avenue intersection with the requested zoning of C-17 (Commercial at 17 units/acre). He reviewed the property history, location, area zoning, and area land uses. He noted that the Findings required for the annexation include the following: that this proposal is or is not in conformance with the Comprehensive Plan policies; that the public facilities and utilities are or are not available and adequate for the proposed use; that the physical characteristics of the site make or do not make it suitable for the request at this time; and that the proposal would or would not adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, and/or existing land uses. Mr. Holm noted several applicable Comprehensive Plan policies and characteristics of the site and permitted uses within the C-17 zone. He noted the Annexation Agreement should include the condition to include a 20' easement or dedication of right-of-way for a future trail along Hanley Avenue.

DISCUSSION: Councilmember Gookin asked if the City could ask for property dedication that is not within the city limits. Mr. Holm confirmed that the City could ask for it within the annexation agreement, since the applicant owns the property. Councilmember Gookin asked for clarification regarding buffers between commercial and residential zones. Mr. Holm explained that buffers would be required for parking lots and when a residential property abuts a commercial property. Councilmember McEvers asked if there would be an impact to the shooting range next door. Mr. Holm said that he had talked with the owner of the shooting range and he expressed concern that the future use not be in conflict with his existing use. He clarified that the shooting range did not file an objection to annexation.

APPLICANT: The Clerk swore in the applicant. Steve Circle, Coeur d'Alene, explained that he is with Tristate Engineers, and reiterated that they are fine with the dedication of right-of-way and clarified that the development of the trail will be upon future annexation and development of the property.

DISCUSSION: Councilmember McEvers commented that this is an end of an era, with the past use of the property. He noted that it makes sense to rezone the property and move it into the city. Councilmember Gookin asked if the applicant could share what is the planned future project. Mr. Circle noted that the first phase would be a mini-storage on the back side of the property and a potential future gas station/convenience store.

PUBLIC TESTIMONY: Mayor Widmyer called for public comments. With no comments being received, public testimony was closed.

MOTION: Motion by McEvers, seconded by Edinger to approve A-6-16 - A proposed 7.46 acre annexation from County LI to City C-17 Applicant: Iron Legacy, LLC Location: W. side of Atlas Rd. S. of Hanley Avenue, to direct staff to negotiate an annexation agreement, and to develop the necessary Findings and Order.

ROLL CALL: Edinger Aye; Miller Aye; McEvers Aye; Gookin Aye; Evans Aye. **Motion carried.**

(LEGISLATIVE HEARING) A-7-16 - A PROPOSED 1.51 AC. ANNEXATION FROM COUNTY AGRICULTURE SUBURBAN (AS) TO CITY R-3 APPLICANT: LAKE CITY ENGINEERING LOCATION: NORTHERN END OF VICTORIAN DRIVE

STAFF REPORT: Planner Mike Behary noted that the applicant, Lake City Engineering on behalf of the owner Brown Living Trust, has requested the annexation of approximately 1.51 acres of land located on the northern end of Victorian Drive with the requested zoning of R-3 (Residential at 3 units/acre). He reviewed the property history, location, area zoning, and area land uses. He noted that the property owner has used the property as part of their residential yard for years. He noted that the Findings required for the annexation include the following: that this proposal is or is not in conformance with the Comprehensive Plan policies; that the public facilities and utilities are or are not available and adequate for the proposed use; that the physical characteristics of the site make or do not make it suitable for the request at this time; and that the proposal would or would not adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, and/or existing land uses. Mr. Behary noted several applicable Comprehensive Plan policies and characteristics of the site. He noted items to be included in the Annexation Agreement are the completion of a short plat concurrently with the Annexation Agreement and all water rights associated with the parcel to be transferred to the City at the owner's expense. Mr. Behary noted that staff would work with the County on the completion of the short plat.

DISCUSSION: Councilmember McEvers asked for clarification regarding water and sewer availability. Mr. Behary noted that it is adequate; however, is not sure where the lines are located.

APPLICANT: The Clerk swore in the applicant. Tom Torgeson, Coeur d'Alene, noted that he was speaking on behalf of the applicant. He explained that two individual property owners wanted a buffer from the existing residence and what might happen in the future. In the past, the County did not have checks and balances against illegally divided land, therefore this divided land has caused an issue for two parcels. He clarified the location of the sewer and water lines. He noted that this action would clean up the title to both affected parcels.

PUBLIC TESTIMONY: Mayor Widmyer called for public comments. With no comments being received, public testimony was closed.

MOTION: Motion by McEvers, seconded by Edinger to approve A-7-16 - A proposed 1.51 ac. annexation from County AS to City R-3 Applicant: Lake City Engineering Location: Northern

end of Victorian Drive, to direct staff to negotiate an annexation agreement, and to develop the necessary Findings and Order.

ROLL CALL: Miller Aye; McEvers Aye; Gookin Aye; Evans Aye; Edinger Aye. **Motion carried.**

RESOLUTION NO. 17-005

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ESTABLISHING AND AMENDING CERTAIN CITY FEES.

STAFF REPORT: Ms. McLeod reiterated that the Idaho Code requires the City hold a public hearing for fee increases that exceed 5%. Additionally, the resolution proposed includes some removal, reduction, and clarification of fees not required by code, but it helps keep a record of changes. She noted that the Administration Department is proposing fees related to the scofflaw code recently adopted. The Finance Department has proposed to remove two fees associated with commercial garbage recycling and increase the fee for extra yardage for commercial garbage. The Municipal Services Department is proposing fees associated with the recently adopted code for Mobile vendor and food courts. She noted that these fees are in-line with suggestions from the Institute for Justice Publication as recommended by the local mobile vendors and is close in cost to Spokane, Washington. She noted that fees would be prorated throughout the year and the Fire Department would have ability to not perform inspection for vendors that do not have any flammable sources. The Parks and Recreation Department is proposing updated fees for recreation services and Jewett House weddings. The cemetery fees were updated in 2016 and failed to note the fee for holiday cremain services, so they are adding that fee. The Planning Department is requesting some clarifications, additions, and deletions, and a few fee increases to better cover their costs, including passing the mailing and publication costs to the applicant. The Water Utility Department made several clarifications within their existing fees, increased the cost of damage deposit to a portable station, and removed hookup fees for ¾" and 1 ½" meter sizes.

DISCUSSION: Councilmember McEvers asked for clarification regarding the mobile vendor and food court annual fees. Ms. McLeod explained that the fee structure sets forth a permit/license fee with annual renewal fees each year thereafter. Councilmember McEvers asked for clarification regarding the monitoring fees at the Jewett House. Parks and Recreation Director Bill Greenwood explained that the monitoring fee at the Jewett House for events other than weddings and covers the cost of the attendant to be present during the event. Councilmember Evans asked if the Jewett House cost were comparable to other event rooms. Mr. Greenwood confirmed the costs were comparable but they found that they were too high for baby showers and birthday parties. Councilmember Gookin asked for more information about why the legal preparation fee for annexations was set at \$1,000.00. Mr. Gridley noted that they most recently have been charging \$250.00, although they spend a lot more time on those agreements. The \$1,000 fee brings it closer to the actual costs for the time involved in the preparation of the annexation agreement. Councilmember McEvers asked if three design review meetings were always held and if the \$400.00 fee would be charged regardless of the number of meetings. Community Planning Director Hilary Anderson explained that two design review

meetings are required and typically sent to a third meeting. The fee more accurately reflects costs associated with preparation of staff reports and presentations for those meetings. Discussion ensued regarding the applicable time to charge fees versus providing the service. Councilmember Miller asked about the amount of time fees are reviewed. Ms. McLeod noted that the Recreation program fees have not been increased in over 10 years and they have tried to keep the fees low for the community. Ms. McLeod explained that she would ask the Department Heads to review fees annually and ensure that they remain reasonable. Councilmember Miller asked about the parks event and booth fees and the connection to the mobile vendor permit fee. Mr. Greenwood explained that the fee associated with event fees cover staff cost to monitor the event, the booth fees are charged to the event sponsor, who normally passes that along to the vendor. These are not connected to the mobile vendor permit.

PUBLIC COMMENTS: Mayor Widmyer called for public comments. With no comments being received, public testimony was closed.

MOTION: Motion by Gookin, seconded by Evans to approve **Resolution No. 17-005**, approving fee changes to the Administration Department, Finance Department, Municipal Services Department, Parks and Recreation Department, Planning Department, and Water Utility Department.

ROLL CALL: McEvers Aye; Gookin Aye; Evans Aye; Edinger Aye; Miller Aye. **Motion carried.**

MOTION: Motion by McEvers, seconded by Evans to enter into Executive Session pursuant to Idaho Code 74-206 Section (c) To acquire an interest in real property which is not owned by a public agency; (f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.

ROLL CALL: Gookin Aye; Evans Aye; Edinger Aye; Miller Aye; McEvers Aye. **Motion carried**

The City Council entered into Executive Session at 7:55 p.m. Those present were the Mayor, City Council, City Administrator, Finance Director, Deputy City Administrator, and City Attorney. Council returned to regular session at 8:34 p.m.

ADJOURNMENT: **Motion** by Gookin, seconded by Edinger that there being no other business this meeting be adjourned. **Motion carried.**

The meeting adjourned at 8:35 p.m.

ATTEST:

Steve Widmyer, Mayor

Renata McLeod, CMC, City Clerk