

June 26, 2017

West Des Moines City Council Proceedings
Monday, June 26, 2017

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Monday, June 26, 2017 at 5:30 PM. Council members present were: J. Mickelson, R. Messerschmidt, and K. Trevillyan. Council member J. Sandager participated via telephone.

City Clerk Ryan Jacobson stated staff is recommending the removal of Item 7(e) Amendment to City Code - Non-Discrimination Language in Contracts to allow additional time for staff to discuss the item.

On Item 1. Agenda. It was moved by Messerschmidt, second by Trevillyan approve the agenda as amended.

Vote 17-363: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 2. Public Forum

Milton Cole, 1059 23rd Street, extended an invitation for the Mayor and Council to attend the upcoming Youth Justice Initiative (YJI) banquet. He also requested that the City consider seeking a sister city partnership with a city from an Arabic country, such as Jordan or Lebanon.

On Item 3. Council/Manager/Other Entities Reports:

Elizabeth Presutti, General Manager of the Des Moines Area Regional Transit Authority (DART), provided a report on proposed amendments to the organization's 28E agreement, which were recommended by the DART governance task force. The recommendation includes changes to the governance structure, which would result in each member community having one representative.

Council member Mickelson reported he attended a Solheim Cup kick-off event, and he also attended a West Des Moines Chamber of Commerce luncheon with Iowa Governor Kim Reynolds as the speaker.

Council member Messerschmidt reported he attended a meeting of the Public Services Subcommittee, where discussion was held on improvements needed to a retaining wall near South 33rd Street and Fuller Road, and a meeting of the West Des Moines Water Works Board of Trustees, where discussion was held on the growing water needs for Microsoft and the establishment of a regionalization committee that includes Des Moines, West Des Moines, and Urbandale. The Greater Des Moines Convention and Visitors Bureau also met and approved their annual budget. He also attended a meeting of the Public Arts Advisory Commission, where

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Sally Dix, Executive Director of Bravo Greater Des Moines, provided a report on possible funding opportunities through Bravo.

On Item 4. Consent Agenda.

Council members pulled Item 4(h) for discussion. It was moved by Messerschmidt, second by Mickelson to approve the consent agenda as amended.

- a. Approval of Minutes of June 12, 2017 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 1. Casey's Marketing Company, d/b/a Casey's General Store #2824, 6630 Mills Civic Parkway - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 2. Casey's Marketing Company, d/b/a Casey's General Store #2923, 1850 22nd Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 3. Casey's Marketing Company d/b/a Casey's General Store #3098, 125 Grand Avenue - Class LE Liquor License with Carryout Beer, Native Wine, and Sunday Sales - Renewal
 4. Crazy Chicken, LLC, d/b/a Chicken Coop Sports Bar & Grill, 1960 Grand Avenue, Suite 23 - Class LC Liquor License with Sunday Sales and Catering Privileges - Renewal
 5. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - July 19-20, 2017
 6. Kum & Go, LC d/b/a Kum & Go #576, 3501 EP True Parkway - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - Renewal
 7. Levy Prom Golf, LLC d/b/a Levy Prom Golf, LLC, 1600 Jordan Creek Parkway - 14-Day Class LC Liquor License with Sunday Sales and Outdoor Service - Effective August 14-27, 2017 (Solheim Cup)
 8. Maxie's Enterprises, LLC d/b/a Maxie's Restaurant & Lounge, 1311 Grand Avenue - Class LC Liquor License with Sunday Sales - Renewal
 9. Southside Foods, LLC d/b/a Nicks, 5465 Mills Civic Parkway, Suite 101 - Class LC Liquor License with Sunday Sales - New
 10. Red Lobster Restaurants, LLC d/b/a Red Lobster #0796, 3838 Westown Parkway - Class LC Liquor License with Sunday Sales - Renewal
 11. International Event Center, Inc., d/b/a Val Air, 301 Ashworth Road - Class LC Liquor License Extension of Outdoor Service - July 2, 2017
 12. West Des Moines Hotel Associates, LLC d/b/a West Des Moines Marriott, 1250 Jordan Creek Parkway - Class LB Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - New d. Approval of Cigarette/Tobacco Permits

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- d. Approval of Order for Violation of Alcohol Laws
- e. Approval of Special Event Lane Closures - Kids Triathlon, July 9, 2017
- f. Approval of Appointments:
 - 1. Revised 2016-17 Committee and Other Assignments
 - 2. Library Board of Trustees
- g. Approval of Agreement - Repair and Maintenance of Ambulance Stretchers
- i. Approval of Amendment #1 to Professional Services Agreement - Walnut Creek Outfall Storm Sewer
- j. Approval of Amendment to Tuition Reimbursement Policy
- k. Approval of Amendment to Property Tax Rebate Program
- l. Approval of 2016-17 Fiscal Year End Transfers
- m. Approval and/or Ratification of Fees and Charges Effective July 1, 2017
- n. Approval of Compensation - City Attorney
- o. Approval of Substituted and Restated 28E Agreement - Des Moines Regional Transit Authority (DART)
- p. Order Construction:
 - 1. 2016 Sidewalk Improvement Program
 - 2. Ashworth Road Improvements - Jordan Creek Parkway to 81st Street
 - 3. Raccoon River Park Softball Irrigation Modifications
- q. Authorize Construction of Public Improvements - Western Hills Elementary Sanitary Sewer Relocation
- r. Accept Work - 9th Street Storm Sewer Rehabilitation
- s. Acceptance of Public Improvements:
 - 1. Galleria at Jordan Creek Plat 9 Sanitary Sewer
 - 2. Galleria at Jordan Creek Plat 9 - Mills Civic Parkway Right Turn Lane
 - 3. Mid-Iowa Subway
 - 4. Hawthorne Centre
 - 5. The Cascades at Jordan Creek
 - 6. Village Cooperative Sanitary Sewer
- t. Approval of Professional Services Agreement - Construction Testing Services
- u. Approval of Cooperative Agreement with Iowa Department of Transportation - Veterans Parkway Bridge over I-35
- v. Approval to Waive Requirement for Storm Water Management Facility Maintenance Agreement for a Temporary Basin - Morningstar Marketing Trailer, 575 South 60th Street
- w. Approval to Initiate a Development Agreement - Ridgway Properties, LLC
- x. Approval of YJI Professional Services Agreement

Vote 17-364: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 4(h) Approval to Extend Professional Services Agreement - Independent Contractor for Sister Cities Commission

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Council member Trevillyan expressed concerns that he does not feel it is appropriate for a Sister Cities Commission member to be a paid consultant for the commission. He also requested information on what has been accomplished during the first six months of this contract. He noted the memo from John Norwood made reference to a proposed sister city partnership with Yiwu, China, and he suggested that the City concentrate its focus on the existing partnership with Mateh Asher, Israel, before it considers adding a second sister city.

Council member Messerschmidt stated Mr. Norwood has been working with officials from Mateh Asher, Israel to pave the way for economic development opportunities between the two cities. He stated establishing a strong sister city partnership takes time, and he believes this agreement needs to be extended another six months so this work can continue.

Council member Trevillyan noted the memo from Mr. Norwood indicates he intends to also work on the sister city partnership with Yiwu, China, should the contract be extended another six months.

Council member Mickelson stated the sister city partnership with Mateh Asher and the proposed sister city partnership with Yiwu, China, are both in the early stages where they need to have dedicated resources to nurture them, and he believes contracting for that work makes more sense than using staff resources. He stated he knows anecdotally that work is being done, but he agreed with Council member Trevillyan that it would be nice to receive information on what has been accomplished during the first six months of this contract accomplishments.

Council member Messerschmidt stated he would like to continue this item for two weeks to get clarification on whether this agreement should include any time devoted to the proposed sister city partnership with Yiwu, China.

It was moved by Messerschmidt, second by Mickelson to continue Item 4(h) Approval to Extend Professional Services Agreement - Independent Contractor for Sister Cities Commission to July 10, 2017.

Vote 17-365: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 5(a) Maple Grove United Methodist Church, 9391 Ashworth Road - Rezone the Property to Residential High Density, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Messerschmidt to consider the second reading of the ordinance.

Vote 17-366: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

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The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Messerschmidt to approve the second reading of the ordinance.

Vote 17-367: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

It was moved by Trevillyan, second by Messerschmidt to waive the third reading and adopt the ordinance in final form.

Vote 17-368: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 5(b) Phenix, northeast corner of 7th Street between Walnut Street and Locust Street - Amend the Planned Unit Development (PUD) to Modify Parcel Boundaries, initiated by the City of West Des Moines

It was moved by Messerschmidt, second by Trevillyan to consider the first reading of the ordinance.

Vote 17-369: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Messerschmidt, second by Trevillyan to approve the first reading of the ordinance.

Vote 17-370: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 5(c) Amendment to City Code - Title 8 (Building Regulations), Chapter 2 (Building Codes), Article A (Building Code), initiated by the City of West Des Moines (Continued from June 12, 2017)

Rod VanGenderen, Chief Building Official, responded to questions from the Council, stating staff would recommend adopting the ordinance as presented, but an alternate option would be to adopt it with the deletion of Section R302.13 "Fire Protection of Floors", since that is the section that some of the Council members have concerns with. He noted several metro area cities have adopted this building code as presented, and several have adopted it with the deletion of Section R302.13 "Fire Protection of Floors".

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It was moved by Trevillyan, second by Messerschmidt to consider the first reading of the ordinance, with the deletion of Section R302.13 “Fire Protection of Floors”.

Vote 17-371: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Messerschmidt to approve the first reading of the ordinance, with the deletion of Section R302.13 “Fire Protection of Floors”.

Vote 17-372: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Jordan Creek Business Park, Village View Drive between South 60th Street and South 64th Street - Specific Plan Amendment to Allow SIC 4225 “Self-Service Storage Facility - Interior Unit Access with no Outside Storage Yard” as a Permitted Use, initiated by Rueter & Zenor Company and Rueter Corporation. He asked for the date the notice was published and the City Clerk indicated the notice was published on June 9, 2017 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 5-0, with two members absent, the Plan and Zoning Commission recommended City Council approval of the Specific Plan Amendment, and a letter and petition were received today and copies of those have been placed on the dais.

Mayor Gaer asked if there were any public comments.

Colin Cunningham, 328 South 61st Street, spoke in opposition to the specific plan amendment, expressing concerns about a self-service storage facility being located in his neighborhood. He stated he had been under the impression this land would be developed for some type of professional office use. He expressed concerns that clients of a self-service storage facility could bring in trucks on a daily basis to load/unload items.

Jim Thompson, 128 South 61st Street, stated he is also speaking on behalf of the Jordan Creek Business Condominium Association. He spoke in opposition to the specific plan amendment, citing concerns that the property owners in this area have invested in their properties based on the existing guidelines of the specific plan ordinance, which ensure the area could only be developed for professional office uses that operate during regular business hours. He does not feel the proposed changes would be appropriate for this area, and he noted there other areas in the city available where this type of use is already permitted.

Jason Thiellen, E&A Consulting Group, 10909 Mill Valley Road, Suite 100, Omaha, Nebraska, representing the applicant, stated the proposed specific plan amendment is based on changes in

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the self-service storage facility industry towards more sophisticated and elaborate building designs. He noted the proposed self-service storage facility would have to meet the design standards of the specific plan ordinance, as does any other type of business in this area. He presented elevation drawings of the proposed self-service storage facility and stated it will look and function like an office building, as the units will be accessed from the interior of the building. He reported these facilities average two to three cars per hour, and there will be an on-site manager from Monday through Saturday, 8:00 a.m. to 5:00 p.m., with building access for tenants being limited to the hours of 7:00 a.m. to 10:00 p.m.

Mayor Gaer asked if there were any additional public comments; hearing none he declared the public hearing closed.

Lynne Twedt, Development Services Director, responded to questions from the Council, stating a City Code amendment was adopted several months ago to allow these types of self-service storage facilities in office zoning districts, as long as they look and function like an office building.

Council member Mickelson stated the Development and Planning Subcommittee was originally hesitant about the City Code amendment, but supported it after learning how these self-service storage facilities would look and function. He noted they would likely have less of an impact on the neighborhood than a traditional office building, which could generate more traffic.

Mr. Thiellen reported the higher cost to construct this type of storage facility and the ongoing expense of an on-site manager means the price for the units will be much higher than a traditional storage unit, so this will attract clients willing to pay top dollar for a higher level of service and quality.

Council member Mickelson noted the existing King's Valley homes are over 500 feet to the north from this site, and the space in between will likely develop soon, so this self-service storage facility will have very little impact on those existing homes.

Council member Sandager noted this proposed self-service storage facility will sit between two office buildings, so it will have a relatively low visibility.

It was moved by Trevillyan, second by Messerschmidt to consider the first reading of the ordinance.

Mayor Gaer suggested the applicant schedule a meeting in the next two weeks with the businesses and residents in the area that have expressed concerns to provide further information on the proposed design for these self-service storage facilities and to answer their questions.

Vote 17-373: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

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The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Messerschmidt to approve the first reading of the ordinance.

Vote 17-374: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 6(b) Vacation of Roadway Easement, 575 South 60th Street - Vacate 40 ft. Roadway Easement on North Side of Property, initiated by Rueter Corporation.

It was moved by Messerschmidt, second by Trevillyan to adopt Motion - Continue Public Hearing Indefinitely.

Vote 17-375: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment #1 to Coachlight Drive Urban Renewal Area, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on June 16, 2017 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by Messerschmidt to adopt Resolution - Approval of Urban Renewal Plan Amendment.

Vote 17-376: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider Community Development Block Grant Program - 2017-18 Annual Action Plan, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on June 9, 2017 in the Des Moines Register, June 7, 2017 in the Indianola Record Herald, June 7, 2017 in the Madisonian, and June 8, 2017 in the Dallas County News. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

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It was moved by Messerschmidt, second by Trevillyan to adopt Resolution - Approval of 2017-18 Annual Action Plan.

Vote 17-377: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 6(e) Mayor Gaer indicated this was the time and place for a public hearing to consider Project Osmium Public Infrastructure, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on June 16, 2017 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments.

Brian Hemesath, Interim City Engineer, reported that pursuant to Iowa Code, this public hearing is required in order to acquire any agricultural property needed to construct these improvements. Staff has determined the proposed alignment and notified the property owners of the impacted parcels.

City Attorney Dick Scieszinski stated this project is proposed to be constructed initially as a two-lane street, but will eventually be expanded to six lanes. He noted staff is requesting condemnation authority in case there are parcels that the City cannot acquire voluntarily.

Mayor Gaer asked if there were any additional public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by Messerschmidt to adopt Resolution - Approval of Acquisition of Agricultural Property.

Mayor Gaer requested that staff distribute a map showing all the public infrastructure that will be in place when the three Microsoft sites are built out.

Vote 17-378: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 6(f) Mayor Gaer indicated this was the time and place for a public hearing to consider South Grand Prairie Parkway, SW Madison Avenue to Raccoon River Drive, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on June 16, 2017 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

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It was moved by Trevillyan, second by Messerschmidt to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to S.M. Hentges & Sons, Inc.

Mayor Gaer inquired if this out-of-state contractor has any experience working on projects in the Des Moines metropolitan area.

Brian Hemesath, Interim City Engineer, responded they have done multiple projects for the Wastewater Reclamation Authority, and the feedback on those projects has been positive.

Vote 17-379: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 6(g) Mayor Gaer indicated this was the time and place for a public hearing to consider SW 60th Street, SE 50th Street, and SE Adams Street, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on June 16, 2017 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments.

Vernon Flinn, 3711 SE 50th Street, inquired if SE 50th Street will be the main thoroughfare for construction of the Microsoft site, and he inquired how the Police Department will control traffic along that road.

Brian Hemesath, Interim City Engineer, responded the majority of construction traffic will travel on SE 50th Street until Veterans Parkway is constructed. Once Veterans Parkway opens, staff will suggest to developers that their construction vehicles use the arterial street routes, but the City will not require that, as all of these roads are open for public use.

Mayor Gaer asked if there were any additional public comments; hearing none he declared the public hearing closed.

It was moved by Messerschmidt, second by Trevillyan to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Alliance Construction Group, LLC.

Vote 17-380: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 6(h) Mayor Gaer indicated this was the time and place for a public hearing to consider South 100th Street Culvert on Sugar Creek Tributary, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was

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published on June 16, 2017 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Messerschmidt, second by Trevillyan to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Gus Construction Company, Inc.

Vote 17-381: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 7(a) Jordan Creek Professional Plaza, 1121 Jordan Creek Parkway - Subdivide Property into Two Lots for Commercial Development, initiated by Downing Construction

It was moved by Trevillyan, second by Messerschmidt to adopt Resolution - Approval and Release of Final Plat, subject to the applicant complying with all applicable City Code requirements.

Vote 17-382: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 7(b) AutoZone, 850 1st Street - Construction of a 7,400 sq. ft. Retail Building, initiated by First Street, LP

It was moved by Messerschmidt, second by Trevillyan to adopt Resolution - Approval of Site Plan, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 17-383: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

John Mandelbaum, First Street, LP, reported the proposed relocation of the access drive for the new Sully's Irish Pub location at 860 1st Street onto Iowa Highway 28 has been approved by the Iowa Department of Transportation. He also reported the old Crystal's building will be taken down in July. He requested a status update on his compensation for an easement on his property that he has agreed to grant to the City.

City Attorney Dick Scieszinski responded staff plans to bring that matter forward at the next City Council meeting.

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On Item 7(c) Great Western Trail Realignment, southeast corner of Iowa Highway 5 and Veterans Parkway - Approval of Site Plan to Reroute Bike Trail, initiated by Knapp Properties

It was moved by Messerschmidt, second by Trevillyan to adopt Resolution - Approval of Site Plan, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Council member Mickelson inquired if any feedback on this proposed realignment has been received from biking community.

Tom Wittman, Knapp Properties, 5000 Westown Parkway, responded the Polk County Conservation Board held multiple public meetings on this proposed realignment.

Vote 17-384: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 7(d) Great Western Trail Realignment, southeast corner of Iowa Highway 5 and Veterans Parkway - Approval of Plat of Survey to Create Two Parcels for Transfer of Ownership, initiated by Knapp Properties

It was moved by Messerschmidt, second by Trevillyan to adopt Resolution - Approval and Release of Plat of Survey, subject to the applicant complying with all applicable City Code requirements.

Vote 17-385: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 8(a) Boston Property, 9975 Booneville Road - Designate Residential Medium Density Zoning on approx. 11.68 acres - Chayse Holdings, LLC - Referred to Plan and Zoning

On Item 8(b) Cedar Ridge Lots 3-8, north side of intersection of Mills Civic Parkway and South 91st Street - Consistency Zone Property from 'Unzoned' to Residential Estate - City Initiated – Referred to Plan and Zoning

On Item 9 - Other Matters: none

The meeting was adjourned at 6:51 p.m.

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Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor