A Regular Meeting of the Troy City Council was held Monday, May 12, 2008, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

Pastor Dennis Wegner of Troy Church of the Nazarene gave the Invocation and the Pledge of Allegiance to the Flag was given.

## ROLL CALL

Mayor Louise E. Schilling
Robin Beltramini
Cristina Broomfield
David Eisenbacher
Wade Fleming
Mayor Pro Tem Martin Howrylak
Mary Kerwin

## CERTIFICATES OF RECOGNITION:

**A-1 Presentations:**

a. A Proclamation Celebrating Athens High School – Advanced Placement School of the Year Award was given to the Principle and Staff of Athens High School.

b. The 2008 Top Ten Public Works Leaders of the Year by the American Public Works Association was presented to Samuel P. Lamerato.

## CARRYOVER ITEMS:

**B-1 No Carryover Items**

## PUBLIC HEARINGS:

**C-1 Rezoning Application – Proposed Troy Museum and Historic Village Expansion, North Side of Wattles, West of Livernois, Section 16 – R-1B to C-F (File Number Z-730)**

The Mayor opened the Public Hearing.
The Mayor closed the Public Hearing after receiving comment from the following speakers:
Ron Boykus spoke in support of the rezoning

Resolution #2008-05-146
Moved by Kerwin
Seconded by Howrylak

WHEREAS, The City is in receipt of a rezoning request, from R-1B to C-F, File Number Z-730, as demonstrated by the Ordinance to amend Chapter 39 of the Code of the City of Troy;

WHEREAS, The application is consistent with the Future Land Use Plan, and is compatible with surrounding zoning districts and land uses; and

WHEREAS, The rezoning is recommended for approval by the Planning Commission;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the proposed rezoning from R-1B to C-F; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **AMENDS** the Zoning District Map.

Yes: All-7

**MOTION CARRIED**

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**C-2 Zoning Ordinance Text Amendment (File Number: ZOTA 233) – Article III – Digital Application Submission Requirements**

The Mayor opened the Public Hearing
The Mayor closed the Public Hearing after receiving no comments.

Resolution #2008-05-147
Moved by Beltramini
Seconded by Fleming

RESOLVED, That Troy City Council hereby **AMENDS** Article III (APPLICATIONS AND PROCEDURES) of the City of Troy Zoning Ordinance, pertaining to digital application submission requirements, to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 233), City Council Public Hearing Draft, as recommended by the Planning Commission.

Yes: All-7

**MOTION CARRIED**

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**C-3 Outdoor Seating Request in Excess of 20 Seats – Buffalo Wild Wings, 1873 E. Big Beaver Road**

The public hearing was cancelled due to insufficient public hearing notice.

## POSTPONED ITEMS:

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**D-1 Standard Purchasing Resolution 1: Award to Low Bidder – Printing/Distribution of Water and Sewer Bills**

Resolution
Moved by Fleming
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **AWARDS** a one (1) year contract to provide laser printing and distribution of the City of Troy water and sewer bills, with an option to renew for three (3) additional one (1) year periods to next lowest total bidder, LaserCom of Troy, Michigan for an estimated total cost of $12,874.94 per year, plus the actual cost of first class postage, at unit prices contained in the bid tabulation opened April 1, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting expiring April 30, 2009 because

LaserCom is a Troy, Michigan business and there is the minimum difference of .18% between their bid and the low total bidder, American Mailers, Inc. of Detroit, Michigan.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon all of the same specified requirements imposed upon American Mailers, Inc.

**Vote on Resolution to Amend by Substitution**

Resolution #2008-05-148
Moved by Howrylak
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **AMENDS BY SUBSTITUTION** the *Standard Purchasing Resolution 1: Award to Low Bidder – Printing/Distribution of Water and Sewer Bills* by **STRIKING** it in its entirety and **INSERTING**, "RESOLVED, That Troy City Council hereby **AWARDS** a one (1) year contract to provide Laser Printing and Distribution of the City of Troy Water and Sewer Bills, with an option to renew for three (3) additional one (1) year periods to low total bidder, American Mailers, Inc. of Detroit, MI for an estimated total cost of $12,851.00 per year, plus the actual cost of first class postage, at unit prices contained in the bid tabulation opened April 1, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting expiring April 30, 2009.

Yes: Eisenbacher, Howrylak, Kerwin, Schilling, Beltramini
No: Broomfield, Fleming

**MOTION CARRIED**

**Vote on Resolution as Amended by Substitution**

Resolution #2008-05-149
Moved by Fleming
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **AWARDS** a one (1) year contract to provide Laser Printing and Distribution of the City of Troy Water and Sewer Bills, with an option to renew for three (3) additional one (1) year periods to low total bidder, American Mailers, Inc. of Detroit, MI for an estimated total cost of $12,851.00 per year, plus the actual cost of first class postage, at unit prices contained in the bid tabulation opened April 1, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting expiring April 30, 2009.

Yes: Eisenbacher, Howrylak, Kerwin, Schilling, Beltramini
No: Fleming, Broomfield

**MOTION CARRIED**

## PUBLIC COMMENT: Limited to Items Not on the Agenda

Thomas Burke spoke about the 2008/09 City Budget.
Ted Wilson spoke about the Michigan Business Tax.

## REGULAR BUSINESS:

**E-1 Appointments to Boards and Committees: a) Mayoral Appointments: None b) City Council Appointments: Personnel Board**

**(a) Mayoral Appointments - None**

**(b) City Council Appointments**

Resolution #2008-05-150
Moved by Howrylak
Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **APPOINTS** the following persons to serve on the Boards and Committees as indicated:

**Personnel Board**
Appointed by Council (5-Regular) – 3 Year Terms

Susan Werpetinski Term Expires 04/30/11

Yes: All-7

**E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: Brownfield Redevelopment Authority; and Economic Development Corporation (b) City Council Nominations: Cable Advisory Committee; and Youth Council**

**(a) Mayoral Nominations**

Resolution #2008-05-151
Moved by Schilling
Seconded by Kerwin

RESOLVED, That the Mayor of the City of Troy hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

**Brownfield Redevelopment Authority**
Appointed by Mayor (7-Regular) – 3-Year Terms

**Donald F. Schenk** Unexpired Term 04/30/11

**Joseph J. Vassallo** Unexpired Term 04/30/09

**Economic Development Corporation**
Appointed by Mayor (9-Regular) – 6-Year Terms

**Donald L. Edmunds** Unexpired Term 04/30/14

Yes: All-7

**(b) City Council Nominations**

Resolution #2008-05-152
Moved by Howrylak
Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

**Cable Advisory Committee**
Appointed by City Council (7-Regular) – 3-Year Terms

**Padma Kuppa** Unexpired Term 09/30/09

**Youth Council**
Appointed by Council (13-Regular) – 1-Year Term

**Disha Bora** Term Expires 06/01/09

**Geon Woo Kim** Term Expires 06/01/09

**Joseph Niemiec** Term Expires 06/01/09

**Shaina Sekhri** Term Expires 06/01/09

**Neil Shaw** Term Expires 06/01/09

**David Wylie** Term Expires 06/01/09

**Willa Adamo** Term Expires 06/01/09

**Jason Lee** Term Expires 06/01/09

**Vikram Prasad** Term Expires 06/01/09

| | |
|---|---|
| **Sevita Rama** | Term Expires 06/01/09 |
| **Rachita Singh** | Term Expires 06/01/09 |
| **Emily Wang** | Term Expires 06/01/09 |

Yes: All-7

**E-3 Amendment to Chapter 18 and Proposed Contract with Detroit Water and Sewerage Department**

**(a) Resolution Amending Chapter 18 of City Ordinance**

Resolution
Moved by Kerwin
Seconded by Schilling

WHEREAS, In 1961 the City of Troy and the Detroit Water and Sewerage Department (DWSD) entered into a 35 year contract to provide wholesale water;

WHEREAS, In 2004 the DWSD and 126 municipal customers, through the Technical Advisory Committee (TAC), developed a new model water contract to minimize price volatility and create equity among wholesale water customers;

WHEREAS, The new model contract will be the mechanism to set wholesale water rates for the next 30 years and subject each customer to the same contract terms, with the exception that some communities will qualify for reduced fees based on limitations to peak water usage;

WHEREAS, To gain the greatest opportunity for reduced future water rates, and in addition to community education, capital improvement programs and restrictions to City operated irrigation systems, the only remaining piece is implementation of the ordinance amendment limiting automatic sprinkling during peak hours; and

WHEREAS, If Council decides not to amend Chapter 18, then City Administration will need to negotiate new terms with DWSD;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **ADOPTS** the Ordinance to Amend Chapter 18 of the City Code, City Water Utility, as recommended by the City Administration, a copy of which shall be **ATTACHED** to the original minutes of this meeting.

**Vote on Resolution to Postpone**

Resolution #2008-05-153
Moved by Howrylak
Seconded by Broomfield

RESOLVED, That the proposed resolution to amend Chapter 18, City Water Utility, of the City Ordinance be **POSTPONED** to the Regular City Council meeting of May 19, 2008.

Yes: Broomfield, Eisenbacher, Fleming, Howrylak
No: Schilling, Beltramini, Kerwin

**MOTION CARRIED**

Council Member Broomfield left the meeting at 9:42pm

The meeting **RECESSED** at 9:42 PM.

The meeting **RECONVENED** at 9:51 PM.

**(b) Resolution Approving Contract with Detroit Water and Sewerage Department**

City Administration requested that the item be removed to be considered after the proposed Chapter 18 – City Water–Utility Ordinance discussion at the May 19, 2008 Regular Meeting.

## CONSENT AGENDA:

**F-1a Approval of "F" Items NOT Removed for Discussion**

Resolution #2008-05-154
Moved by Beltramini
Seconded by Kerwin

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items F-5 and F-4b, which **SHALL BE CONSIDERED** after Consent Agenda (F) items, as printed.

Yes: Beltramini, Eisenbacher, Fleming, Howrylak, Kerwin, Schilling
No: None
Absent: Broomfield

**MOTION CARRIED**

**F-2 Approval of City Council Minutes**

Resolution #2008-05-154-F-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of April 21, 2008; the Minutes of the 7:30 PM Special City Council Meeting of April 28, 2008; and the Minutes of the 7:30 PM Special City Council Meeting of May 5, 2008 as submitted.

**F-3 Proposed City of Troy Proclamations:**

Resolution #2008-05-154-F-3

RESOLVED, That Troy City Council hereby **APPROVES** the following City of Troy Proclamations:

**a)** Celebrating Athens High School Advanced Placement School of the Year for the State of Michigan
**b)** Police Memorial Day – May 15, 2008
**c)** Honoring William Beaumont Hospital Dedicated Volunteers

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**F-4 Standard Purchasing Resolutions**

**a) Standard Purchasing Resolution 8: Best Value Award – Troy Daze Fireworks**

Resolution #2008-05-154-F-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide three-year requirements of fireworks display for the Magic of Fall / Troy Daze Festival for years 2008, 2009 and 2010 to the highest rated bidder, Mad Bomber Fireworks Productions of Kingsbury, IN, as a result of a best value process at a total cost of $15,000.00, or $5,000.00 per year; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon company's submission of properly executed proposal and contract documents, including insurance certificates and all other specified requirements.

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**F-6 Approval of Purchase Agreement and Acceptance of Permanent Drainage Easement, John R Road Improvements, Long Lake Road to Square Lake Road Project No. 02.203.5 – Parcel #13 – Sidwell #88-20-11-226-005 – Antoinette L. Brubaker**

Resolution #2008-05-154-F-6

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Antoinette L. Brubaker, owner of property having Sidwell #88-20-11-226-005, and the City of Troy, for the acquisition of right-of-way for John R Road Improvements, Long Lake Road to Square Lake Road in the amount of $49,799.00, plus closing costs; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to expend the necessary closing costs to complete this purchase according to the agreement and reimburse the property owner $1,000.00 for costs associated with the review of the offer; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Drainage Easement in the amount of $100.00 from Antoinette L. Brubaker, owner of property having Sidwell #88-20-11-226-005; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the Warranty Deed and the Permanent Drainage Easement with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

## F-7 Contract OEM Replacement Parts for Golf and Turf Maintenance Equipment

Resolution #2008-05-154-F-7

WHEREAS, On July 11, 2005, Troy City Council approved three-year contracts to purchase miscellaneous original equipment manufacturers replacement parts for the Golf Division with the exclusive distributors in Michigan - Midwest Golf and Turf, (formerly known as WF Miller Company), Weingartz and Spartan Distributors (Resolution #2005-07-332a & 332b-F2); and

WHEREAS, All three suppliers have agreed to extend a one-year contract under the same pricing structure, terms and conditions as their original contracts;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and current contracts to purchase OEM replacement parts for golf and turf maintenance equipment from Midwest Golf and Turf of Cincinnati, OH, Weingartz of Farmington Hills, and Spartan Distributors of Sparta, MI are hereby extended under the same pricing structure, terms, and conditions as the original contracts to expire June 30, 2009.

## F-8 Rescind/Re-Award Contract – Liquid Calcium Chloride, Option B – Resolution #2008-04-120-F4e

Resolution #2008-05-154-F-8

WHEREAS, On April 7, 2008, one-year contracts to provide Liquid Calcium Chloride with an option to renew for one (1) additional year on an option by option basis was awarded to the lowest acceptable bidders: South Huron Industrial, Inc. of Flatrock, MI, Options A and C, and Suburban Oil Company of Taylor, MI, Option B (Resolution # 2008-04-120-F4e); and

WHEREAS, Suburban Oil Company has withdrawn from the bid process due to the high cost to acquire excess umbrella liability insurance as specified;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **RESCINDS** with prejudice the contract to provide liquid calcium chloride under Option B, with an option to renew for one (1) additional year from Suburban Oil Company, and **RE-AWARDS** to the next lowest acceptable bidder, South Huron Industrial, Inc. of Flatrock, MI, which also includes services under Options A and C, at unit prices contained in the bid tabulation opened March 5, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring March 31, 2009.

## F-9 Authorization Requesting Reimbursement – Oakland County West Nile Virus Fund

Resolution #2008-05-154-F-9

RESOLVED, That Troy City Council hereby **AUTHORIZES** the City of Troy Parks and Recreation Department to seek reimbursement in the amount of $30,057.91 from the Oakland County West Nile Virus Fund for expenditures incurred while instituting proactive public health measures to reduce the population of infected mosquitoes in the environment.

**F-10 Assessment of Delinquent Accounts**

Resolution #2008-05-154-F-10

WHEREAS, Section 1.167 of Chapter 5 and Section 6 of Chapter 20 of the Ordinance Code of the City of Troy require that delinquent payments and invoices, as of April 1st of each year, shall be reported and the City Council shall certify the same to the City Assessor who shall assess the same on the next annual City Tax Roll, to be collected as provided for collection of City Taxes;

WHEREAS, Section 10.8 of the Troy City Charter provides for the collection of delinquent invoices through property tax collection procedures; and

WHEREAS, A list of individual properties is on file in the Office of the Treasurer and comprises a summation of totals as follows:

| | |
|---|---|
| General Fund Invoices | |
| Including Penalties | $ 29,095.89 |
| Special Assessments | |
| Including Penalties & Interest | 5,688.13 |
| Water & Sewer Accounts | |
| Including Penalties | 820,710.86 |
| Total | $855,494.88 |

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Assessor to assess these delinquent accounts on the annual City Tax Roll.

**F-1b Address of "F" Items Removed for Discussion by City Council and/or the Public**

**F-4 Standard Purchasing Resolutions**

**b) <u>Standard Purchasing Resolution 4: US Communities Cooperative Purchasing Program – Landscape Structures, Inc.</u>**

Resolution #2008-05-155
Moved by Fleming
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase and install an Aquarium Display Wall, Mastodon Head Mount and Sandbox through the US Communities Cooperative Purchasing Program Contract #040377 with Landscape Structures, Inc. for an estimated total cost of $82,792.00; and

BE IT FURTHER RESOLVED, That the contract is **CONTINGENT** upon contractor submission of proper insurance certificate(s), bonds and any other specified requirements.

Yes: Eisenbacher, Fleming, Howrylak, Kerwin, Schilling, Beltramini
No: None
Absent: Broomfield

**MOTION CARRIED**

**F-5 Traffic Committee Recommendations – April 16, 2008**

Resolution #2008-05-156
Moved by Beltramini
Seconded by Fleming

**Installation of NO PARKING Mon.- Fri. 7 a.m.-5 p.m. Signs on the West Side of Fieldstone from South Boulevard to White Tail Drive**

RESOLVED, That Traffic Control Order No. 08-02-P be **ISSUED** for the installation of "NO PARKING Mon.- Fri. 7 a.m.-5 p.m." signs on the west side of Fieldstone from South Boulevard to White Tail Drive.

Yes: Fleming, Kerwin, Schilling, Beltramini, Eisenbacher
No: Howrylak
Absent: Broomfield

**MOTION CARRIED**

## MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

**G-1 Announcement of Public Hearings:**

a. Outdoor Seating Request in Excess of 20 Seats – Buffalo Wild Wings, 1873 E. Big Beaver Road – June 2, 2008

Noted and Filed

**G-2 Memorandums: None Submitted**

## COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda

**H-1 No Council Referrals Advanced**

## COUNCIL COMMENTS:

**I-1 Council Comments**

Council Member Kerwin invited colleagues to experience some courses regarding civility and water.

## REPORTS:

**J-1 Minutes – Boards and Committees:**

**a)** Brownfield Redevelopment Authority/Final – April 17, 2007
**b)** Joint Local Development Finance Authority – Troy Subcommittee/Final – May 7, 2007
**c)** Historic District Commission/Final – January 15, 2008
**d)** Cable Advisory Committee/Final – January 16, 2008
**e)** Historic Commission/Final – January 22, 2008
**f)** Historic District Commission/Final – February 19, 2008
**g)** Historic District Commission/Final – March 18, 2008
**h)** Downtown Development Authority/Final – March 19, 2008
**i)** Traffic Committee/Final – March 19, 2008
**j)** Election Commission/Final – March 27, 2008
**k)** Building Code Board of Appeals/Final – April 2, 2008
**l)** Youth Council/Final – April 2, 2008
**m)** Planning Commission/Draft – April 8, 2008
**n)** Planning Commission/Final – April 8, 2008
**o)** Board of Zoning Appeals/Draft – April 15, 2008
**p)** Cable Advisory Committee/Draft – April 17, 2008
**q)** Election Commission/Draft – April 18, 2008
**r)** Youth Council/Draft – April 23, 2008

Noted and Filed

**J-2 Department Reports:**

**a)** Assessing Department – 2008 City of Troy Assessment Roll and Board of Review Report
**b)** Council Member Kerwin's Travel Expense Report – Alliance Program on Sustainable Development in Birmingham on April 17, 2008
**c)** Council Member Beltramini's Travel Expense Report – 2008 Michigan Municipal League Region 1 Education Seminar in Wixom on April 18, 2008
**d)** Council Member Kerwin's Travel Expense Report – 2008 Michigan Municipal League Region 1 Education Seminar in Wixom on April 18, 2008
**e)** Building Department – Permits Issued During the Month of April, 2008

Noted and Filed

**J-3 Letters of Appreciation:**

**b)** Letter of Thanks from Susick Elementary School to Mark Miller, Mark Stimac, and Tim Richnak
**c)** Letter of Congratulations to Mayor Schilling from State Senator John Pappageorge on the City of Troy Receiving the Traffic Safety Award
**d)** Letter of Thanks to Mayor Schilling from David Peskin, CEO of World Alliance Financial for Participation at a Press Conference
**e)** Letter of Thanks to Peggy Sears from Judith Chambers, Shelby Township Library, Commending the Human Resources Department Staff

Noted and Filed

**J-4 Proposed Proclamations/Resolutions from Other Organizations:**

**a)** Resolution from the Oakland County Board of Commissioners Urging all Law Enforcement Agencies in Oakland County to Participate in the Sheriff Telling Our Parents and Promoting Educated Drivers (STOPPED) Program

Noted and Filed

**J-5 Calendar**

Noted and Filed

**J-6 Communication from the State of Michigan Public Service Commission Regarding Notice of Hearing for the Customers of The Detroit Edison Company – Case No. U-12478**

Noted and Filed

**J-7 Communication from the State of Michigan Public Service Commission Regarding Notice of Hearing for the Customers of The Detroit Edison Company – Case No. U-14838**

Noted and Filed

**J-8 Communication from the State of Michigan Public Service Commission Regarding Notice of Hearing for the Customers of The Detroit Edison Company – Case No. U-15002-R**

Noted and Filed

**J-9 Troy Youth Assistance Board Meeting Draft Minutes from April 17, 2008**

Noted and Filed

**J-10 Communication from Purchasing Director Susan Leirstein Regarding Local Preference Issue**

Noted and Filed

**J-11 Troy Library Survey Results**

Noted and Filed

## STUDY ITEMS:

**K-1 No Study Items Submitted**

## PUBLIC COMMENT: Address of "K" Items

## CLOSED SESSION:

**L-1 Closed Session**

Resolution #2008-05-157
Moved by Eisenbacher
Seconded by Howrylak

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e), Pending Litigation – Mary Ann Hennig v. City of Troy et. al.

Yes: Howrylak, Kerwin, Schilling, Beltramini, Eisenbacher, Fleming
No: None
Absent: Broomfield

**MOTION CARRIED**

The meeting **RECESSED** at 10:27 PM.

The meeting **RECONVENED** at 10:35 PM.

## ADJOURNMENT

The meeting **ADJOURNED** at 10:48 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk