

# MINUTES

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## McCall City Council Regular Meeting Thursday, April 8, 2004

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## **CALL TO ORDER AND ROLL CALL**

Mayor Eimers called the regular meeting of the McCall City Council to order at 7:15 p.m. Mayor Eimers, Council Member Muller, Council Member Robertson, Member Bertram, and Council Member Greer (On Conference Telephone) answered roll call. A quorum was present. City staff members present were City Attorney Tammy Zokan, Deputy City Manager and Community Development Director Lindley Kirkpatrick, Treasurer Amanda Townsend, Police Chief Ralph Appa, Parks and Recreation Director Brock Heasley, and Assistant to the City Manager Tina Clark.

Council Member Eimers led the Council in the Pledge of Allegiance

## **PUBLIC HEARING**

**At 7:20 p.m., Mayor Eimers opened the Public Hearing on AB 04-52 Resolution 04-02 Golf Course Fee Changes**

Allan Morrison, Golf Professional at the McCall Golf Course, reviewed the proposed fee changes. He indicated that the proposed rate increase should yield a \$74,000 increase in revenues. One of the ways the McCall Golf Course hopes to increase rounds is through a family program. The family program will be offered on Sunday nights starting at 4pm at the driving range, for the cost of \$5 you get a large bucket of balls and group golf tips from the golf pros. Then at 6pm you can play nine holes for \$10 per person. Other new programs include: unlimited golf starting at 2 pm at a discounted rate, a reduced rate at 5pm, and a reduced pass of \$400 Monday thru Thursday for unlimited play.

Lindley Kirkpatrick addressed the Council asking that they add two items to the draft resolution. In section two, "annual season passes", add Monday through Thursday at a

rate of \$400. In the "nine holes" section, add family night on Sundays after 6pm at a rate of \$10 per person.

Council Member Eimers asked if the additions were approved by the Golf Management Team. Mr. Kirkpatrick replied that they were.

Don Eberle, Lake Street, McCall, said the McCall Golf Course is an entity that the City needs to preserve and support. Mr. Eberle suggested promoting a recreation tax.

Bill Killen, 921 Lick Creek, commended the City Council and staff on the changes to the McCall Golf Course fees. He suggested a three or five year pass, as opposed to an annual pass and stressed the importance of a good marshal program.

**Hearing no further comments, Council Member Eimers closed the public hearing.**

Council Member Robertson said there were good ideas that came up and that the Golf Management Team is exploring some of those ideas.

**Council Member Bertram moved to approve resolution 04-02 as amended, to add Monday thru Thursday at a rate of \$400, in the nine holes section, and add family night on Sundays after 6pm at a rate of \$10 per person. Council Member Muller seconded the motion. In a roll call vote, Council Member Eimers, Council Member Muller, Council Member Robertson, Council Member Bertram, and Council Member Greer voted aye. The motion carried.**

### **AB 04-53 Zoning Code Amendments Public Hearing: Height Limits**

Mayor Eimers opened the Public Hearing.

Lindley Kirkpatrick reviewed the proposed ordinance change. He explained that the Zoning Code currently limits all structures to 35 feet in height, with exceptions for church steeples, antennae, and other unoccupied structures. The Planning and Zoning Commission has been looking at this issue at the work session level. It came up during the Comprehensive Plan update, which was adopted in 2000, and also during the Downtown Master Plan development, which was adopted in 1997. The Downtown Master Plan specifically recommends an increase in height to 50 feet. The Planning and Zoning Commission, through their work sessions and a joint work session with the City Council, discussed and developed a draft ordinance and conducted a public hearing on February 10, 2004. The P&Z's recommendation following that public hearing was to adopt the draft ordinance. The ordinance change will allow occupied structures taller than 35 feet as a conditional use in the Central Business, Commercial, General Commercial and Industrial districts. This is to allow diversity of building design and building type within the community, to encourage infill development, and increased density. The Planning and Zoning Commission recommends that this draft ordinance be adopted.

Chuck Griffin asked if the City has considered exempting the area adjacent to Payette Lake from structures taller than 35 feet. Mr. Kirkpatrick responded that there was some discussion at the P&Z public hearing, such as restricting taller buildings immediately around the shoreline or within another specific area.

Question from the floor, asking if the zoning code amendment had been proposed for a City wide vote. Mr. Kirkpatrick said that as a zoning code change and it can be adopted by the City Council by ordinance.

Alana Shoemaker, 460 Smitty Ave, asked if the City Council decides to have three readings, over what time period is it stretched. Mr. Kirkpatrick said the City Council can adopt any schedule they want, but that typically the meetings would be consecutive.

Dave Siegle, 1684 Trails Drive, said he's not against growth in McCall; growth is natural, necessary, and healthy. However it would be a mistake if McCall allowed a high rise structure in the downtown area, especially on lake front property. Environmental, construction, traffic, and parking are concerns to the citizens of McCall. If the City of McCall reaches a point when it feels it's growing and would like to allow high rise buildings, then the City of McCall should address where and if they should be built.

Leslie Siegle, 1684 Trails Drive, said she doesn't want to see big buildings blocking the beautiful town of McCall.

Frances Ford, 400 McGinnis, submitted a letter for the City Council from Joy Hamilton, 445 Smitty Ave. Ms. Ford said as long as McCall's buildings are small and in perspective, everyone can enjoy this area. She asked if the City of McCall decides to put multi-story buildings downtown where the infrastructure is, how will they know that the present infrastructure will support it? Ms. Ford said it would be a travesty and an insult to the citizens of McCall to have this issue decided in one meeting. Mr. Kirkpatrick said the availability of adequate utilities is one of the requirements for a conditional use permit.

Patrick Phillips, 344 Carmen Drive, said he's seen other instances which turn into 'view wars', but that he doesn't see a problem making small changes to the maximum height limit ordinance. The City should tread lightly and slowly to not make any hasty decisions.

Bryan Ransom, 1075 Club Road, said if the City of McCall is going to enforce its sign ordinance, then the City needs to keep it clean, unique, and special.

Kathy Malone, 2141 East Side Drive, presented a letter from her son, Matt Anderson, part-owner of the Yacht Club, and said if the height restriction is lifted every building downtown will be demolished and rebuilt. After the construction is complete the rents will be raised and the locals will be unable to afford the same space, locals and small businesses will be displaced to other locations or closed forever.

Karen Leasy, 301 Lenora Street, reminded the Council Members that on Lenora Street between Third Street and First Street there are five out of ten businesses open seven days a week, and that they are not Monday thru Friday operations.

Neal Thompson, 3588 Longview Road, said he's been a contractor in the McCall area since 1989, and has watched people push the limit to 35 feet. He asked Mr. Kirkpatrick for clarification regarding the conditional use permit process. Mr. Kirkpatrick said that there is not a maximum height limit specified in the draft ordinance, and that each project will be reviewed based on the conditional use permit criteria. Mr. Thompson said he is in favor of raising the height limit, but the City needs to be careful in the process.

Don Eberle, said the height and scale of structures will affect the City of McCall aesthetically and indefinitely, it is unwise to give developers priority especially those who are newly arrived or from out-of-town. The City needs to form a vision for the future of McCall and if the City does not wish to lose the small town character of the community, then the City needs to say no to the building height increase.

Andy Laidlaw, 120 Mather Road, said he has practiced architecture for the past 30 years and agrees with the planning principle to increase density where services exist, which can create a richness of environment. He doesn't agree with the proposed ordinance, as he feels it's not proactive but it's reactive to whatever the developer's proposal is, therefore needs to be modified.

Liz Warner, 156 Carefree Lane, agrees with what has been said, but asked Council to use caution about changing the ordinance. If it becomes acceptable to have a four-story building, when will it be acceptable to have a five-story building. Ms. Warner asked if the City Council needs to address this ordinance, to please have a referendum that the public can vote on.

Stanley Dean, 850 Shelia Lane, said the City of McCall needs to consider that with an increase in development there is an increase in crime, plus the threat of environmental issues.

Michael Pedersen, 431 McGinnis, said that views of Lick Creek, the area around Blackwell Lake, and Brundage Mountain, are where the community's wealth lies and that can't be sold.

Dave Selzer, 710 Spruce, said he feels a sense of community here in McCall. He fears the development of McCall will result in another Sun Valley. Mr. Selzer wanted to know if a study had been done to help guide the City of McCall in the development process, if not can the City of McCall look at other cities, and how can the public access this information once it is obtained. Mr. Kirkpatrick responded that the Comprehensive Plan is primarily the guide for growth development it is the most complete comprehensive statement that the community has adopted. At an informal level the Planning and

Zoning Commission has looked at how other communities are dealing with specific development issues, but no formal surveys have been done.

Kim Zeydel, 195 Moonridge, said the City needs to think about the parking issue, not the height issue.

Ed Elliott said he is opposed to anything that will change the scale of the community.

Charles Taber, 815 Pinedale Street, said he concurs with the general opinion.

Cindy Taber, 815 Pinedale Street, said property is selling about three times what Valley County assessed the property, and if the City decides to go with the unlimited height restrictions then there should be tighter restraints.

Cindy Tappe, Aspen Alley, said she works at the McCall Store and sees tourists every day and they don't want the unlimited height restriction either. They do not want to see the City of McCall turned into something they are trying to get away from.

Diane Evans Mack, 230 Buckcamp Lane, urges the City Council to not make any changes to the 35 foot height limit on new buildings at this time. She said she encourages the City Council to retain the current system of requiring developers to apply for a variance and to include in that process a public hearing on any proposal that exceed the 35 feet height limit. She is in favor of in-fill development, but not at the expense of the downtown area.

Dan Krahn, 906 Ann Street, said he doesn't support the way the ordinance is proposed, but he does feel that the current zoning code should be modified to make it more reasonable to developers or local business.

Dean Martens, 321 CeCe Way, said this ordinance is unacceptable leaving the height limit open, don't take it away from the public let them have their say and don't hold this to one reading.

Alana Shoemaker, 460 Smitty Ave, finds it disturbing that someone thinks the ordinance needs to be changed and that it goes against the Downtown Master Plan. There are problems here and maybe the City should live with what is has until something comes along or the City does more research before making a decision.

Kim Zeydel, 195 Moonridge, wanted to know where the snow will be stored so that the City can have these high rises.

Judy Van Komen, 614 Syringa, heard that the commission is disagreeing with this problem of height restrictions, so who is the City in a dispute with? Mr. Kirkpatrick said the discussions about changing the height requirement have occurred at P&Z meetings.

Irwin Mulnick, 42 Garden Lane, said he is hoping that the City Council is being driven by the community and not by potential development or financial gain.

Larry Craig, 1826 Fairway Loop, said before the City Council decides to raise the height limit, it should look at a design review and decide what the town should look like.

Dottie Moore, 441 Floyde Street, said she is on the P&Z and voted against this proposal and is still opposed to it.

**Hearing no further comments, Mayor Eimers closed the public hearing.**

Council Member Muller said he is not willing to give the ability to increase the height limit. It might be conducive to relax the height limit, however the lake shore, commercial districts, and central business districts should not be infringed upon in any way. There may be some commercial areas that deserve some height differences than what the City currently has and will require more time to study that to come up with some type of design standards. A CUP can give City Council discretion as to what can or cannot be built. Council Member Muller feels that sewer and water issues need to be addressed first, and at this time is not willing to decide upon a CUP for the above areas under any circumstances or see relaxation of the height limitations until the situation is researched further.

Council Member Eimers said he is very pro-business he wants to support businesses in McCall and see them succeed and is moved by the show of people at this hearing.

Council Member Bertram said the Council has listened to the hopes and dreams of the citizens of McCall, and this is not the time to change. She is satisfied knowing that the community does not want to see this issue in its current form.

Council Member Robertson said if the City does decide to make changes to the ordinance in the future, it will be brought back before the Planning and Zoning Commission for more discussion before bringing it to City Council for a decision.

Council Member Greer (via telephone) said he agrees with the City Council and the public and doesn't feel that at this time the height restriction needs to be addressed.

**Council Member Muller moved that the City Council not approve the change to the height restrictions. Council Member Bertram seconded the motion. In a roll call vote, Council Member Eimers, Council Member Greer, Council Member Muller, Council Member Robertson, and Council Member Bertram voted aye. The motion carried.**

**During the meeting, one break was taken from 9:50 p.m. to 10:10 p.m.**

## **AB 04-54 Zoning Code Amendments Public Hearing: Self Storage Units**

Mr. Lindley Kirkpatrick said that storage units are currently prohibited in all districts except the General Commercial district, where they are a permitted use. The General Commercial District is along 3<sup>rd</sup> Street from down town to the south end of Deinhard. This proposed ordinance would add storage units as a conditional use in the R-10, R-5, R-1, Central Business (CB), and Commercial (C) districts. It would also change them in the General Commercial (GC) district from permitted to a conditional use and would allow them as a permitted use in the Industrial district. The Planning and Zoning Commission recommends approval of this ordinance.

Council Member Bertram asked if the Residential district inclusion came out of the public hearing or was a recommendation from the Planning and Zoning Commission. Mr. Kirkpatrick said when this was originally noticed for the Planning and Zoning Commission Public Hearing, it was a conditional use permit in all districts, including the A Residential and B Residential districts. This proposal is slightly different than what was considered at the Planning and Zoning Commission Public Hearing. The Commission changed the proposal as result of comments at that public hearing.

Curt Spalding, 304 Burns Road, said he opposes this ordinance because it would allow self storage units in residential zoning districts. It would be unfair to change the rules after the people have made the residential investments and commitments. Self storage complexes do not make the best neighbors, the lights, noise, congestion, and round-the-clock activity would degrade residential property values. The residents and developers have the right to know what community standards are and should be very clear. Mr. Kirkpatrick clarified that Mr. Spalding's property is in the A Residential district which is not included in this proposal. It was included in the original proposal that the Planning and Zoning Commission considered , but has been eliminated. This proposal would not affect the A and B Residential districts.

Council Member Bertram asked if storage units could be included as part of a Planned Unit Development (PUD) under the current proposal. Mr. Kirkpatrick said he didn't think the current PUD ordinance allows mixed use for commercial and residential storage.

**Council Member Eimers closed the public hearing as there were no additional comments.**

Council Member Robertson said it was his understanding during the Planning and Zoning work session on February 10, 2004, that one of the big benefits to these three subjects is to "clean up" the code.

Council Member Bertram said she has no problem with the ordinance, but would like the Residential districts removed from the proposal. There are three other areas that weren't allowed before and she doesn't feel that storage units belong in a residential district. She would also like to see some provisions for PUDs made.

Council Member Muller asked if he were a developer and wanted to build a condominium on a 10 acre site, could he put a residential storage unit for the people that buy a condominium on that site? Mr. Kirkpatrick said that a residential development with storage for those units can be done under the current code, as long as they are storage units for that site.

**Council Member Bertram moved to continue the Zoning Code Amendment Public Hearing: Self Storage Units AB 04-54 to the next Council Meeting on April 22, 2004. Council Member Eimers seconded the motion. All Council Members voted aye. The motion carried.**

**AB 04-55 Zoning Code Amendments Public Hearing: Churches and other religious uses**

Lindley Kirkpatrick said currently churches are prohibited in all districts except the General Commercial (GC) district, where they are a permitted use. In most communities, churches require a conditional use permit. The proposed ordinance change requires churches to obtain a conditional use permit in all zoning districts, including in the General Commercial district where they are now a permitted use. The Planning and Zoning Commission did conduct a public hearing on February 10, 2004, and the Commission recommended that the City Council adopt the proposed ordinance.

Neal Thompson, 3580 Longview Road, representing Payette Lakes Christian Center, requested the ordinance change and hopes that it will be considered.

**Council Member Eimers closed the public hearing as there were no additional comments.**

Council Member Bertram asked why the Planning and Zoning Commission redefined the zoning definition for church camps. Mr. Kirkpatrick said the Planning and Zoning Commission took churches out of the definition of private community uses and made them a separate definition. Camps are a conditional use in most districts and there are additional conditional use permit requirements for camps.

Council Member Robertson added that the church camps are looked at strictly because of lighting, and noise issues, putting camps in a different category. He mentioned that all three of the topics tonight have been in accordance with the McCall Area Comprehensive Plan.

**Council Member Muller moved to continue the public hearing on Zoning Code Amendment: Churches and other religious uses until the next City Council meeting April 22, 2004. Council Member Eimers seconded the motion. All Council Members voted aye. The motion carried.**

Council Member Eimers announced that Council Member Jerry Greer (On Conference Telephone) had been disconnected.

## **PUBLIC COMMENT**

### **Mayor Eimers called for public comment.**

Lem Malone, 2141 East Side Drive, said he is unaware that McCall has or had a problem with people being accosted by drunks stumbling out of bars.

Bryan Ransom, 1075 Club Road, said he's sure the City Council is aware of his situation with the City Police Department. Prior to his situation, his stepson was harassed by McCall Police, Idaho State Police, and Valley County. Mr. Ransom left a list with City Council showing the different times and reasons why his stepson was detained by law enforcement officials.

Tim Garber, 150 Sunny Way, presented a letter to the City Council regarding his stepbrother Alan McClure.

Tracey Smith, Executive Director for the McCall Chamber of Commerce, wanted to make a clarification about a news report on television asking the Chamber of Commerce if they wanted to make a public statement regarding DUI arrests in the McCall area. Ms. Smith commented to reporters from Channel 7 that under no circumstances does the Chamber of Commerce want to suggest that they condone drinking and driving, but at the same time the Chamber of Commerce does not have enough statistics or information to make any public comment. The Chamber of Commerce would like to encourage City Council Members to look into the matter.

Judy Van Komen said the City could take funding it gives to officers in wages, vehicle, and equipment and put in a fund that would allow people that have been drinking to have a ride home provided for them.

Dan Krahn, 906 Ann Street, said his concern is not with the bar owners, but with Council Members speaking on these topics directly or attending meetings, and not knowing what or if Council Members have the experience or a full understanding of events that go on. He said that the McCall Police Department is doing a nice job of decreasing crime.

Louie Howard, 781 Chad Loop, wanted to remind people that McCall is a tourist town, which is a very good industry but a very fragile industry. Over the past two years, he feels the Police have become the industry, when he thought they were here to serve and protect.

### **Mayor Eimers closed the public comment as there were no additional comments.**

## CONSENT AGENDA

Minutes of March 25, 2004 and March 29, 2004  
Payment Approval List of Warrant Registers printed on April 2, 2004  
Payroll Report for Pay Period Ending March 26, 2004  
AB 04-43 Gifts for the Library  
AB 04-44 Master Agreement for Subscriptions for Omnistar Data Services  
AB 04-45 Addendum #1 to Golf Pro Contract  
AB 04-46 Historic Preservation Commission Appointment  
AB 04-49 Winter Carnival Cost Breakdown

Minutes of March 25, 2004 and AB 04-48 Assignment & Assumption of Lease from Talboy to Wolfe were pulled from the Consent Agenda.

**Council Member Muller moved to approve the Consent Agenda, as amended, and authorize the Mayor to sign all necessary documents. Council Member Robertson seconded the motion. In a roll call vote, Council Member Eimers, Council Member Bertram, Council Member Muller, and Council Member Robertson voted aye. The motion carried.**

## BUSINESS

### **AB 04-47 Four Corners Project Recommendations from Holladay Engineering**

Vern Brewer, City Engineer, said Holladay Engineering has completed a Concept approval, Phases II, IV and V Materials Report approvals, and the Phase III Materials Report waiver approval from ITD. Holladay Engineering has an environmental document under review by ITD, along with property ownership map in its second review. Mr. Brewer presented two diagrams of the Four Corners Project explaining the irrigation system, landscaping, and contour map. The design recommendations were presented to the McCall Improvement Committee (MIC) along with cost projections. Mr. Brewer stated that the cost projections are over budget. The MIC agreed that if design elements have to be eliminated to cut costs, the sidewalk on the west side of the Highway, to the south airport entrance, should be eliminated. The second priority to eliminate would be the concrete crosswalks in the intersection.

Council Member Robertson asked about the concrete section going across the crosswalk. Mr. Brewer said if the concrete crosswalks are not installed, the crosswalks will be striped. He explained that the detection loops for the signals may have to be replaced if they are damaged by the installation of the concrete crosswalks. Council Member Robertson asked about the wear and tear of the concrete when snow plowing. Mr. Brewer answered that there will always be some damage to the street from the

effects of snow plowing. Concrete wears differently than asphalt, and as that takes place over time there will be some damage to the crosswalks.

**Council Member Robertson moved to approve Holladay Engineering's design recommendations and cost projections for the Four Corners Project and allow submission of the Plans, Specifications, and Estimate package to the Idaho Transportation Department on April 9, 2004. Council Member Bertram seconded the motion. In a roll call vote, Council Member Eimers, Council Member Muller, Council Member Robertson, and Council Member Bertram voted aye. The motion carried.**

#### **AB 04-51 Fish Pen Dock Agreement with Idaho Fish and Game**

Lindley Kirkpatrick said this is the partnership agreement between the Idaho Fish and Game and the City of McCall to provide the funding for the Fish Pen Docks. There was a problem with the language in the contract which was presented to the City Council in 2003. This agreement reflects two changes: the language the Idaho Fish and Game wants included, and an increase in the total cost of the project. This is an amendment to the October, 2003 action.

**Council Member Muller moved to approve the agreement between the City of McCall and the Idaho Fish and Game for the replacement of the Fish Pen Docks and authorize the mayor to sign all necessary documents. Council Member Eimers seconded the motion. In a roll call vote, Council Member Bertram, Council Member Robertson, Council Member Muller, and Council Member Eimers voted aye. The motion carried.**

#### **AB 04-56 Contribution of additional funds to the East/West Loop Project**

Lindley Kirkpatrick said that District Three has requested that the ITD Board transfer funds within the District Three budget to add approximately \$2.4 million into the East-West Loop project. The City of McCall will need to contribute more local match, in addition to the additional grant funds the City of McCall has received specifically for local match. The recommendation is for the City of McCall commit to \$25,000 in the fiscal year 2005 as local match for the East-West Loop Project.

Lindley Kirkpatrick and Council Members discussed their plan of action when meeting the ITD Board in Lewiston, Idaho on April 16, 2004.

**Council Member Muller moved to commit to \$25,000 in the fiscal year 2005 as local match for the East-West Loop Project. Council Member Eimers seconded the motion. All Council Members voted aye. The motion carried.**

#### **AB 04-50 Resolution 04-03 Issuance of Promissory Note to the Department of Environmental Quality**

Lindley Kirkpatrick said this is the last step in the close out the DEQ financing for the construction of the Water Treatment Plant.

**Council Member Muller moved to adopt Resolution 04-03 and authorize the Mayor, Clerk, and Treasurer to sign all necessary documents. Council Member Bertram seconded the motion. In a roll call vote, Council Member Eimers, Council Member Muller, Council Member Robertson, and Council Member Bertram voted aye. The motion carried.**

## **REPORTS**

**Deputy City Manager/Community Development Director – Lindley Kirkpatrick presented Council with the budget calendar. Mr. Kirkpatrick stated that he is not ready for Council to act on the LID purchases on the 12<sup>th</sup> of May.**

**Council Member Eimers moved to authorize the City Manager to sign a release of claims against the Bureau of Reclamation to allow Kathleen Carr to testify at the J-Ditch litigation. Council Member Muller seconded the motion. All Council Members voted aye. The motion carried.**

## **EXECUTIVE SESSION**

**At 12:25 a.m., Council Member Muller moved to go into executive session per Idaho Code 67-2345(1f) to consider pending litigation and personnel matters, Idaho Code 67-2345(1b). Mayor Eimers Council Member seconded the motion. Council Member Bertram, Council Member Robertson, Council Member Muller, and Mayor Eimers, voted aye. The motion carried.**

**At 2:00 a.m., Council Member Bertram moved to come out of executive session. Council Member Robertson seconded the motion. Mayor Eimers, Council Member Bertram, Council member Muller, and Council Member Robertson voted aye. The motion carried.**

## **ADJOURNMENT**

**Without further business, Mayor Eimers adjourned the meeting at 2:00 a.m.**

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Kirk L. Eimers, Mayor

**ATTEST:**

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Tina A Clark, Deputy City Clerk