

MINUTES OF THE REEDSPORT CITY COUNCIL REGULAR SESSION SEPTEMBER 6, 2011 7:00 P.M. CITY HALL COUNCIL CHAMBERS.

PRESENT:

Mayor, Keith Tymchuk

Councilors Ginger Anderson, Mike Macho, Bill Otis, Kathi Wall-Meyer and Bill Walker (Councilor Diane Essig was absent)

City Manager, Scott Somers

City Attorney, Steve Miller

OTHERS PRESENT:

Deanna Schafer, Vera Koch, Melissa Anderson, Chief Mark Fandrey, Lee Bridge, Lorelyn Lorence, Tom Anderson, Debbie McKinney, Robin Dollar, Knox Story, Joe Coyne, Don Laskey, Lori Newman, Steve Cluck, Joe and Coleen F.

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Keith Tymchuk said that he wanted to talk about three upcoming events happening in the Reedsport area during the next week. The Umpqua Bridge will be dedicated after 75 years on Thursday, September 8th. On Sunday, September 11th a memorial event will be held at Hahn Park. Monday, September 12th approximately 2200 bicyclers will descend on Reedsport for a Cycle Oregon event.

2. CITIZEN COMMENTS

This time is reserved for citizens to comment on items that are not on the Agenda. Maximum of five minutes per item, please.

Mr. Knox Story of 1912 Hawthorne Ave., Reedsport, Oregon came to speak to the Council concerning his experience during a recent construction project at a building he owns on Fir Avenue in the downtown area. Mr. Story said that he wanted to commend the staff and building inspector for working with him to complete the project. He said that he encountered no problems with a process that he was unfamiliar with and the staff and inspector were helpful and courteous.

3. PRESENTATIONS, PROCLAMATIONS, AWARDS

Mayor Tymchuk read a proclamation for Look Me in the Eye month in recognition of people with disabilities.

Mrs. Robin Dollar and Ms. Debbie McKinney completed a presentation on Cycle Oregon, a bicycling tour of approximately 2200 people that the City of Reedsport will be hosting on September 12th, 2011. A video on the organization was shown and the presenters explained that the community would be receiving approximately \$20,000 to provide various services. This money is donated to service organizations around Reedsport in exchange for entertainment, accommodations and other items. Dollar displayed a gold painted bicycle, similar to several that

will be displayed at various points throughout the City on the path the riders will take. This decoration was the creation of Mr. Joe Coyne.

Mayor Tymchuk directed City staff to write a letter thanking Mr. Coyne. He also expressed a desire to have some kind of appreciation expressed to all of the people involved in helping host this event.

4. APPROVAL OF THE AGENDA

Councilor Ginger Anderson motioned to approve the agenda.

Councilor Mike Macho seconded the motion.

MOTION:

that the City Council approve the Agenda.

VOTE:

A vote was taken on the motion with the following results:

AYES 6 NAYES 0

(Mayor Keith Tymchuk, Councilors Anderson, Otis, Macho, Wall-Meyer and Walker voted in favor of the motion.)

Mayor Keith Tymchuk declared the motion passed unanimously.

5. PUBLIC HEARINGS

6. CONSENT AGENDA

Routine items of business that require a vote but are not expected to require discussion by the Council are placed on the Consent Calendar and voted upon as one item. In the event that a Councilor or citizen requests that an item be discussed, it will be removed from the Consent Calendar and placed under General Business.

- A. Approve minutes of the work session of August 1, 2011.
- B. Approve minutes of the regular session of August 1, 2011.
- C. Motion to approve the Consent Calendar.

Councilor Mike Macho motioned to approve the Consent Calendar.

Councilor Ginger Anderson seconded the motion.

MOTION:

that the City Council approve the Consent Calendar.

VOTE:

A vote was taken on the motion with the following results:

AYES 6 NAYES 0

(Mayor Keith Tymchuk, Councilors Anderson, Otis, Macho, Wall-Meyer and Walker voted in favor of the motion.)

Mayor Keith Tymchuk declared the motion passed unanimously.

Mayor Keith Tymchuk noted the excused absence of Councilor Diane Essig.

7. GENERAL BUSINESS

- A. Shall the City Council adopt an Ordinance amending Municipal Code Chapter 6.52 Social Gaming and assign 2011-1108?

City Council met in a work session on August 1, 2011 to discuss a proposal submitted by Mr. Josh Mast requesting that the City Council consider amending Municipal Code Chapter 6.52 Social Gaming. Mr. Mast has purchased a building located at 115 S. 20th Street. The Mast's are proposing future uses of the building consisting of multiple enterprises. One of the uses proposed would be a social club, where Texas Hold'Em tournaments could be held.

During Council discussions it was the direction of the council that staff create a draft ordinance amending the current social gaming code and present it at the next regularly scheduled council meeting. Staff has put together a draft ordinance modeled after the City of Springfield. This is a pretty standard ordinance with some small modifications per Council direction.

Somers said that he would like to note that ORS 167.121 allows for local governments to regulate social games. Counties and cities may, by ordinance, authorize the playing or conducting of a social game in a private business, private club or in a place of public accommodation. Such ordinances may provide for regulation or licensing of social games authorized. This is a social gaming ordinance, not a gambling ordinance.

He said that this ordinance would allow no one under the age of 21 to participate in the game.

As discussed in the work session, item (k) of the ordinance will be amended to say "No other winnings or compensation to the players is permitted other than the buy in fee collected in that game."

Mayor Keith Tymchuk said that he would like to have it pointed out that the sale of liquor has to be done by a person holding a liquor license and that all Oregon Liquor Control Commission rules apply.

Somers said that even though it is a private club, private citizens could not bring their own liquor to this type of club or event. It could be a catered event licensed through OLCC.

Mayor Tymchuk said that these applications will be reviewed yearly.

Councilor Macho said that he has no problem with the ordinance. It may bring more people to Reedsport.

Councilor Wall-Meyer also was in favor. She said that people may bring their families and stay in local motels, shop in grocery stores and eat in local restaurants. Ms. Wall-Meyer said that if problems come up they can be taken care of at the annual renewal.

Councilor Ginger Anderson said that she likes how the ordinance has been drafted, however, she does have personal reservations. She is afraid a person could gamble their paychecks and their families would suffer.

Councilor Bill Walker said that he does not support this ordinance.

City Manager Scott Somers said that he would like to clarify that the intention of the Council was to not have a time limit. This was staff's understanding after the original work session. The Springfield ordinance does limit the time to not conducting social gaming between the hours of 2:00am and 10:00am.

Council Tymchuk said that OLCC rules concerning alcohol sales would still apply but the game could continue.

Councilor Anderson asked if the language that states the buy-in is limited to \$100 per 24 hour period could potentially start over and a person could play multiple days.

Somers said that the ordinance does not say that it could not occur.

Discussion continued debating 24 hours continuously and a 24 hour calendar day.

Chief Mark Fandrey said that he would prefer to enforce the 24 hour calendar day. It would be very difficult to determine the exact time a person began playing.

Consensus was to amend the ordinance to state a 24 hour calendar day. This could potentially mean that a person could play another \$100 at midnight.

Chief Fandrey explained the tournament style of the game and that the intention of the game is to eliminate players until only one is left. Generally, a person is allowed to buy back into a particular game once. Once a player is eliminated, they could potentially buy-in to another game.

Any person, business, private club, non-profit organization or place of public accommodation desiring to permit patrons or invitees to engage in Texas Hold'Em Poker Card Tournaments or any tournament organizer shall acquire and maintain a valid license from the city. License application fees and renewal fees would be \$100.00 and adjusted by resolution each year to cover the cost of the applications review, regulation and enforcement. This fee is comparable to other Oregon Cities surveyed.

Councilor Mike Macho motioned to adopt an ordinance regulating social gaming as amended and assign 2011-1108 as the title.

Councilor Kathi Wall-Meyer seconded the motion.

MOTION:

that the City Council adopt an ordinance regulating social gaming as amended and assign 2011-1108 as the title.

VOTE:

A vote was taken on the motion with the following results:

AYES 4 NAYES 2

(Mayor Keith Tymchuk, Councilors Otis, Macho, and Wall-Meyer voted in favor of the motion.)(Councilor Anderson and Walker opposed the motion.)

Mayor Keith Tymchuk declared the motion passed.

B. Shall the City Council approve a resolution initiating a text amendment to the commercial zone of the Land Use Code and assign 2011-014 as the title?

City Planner Melissa Anderson said that the issue before Council is whether or not to adopt a resolution that would initiate the process of amending the current Commercial uses code to prohibit the use of residential on the ground floor in the C-2 zone of the downtown area and initiate the public hearing process. Ground-floor residential continues to threaten the viability of commercial uses in Old Town Reedsport. This issue was highlighted during the Planning Commission interpretation of “*residential quarters as a secondary use*” in the commercial zone and its subsequent appeal to City Council in March of 2011. Despite this clarification, ground-floor residential uses continue to compete with commercial uses in Old Town. Therefore, a Code

change is proposed and proposed resolution would initiate the Code amendment and public hearing process.

Mayor Keith Tymchuk said that his understanding of this request is that current ground floor uses would be exempted.

Anderson said that is true under the non-conforming provisions of the city code. If this item was adopted it would only affect new uses.

Currently, the Reedsport Municipal Code (RMC) 10.72.070 allows “*residential quarters as a secondary use*” in the commercial (C-2) zone as a permitted use in Old Town on Highway 38 from 3rd to 5th Street, and as a conditional use in all other areas of the C-2 zone. The proposal would amend the city code by prohibiting ground-floor residential uses in Old Town, on Highway 38 from 2nd Street to East Railroad Avenue; however residential uses on the second floor would be permitted.

Anderson said that this would affect the area between 2nd street and East Railroad Avenue.

Councilor Bill Otis said that if the Council is going to make this amendment he would like to address all of the downtown area not just this specific section. He said that this needs to be addressed as a long term plan.

City Scott Somers said that he would caution making an amendment like that only because along mainstreet it would be typical that you would want retail on the first floor generally and residential on the second floor. However, a block or two off of mainstreet you may want to allow residential on the first floor. This will be considered as part of a long-term plan in one or two years. This ordinance as presented is a stop gap measure for the time being.

Councilor Otis said that he is not interested in a band-aid; the City should be looking at a long-term plan. A lot of time goes into this. Otis said that he would support the amendment if the City is looking at it as a long-term plan that is in the best interest of the old town area.

Councilor Bill Walker said that he is against removing any current uses as they are allowed, but from what he understands this amendment would not do that.

Mayor Tymchuk concurred.

Councilor Ginger Anderson motioned to approve a resolution initiating a text amendment to the commercial zone of the Land Use Code and assign 2011-014 as the title.

Councilor Bill Walker seconded the motion.

MOTION:

that the City Council approve a resolution initiating a text amendment to the commercial zone of the Land Use Code and assign 2011-014 as the title.

VOTE:

A vote was taken on the motion with the following results:

AYES 5 NAYES 1

(Mayor Keith Tymchuk, Councilors Anderson, Otis, Macho, Wall-Meyer and Walker voted in favor of the motion.)(Councilor Otis opposed the motion.)

Mayor Keith Tymchuk declared the motion passed.

C. Shall the City Council adopt a resolution approving initiation of bond sales and assign 2011-015 as the title?

Finance Director Vera Koch said that at the September 14, 2009 Council meeting, the City Council approved the project to re-route storm water runoff generated in the downtown area from the existing Elm Street storm water pump station and authorized staff to secure funding. At the March 11, 2011 Council meeting, Council agreed that a combination of funding from Urban Renewal District revenue and increased Stormwater fees necessary would be used to make annual debt repayment for the Downtown Stormwater project.

Staff submitted an application to USDA Rural Development with the hope of some portion of the project being funded by grants. The grant portion did not materialize however the loan interest rate and debt repayment length were more attractive than market trends. Interest rate was quoted at 3% with a 40 year repayment period.

On the list of USDA requirements which need to be met prior to final submission of a project for funding, a bond resolution must be approved by Council. USDA will not commit to funding the stormwater project if the City does not agree to a revenue bond sale. A loan resolution supplied by USDA Rural Development has been prepared for your approval. If the USDA commits to funding the Downtown Stormwater project, interim financing would still need to be secured for the construction phase. At the completion of the project, USDA would issue revenue bonds for the total construction cost.

Upon Council approval of the bond resolution, ORS. 287A.150 mandates a notice must be placed in a newspaper of general circulation with the following information:

- Resolution number and date resolution was adopted
- Expected source of repayment revenue
- Estimated dollar amount of revenue bonds to be sold
- The procedures by which electors may cause the question of issuing the revenue bonds to a vote

- The time period allowed gather signed petitions and file causing a referral
- Place where the resolution is available for inspection

Passage of this bond resolution does not ensure USDA funding for the stormwater project. If USDA does not commit funding for this project, this bond resolution will be void.

An estimated \$48,440 of Stormwater fees needs to be dedicated yearly for debt repayment of the Downtown Stormwater Project and \$60,000 of Urban Renewal revenue.

Councilor Bill Otis said that he wants to make sure that the money that the City is already receiving from the Urban Renewal District be dedicated to the future repayment of this loan. He said that he wants the tax payers to know that the city has used these funds for the intended purpose.

Councilor Anderson said that she understands that in addition to the \$60,000 a year received from the Urban Renewal District, the storm water rate will also go up approximately a dollar.

Mayor Tymchuk said that if he has figured it correctly 56% of the funding repayment would come from the Urban Renewal District.

Koch said that that is assuming that the project cost stay at the estimated amount of \$1.9 million.

City Manager Scott Somers said that he would like to point out that the city levee needs to be certified. Currently the Army Corp of Engineers is aware that flooding does occur within the protected zone of the levee, therefore, unless that flooding can be mitigated they are not able to certify the levee system.

Councilor Ginger Anderson motioned to adopt a resolution approving initiation of bond sales and assign 2011-015 as the title.

Councilor Mike Macho seconded the motion.

MOTION:

that the City Council adopt a resolution approving initiation of bond sales and assign 2011-015 as the title.

Councilor Ginger Anderson motioned to approve the agenda.

VOTE:

A vote was taken on the motion with the following results:

AYES 6 NAYES 0

(Mayor Keith Tymchuk, Councilors Anderson, Otis, Macho, Wall-Meyer and Walker voted in favor of the motion.)

Mayor Keith Tymchuk declared the motion passed unanimously.

D. Shall the City Council award a quote and authorize expenditure of funds for Turner Fire Hall Kitchen project?

City Manager Scott Somers said that the Council is asked to award a quote for the fire hall kitchen project. Finance Director Vera Koch passed out an amended letter including an updated quote. Originally Sol Coast Consulting & Design had submitted a quote missing critical items on the list, it has now been amended so that they quotes are for the same amount of work.

She said that the need for kitchen facilities at the Turner Fire Hall has been recognized for a number of years by the Reedsport Volunteer Fire Department members. In the past few years, the fire volunteers have received some cash donations and collected appliances as they worked toward implementing their planned project. The March tsunami alert reinforced the importance of a fully operational kitchen at the fire hall. The only step left in achieving completion is installation of the electrical wiring for the kitchen.

Fire Chief Tom Anderson contacted electrical contractors in the area asking for a quote for installing the electrical components. Two quotes were received:

- Ladd Electric for \$3,331.00
- Sol Coast Consulting & Design for \$3,565.00

Current Financial Policy and practice allows the City Manager to make purchases for budgeted items under \$10,000. However, since this purchase is not included in the materials and services section of the Fire Department Fund and is not included in the Capital Improvement plan, the City Council is asked to approve this purchase. Further, this purchase is in accordance with ORS. 279B.070 Public Contracting. This allows for a purchase of \$5,000 or less to be considered a small procurement and no quotes or bids are required.

The Fire departmental budget unit (001-220) has Building Maintenance budget of \$3,800 which is earmarked for other building maintenance needs. A transfer of \$3,300 from Contingency will need to be included in the next supplemental budget to fund the kitchen wiring project.

Councilor Ginger Anderson motioned to award a contract to Ladd Electric and authorize expenditure of funds for Turner Fire Hall Kitchen project.

Councilor Mike Macho seconded the motion.

MOTION:

that the City Council award a contract to Ladd Electric and authorize expenditure of funds for Turner Fire Hall Kitchen project.

VOTE:

A vote was taken on the motion with the following results:

AYES 6 NAYES 0

(Mayor Keith Tymchuk, Councilors Anderson, Otis, Macho, Wall-Meyer and Walker voted in favor of the motion.)

Mayor Keith Tymchuk declared the motion passed unanimously.

E. Receive the quarterly financial statement.

Mayor Keith Tymchuk said that he wanted to mention the article in the Register Guard concerning the dire state of the City of Oakridge's financial situation. He said that he wanted to point out that the fact that the simple process of presenting a quarterly financial report didn't occur there. He wanted to compliment our financial department for making sure that the Council is well aware of the state of finances here.

Finance Director Vera Koch presented the following financial information:

2010 / 2011 Financial Report
 September 1, 2011
 Fourth Quarter of fiscal year
 2010/2011
 For period ending JUNE 2011

target % received/spent
 by end of 12th month of
 budget year **100%**

General Fund 001

	Budget	Actual		
Beginning Fund Balance	\$576,430	\$666,646	115.65%	
Revenue	\$2,451,735	\$2,322,078	94.71%	Received
*Expenditures	\$2,606,165	\$2,134,230	81.89%	Expended

*(less unappropriated expenditures)

Street Fund 002

	Budget	Actual		
Beginning Fund Balance	\$1,000	\$26,083	2608.30%	
Revenue	\$218,800	\$243,749	111.40%	Received
*Expenditures	\$219,800	\$200,194	91.08%	Expended

*(less unappropriated expenditures)

Water Utility Fund 003

	Budget	Actual		
Beginning Fund Balance	\$75,000	\$85,545	114.06%	
Revenue	\$861,800	\$809,413	93.92%	Received
*Expenditures	\$925,860	\$822,906	88.88%	Expended

*(less unappropriated expenditures)

Wastewater Utility 004

	Budget	Actual		
Beginning Fund Balance	\$110,000	\$119,419	108.56%	
Revenue	\$1,347,100	\$1,357,280	100.76%	Received
*Expenditures	\$1,432,100	\$1,324,128	92.46%	Expended

*(less unappropriated expenditures)

Stormwater Utility Fund 005

	Budget	Actual		
Beginning Fund Balance	\$60,000	\$59,055	98.43%	
Revenue	\$79,600	\$127,664	160.38%	Received
*Expenditures	\$138,240	\$73,207	52.96%	Expended

*(less unappropriated expenditures)

Bicycle/footpath Fund 007

	Budget	Actual		
Beginning Fund Balance	\$28,200	\$28,479	100.99%	
Revenue	\$1,950	\$2,042	104.72%	Received
*Expenditures	\$30,150	\$7	0.02%	Expended

Water SPWF Loan Debt Fund 010

	Budget	Actual		
Beginning Fund Balance	\$63,190	\$63,094	99.85%	
Revenue	\$35,700	\$35,415	99.20%	Received
*Expenditures	\$98,890	\$22,030	22.28%	Expended

Water Filtration Debt/Reserve Fund 011

	Budget	Actual		
Beginning Fund Balance	\$8,300	\$8,600	103.61%	
Revenue	\$127,650	\$129,828	101.71%	Received
*Expenditures	\$135,950	\$127,495	93.78%	Expended

*(less unappropriated expenditures)

Wastewater DEQ Loan Debt Fund 012

Budget	Actual
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Beginning Fund Balance	967,385	967,388	100.00%	
Revenue	\$464,620	\$468,346	100.80%	Received
*Expenditures	\$1,432,005	\$868,328	60.64%	Expended

*(less unappropriated expenditures)

Wastewater OECDD Loan Debt Fund 013

	Budget	Actual		
Beginning Fund Balance	0.00	0.00	0.00%	
Revenue	\$435,500	\$435,292	99.95%	Received
*Expenditures	\$435,500	\$335,311	76.99%	Expended

*(less unappropriated expenditures)

Fire Equipment Fund 014

	Budget	Actual		
Beginning Fund Balance	\$134,000	\$135,105	100.82%	
Revenue	\$35,000	\$32,085	91.67%	Received
*Expenditures	\$169,000	\$116,302	68.82%	Expended

*(less unappropriated expenditures)

Dunes NRA Fund 016

	Budget	Actual		
Beginning Fund Balance	\$22,700	\$23,218	102.28%	
Revenue	\$93,950	\$93,976	100.03%	Received
*Expenditures	\$116,650	\$69,975	59.99%	Expended

*(less unappropriated expenditures)

Riverfront Fund 017

	Budget	Actual		
Beginning Fund Balance	\$26,900	\$45,306	168.42%	
Revenue	\$151,950	\$150,332	98.94%	Received
*Expenditures	\$173,850	\$144,595	83.17%	Expended

Library Renovation Fund 018

	Budget	Actual		
Beginning Fund Balance	\$32,600	\$70,208	215.36%	
Revenue	\$153,025	\$71,074	46.45%	Received
*Expenditures	\$185,625	\$18,678	10.06%	Expended

Sys. Development Fund Water 020

		Actual		
Beginning Fund Balance	\$56,700	\$52,455	92.51%	
Revenue	\$8,760	\$8,428	96.21%	Received

*Expenditures	\$65,460	\$0	0.00%	Expended
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Sys. Development Fund Wastewater 021

	Budget	Actual		
Beginning Fund Balance	\$126,775	\$126,813	100.03%	
Revenue	\$8,050	\$209	2.60%	Received
*Expenditures	\$134,825	\$0	0.00%	Expended

System Development Fund Stormwater 022

	Budget	Actual		
Beginning Fund Balance	\$5,000	\$5,108	102.16%	
Revenue	\$2,015	\$8	0.40%	Received
*Expenditures	\$7,015	\$0	0.00%	Expended

Enterprise Cap. Improve. Fund -Sewer 024

	Budget	Actual		
Beginning Fund Balance	\$1,129,000	\$1,293,235	114.55%	
Revenue	\$21,120	\$20,506	97.09%	Received
*Expenditures	\$1,150,120	\$211,225	18.37%	Expended

General Capital Improve. Fund 025

	Budget	Actual		
Beginning Fund Balance	\$210,000	\$210,976	100.46%	
Revenue	\$68,325	\$12,690	18.57%	Received
*Expenditures	\$278,325	\$84,874	30.49%	Expended

*(less unappropriated expenditures)

Street Capital Fund 026

	Budget	Actual		
Beginning Fund Balance	\$170,000	\$93,398	54.94%	
Revenue	\$11,120	\$105,120	945.32%	Received
*Expenditures	\$181,120	\$6,095	3.37%	Expended

*(less unappropriated expenditures)

Water Enterprise Capital Improvement Fund 029

	Budget	Actual		
Beginning Fund Balance	\$1,400,000	\$1,432,609	102.33%	
Revenue	\$101,270	\$101,270	100.00%	Received
*Expenditures	\$1,501,270	\$47,413	3.16%	Expended

*(less unappropriated expenditures)

Wastewater Enterprise DEQ Capital Improvement Fund 030

	Budget	Actual		
Beginning Fund Balance	0	\$0	0.00%	
Revenue	\$1,000,000	\$932,502	93.25%	Received
*Expenditures	\$1,000,000	\$862,860	86.29%	Expended

*(less unappropriated expenditures)

Wastewater Enterprise OEDD Capital Improvement Fund 031

	Budget	Actual		
Beginning Fund Balance	\$0	\$0	0.00%	
Revenue	\$500,000	\$84,896	16.98%	Received
*Expenditures	\$500,000	\$84,896	16.98%	Expended

*(less unappropriated expenditures)

Reedsport Urban Renewal District. Fund 150

	Budget	Actual		
Beginning Fund Balance	\$72,000	\$74,360	0.00%	
Revenue	\$79,300	\$71,010	89.55%	Received
*Expenditures	\$151,300	\$19,467	12.87%	Expended

8. MISCELLANEOUS ITEMS
(Mayor, Councilors, City Manager, City Attorney)

Mayor Tymchuk asked City Manager Scott Somers to address the issue of railroad crossings.

Somers said that it is his understanding that the item is moving forward. The last estimate on the project time line would be within the next month or so. The Port of Coos Bay is working on funding issues.

9. EXECUTIVE SESSION OF THE REEDSPORT CITY COUNCIL JULY 11, 2011 CITY HALL COUNCIL CHAMBERS.

PRESENT: Mayor Keith Tymchuk, Councilors Ginger Anderson, Bill Otis, Mike Macho, and Bill Walker

City Manager Scott Somers

Attorney Steve Miller

OTHERS PRESENT: Deanna Schafer, Vera Koch

Pursuant to ORS 192.660(2)(d) – deliberations with persons designated by the governing body to carry on labor negotiations.

10. ADJOURN

Mayor Keith Tymchuk

ATTEST:

Deanna Schafer, City Recorder