

CITY OF FORT MITCHELL, KY
CITY COUNCIL MEETING
April 19, 2010

CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL

After observing a moment of silence for the students and families of Notre Dame High School following the tragic car accident over the weekend, Mayor Holocher called the meeting to order at 7:00 p.m. in the lower level meeting room of the Fort Mitchell City Building and led the Pledge of Allegiance.

PRESENT: Vicki Boerger, Mary Burns, Bill Reis, David Schrand, David Stoeckle Will Terwort, Christopher Wiest and Dennis Zahler **Others Present:** Mayor Thomas Holocher, Police Chief/City Administrator Steve Hensley, City Attorney Robert Ziegler, Public Works Director Robert Zerhusen and City Clerk Amy Able. (Fire Chief McVey later joined the meeting in progress.)

APPROVAL OF AGENDA AND MINUTES, CITIZENS NOT ON THE AGENDA

Mr. Zahler made a motion to approve the agenda; a second was offered by Mr. Reis. Motion carried by voice vote. **Mr. Stoeckle made a motion to approve the minutes** of the April 5, 2010 meeting; a second was offered by Mr. Schrand. The motion carried by voice vote. There was no one present responding to the Mayor's invitation to address Council for matters other than issues related to Sanitation District 1 (SD1).

PRESENTATION BY SANITATION DISTRICT 1

Jeff Eger, General Manager at SD1, addressed Council to respond to the discussion and resolution passed at the April 5, 2010 meeting. Mr. Eger noted the relationship between the City and SD1 has long been an excellent model of cooperation between agencies. Video clips from the April 5, 2010 meeting were played and Mr. Eger responded to individual points made at the prior meeting. Mr. Eger made the following points.

- At the prior meeting a desire for dialogue was expressed. An email (copy distributed) was circulated prior to that last meeting which included a copy of the draft resolution and encouraged attendance at the meeting to pressure SD1. An open records request was filed with SD1 but not until after the resolution was passed. Evidence will be provided showing SD1 has negotiated with the EPA and the Cabinet to postpone certain projects with no immediate public health risk. SD1 had asked that the City not discuss the items in the resolution until their representatives could be present to answer questions.
- Through communications following the last meeting, there have been claims that SD1 attempted to silence council with threats of a lawsuit. SD1 has not threatened litigation. An employee of SD1 threatened a suit after being accused of malfeasance. No information has been provided to substantiate the claims and an immediate internal investigation was ordered but no evidence was found.

Mr. Eger stated his desire is to clarify misinformation.

- At the last meeting it was stated there is a fired CFO involved in litigation over alleged financial improprieties. The SD1 employee involved in the law suit referred to never held the title CFO and that employee was not fired but resigned. The lawsuit will determine if there was retaliation following a dispute over accounting standards in place for over sixteen years and never disputed by three separate independent audit firms. Following the opinion of that employee (over the industry standard), rates would have been higher.
- At the last meeting it was suggested that a hired auditor is not independent. In the past sixteen years SD1 has used three different audit firms always receiving the highest ratings possible. (Copy of most recent audit was distributed and has also been available online.) Audit firms have included VonLehman and Rankin & Rankin (which both have also been used by the City) and Van Gorder, Walker Inc. (who audit numerous cities, counties, government entities and non-profits.) Being paid directly for review of financials is not unusual and these firms operate under strict guidelines. Disparaging statements attack the credibility of local accounting firms and call into question practices followed and accepted even by the City.
- The citizen Board of Directors are upstanding members of the community who take their tasks seriously and make decisions effecting their own businesses and families. Requiring additional oversight will be costly and calls their motives and reputations into question without any evidence of wrongdoing.
- The three County Judge Executives are required by law to meet annually to review and approve financial decisions of SD1. In fact they meet several times a year including a lengthy budget workshop before financials are approved. The judges recently requested an efficiency evaluation, a national consulting firm

was hired and the report last month found SD1 ranked in the top 15% of efficiency among 80 utilities. The new goal is to rank in the top 5% within three years.

Mr. Jack Bender of Greenebaum, Doll and McDonald, an environmental attorney who represents private and public clients in air and water related issues and has negotiated dozens of permits and compliance orders, was introduced to address statements made about Combined Sewer Overflow Policy. Mr. Bender stated he would respond to the concerns that SD1 has not done due diligence in implementing the Consent Decree by seeking extensions to certain project deadlines per the 1997 EPA Guidance for Financial Capability Assessments and Scheduled Developments for Combined Sewer System Long Term Control Plans. (An outline with background on the Financial Capability Guidance and SD1's Financial Capability Analysis (from the June 2009 Watershed Plan) were distributed.)

- Regarding the Consent Decree, SD1 did approach Kentucky in 2004. It was known that the US EPA would take action because of activity in other mid-western CSO communities. SD1 hoped to negotiate a separate state settlement which would shield against future EPA action. Negotiations with the state continued for months before the state advised there would be joint state and federal enforcement brought against SD1. The same action that had happened in Louisville and Cincinnati was coming. At that time a citizen suit notice letter was received in which environmental interests also threatened suit for SSOs and CSOs. Even after the Consent Decree was negotiated, objections and pursuit by environmental interest groups continued in court. In Cincinnati the interest groups had more input and impact in shaping their consent decree. In 2005, SD1 insisted on a reference to the Financial Capability Guidance in the Consent Decree to be able to take advantage of it later if needed (noted on page 22 and 23 of Consent Decree). SD1 also negotiated up to a twenty-year schedule (to 2025) to complete remedial action required for SSOs and CSOs (formulas in hand out). SD1 had already negotiated up to twenty years which was the longest provided for in the guidance document. This is only allowable if a "high burden" is created, defined as requiring sewer rates at 2% of the median income. SD1 has been diligent in pursuing all avenues with Kentucky and the EPA that would minimize costs to comply with the Consent Decree and has performed an analysis. If traditional means were followed for SSOs or CSO controls, the cost would have been \$3.2 billion by 2025. SD1 does not support that approach. The Watershed Plan submitted in 2009 is still under review by the State and the EPA. It calls for interim five-year plans designed to make cost-effective improvements in water quality and addressing wet weather issues. It would be one-third of the cost of traditional plans. The watershed plan includes commitment to a five-year capital infrastructure plan with some essential and affordable projects. These are the most cost effective projects (nowhere near the high burden threshold) with the greatest impact providing adequate capacity at treatment plants for twenty years and substantial improvements for wet weather issues (SSO reduction and CSO control). Delay was requested by SD1 for several pump station overflow projects identified by the EPA and costing over \$25 million but SD1 does not see sufficient environmental benefit. The delay requests (requiring Consent Decree modification) have not been answered by the EPA. These delay requests by SD1 were not based merely on cost but on effectiveness. Any renegotiated plans will need to be approved first by the State and the EPA and then in U.S. District Court. Even where a community has shown a high burden exists (per the 1997 Guidance), the EPA has not provided for implementation beyond twenty years. (Cincinnati and Akron's amended consent decrees are examples.) The EPA will not start to consider extensions until high burden is met and the community commits to spend beyond those amounts. SD1 believes EPA guidance is too stringent as rates become unbearable before nearing the threshold. SD1 does not agree with suggestions at the last meeting that the EPA will readily comply with reasonable requests to extensions when the high burden is not met. Under the 1997 Guidance, rates in Northern Kentucky would need to exceed \$90 per month before the threshold is exceeded; the current average is \$30.80 per month. The proposed rate increases which support the five-year capital improvements plan do not raise rates that high. SD1 supports efforts of certain members of Congress and the Conference of Mayors requesting the EPA produce more reasonable financial capability guidance for the benefit of communities. SD1 has done due diligence on financial capability issues and performed the analysis which is included in the publically available Watershed Plan submitted to the State and the EPA. SD1 will continue to work to comply and minimize costs and welcomes support from local communities.

Mr. Eger noted the issue is complex and the required reports submitted fill several three-inch binders.

- Following the plan in all other decrees across the country, Northern Kentucky's costs could reach \$3.2 billion and residential average costs could be over \$340 a month by 2025. With the proposed watershed approach negotiation, costs are expected to be one-third of that amount over the next twenty years.
- The high financial burden amount for EPA to consider amendment is defined in the guidance document as 2% of the median income in the area. That means monthly sanitation bills in Northern Kentucky would need to be \$90 per month. The current average is \$30.80 or 0.07 % of the median income. Even with the proposed rate increases, the 2% threshold will not be met during the duration of the consent decree.
- SD1's proposed projects address the requirements in prudent ways. 44% of sanitary sewer overflows and 20% of combined sewer overflows should be reduced over the next five years. Northern Kentucky will have ample capacity to treat sewage for existing and expanding businesses. This can be accomplished with the proposed rates which are at or below the regional average.
- SD1 was given twenty years to fix a dilapidated sewer system at a rate well below the EPA CSO guidance language. SD1's negotiated Consent Decree has been held up as a national model.
- SD1 looks forward to working cooperatively with the City as they have for 16 years with the Public Works Department.
- The number of SD1 associates present at the meeting demonstrates if you disparage one, you disparage them all. These hard working individuals do not have glamorous positions but their work benefits the health of everyone in the community. Last year these dedicated public servants accepted a voluntary pay freeze while having the cost of out-of-pocket benefits increase.

Mayor Holocher called for any questions about the presentation. A brief discussion followed. Mr. Wiest stated he was told before the last meeting that he and the City had been threatened with a lawsuit but there were no names mentioned in the resolution. He said other members of council have also been threatened with lawsuits in the past. Such threats make discussion and open exchange difficult. Chief Hensley responded he was told an individual employee said if the resolution was introduced as originally written he was seriously considering a lawsuit. Mr. Eger said the comments in the resolution that was sent via email disparaged an employee and with only one individual on that job, that individual was affected and he is very concerned about damage to his reputation in the community.

Mr. Dan Schmidt of 13 Ross addressed Council. He showed photos and a diagram detailing trees removed from behind his home during sewer line replacement between Rosslyn and Highland in 2007. Mr. Schmidt said in addition to the main path cleared there were pockets of trees removed including hard woods such as mature black walnuts, oaks and cherries while mulberries and saplings remain. He spoke to a worker and asked what happened to the cut trees and a foreman told him a man "above him" has a woodworking shop outside of Maysville and a lot of the trees are taken there. Mr. Schmidt said he asked that several trees cut on his property be saved for his use. The cut trees he had asked to have saved were removed to Highland Avenue and he left a notice asking that they be returned to his property. A pile was returned with only some oak in it. He noted one neighbor was given \$1,000 for an ash tree with a three foot diameter. Mr. Schmidt was asked if this worker was an employee of SD1 or a contractor or if he could give a description of the individual or the vehicle the man drove and Mr. Schmidt replied he could not as it occurred in 2007. Discussion continued at length. Chief Hensley asked about the normal procedures when trees are removed. Mr. Eger and **Mr. Chris Novak, Director of Capital Improvement Projects**, responded to questions. Contractors are used, the work on this project was done in four phases but there is an inspector assigned to the job. Mr. Schmidt said SD1 is responsible to assure contractors do not take an excessive amount of trees. Mr. Eger commented on the original allegation noting no one knows if the individual was an SD1 employee or not yet it was stated that way in writing. Some decisions are made to control costs by cutting or leaving trees. Wide swaths may be cut because of the depth of slopes or soil conditions. They also do not want to leave trees that will die due to (root systems) being disturbed during construction. SD1 does not want to unnecessarily remove trees and will look into allegations of wood being (unnecessarily) harvested. Construction project managers can tell many examples of areas where they have gone to considerable lengths to save trees even "slip-lining" where possible. There can be a wide range of widths (with narrowing corridors then widening paths up to 30-35') because of varying slopes and the need for an area to safely place dirt (high enough) above. They often ask the property owners if they wish to keep wood, other times a contractor is hired to cut and remove trees. When SD1 hires contractors there is no credit value used, it is a time and materials contract. Mayor Holocher asked if contractors walk the project and adjust costs based on the value of the trees. Mr. Novak said they do not ask for specific figures on that in

bids but contractors may consider it. SD1 walks the project in the design phase and if a large stand is found they would try to relocate the line and spare trees if possible. Mayor Holocher asked about steep slopes and the necessity to go wider so there are level places for track hoes to avoid tipping. Mr. Novak confirmed this but also other equipment must be able to transverse the immediate area (meaning two "lanes" are necessary). Normally an easement is in place and if not SD1 will negotiate easements with property owners. There is usually a 20' permanent easement (for an 8" pipe), and an additional area of 20 – 25' for construction easements (for equipment access during construction). For this project approximately seventy notices were sent and two public meetings were held and attended by thirty people and contact information was distributed. This was originally a city line and easements were not always well recorded but SD1 will research the matter and attempt to provide the requested easement documents for review. Regarding oversight and control it was stated SD1 walks the site with the contractor prior to clearing and is involved at the point of the decision making about what should need to be taken. For contractors time is money and if a contractor fails to attempt contacting residents or there are other problems SD1 does make attempts to follow up and make corrections where possible. For the properties on Virginia Avenue, trees were offered to residents for firewood, beyond that it must be disposed of even if it is taken by others and used for firewood. In the case of the project in the Ross Avenue area, SD1 found no evidence of their employees even taking firewood. Responding to questions about reforestation, it was noted SD1 is looking at outlets with the National Forestry Association; though there is no obligation for replacement they are trying to be sensitive to the loss of mature trees.

Joe Oka of 42 Ross addressed Council he said there is no recorded easement on his property but there is a storm water line and a prescriptive easement. He understands some trees needed to be taken, he asked that two be spared for their screening value, and they were removed without him being informed. Six trees were removed from his property and two were replaced after he threatened a lawsuit.

Mr. Zahler said he previously sent a letter to the editor over the Atlanta (rate) figures cited in a previous meeting but it being a tiered rate was not mentioned. He said he received a letter from outside counsel threatening a suit for liable. He said the reason an independent audit was requested was due to questions from articles in the paper which said the auditing firm had a statement in the audit later retracted. He said the workers of SD1 have not been attacked, they are good workers; neither has the Board been attacked but more oversight was requested from other than political appointees. His concern and that of the citizens is about rate increases. (Chief Hensley stepped out and returned within five minutes.) Mr. Eger responded that concerning the audit, allegations of malfeasance have been based on newspaper articles and what lengths and expense should they go to responding to allegations in the paper. Believing what was in the paper calls into question the oversight done by the Board and the County Judge Executives. The issue to be determined in court is whether the employee was retaliated against. The auditor would not risk their reputation by not performing to the highest degree. Mr. Zahler asked about the retraction from the audit and Mr. Eger responded an individual has asserted that in his opinion some expenses in the capital category should have been moved to operations and maintenance category. There is a certain amount of revenue and there are fixed operating and maintenance expenses and the balance left must be used to fix the billion dollar fixed asset SD1 has inherited. The individual's opinion was that operating and maintenance expenses would have been \$10 – 20 million higher which would have meant a rate increase of 40%. The individual spoke to the auditors who then sent a draft letter about the allegations. Research was done which found SD1's accounting standards are no different than other major utilities in Cincinnati, St. Louis and Milwaukee. SD1 then received a clean audit. Mr. Zahler and Mr. Eger state they have found differing information about rates in Atlanta. Regarding tiered rates, SD1's Board has approved an assistance program through Brighton Center that seniors may be eligible for.

Responding to questions about rate increases it was noted that 2015 will be the last year of double digit rate increases if SD1 is able to negotiate the Consent Decree. Responding to questions about the storm water fee the projected amount for 2015 for sanitary and storm water is \$66.89 and it is estimated this will be 1.18% of the Northern Kentucky median household income. (Mr. Reis stepped out and returned within five minutes.)

Mr. Terwort asked why there is opposition to more oversight and having rates set by the full fiscal courts or the Public Service Commission. Mr. Eger noted that utilizing the PSC does add another layer of cost (simply

look at those utilities currently regulated); there is a considerable cost for each rate hearing. He said he also has concerns for what costs the PSC might expect rates to be to comply with the federal court mandate. There is already elected oversight, the County Judge Executives meet frequently and the Board members are appointed by the Fiscal Court Commissioners. Politics could be involved and present obstacles for example if one county's fiscal court would not approve a rate structure approved by the other two. This could impact operations and bond issues. The bottom line is SD1 will continue to follow the law with regard to rate approval.

Mr. Terwort asked about combining the Water and Sanitation billing. Mr. Eger responded that would need to be done at a governance level by the boards of both organizations and the County Judge Executives. Mr. Terwort asked about transparency and Mr. Eger responded the financial items noted have already been and will continue to be available through their website. Mr. Terwort asked about an SD1 truck being used to deliver mulch to a local school over the weekend. Mr. Eger stated some charitable uses are allowed on a case-by-case basis if gas is reimbursed.

Mr. Wiest asked about a Consent Decree delay and stated that by 2015 the storm and sanitary costs will be \$802 per year. He said a five or ten year delay would give relief to the rate payers. (Mayor Holocher stepped out and returned within five minutes.) Mr. Eger said they have demonstrated they have (sought relief) and the court document mandates that certain projects must be completed. Rather than negotiating a twenty-year plan, SD1 negotiated a five-year plan allowing for evaluation of the investments effectiveness. The system had serious deterioration and the raw sewage SSO and CSO issues had to be addressed for public health. What SD1 has developed and negotiated is a multi-benefit program as the investment builds infrastructure and allows job creation. Had the economy not turned there would have been a moratorium in Boone County because the sewer capacity would not have been sufficient; new infrastructure was necessary. Mr. Wiest asked if at \$802 per year the EPA should be approached because it is not sustainable. Mr. Bender responded that SD1 will continue to push to control costs but in approaching the EPA for a delay the answer would be that there is guidance and it is sustainable according to the guidance because it is below the 2% of median household income. Mr. Bender said when they need to push the remedial plan they will be pressured to do more and do it faster. The recently passed HB504 requires the Cabinet give consideration of affordability in review of the remedial action plans. SD1 can then request the State give additional consideration to things like use/obtainability analysis, green infrastructure use, and cost benefit analysis. Kentucky was the first state to get such legislation passed and the purpose was to avoid \$400 a month bills; SD1 was aggressive and proactive in getting it passed. SD1 did not have a rate increase for twenty years. During that time some of the responsibilities were with the local communities. The protection of public health comes at a cost and SD1 is performing diligently. Mayor Holocher asked about any cost analysis of reducing storm water in sanitary lines. Mr. Eger confirmed there is an abundance of storm water that gets in the (sanitary) system. This is being combated many ways – by upgrading the system, replacing sanitary laterals, and fixing the lines in creeks. Reducing the storm water will have a huge impact since energy is the highest cost in treatment. Mayor Holocher asked about EPA's recommended action at Banklick Creek where analysis showed the results would be negligible. Mr. Eger said weeks were spent negotiating the Consent Decree. There were several pump stations targeted by the EPA that overflow. Models showed significant reductions are possible yet SD1 had to fight for several days for more time to address the issues. For example, through improvements at the Lakeview Pump Station at Interstate 275 and Route 17, overflow of 40 million gallons a year were reduced to 18 million a year by upgrading pumps and could be further reduced to less than 1 million through the Boone County tunnel and treatment plant. Constructing underground tanks (at \$20 million cost) for storage during wet weather events is the only quick remedy to comply (by 2014) at the EPA required level (zero overflow) but this doesn't make economic sense. That tank would only see water three or four times a year but, at the level of pollution already in the creek, there would be no improvement to water quality levels. SD1 proposed an alternative. Recently stimulus money was received for construction of wetlands south of the overflow. This innovative, natural approach would be a \$1.2 – 1.5 million investment (half of this being stimulus money) for thirty plus days of additional water quality attainment versus a \$20 million dollar investment for zero improvement. There is a critical need in the Highland Heights / Silver Grove area where children play with an overflow happening above SD1's intake yet they do not believe this should be delayed. Currently bids are coming in at very favorable amounts. SD1 has also been successful in obtaining low interest loans; a \$70 million project was funded at

1% interest. Today's issues must be prudently and diligently addressed lest there be greater problems and even more costly rates in the future.

Mr. Terwort asked about the Boone County tunnel project and the acceptance of a bid \$10 million higher than the low bidder though both were covered by a construction bond. Mr. Eger noted cashing a performance bond if necessary can be very difficult and costs time and delays in the project which ultimately costs money. He explained the low bidder did not have the experience in a deep tunnel project and the Board of Directors, with the opinion of the County Judge Executives, decided not to take a risk on an inexperienced contractor. The project was ultimately awarded on a bid that came in \$15 million lower than the estimate.

Mr. Wiest asked about approaching the medium burden category which allows for ten year delays. Mr. Bender stated the EPA will want the work done in ten years. Mr. Wiest said completing it all in twenty years we would hit the high burden. Flattening it out would lower the impact on residents. His concern is for elderly residents on fixed incomes. Mr. Eger said the assistance program put in place through Brighton Center aides those in need but not exclusively senior citizens. SD1 understands the impact of rates. That is why SD1 was aggressive with the Consent Decree looking at Watershed management that is now a national model and the only one of its type with improvements in five-year increments. SD1 pushed the House Bill (now a law) to force the Kentucky Division of Water to consider the costs. There will now be an attempt to do the same thing on a national level. The system is a billion dollar fixed asset that with 20 – 80 year old facets in bad shape. SD1 tries to keep rates low through obtaining stimulus funds and low interest loans. Mr. Terwort asked what if the State changed how SD1 operates and only allowed 4% annual rate increases. Mr. Eger said some communities file bankruptcy when they default on bond payments after which borrowed funds will cost exorbitant amounts. He added the City of Louisa (population of 2,000) tried to fight the National Sierra Club and a canoe association and lost because they violated the Clean Water Act. The Sierra Club then sued for \$1.1 million in legal fees (allowable under the guidance) and was awarded over \$400,000 that the city must pay.

Mr. Reis asked about the change from quarterly to monthly bills. Mr. Eger said there had been complaints because some people were surprised as the rate increased and they hadn't budgeted for those quarterly bills. A focus group recommended the change. While postage increased there was a drop by elimination of second notices. Twenty percent of customers use online payments and can choose a paperless option. (Mrs. Boerger stepped out and returned within five minutes.)

Mr. Zahler noted seniors may be reluctant to go to a center to apply for assistance and he would prefer a discount for seniors. Mr. Eger said this has been discussed for years and there must be criteria to determine need.

Mrs. Burns asked where residents having problems can easily find assistance. Questions may be sent to info@sd1.org , messages are reviewed daily.

Mayor Holocher reiterated the City has had an excellent working relationship with SD1 especially during construction projects.

Mayor Holocher called for a short recess.

MAYOR'S REPORT

Mayor Holocher acknowledged the tenth anniversary of Mr. Robert Ziegler serving as City Attorney.

The next meeting of the Municipal Government League of Northern Kentucky will be held April 22 at Turfway Park. Council members may request reservations through the City Clerk.

Northern Kentucky Solid Waste Management and the Northern Kentucky Household Hazardous Waste Action Coalition will host a Household Waste Collection event Saturday, April 24 from 9 a.m. – 2 p.m. at Toyota's TEMA Campus (in Erlanger off the Mineola Pike exit of I-275) for residents of Boone, Kenton and Campbell County to dispose of batteries, paint and other items.

A safety grant in the amount of \$2,570 was received from KLC and will be used for various safety items such as hearing protectors.

The City Attorney had nothing to report.

CITY ADMINISTRATOR'S REPORT

Captain Jim Bussman has announced he **will be retiring** at the end of the month after twenty-two and a half years with the City.

The tentative date for a **special meeting for Council to discuss the Budget** is Monday, May 17 at 5:30 preceding the regular meeting. Council should advise the City Clerk of availability.

Demolition of the Kroger store at Expressway Plaza has begun. The other stores in the plaza will remain open for business throughout the demolition and construction periods.

Mr. Zerhusen stated the **bids for Crack Sealing** were opened and Paul Michels was the low bidder. The project for **improvements to Gettysburg, Williamsburg, Allentown and Thompson** has an engineer's estimate of \$848,000 and the low bid from Eaton Asphalt was only \$645,000. Work will begin this week.

The Tree Board will host a tree give away to celebrate **Arbor Day** on Saturday, April 24 at Remke's (Dixie and Orphanage) from 9 – 11:30 a.m. or while supplies last. This year black cherry and yellow tulip poplar saplings will also be distributed to second graders at Blessed Sacrament and Beechwood.

Chief McVey stated the **new ambulance** has been ordered and is under production in Columbus.

Chief McVey stated that on April 18 **Rural Metro** took over **paramedic services** previously provided by Transcare and there has not been an interruption of service.

COMMENTS FROM COUNCIL

Mr. Reis announced that Realtor Debbie Boschert will be opening an office in Fort Mitchell.

Mr. Zahler announced his company will be moving into the building with PNC Bank on May 1.

Mr. Terwort expressed sympathy to the families of the students at Notre Dame.

ADJOURNMENT

There being no further business on the agenda, **Mr. Zahler made a motion to adjourn the meeting and Mr. Wiest offered a second to the motion.** Motion carried by voice vote, **the meeting adjourned at 9:55 p.m.**

Respectfully submitted by:

Signed _____, 2010

Amy B. Able, City Clerk

Thomas E. Holocher, Mayor