

JOURNAL OF COMMISSION PROCEEDINGS
September 1, 2020

Regular City Commission Meeting

Mayor Kelly presiding

CALL TO ORDER: 7:00 PM

Commission Chambers Room 206

PLEDGE OF ALLEGIANCE

ROLL CALL/STAFF INTRODUCTIONS: City Commission members present: Bob Kelly, Tracy Houck, Mary Sheehy Moe, Owen Robinson and Rick Tryon. City staff present: City Manager Greg Doyon and Deputy City Manager Chuck Anderson, City Clerk Lisa Kunz, Finance Director Melissa Kinzler, Park and Recreation Director Steve Herrig, Planning and Community Development Director Craig Raymond, Public Works Director Paul Skubinna, City Attorney Sara Sexe, and Police Captain John Schaffer.

Due to the COVID-19 health concerns, public participation is welcomed as follows:

- Attend in person. Refrain from attending in person if you are not feeling well. The City will require social distancing at the meeting, and may limit the number of persons in the Commission Chambers according to applicable health guidelines.
- Provide public comments via email. Comments may be sent via email before 12:00 PM on Tuesday, September 1, 2020, to: commission@greatfallsmt.net. Include the agenda item or agenda item number in the subject line, and include the name and address of the commenter. Written communication received by that time will be shared with the City Commission and appropriate City staff for consideration during the agenda item and before final vote on the matter; and will be so noted in the official record of the meeting.
- Call-in. The public may call in during specific public comment periods at [406-761-4786](tel:406-761-4786). All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to customary time limits. We ask for your patience in the event there are technical difficulties.

AGENDA APPROVAL: There were no proposed changes to the agenda by the City Manager. Commissioner Moe requested that Item 2 be pulled to allow for additional time to clarify the qualifications sufficiently and the appointment process. No one objected. The agenda was approved with Item 2 pulled for future consideration.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: None.

PETITIONS AND COMMUNICATIONS/NEIGHBORHOOD COUNCILS/BOARDS AND COMMISSIONS

1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Robinson reported that the Census Committee will be sending out additional literature to the rural schools.

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Commissioner Moe commented that an attendee at a Parking Advisory Commission meeting suggested that people pay greater attention to the handicap parking throughout the City, but particularly downtown.

2. **APPOINTMENT OF AN ALTERNATE MEMBER TO THE ETHICS COMMITTEE.**

Pulled.

3. **APPOINTMENT TO THE BUSINESS IMPROVEMENT DISTRICT (BID) BOARD OF TRUSTEES.**

Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission appoint Karen Reiff to the Business Improvement District Board of Trustees to the remainder of a four-year term through December 31, 2023.

Mayor Kelly commented that the BID Board did not make a formal recommendation for appointment. He pointed out that the other applicant, John Barnes, is the owner of Tracy's Diner downtown. He is also a business partner with current BID Board member Neal Dubois who also operates that same parcel.

Mayor Kelly asked if there were any comments from the public.

City resident **John Hubbard** called in to comment that holding executive sessions is not transparency in government.

Mayor Kelly asked if there was any discussion amongst the Commissioners.

Commissioner Tryon commented that Mr. Barnes would be an excellent addition to the BID. He inquired if there was a downside, or allow for undue influence on decisions of the Board, if there were two people representing the same parcel on the Board.

Joan Redeen, BID Community Director, responded that the issue could be a potential conflict of interest in the future because both of them represent the same parcel, and it could potentially cause a quorum issue. The Board felt that both applicants were extremely qualified.

Commissioner Robinson also noted that both applicants were equally qualified. He looked at the advantage of having more diversity on the Board.

There being no further discussion, Mayor Kelly called for the vote.

Motion carried 5-0.

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CITY MANAGER

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon welcomed Paul Skubinna in attendance for his first meeting as Public Works Director. Paul has worked for the City since 2015 as the Environmental Division Manager. He has a master's degree in geological engineering and is a professional certified credentialed engineer.

Manager Doyon updated the Commission on the following:

- Great Falls Fire Rescue was successful in securing an Assistance to Firefighters Grant in the amount of \$145,000.
- Interviews of one internal and three external candidates for the Fire Chief position will be conducted in the next few weeks.
- Due to the implementation of new utility billing software, on-line payments will not be available until the transition is complete. Citizens that used that service will need to enroll in the new software after receiving their first billing statement from the new system.
- The City submitted a formal Defense Community Infrastructure Program (DCIP) grant application for \$10 million dollars to the Department of Defense for a new recreation center and indoor pool complex. The final decision is pending by the Secretary of Defense by September 15th. If awarded and confirmed, the City will have a short turn-around time to accept it. At the next Commission meeting, he expects to ask the Commission to give him authority to sign for the acceptance of the grant.

The City has a couple of sites selected – one is within the City's control and in proximity to Malmstrom Air Force Base, and the second one he is working with the School District to do a land swap. In the event there is a requirement that the City have a site secured at the time of receiving the grant, which is within the month, there is another site that is suitable, but not as close to Malmstrom.

The Office of Economic Adjustment (OEA) advisor indicated that it would be okay for the City to issue a Request for Proposal (RFP) for architectural and engineering services to design the facility pending final approval and award. The RFP was issued on August 27th and is posted on the City's website. There has been national interest in submitting a proposal to provide those services.

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CONSENT AGENDA.

5. Minutes, August 18, 2020, City Commission Meeting.
6. Total Expenditures of \$4,041,147 for the period of August 4, 2020 through August 19, 2020, to include claims over \$5,000, in the amount of \$3,788,001.
7. Contracts List.
8. Grants List.
9. Approve the Montana Department of Administration 2020 9-1-1 Grant in the amount of \$160,456 to upgrade the Next Generation 911 System, Contract #MT9-1-1 Grant 2020-007 and authorize the City Manager to sign the contract.
10. Approve a Professional Services Agreement with Michael Baker International, Inc. in the amount of \$160,456 and authorize the City Manager to sign the agreement. (Includes Datamark Software as a Service Agreement (Saas) between Datamark, Michael Baker and the City of Great Falls.)
11. Approve the final payment for the Skyline Drive NW Improvements of \$25,630.27 to United Materials of Great Falls, Inc., and \$258.89 to the State Miscellaneous Tax Fund and authorize the City Manager to execute the necessary documents and to make the payments. **OF 1708**
12. Ratify the submission of the DCIP Grant application to OEA (Office of Economic Adjustment) for the amount of \$10,000,000 as a match for the new Aim High/Big Sky Recreation Facility.

Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission approve the Consent Agenda as presented.

Mayor Kelly asked if there were any comments from the public, or any discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

PUBLIC HEARINGS

13. **RESOLUTION 10366, AUTHORIZING THE EXPENDITURE OF FUNDS IN THE AMOUNT OF \$5,050 FROM THE WEST BANK URBAN RENEWAL TAX INCREMENT FINANCING DISTRICT TO THE GREAT FALLS BUSINESS IMPROVEMENT DISTRICT TO ASSIST IN THE FUNDING OF THE GREAT FALLS WAYFINDING PLAN.**

Planning and Community Development Director Craig Raymond reported that this item is consideration of an application for reimbursement for costs associated with the wayfinding project planning effort. Tax Increment Financing (TIF) is a mechanism that allows communities to use new tax dollars resulting from increasing taxable value for reinvestment within a defined geographic area in which they are derived for a period of 15 years, or up to 40 years if the

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incremental taxes were pledged to the repayment of a bond. The West Bank Urban Renewal Area is just one of five TIF districts within the City of Great Falls.

Many communities across the country, including those within Montana, have an inventory of wayfinding signs directing first-time visitors to key destinations. There is a clear connection between highlighting special features, facilities, amenities and expanded economic development through tourism. This plan will help lay the groundwork to realizing this long-standing goal.

The most recent documented expression of this goal is located in the Downtown Urban Renewal Plan. Planning and Community Development staff has been working with local community partners over the years to find and apply funding for the planning effort. Numerous grant requests have been submitted by either Planning and Community Development staff or by community partners. One successful grant of \$15,000, awarded by the Montana Main Street Program through the Montana Department of Commerce, was submitted by the Business Improvement District (BID). The City Commission also approved \$25,000 from the Downtown Urban Renewal TIF District towards the same effort. Other partners including the BID, Tourism Business Improvement District (TBID), Downtown Development Partnership (DDP), Great Falls Development Authority (GFDA) and the Great Falls Area Chamber of Commerce have all contributed towards achieving this worthwhile goal.

Mayor Kelly asked if the Commissioners had any questions of Director Raymond or a representative of applicant BID.

Commissioner Tryon commented that of the approximately \$60,000 for a wayfinding plan, about \$30,000 is from TIF funds. He noted that the local firm of Cushing Terrell was awarded the contract and inquired when the plan would be available for review.

Joan Redeen, Business Improvement District Community Director, 318 Central Avenue, explained that in order to seek a grant from the Montana Main Street Program the BID issued an RFP last Fall. On February 5, 2020, the BID was awarded a \$15,000 grant from the Montana Main Street Program to create this wayfinding plan for the City as a whole. On March 23, 2020, the BID signed a contract with Cushing Terrell for \$66,500. The BID has funding commitments to support this wayfinding plan from: Downtown TIF - \$25,000, Great Falls Montana Tourism (TBID) - \$6,500, Downtown Development Partnership - \$6,500, Business Improvement District - \$6,500, Great Falls Development Authority - \$1,000, Great Falls Area Chamber of Commerce - \$1,000, and the Downtown Great Falls Association - \$500, as well as \$500 in downtown gift certificates. The funding shortfall is \$5,050 and is the request before the Commission this evening for consideration. Due to the pandemic they are about a month behind schedule. She reported that they anticipate having a draft document within the next month that will be presented to the public and Commission for review. The goal is to have the plan adopted by the Commission so that they can move on to the next phase of implementation. For the implementation phase the BID will be seeking TIF funds from the Downtown and West Bank Districts. The BID is also working with Cascade County and Montana Department of Transportation for approval of the plan.

Commissioner Tryon inquired if the BID received invoices from Cushing Terrell.

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BID Community Director Redeen responded that the BID is being invoiced monthly, and Cushing Terrell has been paid a little over half the contract amount.

Mayor Kelly declared the public hearing open.

Appearing telephonically were:

Brett Doney, Great Falls Development Authority (GFDA), 405 3rd Street NW, Suite 203, commented that GFDA has been working on this project since they brought in a site selection company from Austin over a decade ago. A comment the site selection group made was “we can’t find our way around.” Even with modern technologies since then, wayfinding has been proven to be very important.

Kellie Pierce, Downtown Development Partnership and Downtown Great Falls Association, 318 Central Avenue, echoed Mr. Doney’s comments.

Shane Etzweiler, President/CEO of the Great Falls Area Chamber of Commerce, 100 1st Avenue North, commented that the Chamber is in favor of a wayfinding program. It’s been a great collaborative effort, and is something the City needs for visitors.

No one spoke in person or telephonically in opposition to Resolution 10366.

Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission adopt Resolution 10366, authorizing the expenditure of funds in the amount of \$5,050 from the West Bank Urban Renewal Tax Increment Financing District to the Great Falls Business Improvement District to assist in the funding of the Great Falls Wayfinding Plan.

Mayor Kelly asked if there was any discussion amongst the Commissioners.

Commissioner Houck commented that she was in favor of a wayfinding plan when she was a member of the Downtown Development Partnership six years ago. This blue print/plan will help the City navigate moving forward. She expressed appreciation to the involved entities for taking on this project that will benefit the entire City. A side bonus is community pride.

Motion carried 5-0.

14. **RESOLUTION 10363, REQUEST FROM METROPOLITAN, LLC TO USE DOWNTOWN URBAN RENEWAL DISTRICT TAX INCREMENT FINANCING (TIF) FUNDS FOR THE COST OF RECONSTRUCTING A PUBLIC SIDEWALK AND VAULT IN ASSOCIATION WITH A DOWNTON REDEVELOPMENT PROJECT; AS WELL AS CONSIDERATION OF ALTERNATIVE RRESOLUTION 10363, WHICH IS THE APPLICANT’S REQUEST TO FUND \$132,392 OF IMPROVEMENTS INCLUDING**

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**INTERIOR DEMOLITION AND FIRE PROTECTION WORK FOR THE BUILDING
ADDRESSED AS 313 AND 315 CENTRAL AVENUE.**

Planning and Community Development Director Craig Raymond reported that this item is consideration of an application for reimbursement for costs associated with the renovation of the Metropolitan Building along with infrastructure improvements.

This particular request has some unique challenges that were considered carefully. After reviewing the application, staff felt that some of the work that is requested to be reimbursed is not eligible under the current program, and may be questionable if allowed under state statute.

Director Raymond commented that he understands that the applicant and perhaps others disagree with this concern and desire to develop a more aggressive and liberal use of public funds. He has voiced a desire to dig deeper into this possibility and staff intends to do the research and propose a plan amendment to the City Commission in the future that addresses some of this public sentiment. However, until such time as a new plan and program is developed, staff stuck with the review criteria, guidance listed in the Urban Renewal Plan as it exists today, and the guidance staff has received from the City Commission historically.

This particular application is a request for reimbursement for public sidewalk and sidewalk subgrade work as well as other elements of the project including demolition, fire suppression system, ADA compliance and degraded interior finishes. Staff finds that the sidewalk and associated subgrade construction is wholly supportable and recommends to the City Commission that funding be approved. Adoption of Resolution 10363 supports this recommendation. However, if the City Commission finds that the entire application should be approved as requested in the application, staff prepared an Alternative Resolution 10363 as the means to approve the entire scope of work as requested.

Mayor Kelly asked if the Commissioners had any questions.

Mayor Kelly requested more detail pertaining to the vaults beneath the public sidewalk.

Director Raymond responded that it is a void beneath the public sidewalk. Applicant intends to fill the void with flowable fill.

Applicant **Keith Cron**, Metropolitan, LLC, 313-315 Central Avenue, concurred with Director Raymond, and added that vaults cause collapse issues and are a public hazard.

Mayor Kelly declared the public hearing open.

Speaking in support of Resolution 10363 were:

Joan Redeen, Business Improvement District, 318 Central Avenue, commented that the BID is in support of the entire application.

Appearing telephonically in support were:

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Kellie Pierce, Downtown Association, 318 Central Avenue, commented that the Association is in support of this Resolution and is contributing to downtown Great Falls as a whole.

Shane Etzweiler, President/CEO of the Great Falls Area Chamber of Commerce, 100 1st Avenue North, commented that the Chamber supports the TIF application for the full amount requested.

Brett Doney, Great Falls Development Authority, 405 3rd Street NW, Suite 203, commented that GFDA supports this project. He discussed legislative intent when Urban Renewal areas were created by the legislature in the 1970's. Montana Code Annotated sets forth that municipalities shall encourage private enterprise and afford maximum opportunity for the rehabilitation or redevelopment by private enterprise. He believes that Great Falls needs to be more aggressive in its use of tax increment financing so that it can make particularly small buildings more viable for redevelopment. There is a public safety interest in fire protection systems. It would be a much safer downtown if businesses had modern sprinklers and fire alarm systems in every building. No one can argue against the public benefit if buildings had greater handicap accessibility in the downtown area. He concluded that it is really a question before the City Commission – how much redevelopment does it want to see downtown. With regard to tax incentives, there are going to be projects that in order to work will need both funding from tax abatement and TIF. No one spoke in opposition to Resolution 10363.

Applicant **Keith Cron**, Metropolitan, LLC, 313-315 Central Avenue, reported that he and his wife moved back to Great Falls and want to be part of a growing community. The established Urban Renewal Downtown Plan does strategically allow the Commission to utilize public funding to grow and expand and allow business owners to take on risks and challenges. The statute and City ordinance states . . . To improve, clear or prepare for development any real or personal property. The building burnt down in 1915 and was redeveloped in 1934. What they are looking to do is effect change. He suggested that you can't do that without bringing points of old resolutions up to date and how you can view things up to par.

Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Moe moved, seconded by Commissioners Robinson and Tryon, that the City Commission approve Resolution 10363 to allow the use of up to \$25,440 in Downtown Urban Renewal District Tax Increment Financing Funds and approve the Development Agreement for sidewalk and vault infrastructure improvements along Central Avenue proposed by Metropolitan, LLC.

Mayor Kelly asked if there was any further discussion amongst the Commissioners.

Mayor Kelly noted that, traditionally, the City's history with TIF's has been somewhat conservative. But, they have been within the guardrails that have been set up by the legislature. The City has established criteria and that is what the Commission is looking at tonight. The application to expand the use of these funds for public safety in the sense of a fire suppression system or for ADA accessibility he thinks has merit. The Commission has challenged Director Raymond to talk to his peers around the state, get involved with the people that are dealing with these very issues, and report back. He commented that, by not making a motion to fund the whole

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package, the Commission has the intention of finding out if this would qualify in the future. It's the Commission's goal to look at and review the narrow bands that the Commission has put on the City over the years for TIF funding, and to see what added expenses that would be incurred. There is some administrative capacities the City may not have. The Commission is hearing what applicant and supporters have to say. The Commission wants downtown to be vibrant.

Commissioner Moe expressed appreciation to Applicant Cron for coming back to Great Falls and for taking on this project. The Commission wants to make sure when and if the City can fund the rest of the package, the Commission do it having thought through all of the implications of it.

Commissioner Houck commented that she finds it frustrating that the City was presented with an application and has the funds, but isn't sure if the project can be funded and doesn't have the infrastructure in place to give out the funds. Because the City doesn't have a mechanism in place to monitor and do all of the compliance and accounting that goes with it isn't fair either. She concluded that she will support this motion, but would have preferred to support the Alternative Resolution.

Commissioner Robinson commented that staff has reviewed applicant's request based on review criteria and guidance from the City's outside TIF legal counsel. It bothers him that the Commission would pass something that the City Attorney and outside legal counsel have advised against. He suggested that the City aggressively find out how other cities are utilizing TIF funds and to find out the rationale. The last thing he wants to happen is to have a problem in the legislature and suddenly the TIF program weakens. That is what could happen if legislators conclude that TIF funds are not being used in ways it was intended. Commissioner Robinson also explained the historical background of vaults under the sidewalks.

Commissioner Tryon asked if Applicant Cron intended to move forward with the project if he didn't get the full package, and was responded to in the affirmative.

Commissioner Tryon also inquired the timeline for Applicant Cron to be able to reapply.

Director Raymond responded that to develop an entire new program will take some time. He also noted that depending on the type of projects or amount of TIF funds requested, there is public procurement requirements. If those things were not done correctly ahead of time, it makes it ineligible for reimbursement. He estimated the timeline to be four months.

There being no further discussion, Mayor Kelly called for the vote.

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

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ORDINANCES/RESOLUTIONS

15. RESOLUTION 10367, INTENTION TO AMEND AND RESTATE THE DOWNTOWN URBAN RENEWAL PLAN AND TO APPROVE THE CIVIC CENTER PROJECT AS AN URBAN RENEWAL PROJECT.

ORDINANCE 3222, APPROVING THE AMENDED AND RESTATED URBAN RENEWAL PLAN FOR THE DOWNTOWN URBAN RENEWAL DISTRICT AND TO APPROVE THE CIVIC CENTER PROJECT AS AN URBAN RENEWAL PROJECT.

Planning and Community Development Director Craig Raymond reported that this item is consideration of a request to adopt Resolution of Intention 10367 and to accept Ordinance 3222 on first reading and set a public hearing for October 6, 2020.

The purpose of the Downtown Urban Renewal Plan (DURP) Amendment is to specifically identify the Civic Center as a property worthy of preservation and improvements. The only other building specifically mentioned in the DURP is the Rocky Mountain Building. Given the Civic Center's prominence and importance to the downtown, as well as the economic generation of the Convention Center and Mansfield Theater, staff feels that TIF funds are indeed an appropriate means to finance much needed repairs.

Director Raymond noted proposed edits for clarity to the plan that should be characterized as housekeeping: page 195 of the agenda report, we merely reflect that the 2013 Growth Policy Update was performed which replaced the 2005 plan; page 199 a typo was corrected and listed the specific Resolution number that was adopted to formalize a blight designation. Towards the bottom of the page we also reflect that the City did bring forth the Downtown Access, Circulation and Streetscape Plan and that the City Commission did not formally adopt the plan as a regulatory document, but that it is used for guidance on planning efforts to this day; page 200 a simple statement was added that recognizes that projects which are not specifically mentioned in the Downtown Master Plan are also worthy of consideration within the DURP; and, on page 208, another small edit is proposed to again reflect that an update to the Growth Policy has been done.

On August 11, 2020, the Proposed Amendment was presented to the Planning Board per statute in order to gain concurrence that the amendment is consistent with the Growth Policy. The Planning Board did concur that it is consistent. On August 26, 2020, the proposed amendment was also presented to the Downtown Development Partnership (DDP) which is the recommending body to the City Commission for matters related to the Downtown TIF. The DDP also recommended approval to the City Commission.

Commissioner Moe moved, seconded by Commissioner Tryon, that the City Commission adopt Resolution of Intention 10367.

Mayor Kelly asked if there were any comments from the public.

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Jesse Buff, 1905 3rd Avenue North, spoke in opposition, commenting that his view is the Civic Center being public property should be part of the City maintenance and it should not be taken away from the urban renewal projects.

Mayor Kelly asked if there was any discussion amongst the Commissioners.

Commissioner Robinson inquired if replacing the roofing was included and was responded to in the affirmative.

Commissioner Robinson suggested that a slanted, rather than flat, roof be considered.

Director Raymond responded that was considered, but didn't think it was possible for this particular project due to the added weight.

Calling in was **Brett Doney**, Great Falls Development Authority. Mr. Doney read Section 2(c) of Resolution of Intention 10367 and added the reason that language is in there is the intent of the urban renewal statute is to encourage private enterprise. He commented that the Civic Center will be contentious in the legislature because a portion of the building is used for City government purposes. One of the problems in the legislature has been rural legislators expressing that cities are using funds for the City that don't benefit the rural residents of the county. Mr. Doney suggested that the municipality provide notice to the County and School District, and consult in a public meeting with the opportunity for public comment pursuant to Mont. Code Ann. § 7-15-5221.

There being no further comments or discussion, Mayor Kelly called for the vote.

Motion carried 5-0.

Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission accept Ordinance 3222 on first reading and set the public hearing for October 6, 2020.

Mayor Kelly asked if there were any comments from the public or any discussion amongst the Commissioners.

Mayor Kelly noted that the City will follow the correct procedures to move forward on this item, and will notify the proper personnel and entities.

There being no further discussion, Mayor Kelly called for the vote.

Motion carried 5-0.

CITY COMMISSION

16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

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On behalf of the Commission, Mayor Kelly expressed condolences to wife, Cyndi Baker, and to the friends and family of Cleve Loney who passed away last week. Cleve did advocacy work for children, and he was a legislator, horseman, husband, and a person who contributed greatly to the community and state.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Moe moved, seconded by Mayor Kelly, to adjourn the regular meeting of September 1, 2020, at 8:29 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: September 15, 2020