

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

10801 Town Square Drive Blaine MN 55449

Thursday, December 18, 2014

7:30 PM

Council Chambers

Meeting Number 14-71

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

The meeting was called to order at 7:45 p.m. by Mayor Ryan followed by the Pledge of Allegiance and the Roll Call.

2. PLEDGE OF ALLEGIANCE

ROLL CALL 3.

Quorum present.

ALSO PRESENT: Bryan Schafer, Planning and Community Development Director; Bob Therres, Public Services Manager; Joe Huss, Finance Director; Ward Brown, Financial Analyst; Jean Keely, City Engineer; Terry Dussault, Human Resources Director; Chris Olson, Police Chief/Safety Services Manager; Nyle Zikmund, SBM Fire Chief; Roark Haver, Communications Technician; Roark Haver, Communications Technician; Jason Sundeen, Senior Engineering Technician; Catherine Sorensen, City Clerk; and Recording Secretary Linda Dahlquist.

Present: 7 - Tom Ryan, Councilmember Swanson, Councilmember Bourke,

Councilmember Kolb, Councilmember Herbst, Councilmember Clark and Councilmember Hovland

APPROVAL OF MINUTES 4.

4.-1 MIN 14-40

CLOSED WORKSHOP - 02/06/14
COUNCIL RETREAT - 03/13/14
CLOSED WORKSHOP MEETING - 10/02/14
CANVASS MEETING - 11/13/2014
WORKSHOP MEETING - 11/20/2014
CLOSED WORKSHOP MEETING - 11/20/14
REGULAR MEETING - 11/20/2014
WORKSHOP MEETING - 12/04/14
REGULAR MEETING - 12/04/14

Approved

Aye: 2 - Mayor Ryan and Councilmember Swanson

Abstain: 5 - Councilmember Hovland, Councilmember Bourke, Councilmember Clark,

Councilmember Kolb and Councilmember Herbst

5. AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS

None.

6. COMMUNICATIONS

Mayor Ryan welcomed Wings Credit Union to the City of Blaine.

7. OPEN FORUM FOR CITIZEN INPUT

Mayor Ryan opened the Open Forum at 7:41 p.m.

There being no input, Mayor Ryan closed the Open Forum at 7:41 p.m.

8. ADOPTION OF AGENDA

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

Moved on the agenda to follow agenda item 11.4.

10. APPROVAL OF CONSENT AGENDA:

Councilmember Herbst removed agenda item 10.1

Councilmember Kolb removed agenda items 10.5 and 10.6.

Councilmember Hovland removed agenda item 10.8.

Approval of the Consent Agenda

Adopted the Consent Agenda

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

10.-2 MO 14-164

APPROVE 2015 ANNUAL LICENSE RENEWALS

Approved

10.-3 MO 14-165

APPROVE THE 2015 PAWNBROKER/SECONDHAND GOODS DEALER LICENSE RENEWAL

Approved

Aye: 7 -

Mayor Ryan, Councilmember Hovland, Councilmember Swanson, Councilmember Bourke, Councilmember Clark, Councilmember Kolb and Councilmember Herbst

10.-4 MO 14-166

APPROVE 2015 TOBACCO AND TOBACCO PRODUCTS LICENSE RENEWALS

Approved

Mayor Ryan, Councilmember Hovland, Councilmember Swanson, Councilmember Bourke, Councilmember Clark, Councilmember Kolb and Councilmember Herbst

10.-7 MO 14-169

APPROVE A TOBACCO AND TOBACCO PRODUCTS LICENSE FOR DRIPCO.,LLC, 1517 94TH LANE NE, BLAINE.

Approved

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

10.-9 MO 14-170

APPROVAL OF CLASSIFICATION AND SALE OF TAX FORFEIT PROPERTIES WITHIN THE CITY OF BLAINE

Approved

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

10.-1 MO 14-163

SCHEDULE OF BILLS PAID

Councilmember Herbst asked about the two payments made to Critical Connections. Planning and Community Development Director Schafer replied the payments are for the wetland bank, which is a five-year contract. He noted the City has 50 certified wetland credits.

Approved

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

10.-5 MO 14-167

APPROVE THERAPEUTIC MASSAGE ENTERPRISE LICENSE AND MASSAGE THERAPIST LICENSE FOR **D-MASTER OF MASSAGE & HEALING, 784 COUNTY ROAD 10 NE**

Councilmember Kolb commented she would like the Council to have a Workshop to discuss the amount of massage businesses in the City. Council consensus on a future Workshop to discuss message businesses.

Approved

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

10.-6 MO 14-168

APPROVE THERAPEUTIC MASSAGE ENTERPRISE LICENSE AND MASSAGE THERAPIST LICENSE FOR NEW MOON BODYWORK & MASSAGE LLC, 11901 HWY 65 NE, BLAINE

Approved

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

10.-8 RES 14-237

APPROVE FIRE PROTECTION COUNCIL JOINT POWERS AGREEMENT

Councilmember Hovland requested an overview of the Fire Protection Council Joint Powers Agreement.

SBM Fire Chief Zikmund stated there are 22 communities that are coming together on the Fire Protection Council. He stated the Council has two countywide teams, a revenue generating training academy, and joint purchasing power. He noted SBM is the fiscal agent.

Adopted

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

11. DEVELOPMENT BUSINESS

The following four items are related:

11.-1 RES 14-238

GRANTING A COMPREHENSIVE LAND USE AMENDMENT FROM LDR, MDR, HDR, CC, AND PI/PC TO LDR, MDR, HDR, PC AND HDR/PC FOR THE PARKSIDE NORTH DEVELOPMENT AT 125TH AVENUE/LEXINGTON AVENUE NE. PAXMAR. (CASE FILE NO. 14-0034/SLK)

Councilmember Herbst stated he will be abstaining from voting on agenda items 11.1, 11.2, 11.3 and 11.4 due to a possible conflict of interest with the location of the development, which is located down the road where he resides. He noted that infrastructure and services will be installed by the developer.

Planning and Community Development Director Schafer stated the property is comprised of several 20-40 acre parcels at the southeast corner of 125th Avenue and Lexington Avenue equaling 137 acres that was formally known as Finn Farm. He stated the current owner Paxmar purchased the land and began planning development in 2013. He stated the proposed project has a mix land use that is consistent with the adopted land use with minor amendments and will be developed in phases. He noted that the plan is contingent upon the Met Council's approval.

Councilmember Herbst left the meeting at 7:57 p.m. and returned at 7:59 p.m.

Councilmember Kolb asked if utilities could be brought to the existing residents north of Main street. Planning and Community Development Director Schafer replied yes, the City has the right-of-way.

Don Jensen, DJM Planning Consultant representing Paxmar, stated Paxmar has been planning this development for 16 months. He noted that the grading needs to be completed before pipe can be brought to the north. He noted right-of-way at Lever is in the future plan. He stated shared costs and timing is important to the developer. He noted that the market is currently soft.

Mayor Ryan confirmed that the grading would cost \$1.7 million and the utilities \$1.2 million. Mr. Jensen stated there are not warrants for a signal at Lever and it is too expensive to pave the street before absorption. He noted that the corridors will be there to bring the utilities in at the right time.

Councilmember Bourke questioned if the final plat will include all accesses. Mr. Jensen replied the access points are set for Lexington and the wetlands are being incorporated. Planning and Community Development Director Schafer stated staff is working with Paxmar as they move into the watershed stage.

Councilmember Swanson stated he wants the road installed. He asked for the number of planned outlets for the park. Planning and Community

Development Director Schafer replied the park has four access points.

Mayor Ryan asked if Paxmar paid the \$1.2 million for the road now could they afford it. Mr. Jensen replied Paxmar would be upside down in funding and it could hurt the project.

Councilmember Clark asked for a left turn from Lexington into the park. Planning and Community Development Director Schafer replied the County will not allow it due to it is a seasonal facility.

Councilmember Clark asked if phase I is complete and Phase II is delayed, can the utilities still be brought to 125th. Planning and Community Development Director Schafer replied yes, the right-of-way will be on the final plat.

Councilmember Bourke requested staff to develop a plan to install sewer and water to Lever Street. He requested a Workshop on the topic.

City Manager Arneson commented the final plat is expected by February 2015.

Councilmember Kolb asked about Met Council's involvement. Planning and Community Development Director Schafer replied Met Council is involved due to the change in the land use.

Adopted

Aye: 6 - Mayor Ryan, Councilmember Hovland, Councilmember Swanson, Councilmember Bourke, Councilmember Clark and Councilmember Kolb

Abstain: 1 - Councilmember Herbst

11.-2 ORD 14-2301

SECOND READING

GRANTING A REZONING FROM FR (FARM RESIDENTIAL) AND B-1 (NEIGHBORHOOD BUSINESS) TO DF (DEVELOPMENT FLEX) AND PBD (PLANNED BUSINESS DISTRICT FOR PARKSIDE NORTH DEVELOPMENT AT 125TH AVENUE/LEXINGTON AVENUE NE. PAXMAR. (CASE FILE NO. 14-0034/SLK)

Planning and Community Development Director Schafer stated the commercial properties will be zoned PBD and the residential properties will be zoned DF.

Adopted

Aye: 6 - Mayor Ryan, Councilmember Hovland, Councilmember Swanson,
Councilmember Bourke, Councilmember Clark and Councilmember Kolb

Abstain: 1 - Councilmember Herbst

11.-3 RES 14-239

GRANTING PRELIMINARY PLAT APPROVAL TO SUBDIVIDE 137 ACRES INTO 170 SINGLE FAMILY LOTS, SEVEN (7) COMMERCIAL LOTS, ONE (1) MULTI-FAMILY (APARTMENT) LOT AND SEVERAL OUTLOTS FOR FUTURE DEVELOPMENT AND STORM PONDING TO BE KNOWN AS PARKSIDE NORTH ADDITION AT 125TH AVENUE/LEXINGTON AVENUE NE. PAXMAR. (CASE FILE NO. 14-0034/SLK)

Planning and Community Development Director Schafer stated this is the preliminary plat, which sets the framework for the future development. He noted the final plat is expected in February 2015.

Councilmember Swanson confirmed the road will be completed in the phase II. Planning and Community Development Director Schafer replied yes, the road is included in phase II. Mr. Jensen stated the project has timeframes for each process.

Councilmember Clark confirmed that phase II includes the completion of the road with utilities up to 125th.

Adopted

Aye: 6 - Mayor Ryan, Councilmember Hovland, Councilmember Swanson,
Councilmember Bourke, Councilmember Clark and Councilmember Kolb

Abstain: 1 - Councilmember Herbst

11.-4 RES 14-240

GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR CONSTRUCTION OF 170 SINGLE FAMILY HOMES IN A DF (DEVELOPMENT FLEX) ZONING DISTRICT FOR THE PARKSIDE NORTH DEVELOPMENT AT 125TH AVENUE/LEXINGTON AVENUE NE. PAXMAR. (CASE FILE NO. 14-0034/SLK)

Planning and Community Development Director Schafer stated the resolution sets the zoning standards for the 170 lots.

Adopted

Aye: 6 - Mayor Ryan, Councilmember Hovland, Councilmember Swanson,
Councilmember Bourke, Councilmember Clark and Councilmember Kolb

Abstain: 1 - Councilmember Herbst

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

9.-1 RES 14-235

ADOPTING 2015 TAX LEVY

Mayor Ryan opened the Public Hearing at 8:32 p.m.

Finance Director Huss gave an overview of the 2015 Proposed Budget and Tax Levy. He gave overviews on the Levy Parameters, How the City Determines Its Levy, Calculating Your City Tax Bill, Market Value Exclusion, and previous Tax Rates. He noted that the actual tax rate is 0.511% higher than the estimated rate. He stated staff reduced funding from the EDA and General Fund, and proposes the 2015 Tax Levy of 35.772%.

John Erar, 2543 Tournament Players Court S, stated he appreciates that the Council reduced the tax increase for 2015 by 1%. He noted that Council is cutting the proposed tax increase and not cutting expenses. He noted that the City will collect \$2.3 million dollars more than 2014. He suggested reducing spending.

Mayor Ryan asked Mr. Erar what specific service he would want cut. Mr. Erar replied the Council needs to cut expenses.

Mr. Erar commented the City had a 21% tax base increase from 2014. Councilmember Swanson noted staff reduced \$765,000 more after the Truth In Taxation meeting. Finance Director Huss clarified \$765,000 was reduced before the notifications were mailed to residents and \$490,000 was reduced after the Truth In Taxation meeting.

Councilmember Herbst commented the City has to provide services to the new growth residents. He noted the Council held the City's tax rate for years and for 2015 is reducing it. He stated the City does a good job of managing staff costs and noted that increases in pensions, insurance and wages are large factors in the budget.

Mayor Ryan stated the City had a 3.1% tax loss in 2011-12, 8.7% tax loss in 2012-13, 1.3% tax increase in 2013-14, and 17% increase for 2014-15. He noted that part of the 17% tax increase in 2014-15 that should have been a part of 2013-2014.

Mr. Erar suggested the City look at outsourcing, innovating and utilizing new technology to reduce costs, and consolidate services or cost share outside of the City. He commented the Council has raised taxes since 2012 and the rate is out of skew.

Councilmember Swanson asked when the State changed the market value exception. Finance Director Huss replied in 2012.

Councilmember Clark stated the City utilizes new technology and has processed improved.

Mayor Ryan closed the Public Hearing at 9:20 p.m.

City Manager Arneson summarized staff has removed \$250,000 from the Pavement Management Program, \$140,000 from the Economic Development Authority and \$100,000 from the General Fund.

Councilmember Herbst asked for the gross pay total dollar amount for the 3% increase for the non-union employees and suggested reducing the increase to 2.5%. City Manager Arneson commented the State has a pay equity law and suggested reducing the Business Continuity Plan by \$10,000.

Adopted As Amended

Aye: 5 - Councilmember Hovland, Councilmember Swanson, Councilmember Bourke, Councilmember Clark and Councilmember Herbst

Nay: 2 - Mayor Ryan and Councilmember Kolb

Adopted As Amended

Aye: 5 - Councilmember Hovland, Councilmember Swanson, Councilmember Bourke, Councilmember Clark and Councilmember Herbst

Nay: 2 - Mayor Ryan and Councilmember Kolb

9.-2 RES 14-236

ADOPTING THE 2015 GENERAL FUND BUDGET

Finance Director Huss stated the budget that was proposed at the Truth In Taxation hearing has been amended to reflect reductions. He gave an overview the proposed amended 2015 General Fund Budget. He noted the proposed budget is 4% higher than 2014.

Adopted

Aye: 5 - Councilmember Hovland, Councilmember Swanson, Councilmember Bourke, Councilmember Clark and Councilmember Herbst

Nay: 2 - Mayor Ryan and Councilmember Kolb

9.-3 ORD 14-2302

SECOND READING

AMENDING APPENDIX D - FEE SCHEDULE OF THE MUNICIPAL CODE OF THE CITY OF BLAINE

Mayor Ryan opened the Public Hearing at 9:41 p.m.

City Manager Arneson gave an overview of the proposed Fee Schedule.

Mayor Ryan closed the Public Hearing at 9:42 p.m. Introduced, Read, and Placed on File for Second Reading

DEVELOPMENT BUSINESS

The following five items are related:

11.-5 RES 14-241

RESOLUTION OF DENIAL FOR THE COMPREHENSIVE LAND USE AMENDMENT AND REZONING FOR THE EMBERWOOD PROJECT AT 126th AVENUE/CENTRAL AVENUE NE. KASON, INC. (CASE FILE NO. 14-0002)

(AI 11.5)

This resolution is no longer consistent with the applicant. Removed Prior to Meeting

11.-6 RES 14-225A

GRANTING A COMPREHENSIVE LAND USE AMENDMENT FOR A PORTION OF THE EMBERWOOD APARTMENT PROJECT FROM CC (COMMUNITY COMMERCIAL) TO HDR (HIGH DENSITY RESIDENTIAL) AT 126TH AVENUE/CENTRAL AVENUE NE. KASON, INC. (CASE FILE NO. 14-0002/LSJ)

Planning and Community Development Director Schafer stated the applicant is requesting approval of a comprehensive land use amendment, rezoning, preliminary plat and conditional use permit to allow Kason, Inc. to construct one building with 112 units that will be built in phases.

Mike Kaeding, Kason, Inc., gave an overview of the project's redesign that includes one apartment building and future development. He noted the interior amenities have a higher quality.

Planning and Community Development Director Schafer asked if the units will be smaller. Mr. Kaeding stated the units are the same size.

Mr. Kaeding stated the building would be completed in 3 phases.

Councilmember Kolb asked about the outside amenities. Mr. Kaeding replied the outside amenities will remain the same.

Councilmember Kolb requested staff include street signage on the new driveway.

Councilmember Herbst stated he supports the project.

Councilmember Bourke stated he supports the project.

Councilmember Swanson confirmed that the Park Dedication fees will be paid by phase. Planning and Community Development Director replied yes. **Adopted**

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

11.-7 ORD 14-2290

SECOND READING

GRANTING A REZONING FOR A PORTION OF THE EMBERWOOD APARTMENT PROJECT FROM B-2 (COMMUNITY COMMERCIAL) TO DF (DEVELOPMENT FLEX) AT 126th AVENUE/CENTRAL AVENUE NE. (CASE FILE NO. 14-0002/LSJ)

Adopted

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

11.-8 RES 14-226

GRANTING PRELIMINARY PLAT APPROVAL TO SUBDIVIDE 6.97 ACRES INTO THREE (3) LOTS TO BE KNOWN AS EMBERWOOD APARTMENTS ADDITION AT 126TH AVENUE/CENTRAL AVENUE NE. KASON, INC. (CASE FILE NO. 14-0002/LSJ)

(AI 11.8)

This resolution was withdrawn.

Removed Prior to Meeting

11.-9 RES 14-227

GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR CONSTRUCTION OF THREE (3) APARTMENT BUILDINGS WITH UP TO 147 UNITS AS PART OF A PHASED DEVELOPMENT IN THE DF (DEVELOPMENT FLEX) ZONING DISTRICT AND TO ALLOW SHARED ACCESSES BETWEEN LOTS AT 126TH AVENUE/CENTRAL AVENUE NE. KASON, INC. (CASE FILE NO. 14-0002/LSJ)

Adopted

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

12. ADMINISTRATION

12.-1 RES 14-242

ACCEPT BID FROM MUNICIPAL BUILDERS, INC. IN THE AMOUNT OF \$446,279.00 FOR LIFT STATION NOS. 8 & 12 IMPROVEMENT PROJECT NOS. 13-10 & 14-08

City Engineer Keely stated staff received three bids for Lift Station No. 8 and Lift Station No. 12 that were checked and tabulated, and determined that Municipal Builders, Inc. of Andover to be the lowest bidder. She noted that work on the Lift Station No. 13 will not be done until additional design discussions are held. She stated staff is also asking the Council to approve a 10% contingency. She noted the funding source for the project is the Sanitary Sewer Fund.

Councilmember Clark left the meeting at 10:02 p.m.

Adopted

Aye: 6 - Mayor Ryan, Councilmember Hovland, Councilmember Swanson, Councilmember Bourke, Councilmember Kolb and Councilmember Herbst

Abstain: 1 - Councilmember Clark

12.-2 RES 14-243

ACCEPT BID FROM MARK J. TRAUT WELLS, INC. IN THE AMOUNT OF \$268,108.50 FOR CONSTRUCTION OF WELL NO. 18

IMPROVEMENT PROJECT NO. 11-08

City Engineer Keely stated staff received one bid and is recommending Mark J. Traut Wells, Inc. of Waite Park to be the lowest bidder. She noted the funding source for the project is the Public Utility Fund.

Adopted

Aye: 6 - Mayor Ryan, Councilmember Hovland, Councilmember Swanson,
Councilmember Bourke, Councilmember Kolb and Councilmember Herbst

Abstain: 1 - Councilmember Clark

Councilmember Clark returned to the meeting at 10:05 p.m.

12.-3 RES 14-244

ADOPT 2015 CHARITABLE GAMBLING FUND BUDGET

Adopted As Amended

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

Mayor Ryan amended the Good Shepard Church award to \$7,500 and removed \$5,000 from Beyond the Yellow Ribbon. He noted that the City received contributions to be given to the Beyond the Yellow Ribbon so additional funds are not needed at this time.

Adopted As Amended

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

12.-4 RES 14-245

ADOPT 2015 SANITATION UTILITY FUND BUDGET

Finance Director Huss stated the budget includes a fee increase of \$0.75 cents per quarter.

Adopted

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

12.-5 MO 14-171

ADOPTING THE 2015-2019 CAPITAL IMPROVEMENT PLAN FOR PARK DEVELOPMENT FUNDS

Public Services Manager Therres gave an overview of the Park Development Fund projects.

Approved

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

12.-6 RES 14-246

APPROVING THE 2015 COMPENSATION PLAN

Human Resources Director Dussault stated the resolution provides for a mileage rate of \$0.56 per mile or the rate to be established by the IRS rate, 3.0% wage adjustment, and \$30 increase for monthly insurance allotment. Adopted

Mayor Ryan, Councilmember Hovland, Councilmember Swanson, Councilmember Bourke, Councilmember Clark, Councilmember Kolb and Councilmember Herbst

MO 14-173

RATIFICATION OF LOCAL 340 (POLICE SERGEANTS) **2014 - 2016 UNION CONTRACT**

Human Resources Director Dussault stated the Council held a Closed Workshop today to discuss the contract.

Approved

OTHER BUSINESS 13.

Mayor Ryan stated a reception will be held for Councilmember Kolb to celebrate her years of service on the City Council and to welcome Jason King on January 8, 2015, at 6:30 p.m. at City Hall.

Page 15

14. **ADJOURNMENT**

Adjourned

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