

# MINUTES

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## McCall City Council Special Meeting Monday, January 24, 2005

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### CALL TO ORDER AND ROLL CALL

Mayor Eimers called the special meeting of the McCall City Council to order at 6:09 p.m. Council Member Bertram, Council Member Greer, Council Member Robertson, Council Member Muller and Mayor Eimers answered roll call. A quorum was present.

City staff members present were Brock Heasley, Parks and Recreation Director; Dan Irwin, City Clerk; Bill Keating, Public Works Director; Shawn Kohtz, City Engineer; Vern Brewer, City Engineer; and Lindley Kirkpatrick, City Manager.

Mayor Eimers led the Council in the Pledge of Allegiance.

### BUSINESS AGENDA

#### AB 05-25 Winter Carnival Events at Legacy Park

Brock Heasley, Parks and Recreation Director, stated that the McCall Area Chamber of Commerce has requested the use of Legacy Park for events during the 2005 Winter Carnival. He stated that the event plan has been approved by the Parks and Recreation Director and the Parks and Recreation Advisory Committee pursuant to the

large-scale group event policy at the City parks. Mr. Heasley stated that the Parks and Recreation Advisory Committee have recommended that the McCall City Council issue a special use permit for the event. Mr. Heasley stated that the master plan submitted by the Chamber for the use of the Park includes the construction of a main stage on the park where music will be played, the placement of police barriers along the lake, a plan to remove and maintain the snow located on the stairs, and a trash control plan which will call for the removal of trash every three to four hours. Mr. Heasley stated that the parking area of Legacy Park would remain open during the events. He stated that the location provides a beautiful setting to hold the events.

Mayor Eimers asked where the food vendors for the event would be located. Mr. Heasley stated that they would be located in John Carey Park.

Council Member Greer asked who would be responsible for providing first aid during the snowboard demonstration.

Joe Napier, Winter Carnival Committee, stated that Tamarack was putting on the snowboard display and would be responsible for providing first aid during the event. Mr. Napier stated that first aid would be available for the other events occurring at the park as well.

**Council Member Robertson moved to approve a special use permit to the McCall Area Chamber of Commerce for the use of Legacy Park during the Winter Carnival. Council Member Bertram seconded the motion. In a voice vote, all Council Members voted aye. The motion carried.**

## **WORK SESSION**

Mayor Eimers stated that the Council work session was scheduled to discuss the capacity of both the City's portion and the overall capacity of the sewer system and to discuss the City's view of annexation and delivery of utility services.

Shawn Kohtz, Holladay Engineering, gave a multimedia presentation regarding the current sewer delivery system. The three components which comprise the wastewater treatment system are the wastewater treatment lagoon, winter storage, and land application. He stated that any of the three components can act as a bottleneck to the system. Mr. Kohtz stated that based on both Holladay Engineering's and J-U-B's analysis of the system, the current bottleneck in the overall system is occurring because of the lack of land application of the treated effluent.

Mayor Eimers asked if any progress has been made in establishing a meeting with the J-Ditch farmers.

Council Member Robertson stated that Bill Burke is waiting for a response from the group.

Bill Burke, Payette Lakes Recreational Water and Sewer District Operations Manager, stated that he hopes the meeting will occur within a few weeks. He stated that he planned on contacting Harry Bettis to schedule the meeting since he owns both land and water rights in the land application area.

Council Member Robertson added that Mr. Burke was going to schedule a meeting with the Department of Environmental Quality to discuss the current problems in the sewer system. Mr. Burke stated that he hasn't been able to get a meeting scheduled with the agency.

Council Member Bertram suggested that rather than holding an informal meeting with the farmers, maybe both groups should meet formally to discuss the problems in the system.

Council Member Robertson stated that one problem with the land application delivery system is the fact that the farmers never signed agreements for the 2300 acres identified in the 1996 facility plan. He stated that the City has agreements in place with the farmers which dedicate only 2007.7 acres to use for the land application of the treated effluent.

Mayor Eimers asked if John Leedom, the Water Master for the Irrigation District, had been contacted in regards to the meeting with the J-Ditch farmers.

Mr. Burke stated that Mr. Leedom has expressed a willingness to be at the meeting. He stated that Mr. Leedom has knowledge of the delivery system and could have insight of where the bottleneck in the system is occurring.

Mr. Kohtz stated that there appeared to be some confusion about the chart he had previously presented that identified the remaining capacity in the system. He stated that the remaining capacity of the winter storage pond would have allowed a total of 836 equivalent dwelling units to be hooked up to the sewer prior to the start of the year. Mr. Kohtz stated that 683 equivalent dwelling units have since been dedicated to that capacity total by the number of building permits and will-serve letters that have been issued by the City, leaving the total number of available hookups at 153. Mr. Kohtz stated that to arrive at the remaining capacity analysis, he had to base his calculations on the assumptions that each household is comprised of 2.5 full time residents, and each household member uses 100 gallons per-capita-per-day. He stated that these assumptions are based upon standard engineering assumptions.

Mayor Eimers asked Mr. Kohtz what he estimates the capacity of the pond would be if part-time residency was taken into consideration. Mr. Kohtz stated that if 33% full time occupancy was considered in the equation, an approximate 2400 dwelling unit hookups would represent the remaining capacity of the winter storage pond.

Council Member Bertram asked if Mr. Kohtz had access to flow data from other recreation areas to utilize in place of the calculation assumptions derived from standard engineering practices.

Mr. Kohtz stated that he has talked with Mr. Kirkpatrick about installing flow meters in different locations of the City to determine the difference in flow rates between full and part time residents. The data that is collected could then be used in place of the standard engineering assumptions.

Mr. Kohtz stated that his analysis is based on total flows from the District and City and doesn't differentiate among the ownership of any given component. He stated that it is the contention of the District that the City has used more than its portion of capacity in the J-Ditch land application system.

Council Member Robertson asked if the assumptions of use for an equivalent dwelling unit would affect the District's assertion.

Mr. Kohtz stated that the assumptions for an equivalent dwelling unit would only affect the capacity determination of the winter storage pond. He said that with the exception of J-U-B's analysis, the flow data that he has evaluated shows that the capacity of the land application system has been reached. Mr. Kohtz stated that based upon his analysis, the City has to assume full capacity in the land application system until arriving at a solution to the bottleneck by working with the farmers.

Mayor Eimers asked if Council Member Robertson had located any documents citing ownership of the J-Ditch Phase 1.

Council Member Robertson stated that he hadn't located any documentation citing ownership of the component. He stated two years ago, the District began making payments to the City but an agreement was never finalized.

Mr. Burke stated that the District agreed to pay \$800,000 to represent one-third of the project costs, excluding the expense for an additional sand filter which was identified as a capacity need of the City.

Council Member Robertson stated that he hasn't found any evidence to document such an agreement was made.

Jamie Melbo, Payette Lakes Recreational Water and Sewer District, stated that the District repeatedly sent letters to the City asking them to formalize the agreement but a response was never received.

Council Member Robertson stated that every agreement signed between the City and the District requires that future agreements to be in writing and signed by both entities.

He requested that the District provide the Council with copies of the correspondence that the District sent to the City documenting their request.

Mr. Kohtz stated that the District's approval of the recent inclusion requests and expansion is based upon their claim that they own one-third of the capacity in the land application system. Since the District claims that the City is already using some of the District's capacity in the system, the new approvals result in exceeding the component's total capacity. He stated that since the capacity in the system has been reached, the City must pursue additional I&I reduction that will reduce its overall contribution to the system within the two-thirds limit, or make a discharge of effluent in the winter storage pond into the Payette River.

Mr. Kirkpatrick asked how the City was able to empty the pond in the previous years if there was no remaining capacity at the land application system.

Mr. Kohtz stated that the winter storage pond was leaking approximately 30-50 million gallons per year but the City made repairs to the liner over the summer. The level of the pond will now increase accordingly.

Council Member Muller stated that even with a 30-50 million gallon per year reduction in I&I contribution, the increased level of the pond caused by repairing the leaks will negate each other.

Mr. Kohtz stated that there will still be a minimal amount of leaks occurring so I&I reduction will still result in a positive gain.

Bill Weida, Payette Lakes Recreational Water and Sewer District Board Member, stated that the District has estimated the City's I&I contribution to the storage pond between 35 to 40 million gallons per year.

Council Member Robertson stated that the figures used by the District would include the I&I contribution from the Syringa area which the City has since repaired.

Shawn Kohtz stated that the 1996 facility plan had estimated that the City contributes between 50-60 million gallons of I&I to the storage pond per year.

Mr. Kohtz stated that based on the data he has been able to look at a claim can be made that the capacity of land application has been over allocated due to growth.

Council Member Greer asked if J-U-B's analysis had been independently verified.

Mr. Kohtz stated the analysis hasn't been independently verified due to the expense that would be required to recollect the primary data which they used. He stated that Holladay Engineering uses the data collected by J-U-B and must assume that it is valid.

Council Member Greer asked Mr. Kohtz to give his opinion of the precision and accuracy of the primary data used by J-U-B.

Council Member Robertson responded that the City had employed a former Engineering firm who became embroiled in a lawsuit over their dispute of the data used by J-U-B. He stated that unless a new study is conducted, the City must accept the validity of the data that was collected.

Mr. Kirkpatrick asked what comprises the primary data that would need to be gathered for an independent analysis.

Mr. Kohtz explained that if Holladay was asked to verify the primary data, they would verify such things as the amount of acreage available for irrigation use and the amount of irrigation water used per year by the farmers.

Mr. Kirkpatrick asked what primary sources would have to be collected in regards to an independent analysis of the storage and treatment components of the system.

Mr. Kohtz stated that the data for the storage and treatment component is relatively good. He said that since storage is tied to land application, the primary data for the land application would still need to be verified if an independent analysis was performed. He added that it is unknown how much recent dedication to the system has been approved by the Payette Lakes Recreational Water and Sewer District since he doesn't have their data. He stated that the winter storage facility may be at total capacity when the build-out associated with the recent dedicated growth by City and the District is reached.

Mr. Kohtz stated that the standard practice of a facility plan provides for a 20 year design life. He stated that the 1996 facility plan identified the need for 358 million gallons of winter storage, but the final project only provided for the construction of a 277 million gallon storage facility. Mr. Kohtz stated that the facility plan also identified the need to construct a land application capable of discharging 508 million gallons of stored effluent. He stated that based on what J-U-B has provided him, the actual construction of the land application system provides for the application of 230 million gallons of effluent.

Council Member Bertram asked when the last time a discharge into the Payette River was made. Mr. Keating stated that it had been four years since a discharge into the river was made.

Mayor Eimers asked Mr. Kohtz what the assumed capacity of J-Ditch Phase 1 was.

Mr. Kohtz stated that J-U-B has cited two different figures in separate correspondences that they have prepared. He stated that the most recent letter identified the capacity of the land application system as 230 million gallons, but Mr. Burke has stated that it is 270 million gallons. Mr. Kohtz said that Holladay Engineering needs to confirm the

actual value with J-U-B, but for now they have to assume the capacity is 230 million gallons.

Mr. Kohtz stated that even if the problem with the land application is solved, an eventual bottleneck will occur in the winter storage facility because of the decreased size of the storage pond.

Mayor Eimers added that the capacity in the storage pond would only be totally consumed if 100% full time residency is assumed.

Mr. Kohtz stated that the facility plan also assumed a growth rate of two percent per year but the actual growth rate of the area has been much higher.

Council Member Robertson stated that he is still waiting to see data that shows the growth rate of the City. He requested that staff prepare a report that shows the total number of water and sewer customers per year for the last five years.

Mr. Kohtz stated that two trends can be seen by analyzing the City's and Sewer District's flow data over time. He stated that a peak period of use occurs during the spring runoff period and another peak occurs during the high summer demand period. Mr. Kohtz stated that the trends show that I&I is a large contributor to the total City flow.

Council Member Greer asked how Holladay Engineering obtained the flow data. Mr. Kohtz responded that he had to use flow data provided to him from the Sewer District.

Mr. Kohtz drew a diagram of how the City's flows could be measured separately from the Sewer District's flows by strategically placing a flow meter in a sewer line located at Deinhard Lane. He stated that the total flow could be derived by using the data collected from the flow meter in conjunction with the flow data collected by the Sewer District's flow meters. Mr. Kohtz stated that as an alternative, the City could install six flow meters throughout the City if they wanted complete autonomy over the flow data. Mr. Kohtz stated it would cost between \$15,000 and \$20,000 per flow meter installation.

Mr. Weida stated that he would like the City to honor the District's prior request to use a flow based billing system if the City is to utilize the Sewer District's flow data. He stated that in 1987 the City signed an agreement to begin using a flow based billing system.

Council Member Robertson stated that the agreement was subsequently changed to the current cost sharing arrangement at the request of the Sewer District.

Mr. Kirkpatrick stated that the Sewer District is in the process of preparing a proposal to begin utilizing a flow based billing system which will be presented before the Council for consideration.

**Mayor Eimers moved to direct staff to install a flow meter at the location identified by the City Engineer. Council Member Robertson seconded the motion. Mayor Eimers called for discussion.**

Council Member Greer stated that he is uncomfortable in taking a vote on the motion before Mr. Kohtz is done with his presentation. He stated that other engineering considerations may be presented that offer other alternatives for collecting the data.

Mr. Kohtz stated that another consideration for the Council to decide on is for the purchase of a portable flow meter. Mr. Kohtz stated that the portable flow meter could be used to measure the difference in flow rates among full-time and part-time residents as well as the effect of I&I removal.

**Mayor Eimers moved to amend the motion to include the purchase a portable flow meter.**

Council Member Greer stated that he would like to delay the vote on the motion in order to consider all of the engineering considerations that may be presented by Mr. Kohtz. Mayor Eimers agreed to table the motion for a later vote.

Mr. Kohtz stated that one positive solution that has risen as a result of the sewer capacity issues is the idea of private developers proposing to reduce the City's contribution of I&I into system in exchange for approval of their projects. Mr. Kohtz stated that he and Mr. Kirkpatrick have developed a concept where the developer would be required to reduce I&I by 150% of what their project would contribute to the system. Mr. Kohtz stated that details of the proposal will be presented to the Council in detail at a later time.

Mr. Kohtz stated that the purchase of a portable flow meter is needed to adequately define the sewer contribution of an equivalent dwelling unit located in McCall rather than using the standard engineering assumptions. He stated that the collection of data will allow a difference to be made between the assumed contribution of a part-time and full-time resident.

Mayor Eimers asked when the City would be in the position to establish an assumption of the difference between what a part-time resident contributes to the sewer system compared to a full-time resident.

Mr. Kohtz stated that the challenge in determining an assumed contribution is because of the difficulty in precisely predicting what developments will house full-time residents as compared to part-time residents.

Vern Brewer, Holladay Engineering, stated that the first flow meter can be installed in the spring. He stated that the Council could establish an assumed number based upon the initial data received and then refine it as more data is received over time.

Mr. Kohtz stated that the City's emergency discharge permit only allows for the discharge of effluent into the Payette River from December through May. He stated that there are some water quality conditions that must be met to allow the discharge. Mr. Kohtz stated that a discharge into the river would require a 60:1 dilution rate. He said that based upon the mean river flow, approximately 11% of the pond could be discharged per day.

Mr. Burke stated that the Council should be aware that a discharge into the river will require stringent environmental monitoring which is very expensive.

Mr. Kohtz stated that it was the intent of the 1996 facility plan to provide for the direct application of effluent during the non-irrigation season. He stated that he has been unable to locate a land application permit for the application of either the treated or untreated effluent.

Council Member Robertson stated that it was always the contention of the DEQ that the 1:1 application of the effluent would be approved. He stated the City has a consent agreement in place with the agency that allows the land application of the treated effluent.

Mr. Kohtz stated that short term solutions to the problems with the sewer system include working with the farmers of the J-Ditch Association to solve the land application problems, undertaking additional I&I removal projects, and the development of a new wastewater facility plan.

Council Member Robertson asked if Mr. Brewer could estimate the cost and amount of time for developing a new wastewater treatment facility plan.

Mr. Brewer stated that the last facility plan developed by Holladay Engineering took 11 months to complete. He stated that it typically takes more than six months but less than a year to develop a facility plan.

Mr. Burke asked if the process could be expedited if DEQ revolving funds weren't utilized.

Mr. Brewer stated that he wouldn't advise omitting any of the steps in the process to ensure that all of the financing options are available for the project. He stated that he couldn't give an estimate for the expense due to the variables in the process but past projects have typically been between \$80,000 and \$150,000. Mr. Brewer stated that the Idaho Legislature will be looking at new legislation this session that may allow for different application options of the effluent. Since the City may want to explore constructing a system to incorporate the new options, the expense for the project could differ dramatically.

Mr. Kohtz stated that the City needs to start planning for the construction of a new mechanical treatment facility as a long term solution. He stated it might be possible to

provide upgrades to the existing facility depending on the permit requirements, but as this would only provide a medium range solution he recommends looking at constructing a new mechanical treatment facility. Mr. Kohtz stated that the new facility could be set up to allow the City to resume the practice of discharging effluent into the Payette River, or it could be used for land application in the City in areas such as the golf course.

Council Member Muller asked what the dilution requirements are for applying effluent to public grounds such as parks or the golf course.

Mr. Kohtz stated that the requirements provide for a more stringent level of treatment rather than a dilution requirement. He stated that the plant would need to be constructed according to the planned use since there are different standards of treatment required.

Mr. Burke stated that the requirements for discharging effluent into Cascade Reservoir are the most stringent in the State of Idaho.

Mr. Kirkpatrick asked what the difference in treatment levels are for discharging into the Payette River compared to applying the effluent at the golf course. He asked if there was a relative cost difference between the two.

Mr. Kohtz explained that in order to discharge into the Payette River all of the phosphorous levels would have to be removed from the effluent, but other disinfectant requirements would be less stringent. To apply the effluent on the golf course would require a high level of disinfectant removal requirements but the phosphorous wouldn't need to be removed. Mr. Kohtz stated that there is essentially a balance in cost because of the inverse relationship between the treatment requirements.

Mr. Kirkpatrick asked what other possibilities exist for the application of effluent besides discharging into the Payette River.

Mr. Kohtz stated that the State Legislature is currently considering a revision to the regulations that would allow for groundwater recharge. He stated that the concept is to allow for an unlined pond where the treated effluent would seep into the ground. Mr. Kohtz stated that groundwater recharge would require the most stringent level of treatment out of all of the possibilities.

Council Member Robertson stated that in 1999 many ideas of how the sewer should be treated and applied were discussed, but DEQ would only approve a few ideas. He suggested that the Council should meet with DEQ to get a narrower idea of what would be approvable in the area. Council Member Robertson stated that the final solution that is chosen should be at least twice the environmental standard of today to ensure that requirements are met in the future. He stated that other cities located next to a river usually discharge there. Council Member Robertson stated that he would like to have a work session to arrive at a solution.

Mayor Eimers stated that he would like a list of the various long term solutions of treatment and application available and their associated costs.

Council Member Bertram asked what could be done this summer that will allow the community to continue to grow.

Mayor Eimers stated that the first step is to conduct a meeting with the land owners to eliminate the bottleneck in the land application. The second step is to determine the difference in usage between a full and part time resident to determine the actual remaining capacity in the winter storage pond. The Council then will need to meet with DEQ and finally they need to take a look at the data from the flow meters to see where the next I&I project needs to take place.

Mr. Burke stated that the number one issue that needs to be solved is the problem with the land application. He believes the City should then pursue additional I&I reduction in order to free up capacity in the winter storage pond.

Mr. Weida suggested that the City and District should force their engineering firms to work together to propose the best five or six long term solutions for consideration.

Mr. Kirkpatrick stated that another alternative would be for both entities to select a single engineering firm to develop a new facility plan.

Council Member Robertson stated that he would like to be given the various long term processing choices in order to direct the facility plan process before it begins. He stated that it might be difficult to develop a single facility plan unless an independent engineering firm can be selected by both entities.

Mr. Kohtz stated that one decision that needs immediate attention is the sludge removal project. He stated that it would be nice to know if the City was planning on a new mechanical facility or not as DEQ needs a determination whether the City wants to participate in the project.

Council Member Bertram asked how frequent sludge removal is usually performed at treatment facilities.

Mr. Kohtz stated that sludge removal is typically performed every five to twenty years. He stated that sludge removal was last performed at the City's facility in 1992. Mr. Kohtz stated that if the City intends on constructing a new mechanical facility in the near future it might be a better decision to forgo the project and concentrate on I&I removal instead.

Mr. Weida stated that even if the sludge is left in the treatment facility the City will eventually have to find a solution for its removal. He stated that DEQ has spent a considerable amount of time in promoting the project.

Jerry Vevig, Payette Lakes Recreational Water and Sewer District, asked if there are other alternatives for removing the sludge.

Mr. Kohtz stated that he needs to research what can be done with the sludge. He stated that the City could possibly cap the sludge at the plant or reprocess it in a new mechanical facility. He stated that the sludge isn't a current bottleneck in the system so it might not be essential for it to be removed if the City plans to construct a new mechanical treatment plant. Mr. Kohtz stated that he can run estimates to determine when the sludge will become a problem to the system.

Mayor Eimers stated that it would make more sense to spend one million dollars towards I&I removal to free up capacity in the winter storage pond since it's the next bottleneck in the overall system.

Mr. Kohtz stated that a moratorium may need to be implemented in the immediate future if the land application of the effluent can't be improved. He stated that the ponds will probably be able to be emptied this summer, but the next year will present a problem if the lack of land application can't be solved. Mr. Kohtz stated that will-serve letters can't be issued until either a new facility is constructed or the effect of the completed I&I projects can show that additional capacity was created in the winter storage pond. Mr. Kohtz stated that another alternative to the problem would be to require developers to construct decentralized treatment systems that could serve their individual projects.

Mr. Kirkpatrick asked if City staff could issue will-serve letters as they have done in the past if the City Council adopts a policy of assuming a lower number of full time residents than the engineers used in their estimations for the capacity at the winter storage pond.

Mr. Kohtz stated that the City could issue their own will serve letters as long as the land application issues are solved and if additional capacity can be determined to exist in the storage facility.

Council member Bertram stated that if the Council adopts the policy of determining a lesser amount of full time residents for the capacity calculation she would prefer giving preference to development occurring in the City's infill areas.

Mayor Eimers stated that based upon the presentation of Mr. Kohtz, the City must find a solution to the land application bottleneck. Once the problem is solved, an assessment of how many additional units are available needs to be made based upon the true flow rates of part-time and full-time residents. The City will then need to get together with the District to determine how much remaining capacity really exists. Mayor Eimers stated that he suggests not taking the \$800,000 from the District for sludge removal and instead borrowing the money to conduct additional I&I removal projects. He stated that the City also needs to explore finding a means to acquire funding to complete a new facility plan.

Mayor Eimers requested that for the next Council meeting the City Engineer prepare an assessment of the capacity in the treatment facility so the Council can make a determination in regards to the sludge removal project.

**Mayor Eimers moved to direct staff to install a flow meter at the location identified by the City Engineer and to purchase a portable flow meter. Council Member Robertson seconded the motion. In a voice vote, all Council Members voted aye. The motion carried.**

Council Member Robertson asked if there is any data to show that the mixing station is producing a 3:1 ratio of treated effluent.

Bill Keating stated that the calibration of the mixing station can't be adjusted. He stated that the station is still calibrated to produce the same mixing ratio as when it was installed.

Council Member Robertson stated that he would like to look at the flow data from the mixing station. Mr. Kirkpatrick asked Mr. Keating to provide the Council with reports from the chart recorders located at the mixing station.

Scott Findlay asked if the Council had adopted a position on approving requests for annexation even if they are unable to provide all services to the area.

Council Member Robertson stated that it has been the intention of the City to provide all services when approving annexation requests.

Mayor Eimers stated that a Council decision needs to be made in regards to annexation requests where the City can't provide all services. He stated that he would like to see a policy stating that the City would prefer to only annex lands when all services can be provided unless a pending infrastructure problem exists that compels a reason for doing otherwise.

Mr. Findlay stated that he has been in attendance at all of the City Council and Sewer District meetings for the past three months. He stated that the Sewer District has a good handle on their flow data and believes the City has reached their capacity in the system per the agreements they have with the District.

Council Member Robertson pointed out that the agreements with the Sewer District specify that the entities share the capacity of the treatment facility only.

Council Member Robertson stated that he has reviewed the Joint Power agreements and presented an overview of the requirements contained within.

Mayor Eimers stated that it is the general desire of the Council to only annex areas into the City when all services can be provided unless there is a compelling infrastructure problem from doing such.

Mr. Kirkpatrick stated that staff will present an Agenda Bill at the next regular Council Meeting to discuss adopting a policy of assuming a lower flow rate contribution assumption for part-time residents in determining overall system capacity.

## **EXECUTIVE SESSION**

**At 9:48 p.m., Council Member Muller moved to go into executive session per Idaho Code section 67-2345(1f) to discuss pending litigation. Council Member Bertram seconded the motion. In a roll call vote Council Member Bertram, Council Member Muller, Mayor Eimers, Council Member Greer, and Mayor Eimers voted aye. The motion carried.**

**At 10:29 p.m., Mayor Eimers moved to come out of executive session. Council Member Robertson seconded the motion. Mayor Eimers, Council Member Bertram, Council Member Greer, Council member Muller, and Council Member Robertson voted aye. The motion carried.**

## **ADJOURNMENT**

**Without further business, Council Member Robertson moved to adjourn. Council Member Bertram seconded the motion. All Council Members voted aye. The motion carried. The Council adjourned at 10:30 p.m.**

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Kirk L. Eimers, Mayor

**ATTEST:**

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Dan Irwin, City Clerk