

City of Blaine **Anoka County, Minnesota** Minutes - Final **City Council**

10801 Town Square Dr. Blaine MN 55449

Thursday, September 15, 2011

7:30 PM

Council Chambers

1. **CALL TO ORDER BY THE MAYOR**

The meeting was called to order at 7:38 p.m. by Mayor Ryan followed by the Pledge of Allegiance and the Roll Call. A quorum was present.

Present: 7 - Mayor Ryan, Councilmember Hovland, Councilmember Swanson, Councilmember Clark, Councilmember Bourke, Councilmember Kolb and Councilmember Herbst

ALSO PRESENT: Bryan Schafer, Community Development Director; Bob Therres, Public Services Manager; Joe Huss, Finance Director; Jean Keely, City Engineer; Nyle Zikmund, Fire Chief; Roark Haver, Communications Technician; Catherine Ekstrand, Deputy City Clerk; Rebecca Olson, Executive Assistant; and Linda Dahlquist, Recording Secretary.

- 2. PLEDGE OF ALLEGIANCE
- 3. **ROLL CALL**
- 4. **APPROVAL OF MINUTES**
- MIN 11-0010 4.-1 City Council Workshop Minutes for September 1, 2011

Sponsors: Cross

Moved by Councilmember Hovland, seconded by Councilmember Bourke, that the Minutes be Approved. The Motion was adopted unanimously.

Aye: 7 - Mayor Ryan, Councilmember Hovland, Councilmember Swanson, Councilmember Clark, Councilmember Bourke, Councilmember Kolb and Councilmember Herbst

4.-2 MIN 11-0011 City Council Minutes for September 1, 2011

> Sponsors: Cross

Moved by Councilmember Hovland, seconded by Councilmember Bourke, that the Minutes be Approved. The Motion was adopted unanimously.

5. **AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS**

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5.-1 RES 11-0126

Proclaiming Friday, September 16, 2011 Honor the Heroes - Patriot Day

Sponsors: City Council

The Mayor read the proclamation proclaiming Friday, September 16, 2011 to be Honor the Heroes - Patriot Day in the City of Blaine. He indicated the celebration will take place on Friday at Spring Lake Park High School.

Informational: no action required

5.-2 RES 11-0131

Proclaiming September 17 -23, 2011 Constitution Week

Sponsors: City Council

The Mayor read the proclamation proclaiming September 17 -23, 2011 to be Constitution week in the City of Blaine. Ms. Sandra Conner on behalf of the Anoka Chapter of the Daughters of the American Revolution of Blaine accepted the Proclamation. She gave an overview of the Daughters of the American Revolution organization.

Informational: no action required

5.-3

Legislative Delegation - Senator Pam Wolf, Representative Roger Chamberlain, Representative Linda Runbeck

The City of Blaine's legislative delegation was in attendance. Senator Pam Wolf gave a brief update. She had 4 updates/highlights for cities that came out of the last legislative session.

- 1. Local Government Aid (LGA) was put at 2010 levels and frozen permanently.
- 2. Tthe change in Market Value Credit to a Market Value Exclusion
- The change to variances allowing cities to have more control in variances they can give.
- 4. For rural cities, the ability to buy or sell used public safety equipment.

Representative Runbeck - gave an update from the legislative session. She stated the biggest tax chamge was the Market Value Homestead Credit. She stated that how it impacts properties depends on how you respond to it. Every city previously had varied treatment, and no one had really gotten a full reimbursement for the past 2-3 years. Other areas in tax bill that changed were: extended special provisions allowing cities to use TIF funds for jobs creation, there was a change to the renters refund, and a provision accelerating disaster credits. She indicated she would appreciate any feedback from the Council or residents.

Senator Chamberlain indicated no one was completely happy with the outcome of the last legislative session, but in the end we are trying to drive reform, and how government works. He stated that legislators are willing to listen, but can't always guarantee results. There is much more to do to make government more efficient and effective.

Mayor Ryan thanked the legislators for coming to the meeting. He stated that it would be good to review the property tax rebate program. Senator Chamberlain responded that there was a committee that was formed to study property tax reform.

Mayor Ryan stated that Blaine will be working with North Metro Mayors Association and businesses to get our issues addressed.

Senator Chamberlain responded that change starts with the cities, and states. You need to push together to accomplish something collectively.

Councilmember Herbst indicated there are always more mandates from the state or federal government and they are job killers. They become overburdensome. He stated he would like the legislators to stay on top of that for us.

Councilmember Clark stated that the change to MVHC was a \$3.2 million decrease for Blaine. To keep our tax dollars the same, we would have to raise our tax rate by 3 points just to stay the same. When property values increase people's tax burden will keep increasing. Please don't just stop the mandates undue them.

Representative Runbeck responded that the numbers she has show \$1 million change for the City of Blaine. Runbeck would like to talk at a later date to clarify some of these issues.

Finance Director Huss stated that the amount of tax that was reduced from the exclusion was \$3.2 million less in the tax base.

Representative Runbeck stated the City needed to cut spending. Councilmembe Clark indicated that last year the City saw a 10% market value loss. Mayor Ryan commented that it will be confusing to explain to people at the Truth in Taxation meetings this year.

Councilmember Kolb stated that Blaine is fiscally responsible and that the Council has cutback and does not "backfill". She stated that Blaine is a unique city in Anoka County in that Blaine still sees growth. Mayor Ryan stated that Blaine had over 350 new homes built this year.

Representative Runbeck stated she would make an appointment with staff.

Informational: no action required

6. COMMUNICATIONS

Mayor said we have a traffic issue on 120th Lane, 117th, and 119th due to the construction/closure on County Road. Police have had a speed trailer there, and they have been monitoring it. Hopefully it will slow down when the road opens in October sometime. City Manager Arneson stated that law enforcement is monitoring the road.

Councilmember Kolb was concerned that the truck traffic on 117th is going to take 5 years off that road. City Manager Arneson responded that the City has been doing extra traffic enforcement there and it indicates the volume of traffic is up but the speeds aren't. Councilmember Swanson asked if there are weight limits on 117th. Public Services Manager Therres responded that 117th is a collector road and is built to handle the trucks.

Mayor Ryan announced that this Saturday is World Fest from 1-5 p.m.

7. OPEN FORUM FOR CITIZEN INPUT

8. ADOPTION OF AGENDA

City Manager Arneson stated that there was someone here from Springsted Inc., and asked Council to move items 12.1A, B, C and 12.2 up on the agenda.

Items 12.-1A, 12.-1B and 12.-1C are related

12.-1A RES 11-0128

Approving Supplement to Joint Powers Agreement for the Provision of Fire Protection Services with the cities of Mounds View and Spring Lake Park

Sponsors: Huss

Finance Director Huss presented item 12.1A and the next 3 items stating that they were all related to the bond issue before Council tonight. The first item is the Joint Powers Agreement. Pursuant to the existing JPA, in order to issue bonds or other debt instruments, a supplement to the JPA, approved by all members and specifying each of the joint power member cities' obligations to the particular debt issue, is required. Thus, a Supplement to the Joint Powers Agreement has been prepared by Blaine's bond counsel for approval.

Councilmember Hovland asked the Mayor for extra time to find the item. Councilmember Clark explained we moved to a new agenda software system and this was the first time council had used it.

Councilmember Kolb indicated she pulled up the agenda on her ipad and it worked really well.

Councilmember Bourke stated that the picture you showed us of a truck was not the truck we saw tonight. He stated that the chassis was custom built and he is concerned about replacement costs.

Fire Chief Zikmund responded that the goal was to reduce the price of the trucks overall. The truck you saw was not representative of what we're going to buy, but the price is.

Finance Director Huss stated that this item was a supplement to issue the bonds, not the equipment specifications.

Moved by Councilmember Herbst, seconded by Mayor Ryan, that this Resolution be Adopted. The Motion was adopted unanimously.

12.-1B <u>RES 11-0129</u>

APPROVING JOINT POWERS AGREEMENT WITH HOUSTON GALVESTON AREA COUNCIL (HGAC) PURCHASING COOPERATIVE

Sponsors: Huss

Attachments: HGAC Interlocal COOP Purchasin Form.pdf

Finance Director Huss presented the item. He stated that SBM staff has researched sources for the purchase of fire vehicles and found that the prices negotiated by Houston Galveston Area Council (HGAC) were the most favorable. This is consistent with state statute that allows cities to purchase from a cooperative as long as they are part of a joint powers agreement.

Councilmember Clark asked about the provision in the agreement on pg. 2 article 11, and what the state of purchase would be?

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Finance Director Huss stated it would be the state of the vendor and there are still 3 potential vendors. City Attorney Sweeney stated It would be wherever the manufacturer is located.

Councilmember Bourke aske if three trucks will come from three vendors. Fire Chief Zikmund responded that the three trucks would be from one vendor.

Councilmember Clark asked if Council will see the actual purchase agreement. City Manager Arneson stated that Council can approve the specifications and purchase order if they want. He suggested that Council approve the contract.

Councilmember Clark confirmed that the contract will come back to council.

Moved by Councilmember Bourke, seconded by Councilmember Swanson, that this Resolution be Adopted. The Motion was adopted unanimously.

12.-1C RES 11-0130

Authorizing the sale of \$1,555,000 General Obligation Equipment Certificates of Indebtedness, Series 2011B

Sponsors: Huss

Mayor Ryan indicated that the purchase is for 5 vehicles.

Councilmember Bourke asked about the Chief's vehicle. Fire Chief Zikmund responded that it is a request for a replacement vehicle such as a Tahoe or similar vehicle.

Finance Director Huss presented item. He stated that this sets the sale (borrowing mechanism) that we use to purchase the equipment. He stated it is the general obligation of all three cities (SBM) and the repayment is at the rate that is in effect in the year in which the payment is made.

Moved by Councilmember Hovland, seconded by Councilmember Swanson, that this Resolution be Adopted. The Motion was adopted unanimously.

12.-2 RES 11-0124

Providing for the Competitive Negotiated Sale of General Obligation Improvement Bonds, Series 2011A, in the Amount of \$2,560,000

Sponsors: Huss

Finance Director Huss presented the item. He stated that this sets the sale of general obligation improvement bonds that is part of the Pavement Management Program. It is for some work that has already been done in 2011 and overlay work that will be done in 2012. This action sets the sale of bonds for October 20, 2011. The recomendation comes the City's fiscal consultant from Springsted, Inc. - Terri Heaton is available for questions.

Councilmember Herbst asked what the rates will be. Terri Heaton responded that the estimate for 10 year bonds is 2% which is some of the lowest rates she has seen, and the equipment certificates interest rate for a 5 year certificate is 1.4%

Councilmember Herbst asked about Blaine's debt service. Finance Director Huss responded that the city would have to levy annually about \$150,000 for the General improvement bonds to support that payment, and the actual payment on the bonds is

between \$335,000 and \$340,000 annually. For the equipment certificate the annual debt service is about \$335,000. Blaine's share of that is about \$250,000.

Councilmember Herbst asked if the City would have some savings. Finance Director Huss indicated that we set our preliminary levy for debt service at amounts a little more than what the recommendation came in at which would allow us to reduce that preliminary levy dependent on the market.

Moved by Councilmember Herbst, seconded by Councilmember Swanson, that this Resolution be Adopted. The Motion was adopted unanimously.

9. 8:00 P.M. - PUBLIC HEARING AND ITEMS SET FOR A CERTAIN TIME

9.-1 <u>MO 11-0017</u>

Conduct Public Hearing for a private On-Sale Wine License for KMP Enterprises LLC, dba Carbone's Pizza Blaine, #220, Blaine, Minnesota.

Sponsors: Cross

Attachments: Public Hearing Notice

Mayor Ryan opened the public hearing at 8:37 p.m.

Mayor Ryan closed the public hearing at 8:39 p.m.

Moved by Councilmember Herbst, seconded by Councilmember Bourke, that this Motion be Approved. The Motion was adopted unanimously.

10. APPROVAL OF CONSENT AGENDA:

Approval of the Consent Agenda

Moved by Councilmember Bourke, seconded by Councilmember Kolb that the following items be Approved by Consent Vote. Motion adopted unanimously.

10.-1 MO 11-0018 Schedule of Bills Paid for 9-15-11

Sponsors: Huss

Attachments: Schedule of Bills Paid

Approved unanimously by Consent Vote.

10.-2 MO 11-0020 Approve a Tobacco and Tobacco Products License for

Neighborhood Dollar plus Grocery, 10835 University Avenue NE,

Blaine.

Sponsors: Cross

Approved unanimously by Consent Vote.

The following item is related to item 9.-1 under Public Hearing

10.-3 MO 11-0019

Approve an On-Sale 3.2 Percent Malt Beverage License for Carbone's Pizza Blaine, 10950 Club West Parkway, #220, Blaine, Minnesota.

Sponsors: Cross

Approved unanimously by Consent Vote.

10.-4 RES 11-0125

Approve Temporary Road Closure of Town Square Drive NE for Blaine World Fest

Sponsors: Park and Recreation Director Kappelhoff

Attachments: Map of Road Closure

Adopted unanimously by Consent Vote.

10.-5 ORD 11-2234

Chapter 192, Vacation of Drainage and Utility Easement for Lot 3, Block 2, the Sanctuary 5th Addition, Vacation No. V11-03

Sponsors: Keely

Attachments: location map.Vac.Sanctuary 5th

Approved unanimously by Consent Vote.

11. DEVELOPMENT BUSINESS

12. ADMINISTRATION

12.-3 RES 11-0115

Initiate Project and Order Preparation of Feasibility Report for the 2012 Bituminous Overlay, Improvement Project No. 12-01

Sponsors: Keely

Attachments: Location Map

City Engineer Keely stated at the Workshop on August 18, 2011 staff brought forward a list of potential projects for the 2012 PMP program, these are the 4 items that are in a row on the agenda. This bituminous overlay project was what we pulled out of the PMP program for 2011 and we'd like to put it back into the program for 2012. These streets have been rated and identified as needing an overlay. All the streets are over 20 years old and haven't previously had an overlay. The preliminary cost estimate is \$430,000 funded through a combination of the PMP and assessments.

Mayor Ryan asked when the assessment can be paid. City Engineer Keely responded residents can pay 30 days after assesment without paying interest. She indicated the options were laid out prior to the public hearing as well as in a letter that went out to residents.

Moved by Councilmember Swanson, seconded by Councilmember Herbst, that

this Resolution be Adopted. The Motion was adopted unanimously.

12.-4 RES 11-0116

INITIATE PROJECT AND PRDER PREPARATION OF FEASIBILITY REPORT FOR THE RECONSTRUCTION OF DAVENPORT STREET NE FROM 99TH LANE NE TO 105TH AVENUE NE, IMPROVEMENT PROJECT NO.

11-11

Sponsors: Keely

Attachments: MSAS Loc Map

City Engineer Keely stated staff annually reviews the City's Municipal State Aid Routes. Staff is recommending 2 projects that have reached or surpassed their 20 year life-cycle for part of the 2012 Pavement Management Program. One of those projects is the partial reconstruction of Davenport Street. The preliminary estimate is approximately \$760,000. The project would be funded by utilizing the available funds in the MSAS account along with assessments. The benefitting properties would be assessed at 50%.

Mayor Ryan asked if the Ctiy has done an inspection of the foundation of the road. City Engineer Keely responded the City will do a soil boring to inspect the foundation.

Moved by Councilmember Swanson, seconded by Councilmember Clark, that this Resolution be Adopted. The Motion was adopted unanimously.

12.-5 **RES 11-0117**

Initiate Project and Order Preparation of Feasibility Report for the Reconstruction of Oak Park Boulevard NE/119th Avenue NE from Jefferson Street NE to 125th Avenue NE, Improvement Project No. 11-12

Sponsors: Keely

Attachments: MSAS Loc Map

City Engineer Keely stated that staff has reviewed several eligible state aid streets that have reached or surpassed their 20-year life cycle and are in poor to very poor condition. Staff is recommending for 2012 the partial reconstruction of Oak Park Boulevard NE/119th Avenue NE from Jefferson Street NE to 125th Avenue NE. The preliminary estimate to rehabilitate Oak Park Boulevard NE/119th Avenue NE is approximately \$1,140,000. The proposed project would be funded by utilizing the available funds in the MSAS account along with assessments to benefitting properties. The benefitting residential properties under the current assessment policy would be assessed 25% of the actual costs of a residential street.

Councilmember Herbst asked about the assessment cost to the residents. City Engineer Keely responded that the cost will depend on the actual cost.

Moved by Councilmember Bourke, seconded by Councilmember Kolb, that this Resolution be Adopted. The Motion was adopted unanimously.

12.-6 RES 11-0118

Initiate Project and Order Preparation of Feasibility Report for the 93rd Lane NE Industrial Park Area Street Improvements,

Improvement Project No. 11-16

Sponsors: Keely

Attachments: Location Map

City Engineer Keely stated that in the 2012 PMP this is the first non Municipal State Aid project proposed for partial reconstruction. The streets are located in the industrial park area generally bounded by 93rd Lane and Baltimore Street as shown on the enclosed map. These streets have been rated and identified as needing reconstruction. In addition, many of the ditches and culverts along the streets have collected sediment over the years and do not function correctly, resulting in standing water and drainage problems. The project will reconstruct the roads and regrade the ditches and repair or replace culverts where needed.

The PMP capital improvement plan fund does not have the capability to fund the reconstruction of the entire 93rd Lane industrial park area in one year. Therefore it is proposed to complete the reconstruction of the streets in this area in phases, with the first phase to be constructed in 2012.

The preliminary funding available for the first phase of the project is roughly \$600,000, to be funded through a combination of assessments to benefitting properties and the PMP capital improvement plan funds. Streets to be reconstructed in 2012 will be indentified and brought forward in the Feasibility Report.

City Engineer Keely stated that there was a correction that needed to be made to the item. The item stated that "If approved, Resolution No. 11-0118 initiates the proposed 2012 Bituminous Overlay project and orders preparation of a feasibility report." She stated that this Resolutionshould read "If approved, Resolution No. 11-0118 initiates the proposed 93rd Lane NE Industrial Park Area Street Improvement Project and orders preparation of a feasibility report."

Moved by Councilmember Swanson, seconded by Mayor Ryan, that this Resolution be Adopted. The Motion was adopted unanimously.

12.-7 <u>MO 11-0015</u>

Authorize City Manager to Contract with Carlson McCain in a Not-to-Exceed Amount of \$14,390.00 for Topographic Surveying Services for the 93rd Lane NE Industrial Park Area Street Improvements in Accordance with Proposal dated August 31, 2011, Improvement Project No. 11-16

Sponsors: Keely

Attachments: 93rd Ln Industrial Park Survey Proposal

City Engineer Keely stated that this item is attached to the previous item, and it is for the topographic survey for the entire 93rd Avenue area. Quotes were received from three companies, and Carslon-McCain was the lowest bid of \$14,390. Staff recommends we enter into a contract with Carlson-McCain in a not-to-exceed amount of \$14,390.00. The topographic surveying services would be funded through a combination of assessments and the PMP Capital Improvement Plan funds.

Mayor Ryan asked if this was the first time the City had worked with Carlson-McCain. Ctiy Engineer Keely stated that they are currently doing some work for the City.

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Moved by Councilmember Herbst, seconded by Councilmember Kolb, that this Motion be Approved. The Motion was adopted unanimously.

12.-8 RES 11-0119

Approve Joint Powers Agreement with the City of Lexington for the Reconstruction of Hamline Avenue NE from Edgewood Road NE to Patriot Lane NE, Improvement Project No. 10-13

Sponsors: Keely

Attachments: location map

HamilineJPA Blaine-Lexington Final

City Engineer Keely stated that Hamline Avenue has exceeded its service life and has deteriorated to a point where it is becoming difficult to maintain and now requires a complete reconstruction. Since the street lies within the corporate boundaries of both the City of Lexington and the City of Blaine, staff has been working with the City of Lexington on a Joint Powers Agreement (JPA) to lay out the framework for an agreement to reconstruct Hamline Avenue in 2012 from Edgewood Road NE to Patriot Lane NE. All costs for the project will be split between Blaine and Lexington based on each City's percentage of front footage along the project. The City of Lexington will administer the project because they have all the residential driveways and Blaine has commercial/industrial.

Blaine staff will be included in determining the general scope and design parameters of the project and will inspect the construction as necessary to ensure the project meets the City's standards. Both Cities shall approve the final design prior to bidding of the project.

Moved by Councilmember Swanson, seconded by Councilmember Bourke, that this Resolution be Adopted. The Motion was adopted unanimously.

12.-11 MO 11-0021

12.-9 <u>MO 11-0016</u>

Authorize City Manager to Enter Into Contract with Stepaniak Construction in a Not-to-Exceed Amount of \$12,619.00 for Construction 101st NE Services for the Avenue Culvert Replacement in Accordance with Quote dated August 31, 2011, Improvement Project No. 11-14

Sponsors: Keely

Attachments: Location Map

City Engineer Keely stated there is an existing corrugated metal culvert which is failing under 101st Avenue at the western edge of the Waste Management property and driveway to Northern Asphalt. The failure of the culvert is causing water to back up onto parts of the Waste Management parking lot.

The Engineering Department received four quotes with Stepaniak Construction being the lowest at @12,619.00. Council is being asked to approve a 10% contingency to bring the total project budget to \$13,881.00. The project will be funded by the Storm Water Utility Fund.

Mayor Ryan asked if the lot north of the culvert is owned by the City. City Engineer Keely responded the lot is owned by Northern Asphalt.

Moved by Councilmember Bourke, seconded by Councilmember Kolb, that this Motion be Approved. The Motion was adopted unanimously.

12.-10 <u>RES 11-0127</u>

Approve Parking Restrictions on the North Side of 99th Avenue NE from 3rd Street NE to University Avenue NE (NP11-02)

Sponsors: Keely

Attachments: no parking 99th ave

City Engineer Keely reported that University Avenue Elementary school is requesting the Council restrict parking on 99th AVenue during school hours of 8:00 a.m. to 4:30 p.m. Monday through Friday.

Moved by Councilmember Kolb, seconded by Councilmember Bourke, that this Resolution be Adopted. The Motion was adopted unanimously.

MO 11-0021

City Manager Arneson stated the Council is being asked to approve the terms of a settlement agreement and allow the Mayor and City Manager to execute an agreement on behalf of the City. The City had previously sued Lexon Bonding C ompany on five performance bonds related to the Gardenwood development and posted to the City of Blaine. The project went into bankruptcy and the improvements never took place. In Federal mediation, a settlement agreement was reached for \$800,000. The bonding company will pay the City of Blaine within fifteen days of execution of the agreement. There is also a non-disparagement clause. No liens placed on the property and this settles all material claims. The next step is for staff and Woodland and Village Bank to reinvest the dollars into the project.

Mayor Ryan asked if the Council approval will trigger the start of the fifteen days. City Manager Arneson responded the bonding company will pay within fifteen days once the agreement is formally signed by all parties.

Councilmember Clark moved that council approve the material terms of the agreement, seconded by Councilmember Bourke.

City Attorney Sweeney stated an additional term was that the bonding company will not sue Village Bank or Woodland Development.

Moved by Councilmember Clark, seconded by Councilmember Bourke, that this Motion be Approved. The Motion was adopted unanimously.

13. OTHER BUSINESS

Councilmember Hovland asked about Rice Creek Watershed District meeting today. City Manager Arneson stated the City met with the Rice Creek Watershed District today on the maintenance of the ditch. He stated the maintenance of the ditch will be increased. Although, Rice Creek Watershed District does not have enough money to cover all of the ditch system. JD1 is on the list for next year.

Councilmember Hovland asked who is responsible for the maintenance of the culverts. He stated one entity should manage the maintenance. City Manager Arneson stated the ditch laws are old and need to be updated. Whoever owns the road is responsible for the culvert. Councilmember Hovland asked if it can be controlled by Anoka County. City Manager Arneson responded this is Rice Creek

Watershed District's interpretation of how the law reads.

Councilmember Herbst stated the stormwater people need to be involved in the culvert maintenance. City Manager Arneson responded he will discuss the culvert issue with staff and bring it back to the Council. Rice Creek Watershed District will, under the current plan, do hot spot maintenance.

Councilmember Hovland stated if Blaine does the maintenance will Rice Creek Watershed District reimburse the City. Mayor Ryan stated the City has never been reimbursed for culvert work done. Councilmember Herbst stated there is a watershed levy for the Rice Creek Watershed District and Coon Creek Watershed District being assessed.

Mayor Ryan stated the application is in to the State of Minnesota in becoming a Yellow Ribbon City. Mayor Ryan thanked Executive Assistant Rebecca Olson for her work on completing the application.

14. ADJOURNMENT

The Meeting adjourned at 9:16 p.m.

Moved by Councilmember Herbst, seconded by Councilmember Bourke, that this meeting be Adjourned. The Motion was adopted unanimously.

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