

MINUTES
REGULAR MEETING OF THE SANDPOINT CITY COUNCIL
November 2, 2016

OPENING Mayor Rognstad called the regular meeting of the City Council to order at 5:30 p.m. on Wednesday, November 2, 2016, in the Council chambers at City Hall, 1123 Lake Street.

ROLL CALL Council members Ruehle, Aitken, Snedden, Camp, Williamson and Eddy were present.

PLEDGE OF ALLEGIANCE Mayor Rognstad led the Council and the public in the pledge of allegiance to the flag.

Councilman Snedden moved that City Council approve amending the agenda by adding an Executive Session pursuant to Idaho Code 74-206(1)(f), to communicate with legal counsel for the public agency to discuss legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.

Councilwoman Williamson seconded the motion.

A roll call vote resulted as follows:

Councilwoman Ruehle	Yes
Councilman Aitken	Yes
Councilman Snedden	Yes
Councilman Camp	Yes
Councilwoman Williamson	Yes
Councilman Eddy	Yes

The motion passed by a unanimous vote of Council.

ANNOUNCEMENTS

Mayor Rognstad read a proclamation designating November 17, 2016, as World Pancreatic Cancer Day in Sandpoint. He announced that there is a vacancy on the Development Impact Fee Advisory Committee. He is looking for a member to serve on this committee who has experience in the development or real estate industry. There is also a vacancy on the Parking Committee. Those interested in serving on either committee should submit their application to the City Clerk's office.

Planning and Economic Development Director Aaron Qualls stated that the City of Sandpoint received the Community Transformation Grant through the Blue Cross Foundation of Idaho. The grant is up to \$250,000 for a three-year period. The project will start in January 2017 with a community assessment, engaging with partners involved with the health of our youth. He announced that the Economic Development Summit will be held tomorrow. Attendance is free to the public. The keynote speaker will be Lt. Governor Brad Little. Various economic development agencies and local businesses will be attending. The summit will be held at the Sandpoint Technology Center, the former Coldwater Creek building, located in Kootenai.

City Administrator Jennifer Stapleton announced that fiber is in the ground within our downtown core. Four proposals were submitted from interested internet service proposals,

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with Fat Beam selected. Installation will occur by November 16th. This will provide better functionality for the City's on-line maps and website. In conjunction with service for the City, we will be adding Wi-Fi capability at the Jeff Jones Town Square and Farmin Park. The City is currently working with Bonner County on drafting a memorandum of understanding for the County to share the City's portion and for the City to have access to the County's government line. She provided an update on the Business Improvement District (BID) survey. Staff is working with Boise State University on finalizing the draft survey, which will be sent to downtown businesses and property owners within the next two weeks. Responses to the survey can be mailed, dropped off at the Bonner County Daily Bee or submitted on-line. The survey results will be brought forward to City Council in December. If a business owner or property owner responds to the survey more than once, their response won't be counted.

Police Chief Corey Coon announced that the Lake Pend Oreille School District is campaigning on outreach to their students with concerns on teen suicides. He commended Barb Perusse and her organization for featuring the film "The Perks of Being a Wallflower" at the Panida Theater this evening in order to reach out to teens. There will discussion after the movie to discuss challenges teens have. The 7B Drug Free organization will sponsor a teen reality party at a house this spring. After the enactment, they will debrief parents and discuss challenges on what our youth are facing. This would be a great opportunity for parent involvement.

Public Works Director Ryan Luttmann reminded the public that the City Street Department will be picking up leaves at the curb from November 14 to November 18.

City Treasurer Shannon Syth provided an update on the sewer bond refunding. The bid request was offered to local financial institutions on October 24th with a deadline to submit their proposals by November 4th, at which time a bank that will work the best for the City will be selected.

Councilwoman Ruehle noted that she reviewed the recorded archive video of the October 19th regular City Council meeting, as she was unable to attend. She said she was approached by various citizens who have concerns with the Kaniksu Health Services Parking Agreement that Council approved. She encouraged City Council to make a motion for reconsideration on this issue.

PUBLIC FORUM

Dave Matt, non-Sandpoint resident, stated that he is the in-house attorney for Kochava. On behalf of the 85 Kochava employees, he respectfully requested that City Council reconsider their recent approval to award a single business entity the exclusive use of 60 parking spaces located within the public parking lot located on Third Avenue and Main Street. On July 6, 2016, City Council unanimously approved the current downtown parking map and provided the public an opportunity to provide their input prior to adoption. The adopted map designates community parking on 100% of the City parking lot. On October

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19th, the City Council revised the downtown parking map by carving out 50% of the parking spaces to Kaniksu Health Services for its exclusive use for 15 years. Public records demonstrate there was internal communication, dating back to one month prior to Council approving the parking agreement, between Kaniksu Health Services and City officials, where they began negotiating to carve out 50% of the parking spaces. He stressed the community first heard of the issue on October 19th, when City Council approved the Kaniksu Health Services parking agreement. Access to parking is extremely important as Kochava considers continued growth and investment in downtown Sandpoint. Kochava currently has 85 employees located at Second Avenue and Church Street. Within one year, they expect to employ 140, with a forecast of 200 employees when Kaniksu Health Services anticipates completing their development. He urged City Council to reconsider carving out parking spaces in the City parking lot and to allow public and downtown involvement.

Jeremy Grimm, non-Sandpoint resident, strongly emphasized that City Council reconsider the Kaniksu Health Services Parking Agreement for several reasons. City Council made several amendments to the agreement that will lock up an important public asset for 15 years. No one has seen the final agreement that was to be modified by City staff with the implementation of amendments Council made to the agreement. There were many hazy facts and lack of details during discussion, including the number of employees Kaniksu Health Services will bring to our downtown, their average wage and the building design. There were some assertions of parking standards and no clarity on what percentage ownership Mr. Vilelli has in the subject building and development. Based on the description of the project, zoning would prohibit the majority of what was proposed on the vacant lot. City Code 9-2-1-6(b)(5) and 9-2-1-8(A) deal with new development regarding lot frontage requirements and parking structure development within the Commercial A zone. He stressed that there's been no public involvement and solicitation of public feedback. He said it appears City Council made a quick decision, despite Mr. Vilelli's mention there was no need to make a decision at the City Council October 19th meeting. He urged the City to slow down, to reconsider and engage the public prior to making a significant decision that will impact our public parking lot for 15 years. He replied to **Councilman Camp** that Kochava currently provides 45 off-street parking spaces for their employees.

Mayor Rognstad pointed out to Mr. Grimm that he was first approached with this opportunity at Mr. Grimm's suggestion approximately one year ago. He asked Mr. Grimm if his opposition and opinion on the proposed development is because he has changed his mind on this issue or is it because he has a responsibility for his employer. **Jeremy Grimm** replied that his opinion is his personal opinion and not the opinion of or endorsed by his employer, Kochava. He confirmed that he introduced Mr. Vilelli approximately one year ago. At that time, Mr. Vilelli was interested in developing in Sandpoint and was looking at a number of areas in our downtown. Mr. Grimm said his perspective at that time was to bring economic development downtown. Although Kaniksu Health Services attracts 35,000 visitors per year, there are some businesses downtown, such as Kochava, that have very few visitors and no impact to infrastructure in terms of parking demand. He urged the City to reconsider the facts and the long-range impacts of this proposal.

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Richard Villelli, non-Sandpoint resident, stated he has no issues with having more public input and agreed we should step back and look at all of the conditions of the agreement. He said he originally met with Jeremy Grimm two years ago to discuss their proposed development downtown when Mr. Grimm was the City's Planning Director. Mr. Grimm encouraged him to attempt to negotiate utilizing parking in the City parking lot for their development and has documented communication between Mr. Grimm and himself. He clarified that Kaniksu Health Services is not asking for 50% of the parking downtown but is requesting 60 reserved parking spaces during working hours and will provide 40 additional covered parking spaces on their private lot. The net result in hourly parking is a loss to the City of less than four parking spaces per year based on hours. He has continued to work with Jeremy Grimm while he has been employed with Kochava in order to make sure their business knew what Kaniksu Health Services' proposal was and will continue with that approach. They would like to improve the economy downtown and obtain more public input. He said he approached the Mayor and City Administrator on October 20th and requested reconsideration of the agreement.

Kevin Knepper, non-Sandpoint resident, stated he is the CEO/CFO of Kaniksu Health Services. He said the idea of having a parking agreement in place is because they recognize their development will have a significant impact, although he feels it will be a positive impact based on an economic point of view. There is no requirement to ask permission to utilize the City parking lot during business hours, but Kaniksu Health Services wants to be a good partner. He supports that there be public consensus downtown. He said it's interesting that they have been receiving scrutiny from Kochava because an increase in their workforce will have more impact than what Kaniksu is requesting. He believes their business will generate economic opportunities downtown, which is the goal of the City.

Mayor Rognstad noted that, since the October 19th Council meeting, City Administrator Jennifer Stapleton and he have attempted to reach out to downtown businesses and Sandpoint Chamber of Commerce and met with the Downtown Retailers Committee. The feedback has been overwhelmingly positive. They will continue to move forward with an outreach campaign.

Councilman Snedden moved to reconsider the Kaniksu Parking Agreement that was approved by a unanimous vote of City Council present on October 19, 2016. This matter will be on the November 16, 2016, regular Council agenda. **Councilman Eddy seconded the motion.**

A roll call vote resulted as follows:

Councilwoman Ruehle	Yes
Councilman Aitken	Yes
Councilman Snedden	Yes
Councilman Camp	Yes
Councilwoman Williamson	Yes
Councilman Eddy	Yes

The motion passed by a unanimous vote of Council.

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CONSENT CALENDAR

Councilwoman Williamson moved that items A-1 through D-3 on the Consent Calendar be approved. **Councilman Snedden seconded the motion.**

A roll call vote resulted as follows:

Councilwoman Ruehle	Yes
Councilman Aitken	Yes
Councilman Snedden	Yes
Councilman Camp	Yes
Councilwoman Williamson	Yes
Councilman Eddy	Yes

The motion passed by a unanimous vote of Council.

A MINUTES

A-1 City Council regular minutes of October 19, 2016

A-2 Planning and Zoning Commission minutes of September 29, 2016

A-3 Arts Commission minutes of August 15, 2016

A-4 Historic Preservation Commission minutes of September 20, 2016

A-5 Sustainability Committee minutes of September 15, 2016

A-6 Tree Committee minutes of September 19, 2016

B Bills in the total amount of \$520,219.23 for regular payables

C CONFIRM APPOINTMENTS TO CITY COMMISSIONS, ADVISORY COMMITTEES, AND BOARDS

C-1 Ffion Soltis, Arts Commission, November 2, 2016 – July 31, 2018

C-2 Joe Tate, Sustainability Committee, November 2, 2016 – October 31, 2017

D RESOLUTIONS

D-1 **Resolution No. 16-82** – Active Electronics Transmitter Site Lease Renewal

D-2 **Resolution No. 16-83** – Renewal of Baldy Mountain Road Use Permit from Idaho Department of Lands

D-3 **Resolution No. 16-84** – Snow Removal Equipment Rental Bid Award and Contract 2016-17

OLD BUSINESS

E. ORDINANCE NO. 1336 – VARIOUS AMENDMENTS TO CITY CODE TITLES 6, 9 AND 10 PERTAINING TO BUSINESS DISTRICT, ZONING, AND LAND SUBDIVISIONS

City Clerk Maree Peck read the proposed ordinance by title only. **Councilman Eddy moved** that the proposed ordinance titled “An ordinance of the City of Sandpoint, a municipal corporation of the State of Idaho; amending Titles 6, 9 and 10, Sandpoint City Code; updating the Business District Section with current zoning; defining building footprint; establishing a height for fences in front of the primary façade; providing that house trailers and recreational vehicles shall not be used for human habitation; establishing libraries as a conditional use in the Residential and Mixed Use Residential zones; allowing NAVD88 for

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purposes of establishing the high water mark; clarifying bicycle parking requirements; abolishing maximum surface parking for Industrial zones; clarifying house number signs in residential areas; establishing changes in lot line procedures; providing that these provisions shall be deemed severable and that remaining sections of Sandpoint City Code shall not be affected by a finding that these provisions are unlawful or unenforceable; and providing for publication and an effective date” pass its first reading by title only.

Councilwoman Williamson seconded the motion.

A roll call vote of the Council resulted as follows:

Councilman Eddy	Yes
Councilwoman Ruehle	Yes
Councilman Aitken	Yes
Councilman Camp	Yes
Councilman Snedden	Yes
Councilwoman Williamson	Yes

The motion passed by a unanimous vote of Council, the proposed ordinance passed its first reading by title only and the summary is approved.

Councilman Aitken moved that the rules requiring three separate readings, once in the ordinance’s entirety, be suspended and that the ordinance pass its second and third readings under suspension of the rules. **Councilman Eddy seconded** the motion.

Councilwoman Ruehle said she had the understanding that tree houses and play structures less than 200 square feet were not regulated but those over 200 square feet were regulated. She wondered, if an unregulated structure were to fall and injure someone within the right of way, whether there would be liability to the City. She said she was approached by her constituents who raised this issue. Planning and Economic Development Director Aaron Qualls clarified that the Planning and Zoning Commission suggested that they be regulated for setbacks only and would still not trigger a building permit. Building code does not require a building permit for tree houses or play structures, but this doesn’t mean that setbacks wouldn’t be required. An accessory building over 200 square feet does require a building permit within a residential zone, but City Council decided not to include them as accessory structures, and they were removed as a definition of accessory buildings or use.

A roll call vote of Council resulted as follows:

Councilman Aitken	Yes
Councilman Camp	Yes
Councilman Snedden	Yes
Councilwoman Williamson	Yes
Councilman Eddy	Yes
Councilwoman Ruehle	No

The motion passed by a majority vote of Council, with Councilwoman Ruehle dissenting, the rules requiring three separate readings, once in the ordinance’s entirety, were suspended, and the proposed ordinance passed its second and third readings under suspension of the rules. **The ordinance was considered read, passed and adopted.**

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NEW BUSINESS

F. REQUEST FOR WATER BILL ADJUSTMENT

Steve Tillberg, Sandpoint resident, confirmed the reason he didn't respond to the leak notice is because his mail service was disrupted due to City construction. He said he fixed the leak immediately after receiving the notice. The leak was caused when installing a new toilet. City staff should call water customers when they have a leak.

Councilwoman Ruehle moved that City Council deny the request based on City policy that adjustments should not be made for maintenance items such as leaking faucets or fixtures. **Councilman Aitken seconded the motion.**

City Treasurer Shannon Syth stated Mr. Tillberg would have received one leak notice and a September and October utility billing that demonstrates excessive usage. The day staff reads the meter, the system looks back 24 hours and tries to find a two-hour window where no water is going through the meter. Water customers are notified that they may have a potential leak, as it's difficult for staff to determine the reasons for the excessive water usage. The computer electronically reads the meter on a monthly basis. Mr. Tillberg fixed the leak prior to the meter reading, but there was still usage up until the leak was fixed. Water customers are required to pay their utility bill even if they don't receive their bill. The City policy only pertains to residential properties on a residential tiered rate, for which Mr. Tillberg does not qualify. He's on a seasonal rate for multi-family.

Councilman Camp stated City Council should look at special circumstances. At no fault of his own, Mr. Tillberg was not able to have his notice in a timely manner due to City construction. City Council should take this into consideration, whether it's against policy or not. He pointed out that Mr. Tillberg fixed the leak immediately when he received the notice. **Councilwoman Williamson** concurred. She urged City Council to take this particular request into consideration.

A roll call vote of Council resulted as follows:

Councilman Eddy	No
Councilwoman Ruehle	No
Councilman Aitken	Yes
Councilman Snedden	Yes
Councilman Camp	No
Councilwoman Williamson	No

The motion failed.

Councilwoman Williamson moved that City Council approve the request because the property owner's mail service was disrupted due to City road construction, preventing the property owner from obtaining the notice from the City in a timely manner. **Councilman Eddy seconded the motion.**

A roll call vote of Council resulted as follows:

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Councilman Eddy	Yes
Councilwoman Ruehle	Yes
Councilman Aitken	No
Councilman Snedden	No
Councilman Camp	Yes
Councilwoman Williamson	Yes

The motion passed by a majority vote of Council, with Council members Aitken and Snedden dissenting.

G. REQUEST FOR SEWER CHARGE REFUND

Terry Cooper, Sandpoint resident, stated he is requesting a waiver of his sewer charge at 526 Pine Street. He said he fixed the leak that occurred due to a 100-year-old pipe that was corroded. Two days later, there was water in his backyard, and he replaced the entire water line to the house. None of the water went into the sewer. Public Works Director Ryan Luttmann clarified that the request is for a sewer charge only and is a commercial account. City staff determined there was a leak between the meter and the building and supports the claim by Mr. Cooper. Staff recommends approving the request by waiving the sewer charge that is in excess of their normal usage for the two months of billing when the leak was present. He noted there has not been a prior request for sewer charge reduction at this same address.

Councilman Snedden moved that City Council approve the request by waiving the sewer charge that is in excess of their normal usage for the two months of billing when the leak was present. **Councilman Aitken seconded the motion.**

A roll call vote of Council resulted as follows:

Councilman Aitken	Yes
Councilman Camp	Yes
Councilman Snedden	Yes
Councilwoman Williamson	Yes
Councilman Eddy	Yes
Councilwoman Ruehle	Yes

The motion passed by a unanimous vote of Council.

H. REQUEST TO REMOVE TREE AT 521 NORTH SIXTH AVENUE

Councilman Camp recused himself from voting on this matter due to a conflict and left the room at 6:30 p.m.

Urban Forester Jared Yost stated that the mature tree has constriction due to construction at this location. 40% to 50% of the canopy of the tree has died. The tree should be removed for safety purposes. The Tree Committee recommends removal of the tree, but the property owner should not have to replace the tree as required by City Code due to the constricted location.

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Councilman Snedden moved that City Council approve the request to remove the tree located at 521 North Sixth Avenue at the recommendation of the Tree Committee, with no replacement required due to the constricted location. **Councilwoman Ruehle seconded the motion.**

A roll call vote of Council resulted as follows:

Councilman Snedden	Yes
Councilwoman Williamson	Yes
Councilman Eddy	Yes
Councilwoman Ruehle	Yes
Councilman Aitken	Yes
Councilman Camp	Abstain

The motion passed by a unanimous vote of Council present.

Councilman Camp returned to the meeting at 6:32 p.m.

I. REQUEST TO REMOVE TREES NORTH OF SANDPOINT AIRPORT

Urban Forester Jared Yost stated that the airport has requirements from the Federal Aviation Administration (FAA) to protect flight paths caused by intrusion of buildings or trees. At the north end of the runway, a majority of the trees to be removed are less than five inches in diameter and located within the right of way at the intersection of Boyer Avenue and Schweitzer Cut-off Road. The request is to remove 20 to 40 trees in the area. The Tree Committee recommends that there be low stumping instead of stump grinding, because it would require bringing in equipment that would be destructive to the hill slope. Rather than replacing the trees with another tree, the Tree Committee recommends replacing the trees with shrubs so there will be no intrusion to air space in the future. Replacing with shrubs would reduce potential weed intrusions, and shrubs can reduce the water run-off in this location. He suggested limiting the number of trees to be replaced by only replacing those trees five inches in diameter. The other recommendation was to remove the slash. The majority of the trees to be removed are fir and ponderosa pine. He said a particular size of shrub to be planted was not provided by the Tree Committee. He suggested to use native plant reseeding.

Councilman Eddy moved that City Council approve the request for removal of 20 to 40 trees in and encroaching into the airport approach surface within the right of way on the north end of the airport, with the Tree Committee's recommendations to conduct low stumping instead of stump grinding, plant native shrubs in place of removed trees and remove slash from the site rather than stack and burn the slash. **Councilwoman Ruehle seconded the motion.**

Councilman Eddy moved to amend that the size of the shrubs be a minimum of five gallons. **Councilwoman Ruehle seconded the motion.**

A roll call vote of Council resulted as follows:

Councilwoman Ruehle	Yes
Councilman Aitken	Yes

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Councilman Snedden	Yes
Councilman Camp	Yes
Councilwoman Williamson	Yes
Councilman Eddy	Yes

The motion passed by a unanimous vote of Council.

Councilman Eddy moved to amend to reseed with appropriate native seed mixture within the disturbed areas. **Councilwoman Williamson seconded the motion.**

A roll call vote of Council resulted as follows:

Councilwoman Ruehle	Yes
Councilman Aitken	Yes
Councilman Snedden	Yes
Councilman Camp	Yes
Councilwoman Williamson	Yes
Councilman Eddy	Yes

The motion passed by a unanimous vote of Council.

Jared Yost replied to **Councilwoman Ruehle** that the area where trees will be removed covers 40 feet by 200 feet. **Councilman Eddy** said that, within a 5,000 square foot area, it would require planting 250 shrubs with twelve feet spacing. If every tree removed was not replaced by a shrub, then there would only be ten to twelve shrubs planted within a 5,000 square foot area.

A roll call vote of Council resulted as follows to the main motion:

Councilman Eddy	Yes
Councilwoman Ruehle	Yes
Councilman Aitken	Yes
Councilman Camp	Yes
Councilman Snedden	Yes
Councilwoman Williamson	Yes

The motion passed by a unanimous vote of Council.

J. RESOLUTION NO. 16-85 – SANDPOINT POLICE DEPARTMENT POLICY MANUAL

Councilman Snedden moved that City Council approve the proposed resolution, Sandpoint Police Department Policy Manual. **Councilwoman Ruehle seconded the motion.**

A roll call vote of Council resulted as follows:

Councilwoman Ruehle	Yes
Councilman Aitken	Yes
Councilman Camp	Yes
Councilman Snedden	Yes
Councilwoman Williamson	Yes
Councilman Eddy	Yes

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The motion passed by a unanimous roll call vote of Council.

K. RESOLUTION NO. 16-86 – APPROVAL OF COLUMBIA BANK LEASE PURCHASE FINANCING FOR 2016 FORD F-150 FIRE COMMAND VEHICLE

Councilman Aitken moved that City Council approve the proposed resolution, Approval of Columbia Bank Lease Purchase Financing for 2016 Ford F-150 Fire Command Vehicle. The resolution authorizes the Mayor to sign all documents related to the lease purchase agreement through Columbia Bank in the lease amount of \$28,217.15, with the City making a down payment of \$7,300, at 3.15% interest to be paid with annual installments over the course of 36 months, beginning November 2017 and ending October 2020. **Councilman Eddy seconded the motion.**

A roll call vote of Council resulted as follows:

Councilman Camp	Yes
Councilman Snedden	Yes
Councilwoman Williamson	Yes
Councilman Eddy	Yes
Councilwoman Ruehle	Yes
Councilman Aitken	Yes

The motion passed by a unanimous roll call vote of Council.

L. EXECUTIVE SESSION IDAHO CODE § 74-206(1)(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

Councilman Snedden moved to convene in an executive session, pursuant to Idaho Code § 74-206(1)(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. **Councilman Eddy seconded the motion.**

A roll call vote resulted as follows:

Councilwoman Ruehle	Yes
Councilman Aitken	Yes
Councilman Snedden	Yes
Councilman Camp	Yes
Councilwoman Williamson	Yes
Councilman Eddy	Yes

The motion passed by a unanimous roll call vote of Council.

By a unanimous roll call vote of Council, the Council convened in an executive session at 6:50 p.m. Mayor Rognstad called for a short recess. Matters discussed pertained to controversies not yet being litigated but imminently likely to be litigated. No decisions were made, and City Council came out of executive session at 7:26 p.m.

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ADJOURNMENT The meeting adjourned at 7:26 p.m.

Shelby Rognstad, Mayor

ATTEST:

Maree Peck, City Clerk

DRAFT