

JOURNAL OF COMMISSION PROCEEDINGS
February 7, 2023

Regular City Commission Meeting

Mayor Kelly presiding
Commission Chambers Room 206

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL/STAFF INTRODUCTIONS: City Commission members present: Bob Kelly, Eric Hinebauch, Joe McKenney, Rick Tryon and Susan Wolff. Also present were City Manager Greg Doyon and Deputy City Manager Chuck Anderson; Library Director Susie McIntyre; Public Works Director Chris Gaub; Planning and Community Development Director Craig Raymond; Finance Director Melissa Kinzler; City Attorney David Dennis and Deputy City Attorney Rachel Taylor; Police Chief Jeff Newton; Fire Chief Jeremy Jones; and City Clerk Lisa Kunz.

AGENDA APPROVAL: At the request of the property owner, City Manager Greg Doyon removed Agenda Item 18 from consideration on this evening's agenda. There were no proposed changes to the agenda by the City Commission. The agenda was approved as amended.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: None.

PROCLAMATIONS: Career & Technical Education Month for Great Falls Public Schools [February 2023] Several High School students discussed the importance of, and the unique opportunities that resulted from, their participation in career and technical education.

MILITARY UPDATES

1. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM MONTANA AIR NATIONAL GUARD (MANG).**

Colonel Trace Thomas, 120th Airlift Wing, provided the following updates:

- Recent support side deployers will serve 3-6 month tours.
- Chief Master Sgt. Pat Halko retired in January after serving over three decades.
- If the Montana Public Safety Development Center comes to fruition, it will be an outstanding asset for the community and MANG.
- A contract field team is installing props on aircraft. When done, MANG will have six of seven aircraft retrofitted with new props.
- This spring, five weeks are dedicated to Southcom missions, as well as a European exercise.

2. **PETITIONS AND COMMUNICATIONS**

Daniel Hartzell, 609 Central Avenue, discussed personal matters involving the courts or under investigation.

Doug Darko, City resident, provided an update about his traffic proposal on 57th Street and 3rd Avenue South. He has been in contact with the State and reported that the State will be working

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on a project on 57th Street. Installation of signs and other equipment will begin when weather permits.

NEIGHBORHOOD COUNCILS

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

BOARDS AND COMMISSIONS

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM BOARDS AND COMMISSIONS.

None.

5. APPOINTMENT TO THE TOURISM BUSINESS IMPROVEMENT DISTRICT BOARD.

Mayor Kelly reported that Peggy O’Hare-Becker has served on the Tourism Business Improvement District Board of Trustees (TBID) since February 2020. Ms. O’Hare-Becker recently sold her property, Midtown Motel, and is no longer eligible to serve on the Board. The Board Liaison, Rebecca Engum, sent out letters to all property owners within the TBID district seeking interested candidates. She also sent emails and made phone calls to encourage applications. An application from Shawn Jeffrey Page Jr. was received. Mr. Page is the General Manager of the Holiday Inn and Convention Center and was nominated to serve by the property owner, Raj Dhillon.

During the District’s meeting on December 15, 2022, the TBID Board recommended that the City Commission appoint Mr. Page to the Board of Trustees for the remainder of a four-year term through June 30, 2025.

Commissioner Wolff moved, seconded by Commissioner Tryon, that the City Commission appoint Shawn Jeffrey Page Jr. to the Tourism Business Improvement District Board of Trustees for the remainder of a four-year term through June 30, 2025.

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

Motion carried 5-0.

CITY MANAGER

6. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon reported the following:

- The City of Great Falls was approved for over \$8.4 million dollars in State ARPA funds to assist with eligible wastewater, storm water and drinking water infrastructure projects.
- To date, the City received about \$54,000 in Opioid settlement money. Because of the complexity of the litigation, it is unknown the total amount of money the City will receive.

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- The City is still seeking applicants to fill a vacancy on the Airport Board for a term through December 31, 2023. The application deadline was extended until 5 pm, February 10, 2023.
- The HVAC work in the Civic Center will require the City Manager's office to relocate for about 30 days.
- His last session of Leadership Montana included a Legislative Committee meeting in Helena. The delegation has been very engaged with the City this session, which he appreciates. One concern is HB 337 that involves local land use planning and lot size. Passage of that bill would have a big impact statewide that he is not sure the legislators fully understand.
- He has been meeting quarterly with sister cities Cheyenne and Minot involved in the Sentinel upgrade. Cheyenne is the first community going through the upgrade and has provided the bulk of shared information. Workforce and housing are concerns at the forefront of conversations. The Air Force is struggling with the placement of windfarms with the new system it wants to deploy for aviation and security forces. As the City contemplates the impact of housing, the contractor doing the upgrade, Northrop Grumman, also wants the City to think about where we want them to set up to prepare the community for the transition.

Manager Doyon also pointed out that he meets monthly with both military installations, and Northrop Grumman is a regular attendee at the Defense Alliance meetings and works closely with the Chamber.

CONSENT AGENDA.

*At the request of Commissioner McKenney, Mayor Kelly pulled Agenda Item 13 from the Consent Agenda for separate discussion.

7. Minutes, January 17, 2023, City Commission Meeting.
8. Total Expenditures of \$4,379,506 for the period of December 30, 2022 through January 25, 2023, to include claims over \$25,000, in the amount of \$3,595,920.
9. Contracts List.
10. Grants List.
11. ARPA Sub-Award Grant Agreement List as approved by the City Commission at its December 6, 2022 meeting.
12. Approval of a Community Development Block Grant (CDBG) Funding Agreement in the amount of \$200,000 for the removal of the Natatorium and restoration of Morony Park.

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- *13. Approve sending a Letter of Intent to the State of Montana indicating its desire to partner with the State of Montana and other public entities to lease the fire training facility, located at 1900 9th Street South, to the state for \$1 over 25 years. The future lease is contingent on additional city approvals and a state allocation of approximately \$25 million for the development of the Montana Public Safety Development Center.
14. Approve the Final Payment for the Sanitary Sewer Trenchless Rehabilitation Phase 24 project, in the amount of \$551,833.83 to Planned and Engineered Construction (PEC), Inc. and \$5,574.08 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments.
OF 1675.6

Commissioner Tryon moved, seconded by Commissioner Hinebauch, that the City Commission approve the Consent Agenda as presented.

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

Hearing none, Mayor Kelly called for the vote on Consent Agenda Items 7-12 and 14.

Motion carried 5-0.

- *13. **APPROVE SENDING A LETTER OF INTENT TO THE STATE OF MONTANA INDICATING ITS DESIRE TO PARTNER WITH THE STATE OF MONTANA AND OTHER PUBLIC ENTITIES TO LEASE THE FIRE TRAINING FACILITY, LOCATED AT 1900 9TH STREET SOUTH, TO THE STATE FOR \$1 OVER 25 YEARS. THE FUTURE LEASE IS CONTINGENT ON ADDITIONAL CITY APPROVALS AND A STATE ALLOCATION OF APPROXIMATELY \$25 MILLION FOR THE DEVELOPMENT OF THE MONTANA PUBLIC SAFETY DEVELOPMENT CENTER.**

Commissioner McKenney commented that the opportunity before the Commission is a training facility that has been needed in this community for decades. It is also needed statewide and by the Montana Air National Guard. Fire Chief Jeremy Jones started this project some time ago. The Commission now has an opportunity to move this project forward that would have a positive impact for the community.

Fire Chief Jeremy Jones reported that this item for Commission consideration and action is the culmination of many people, including City departments, Colonel Thomas, Superintendent Moore, Great Falls College-MSU, University of Providence, as well as Calumet, BNSF, Energy West, Steel Etc. and others. What started with trying to address a problem locally rapidly turned into a state project. Through connections, he has been able to get this far, but there is a lot of work left to do at the State level. What the Commission is taking action on tonight is a big step to proceed forward on a public safety facility that will be the first in the region.

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Commissioner McKenney moved, seconded by Commissioner Wolff, that the City Commission approve sending a Letter of Intent to the State of Montana indicating its desire to partner with the State of Montana and other public entities to lease the fire training facility, located at 1900 9th Street South, to the State for \$1 dollar over 25 years. The future lease is contingent on additional City approvals and a State allocation of approximately \$25 million for the development of the Montana Public Safety Development Center

Mayor Kelly asked if there were any comments from the public. Hearing none, Mayor Kelly commented that at this point the Commission is only approving a letter of intent, and is not making any fiscal commitments. The State is looking to invest up to \$25 million. There are revenue models being discussed to make the project sustainable, and a minimal impact from a fiscal standpoint on the community of Great Falls. This project is a great idea and with great cooperation.

Commissioner Tryon inquired about staffing the facility.

Manager Doyon commented that there has not been money in the yearly budgets to even fix just the training tower, let alone adding a robust asset for the City's public safety personnel and others. By leasing the property, staffing it with Great Falls Fire Rescue's training personnel is an in-kind match contribution.

Fire Chief Jones added that there is a three-tiered approach on how the sustainment of the facility will move forward. One approach is by in-kind donations and a membership fee. Being a heavy user in Great Falls and Cascade County, Police and Fire would have an unlimited membership fee that would come out of GFFR and GFPD operating training budgets. By having GFFR training division FTE's within the facility, it would be appropriately staffed to man the facility during normal business hours. The City is not going to see reduction in the accessibility to the facility. Currently, half of the facility is condemned and unusable. GFFR is using parking garages for high-rise evolutions.

Commissioner Tryon inquired if GFFR anticipated a need for more FTE's in the training division in the next several years in order to staff the facility.

Fire Chief Jones responded that he does not see a need for additional staff. He sees utilizing the current FTE's in the training division to their full potential.

Commissioner McKenney commented that this is a perfect example of what can happen with collaboration. He expressed appreciation to Chief Jones for his leadership on this project.

Commissioner Wolff also expressed appreciation to Chief Jones for his work in building partnerships with the private sector as well.

There being no further discussion, Mayor Kelly called for the vote on Consent Agenda Item 13.

Motion carried 5-0.

PUBLIC HEARINGS

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OLD BUSINESS

NEW BUSINESS

15. PROPOSAL TO AMEND THE ELECTRIC SUPPLY CONTRACT WITH ENERGY KEEPERS INCORPORATED (EKI).

City Manager Greg Doyon reported that, when the City was able to leave Southern Montana Electric, it was in a position to negotiate its own electric supply. Consultant Bill Pascoe helped the City negotiate and secure a 5-year electric power contract with EKI at the rate of \$29.25/Megawatt hour. He has since advised that he is easing into retirement. The City retained the services of Jim Morin, PowerGas Corporation. Consultant Morin helped with a blend and extend contract for the City's natural gas supply contract, and is now assisting the City with a similar transaction for electricity rates. Over the term of the contract, the City has saved approximately \$1.5 million in energy costs at that rate.

The electric industry, including rates, is dynamic. The current market is very different from five years ago when the City negotiated the power supply contract. Understanding that the City's energy supply contract is about to expire, the options are:

Alternative #1

Allow the current contract to expire, solicit rates from energy suppliers, and consider a future price contract before November 1, 2023, with the hope that prices would drop greater than \$35-\$38 dollars per megawatt in the next 8-9 months.

Alternative #2

Default to NorthWestern Energy (NWE) when the current contract expires where the current Electric Service Secondary Demand meter rates (representing the bulk of the City's electric meters) as of January 2023 for energy supply including deferred supply costs and taxes is \$83.41/Megawatt hour.

While the MWh is less, once the City of Great Falls returns to the NWE territory, it will no longer be able to solicit electric proposals and will default to NWE permanently. The City has enjoyed an extraordinarily favorable MWh rate since November 30, 2017, which resulted in significant savings for taxpayers and lighting district assessments.

Alternative #3

Based on these current price trends, the consultant is suggesting the City negotiate with EKI to blend the remaining months of the existing contract into a new higher priced contract utilizing the remaining value in the existing contract to average down the price relative to the forward price curves. The city retains its ability to negotiate its energy supply and should continue to do so to ensure predictable pricing over the next 20.5 months.

The City is currently paying \$29.25/MWh. The indicative rate for power now is well over \$100/MWh. In the last 5 years, the consultants have watched this very dynamic market go to these unheard of levels.

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The requested action is that the Commission consider doing a blend and extend on the current energy supply contract in the range of about \$90/MWh for a period of 20.5 months. By the end of that term, hopefully the market will be in a different situation and a determination can be made to go back out on the open market or perhaps another blend and extend depending on what the circumstances are.

Finance Director Melissa Kinzler reported that the fiscal impact would be approximately a 200% increase in electricity supply costs, or approximately \$2,100,000. The largest impact will be on the Water, Sewer and Street Light Funds. It is estimated the increase will be approximately \$900,000 in the Water Fund, \$540,000 in the Sewer Fund, and \$230,000 in the Street Light Funds. Taking action now will stabilize higher increases in the future and allow the City the ability to purchase energy supply on the open market in the future.

She provided historical rate information, including when the City entered into an agreement with Energy Keepers for \$29.25/MWh in 2018, NWE's rates were \$64.66/MWh.

Manager Doyon concluded that the options are not great. He reiterated the options: (1) wait until November when the contract expires and go out on the open market. The consultant informed him that the forward indicative price curves are looking at \$128/MWh; (2) default to NWE, which means the City would never be able to negotiate its electric supply again; or (3) stabilize the rates for the next two years to provide some predictability. He is hoping the blend and extend contract will be less than what the market is curving towards, and reevaluate options at the end of the term.

Commissioner McKenney moved, seconded by Commissioner Tryon, that the City Commission allow the City Manager to enter into contract negotiations with Energy Keepers Incorporated (EKI) to blend and extend the existing contract for a period of 20.5 months and authorize the City Manager to execute the necessary supply agreements.

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

Shannon Wilson, 1201 6th Avenue South, suggested staying away from NWE.

Arvid Johnson, City resident, inquired the current rate of NWE.

Finance Director Kinzler responded that it is \$83.42/MWh and is projected to go up to the \$120/MWh range.

Manager Doyon added that there are also EKI and NWE transmission charges.

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

Commissioner Tryon commented that the requested action would raise the City's energy costs. He inquired the impact on local taxpayers.

Manager Doyon responded that the power the City is paying for in the Civic Center building currently under the EKI contract is primarily funded through general fund allocation. When he

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does the budget, the new rate will need to be built in for the costs of operating the Civic Center, and will be proposed and presented in the new budget. When the Commission looks at whether it needs to utilize the inflationary factor because of increased costs, this is one of those increased costs that he will be communicating back to the public that the City will have to absorb and will be a factor in the Commission's inflationary factor utilization, discussion and decision.

He also added that it is very likely that there will be an impact to the utility rates due to the energy supply contract. It will be a factor that needs to be looked at in the water and sewer rates and street light assessments.

Manager Doyon summarized that the benefit to the City is it will have a predictable rate for this term versus waiting until November and going out on the open market that the consultant is saying will be in the range of \$125-128/MWh.

Commissioner Hinebauch inquired if the City could negotiate rates with NWE, and what the volatility and fluctuation of their rate would be over the next two-three years.

Manager Doyon explained that the City could not negotiate rates with NWE. NWE is a regulated utility through the Public Service Commission.

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

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

16. **ORDINANCE 3254, PROVIDING THAT THE CHARTER OF THE CITY OF GREAT FALLS BE AMENDED SO THAT THE LIBRARY MILL LIMIT BE INCREASED FROM 2 ADDITIONAL MILLS TO 17 ADDITIONAL MILLS, AN INCREASE OF 15 MILLS, AND SUBMITTING SUCH CHARTER AMENDMENT TO THE ELECTORS OF THE CITY OF GREAT FALLS.**

Library Director Susie McIntyre reported that the current funding mechanism for the Great Falls Public Library is inadequate to provide the quality services the community deserves. The Library is currently funded at \$19.00 per capita, which is well below the Montana average of \$31.00 per capita. This mill levy will give the voters of Great Falls a chance to say what level of service they want. If this mill levy passes, Library services for the community will be expanded to include:

- Expanded Library hours to be open seven days a week
- Expanded Bookmobile services to six days a week providing more services to daycares, schools and seniors.
- Expanded youth services programs including early literacy outreach, school age programming, and college and life preparedness for teens.
- Restart and expand outreach services including the Homebound program.

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If the mill levy does not pass, the Library will not be able to maintain the status quo. The Library costs are going up drastically, and the revenue is not keeping up. The Library would be looking at big reductions in services and reductions in staffing.

The Library spent months working with consultants and community partners to develop a Library Master Plan that provides a vision for the future. The Plan provides information to guide decisions on facility maintenance and upgrades, library space configurations, library services, community outreach, staffing and funding. A key finding of the Master Plan is that current Library funding is inadequate. This is the next step to continue to provide excellent Library services to the community.

Commissioner Wolff moved, seconded by Commissioner Hinebauch, that the City Commission accept Ordinance 3254 on first reading and set the public hearing for February 21, 2023.

Mayor Kelly asked if there were any comments from the public in support of or opposition to Ordinance 3254.

Jill Baker, Executive Director of the Great Falls Public Library Foundation, commented that the Foundation has been working closely with Director McIntyre and the Library to conduct the Master Plan and to work hard in their planning process to bring this mill levy forward to the Commission and to the public. She urged the Commission's acceptance of Ordinance 3254 on first reading and to set the public hearing for February 21, 2023.

Molly Beck, City resident, also urged the Commission's acceptance of Ordinance 3254 on first reading and to set the public hearing. The Library Director, Library Board, and the Foundation have invested countless hours and funds into insuring that the Library has a well-constructed plan to move forward in meeting the needs of a growing and thriving Great Falls. This mill levy request is not for extravagant funding. It is a request for median levels of funding that allow the community appropriate access to library services, and a long over-due program expansion. Because she strongly believes in the value of library services and the strength of this proposed plan, she has agreed to be the Chair of a new ballot initiative committee that is prepared to help communicate to the citizens of Great Falls the value of this investment into the Library and how it will impact our community.

Mike Scheer, City resident, spoke in opposition to the increase in the Library mill levy from 2 mills to 17 mills, that he computed as a 450% increase. He commented that this is not a very opportune time to be asking the residents of Great Falls for such an enormous increase in taxes. The state of our economy is very much in a state of stress. We are in the days of historic inflation rates. Just trying to make ends meet becomes a daily challenge for many people. He suggested the Library project be put on hold until it can be supported better within the community. The citizens do not need an added burden at this point in time.

Shannon Wilson, 1201 6th Avenue South, commented her understanding is there will be a big pot of money that will go back to the City if there will be an increase in the levy. Great libraries help make great cities. Keeping the Library great will need some help.

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Library Director McIntyre responded that the 2 voted mills is not the Library's only funding. Therefore, it is not going to be a 450% increase in funding for the Library. The Library currently gets 2 voted mills, 7 mills by agreement from the City, and a \$350,000 general fund subsidy. If the mill levy passes, the Library will no longer get the \$350,000 general fund subsidy.

Arvid Johnson, City resident, asked for a breakdown of what specifically the money is going to be spent on for the general public.

Library Director McIntyre responded that they do have a budget and most of it is going to staffing. She will have all of that information available for the public hearing.

Mayor Kelly asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

17. **ORDINANCE 3255, A REQUEST FROM LITTLE SHELL TRIBE OF CHIPPEWA INDIANS OF MONTANA FOR ANNEXATION OF A 3.684 ACRE PARCEL OF LAND ADDRESSED AS 1301 STUCKEY ROAD; AND ESTABLISHMENT OF CITY ZONING CLASSIFICATION OF M-2 MIXED-USE TRANSITIONAL.**

Planning and Community Development Director Craig Raymond reported that the Little Shell Tribe of Chippewa Indians of Montana submitted an application in October to annex and establish the City zoning designation of M-2 Mixed-Use Transitional to the 3.684-acre parcel of land addressed as 1301 Stuckey Road. This specific piece of property has been an eyesore for a number of years and since the property has come under the Tribe's ownership, it has been reclaimed to productive use.

The Tribe has worked with city staff on current and future possibilities for the property. Given the context of its location, surrounding uses and anticipated development, M-2 Mixed-Use Transitional is appropriate. In the Official Code of the City of Great Falls (OCCGF), M-2 is defined as:

“This district is intended to promote a transition over time to a predominately mixed-use land use pattern. Because of changing economic conditions and other factors, some current uses do not represent the highest and best use, given other more suitable areas. Current industrial uses and warehouses are not considered nonconforming. As such, current industrial uses and warehouses existing at the time this Title was adopted are allowed to expand or to be re-established, if damaged, provided development and appearance standards under the purview of the Design Review Board are met.”

The property is also adjacent to a utility system that was extended to and for the former Montana Egg facility. When utility systems are “leapfrogged” in this way, it is often required that adjacent property owners, who may eventually connect to and benefit from these utility investments, reimburse the City or other parties for a proportionate share of those costs. In this specific case, the Tribe will be required to contribute \$45,487.54 towards the construction of those utilities.

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Based on statutory review criteria and criteria found in the OCCGF, the proposed annexation is a fitting request, a good project, and staff recommends approval of the annexation and application of M-2 zoning.

On January 5, 2023, Neighborhood Council 3 voted to recommend approval of the proposal, and on January 10, 2023, the Planning Advisory Board/Zoning Commission conducted a public hearing and voted to recommend approval of the annexation and request for M-2 zoning.

Commissioner Tryon moved, seconded by Commissioner McKenney, that the City Commission accept Ordinance 3255 on first reading and set a public hearing for March 7, 2023.

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.

- *18. ~~**ORDINANCE 3256, A REQUEST FROM CRAIG DEVELOPMENT TO REZONE THE PROPERTY LEGALLY DESCRIBED AS TRACT 1 AND TRACT 2 OF DICK'S ADDITION, NE1/4 OF SECTION 15, T20N, R3E, PMM., CASCADE COUNTY, MONTANA, THE CURRENT PROPERTY LOCATION OF DICK'S RV PARK, FROM R-10, MOBILE HOME PARK TO R-6 MULTI-FAMILY HIGH DENSITY.**~~

Pulled from agenda.

CITY COMMISSION

19. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

None.

20. **COMMISSION INITIATIVES.**

None.

21. **LEGISLATIVE INITIATIVES.**

Manager Doyon clarified that the bill he was referencing earlier regarding municipal zoning laws to prohibit certain minimum lot sizes was HB 337. One size fits all zoning is not good for Montana.

Commissioner Tryon noted that there is also a companion senate bill being heard in committee tomorrow.

Manager Doyon noted that he also saw a bill that set forth a growth management plan would need to go to the voters every five years. The residents of Great Falls, through their elected officials and volunteer boards, would probably do a better job at determining how they want to see their community grow and what needs to be met rather than the folks in Helena.

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ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Tryon moved, seconded by Mayor Kelly, to adjourn the regular meeting of February 7, 2023, at 8:27 pm.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: February 21, 2023