

## February 19, 2019 Regular City Council Meeting

MINOT CITY COUNCIL – SCHEDULED MEETING – FEBRUARY 19, 2019 AT 5:30 P.M.

### ROLL CALL

#### Members Present:

Jantzer, Olson, Pitner, Podrygula, Sipma, Wolsky

#### Members Absent:

Straight

### PLEDGE OF ALLEGIANCE

Mayor Sipma presiding and led the City Council in the Pledge of Allegiance.

### PERSONAL APPEARANCES

None

### PUBLIC HEARING: ORDINANCE NO. 5320 - REZONE NORTHDALE 3RD ADDITION, LOT 3 AND 4 FROM C2 TO RM – SECOND READING – APPROVED

A public hearing was held to consider Ordinance no. 5320 on second reading. No one appeared. Whereupon Alderman Jantzer moved the City Council close the public hearing.

Alderman Jantzer moved the City Council place ordinance no. 5320 on second reading to change existing zone from C2 (General Commercial) to RM (Medium Density Residential) on Northdale 3rd Addition, Lot 3 & 4. Motion seconded by Alderman Olson and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no. 5320 on second reading. Motion seconded by Alderman Olson and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Wolsky; nays: none

### PUBLIC HEARING: ORDINANCE NO. 5346 – REZONE BRIDGEVIEW PARK ADDITION, LOT 1 - SECOND READING – APPROVED

A public hearing was held to consider Ordinance no. 5346 on second reading. No one appeared. Whereupon Alderman Olson moved the City Council close the public hearing.

Alderman Olson moved the City Council place ordinance no. 5346 on second reading to change the zone from C2 (General Commercial) to M1 (Light Industrial) on Bridgeview Park Addition, Lot 1. This property is located at 5000 7th Avenue SW. Motion seconded by Alderman Jantzer and carried unanimously.

Alderman Olson moved the City Council pass ordinance no. 5346 on second reading. Motion seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Wolsky; nays: none.

### PUBLIC HEARING: ORDINANCE NO. 5349 – REZONE LAFARGE ADDITION, BLOCK 2 – SECOND READING – APPROVED

A public hearing was held to consider Ordinance no. 5349 on second reading. No one appeared. Whereupon Alderman Pitner moved the City Council close the public hearing.

Alderman Pitner moved the City Council place ordinance no. 5349 on second reading to rezone LaFarge Addition, Block 2 from C2 (General Commercial District) to M1 (Light Industrial District) to accommodate a small trucking operation. Motion seconded by Alderman Jantzer and carried unanimously.

Whereupon a vote was taken on the above motion by Alderman Pitner, seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Wolsky; nays: none.

### MAYOR'S PROCLAMATION – ENGINEER'S WEEK

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City of Minot Mayor Proclaims Feb. 17-23 as Engineers Week

WHEREAS, engineers use their scientific and technical knowledge and skills in creative and innovative ways to fulfill society's needs; and,

WHEREAS, engineers face the major technological challenges of our time – from rebuilding cities devastated by natural disaster, cleaning up the environment, and assuring safe, sustainable, and cost-effective infrastructure is designed and constructed to meet the needs of society; and,

WHEREAS, engineers are encouraging our young math and science students to realize the practical power of their knowledge; and,

WHEREAS, we will look more than ever to engineers and their knowledge and skills to meet the challenges of the 21st century;

NOW, THEREFORE, DO I, Shaun Sipma, Mayor of the City of Minot, hereby proclaim Feb. 17-23, 2019, as Engineers Week in Minot in recognition of the important past work and future contributions provided by the engineers within our community, and their vital role in creating safe, reliable infrastructure for the City of Minot and its residents.

### **MAGIC FUND – ANNUAL COMPLIANCE REPORT FOR 2018**

Mr. Zimmerman came before the City Council to respond to any questions on the MAGIC Fund Annual Compliance Report.

Alderman Wolsky thanked Mr. Zimmerman and said he is hopeful that the changes made to the MAGIC Fund guidelines offer new opportunities to keep them busy in the future.

### **ADMINISTRATIVE APPROVALS – APPROVED**

Alderman Jantzer moved the City Council ratify the following administratively approved requests.

1. Longfellow PTA to conduct a raffle April 5, 2019 at Longfellow School (600 16<sup>th</sup> St NW)
2. Minot State University Criminal Justice Club to conduct a raffle March 28, 2019 at Minot State University (500 University Ave West)
3. Broadway Liquor for a special event permit February 9, 2019 at Roosevelt Park Zoo (1219 Burdick Expy East)
4. Beaver Hockey, Inc. to conduct a raffle February 8, 2019 at The Fireside Lounge (2605 West Burdick Expy)
5. The Tap Room for a special event permit March 21, 2019 at Prairie Federal Credit Union (1430 South Broadway)
6. The Tap Room for a special event permit February 22, 2019 at The Parker (21 1<sup>st</sup> Ave SE)
7. Army's 2.0 for a special event permit April 4, 2019 at Northwest Arts Center Minot State University (500 University Ave W)
8. Omicron Tau Honor Society for Nursing to conduct a raffle May 7, 2019 at the Taube Museum of Art (2 North Main Street)
9. North Dakota Association of the Blind to conduct a raffle June 9, 2019 at the Sleep Inn & Suites (2400 10<sup>th</sup> Street SW)
10. Heather Davis to conduct a raffle February 16, 2019 at The Spot, (6 2<sup>nd</sup> Street NE)

Motion seconded by Alderman Olson and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Wolsky; nays: none.

### **ORDINANCE NO. 5350 – AMEND THE 2019 ANNUAL BUDGET - CUSTOMER SERVICE TRAINING – SECOND READING – APPROVED**

Alderman Jantzer moved the City Council place ordinance no. 5350 on second reading to amend the 2019 annual budget to increase the vehicle maintenance training expenditures. Motion seconded by Alderman Olson and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no. 5350 on second reading. Motion seconded by Alderman Olson and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Wolsky; nays: none.

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### **ORDINANCE NO. 5351 – AMEND THE 2018 ANNUAL BUDGET - LINE ITEMS OVER BUDGET – SECOND READING – APPROVED**

Alderman Jantzer moved the City Council place ordinance no. 5351 on second reading to amend the 2018 annual budget to adjust department budgets for funds approved by the City Council for Sales Tax Flood Control, CDBG Relocations, Various Grants, Library Memorial, NAWS Project, and Interest Distribution. Motion seconded by Alderman Olson and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no. 5351 on second reading. Motion seconded by Alderman Olson, and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Wolsky; nays: none.

### **ORDINANCE NO. 5352- AMEND THE ANNUAL BUDGET- CHIP SEALING CEMETERY ROADS – FIRST READING – APPROVED**

Alderman Jantzer moved the City Council place ordinance no. 5352 on first reading to amend the 2019 annual budget to allocate \$50,000 of unused sales tax improvements reserves to the 2019 Cemetery budget. Motion seconded by Alderman Olson and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no. 5352 on first reading. Motion seconded by Alderman Olson and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Wolsky; nays: none.

### **AWARD OF BID- PICKUPS (4403) – APPROVED**

Alderman Jantzer moved the City Council award the bid to Westlie Motor Company in the amount of \$31,724.12 for the Storm Sewer Department pickup and \$30,655.24 for the Landfill pickup.

Motion seconded by Alderman Olson, and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Wolsky; nays: none.

### **GAMING SITE AUTHORIZATION- NORTH DAKOTA ASSOCIATION FOR THE DISABLED, INC. – APPROVED**

Alderman Olson moved the City Council approve the gaming site authorization for North Dakota Association for the Disabled, Inc to conduct games of chance at Rock Tap House. Motion seconded by Alderman Jantzer.

Mayor Sipma invited Byron Newnam, a representative from North Dakota Association for the Disabled, to describe what the organization does. Mr. Newnam stated, they run programs across the state but have been in Minot for 30 years. The organization provides assistance to those in need by loaning equipment, helping with medical travel and anything else that might be needed.

Alderman Wolsky provided a memo to the Council at the beginning of the meeting and said he is not supportive of the agenda item. He suggested the City take a step back from issuing any new gaming site authorizations until they can take a closer look at the policy. He wants to make sure we are getting the most out of the permits. He explained, the IEDC recommendation said to look at liquor licenses and he wants to use the opportunity to allow exclusive gaming at liquor establishments. This applicant is requesting to have gaming at an establishment with a supper club license and he believes that practice should not continue. He would like to consider a merger of gaming and liquor licenses. He said, the Council should be thoughtful of the larger community goals when considering gaming applications.

Alderman Wolsky moved the City Council table the request until more information is found. Motion seconded by Alderman Podrygula.

The City Manager commented, the applicant is vested under the current ordinances and must be evaluated based on the existing policy. A study can be done going forward.

Aldermen Podrygula and Pitner agreed with Alderman Wolsky's proposal but said the issue can be researched without penalizing the applicant at this time.

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Whereupon a vote was taken on the motion by Alderman Wolsky, seconded by Alderman Podrygula and failed by the following roll call vote: ayes: Wolsky; nays: Jantzer, Olson, Pitner, Podrygula, Sipma.

Mayor Sipma commented, there was a liquor ordinance ad hoc committee that recently made substantial changes to the liquor ordinance. He suggested, if Alderman Wolsky would like to develop a proposal for the Council's consideration, he can explore more information.

Whereupon a vote was taken on the above motion by Alderman Olson, seconded by Alderman Jantzer, and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma; nope: Wolsky.

### **PLEDGED ASSETS, DECEMBER 31, 2018 – APPROVED**

Alderman Jantzer moved the City Council approve the pledged assets as of December 31, 2018. Motion seconded by Alderman Olson.

Upon questioning by Alderman Wolsky, the Finance Director said, approval of the pledged assets is a requirement under State Statute and it provides protection for funds held in deposit in institutions that exceed the FDIC insurance levels. State law requires those institutions to either provide a bond or pledge securities that equal 110% of the funds held at the institution. It also provides a mechanism for deposit placement services, which is a recent change.

Whereupon a vote was taken on the above motion by Alderman Jantzer, seconded by Alderman Olson, and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Wolsky; nays: none.

### **AWARD OF BID- INDUSTRIAL WHEEL LOADER (4412) – APPROVED**

Alderman Jantzer moved the City Council award the industrial wheel loader bid to RDO Equipment in the amount of \$44,343.00 per year for a 5-year lease and that additional funding in the amount of \$4,343.00 be taken from budget savings from project #4414 after the skid steers purchase came in below budget. Motion seconded by Alderman Pitner.

Alderman Wolsky suggested it would save \$18,000 if the City awarded the bid to the Butler and paid the lease payments of \$26,000 and did not buyout the equipment after five years at the buyout price of \$95,000.

Alderman Jantzer asked if we would want to buy the equipment, to which Mr. Sorenson, Assistant Public Works Director stated, it would be very appealing to buy. He further explained, after five years it would only have 3,500-4,000 hours on it and would be worth more than the buyout price.

Upon questioning by Alderman Podrygula, Mr. Sorenson said, the current equipment is from the 90's and they last about 15-20 years. The recommendation from staff would save about \$6,000 in the long run.

Mr. Lakefield explained, the bid specifications stated, the bid award would be based on a calculation of five lease payments plus the buyout amount or the total base bid. Alderman Wolsky asked if there would be an option to walk away, to which Mr. Lakefield said, it would be an option but the bid specs described the criteria for awarding the bid.

Whereupon a vote was taken on the above motion by Alderman Jantzer, seconded by Alderman Pitner, and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma; nope: Wolsky.

### **RETAIL BEER & WINE LICENSE – EL AZTECA, LLC DBA EL AZTECA**

Alderman Wolsky moved the City Council approve the request from El Azteca, LLC dba El Azteca, for a Retail Beer & Wine License operating at 2035 North Broadway, effective February 20, 2019. Motion seconded by Alderman Jantzer.

Alderman Wolsky pointed out issues with the current liquor ordinance and said that changes should be made to eliminate redundancies such as the specialty restaurant beer license.

Whereupon a vote was taken on the above motion by Alderman Wolsky, seconded by Alderman Jantzer, and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Wolsky; nays: none.

### **APPLE AIR SUBLEASE AGREEMENT – APPROVED**

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Alderman Olson moved the City Council approve the sublease agreement for Apple Air; and authorize the Mayor to sign any applicable documentation.

Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Wolsky; nays: none.

### **ORDINANCE NO. 5353- AMEND CHAPTER 23-61 TO PROVIDE EXCEPTION TO PROHIBITION ON DISCHARGING FIREARMS WITHIN CITY LIMITS – FIRST READING – APPROVED**

Alderman Jantzer moved the City Council place ordinance no. 5353 on first reading amending Section 23-61 of Division 1, Article IV, Chapter 23 of the City of Minot Code of Ordinances to allow the Minot International Airport to use a firearm to reduce wildlife hazards at the Airport; and authorize the Mayor to sign the Ordinance. Motion seconded by Alderman Wolsky and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no. 5353 on first reading. Motion seconded by Alderman Wolsky.

Alderman Wolsky mentioned the connection to overall wildlife management in Minot and the work the committee did the previous year handling similar situations.

Whereupon a vote was taken on the above motion by Alderman Jantzer, seconded by Alderman Wolsky and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Wolsky; nays: none.

### **CITY COUNCIL APPROVE 22 MONTH MADC AGREEMENT – APPROVED**

Alderman Pitner moved the City Council approve a new agreement with MADC to expire December 31, 2020 subject to 2020 budget appropriation for the second year of the agreement. Motion seconded by Alderman Olson.

Alderman Wolsky said, this is a better arrangement between the entities. He initially believed the timeframes for deliverables were too far out but after conversations with staff is comfortable with the agreement.

Whereupon a vote was taken on the above motion by Alderman Pitner, seconded by Alderman Olson and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Wolsky; nays: none.

### **ARTIFICIAL TURF – APPROVED**

Alderman Jantzer moved the City Council direct City staff to draft an amendment to the Zoning Ordinance to allow installation of artificial turf in the City of Minot. Motion seconded by Alderman Olson.

Alderman Jantzer explained his motion by saying, we need to keep up with current technology and available options. There are instances where grass is a great option but in others, a great looking turf should also be considered.

Alderman Podrygula said, he does not like the idea that artificial turf will cause more drainage runoff. He added that he is not keen on the appearance of it either.

Alderman Wolsky said, as a former salesman of artificial turf, manufacturers will claim there is saturation and it does not create runoff but it's not always true. It is a practical product for this use but he raised concerns about the Zoning Ordinance Steering Committee having the opportunity to review adjustments to the zoning code.

Principal Planner, Lance Lang stated, if the staff drafts an ordinance amendment, the process would be to send the revisions to the Zoning Ordinance Steering Committee before it is approved by Council.

Mayor Sipma requested the amendment include water mitigation plans and replacement provisions.

Alderman Wolsky then asked if the ordinance is prohibiting other low maintenance options from being considered; for example, by restricting the height of natural ornamental grasses.

Mr. Lang stated, nuisance complaints outlined in the ordinance do not apply to ornamental landscaping.

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Alderman Jantzer asked Mr. Lang about options for Mr. Vallely while the ordinance amendments are being reviewed. Mr. Lang responded by saying, the project couldn't pursue landscaping last fall because winter set in. Hopefully the ordinance will be in place by the time landscaping is relevant in the spring.

Alderman Pitner suggested artificial turf might be a good option for implementing in places like the gathering place and flood control.

Mr. Barry asked the Council for clarification on whether they want to allow staff to explore some flexibility in the ordinance and use their discretion on when artificial turf would be appropriate.

Alderman Jantzer clarified his motion by saying, it would direct staff to draft a limited exception to the Zoning Ordinance to allow artificial turf to be installed in the City of Minot, and outline any quality standards, restrictions, and/or processes the Council wants the exception to address. Alderman Olson, as the second, agreed to the clarification.

Mr. Lang stated, the requests can be considered on a case by case basis through special use permits.

Whereupon a vote was taken on the above motion by Alderman Jantzer, seconded by Alderman Olson and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Wolsky; nays: none.

### **CONTRACT FOR PLANNING CONSULTING SERVICES – HELD**

Alderman Olson moved the City Council approve the contract for consulting services with SRF Consulting Group, Inc. for planning consulting services to assist in a comprehensive update to the Minot Zoning Ordinance. Motion seconded by Alderman Pitner.

Alderman Wolsky said, the plan that was presented needs more clarification with the Zoning Ordinance Steering Committee and he would like to send it back until the next City Council meeting.

Alderman Wolsky moved the City Council table the item until the next City Council meeting. Motion seconded by Alderman Jantzer.

Alderman Pitner said, he was prepared to move forward with the contract after having conversations with individuals in the industry, however, if Alderman Wolsky feels it would be advantageous to take another look, he will support that idea.

Alderman Jantzer brought up experiences with a consultant on a previous ordinance revision that turned out to be flawed. He said, he does not want that to happen again. The group needs local input on the decisions they make.

Mayor Sipma agreed and said, during the process in 2012, the consultant made all of the decisions and dictated how the ordinance would be written. This time, there needs to be some middle ground where the consultant assists staff to accomplish what is best for the community.

Alderman Podrygula commented on what an overwhelming task it is to revise the zoning ordinance and said, a consultant makes sense. He supported the motion to take time to work out alternatives and get the contract right.

Whereupon a vote was taken on the motion by Alderman Wolsky, seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Wolsky; nays: none.

### **CUSTOMER SERVICE TRAINING/ REQUEST TRACKER/ 311 PROGRAM – APPROVED**

Alderman Pitner moved the City Council expand the customer service training program to include implementation of a customer complaint/response/tracking process; and conduct a complete review of the existing request/complaint tracker program and evaluate where improvements and efficiencies can be made (e.g., the number of tracker licenses necessary; current utilization of system; process for receipt, response, and tracking; and leadership involved in the process); and evaluate the efficacy of a 311 program.

Upon questioning by Alderman Wolsky, Mr. Barry explained that a 311 program is where citizens will call directly to the City for complaints, concerns and issues that need to be addressed.

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Alderman Podrygula stated, it is an excellent idea but can be broadened. There needs to be a mechanism to handle concerns and suggestions from citizens and staff but there should also be an area to submit ideas and to recognize those who create efficiencies. He emphasized the need to focus not only on problems but on solutions.

Alderman Wolsky asked what the next steps would be, to which Mr. Barry responded by saying, there are a couple projects that take priority over this one but within six months, the staff could have a report to the Council. There will be more research done on the request tracker as well as customer service training.

Whereupon a vote was taken on the above motion by Alderman Pitner, seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Wolsky; nays: none.

### **RECYCLING ANALYSIS**

Jason Sorenson presented information from the recycling analysis that was conducted by CPS. He gave a recap of the process up to this point and said the recommendation from staff, if the City were to implement recycling, is to collect the recycling curbside and transfer it to a MRF in Minneapolis. He introduced Melissa Knutson from CPS, who explained the methodology behind their analysis. They broke the information down into four options: constructing and operating a MRF for Region II, constructing and operating a MRF for the secondary region, consolidation and transfer of recyclables from Region II and contracting collection and haul for Minot. Total costs were calculated by factoring in annual capital costs, annual operations and maintenance costs, other annual fees and costs, annual revenue, and the estimated quantity of recyclables collected. Ms. Knutson summarized by saying, operating a MRF for Region II is estimated to cost \$254 per ton, operating a MRF for the Secondary Region is estimated to cost \$175 per ton, consolidating and transferring recycling is estimated to cost \$211 per ton and contracting collection and haul to a third party is estimated to cost \$450 per ton.

The Council discussed the pros and cons of recycling and how each option would differ. Mr. Sorenson stated, recycling was never presumed to be a profitable undertaking but there have been numerous requests from citizens. Achieving the economies of scale that would equate to a breakeven point would be difficult to accomplish particularly since Minot is 500 miles away from the closest sorting facility. He also said, he brought his presentation to provide information but was not looking for a decision from the Council.

Mr. Barry added that the City can explore franchise agreements that require recycling from other haulers. There are other ways to incentivize recycling without changing the cost to the City. He suggested, if the Council decides it is worth pursuing, they can determine a dollar amount that residents are willing to pay. That threshold can be used to decide what could be done.

Alderman Olson encouraged residents to reach out and share their opinions on the issue.

Alderman Wolsky brought up the issue of plastic bags, which was discussed at a previous meeting. Since the topics go hand in hand, he wanted to make sure it was acknowledged.

The City Manager stated, the legislative session is currently considering a bill related to plastic bags and it would be beneficial to see how they proceed before having that discussion.

### **DEPARTMENT PRESENTATION – LIBRARY**

Janet Anderson, the Library Director gave a brief presentation on the programs, services and events that the Library offers. She also provided copies of the 2018 Annual Report.

### **LIAISON REPORTS**

Alderman Olson said, the Library Merger Committee is ready to bring a recommendation to the City Council and County Commission with the intention of moving forward with the merger.

Alderman Wolsky mentioned the Commission on Aging March for Meals campaign taking place March 12<sup>th</sup>. The Renaissance Zone Steering Committee approved an application last month and is working on updating the Renaissance Plan.

Alderman Jantzer said, he has retired from the MADC Board since it has undergone some changes on composition. He is looking forward to working on the City Hall project soon.

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Alderman Pitner discussed the spring programs starting for the Recreation Commission and the merge with the Parks Department. So far, it is working well comingling resources but they are still waiting for legislation issues to be finalized.

Alderman Podrygula attended the meeting of the Library Merger Committee and the Zoning Ordinance Steering Committee and is impressed with their processes.

The Mayor mentioned MADC and said there will be more details to come soon. He also has met with Task Force 21 and has been working on Legislative activities.

### **MISCELLANEOUS AND DISCUSSION**

Alderman Wolsky brought up concerns with the snow management plan and suggested a revision to prioritize arterial pedestrian pathways for critical infrastructure along with residential neighborhoods. He witnessed a pedestrian walking in traffic over the Broadway Bridge and would like to alleviate dangerous activities.

Mayor Sipma commented that changes to the snow management plan could impact costs and response time and would need to be evaluated.

Alderman Wolsky also brought up Postal Service issues. He raised concerns because he has witnessed instances of certified mail not being delivered. He worried that when the City sends certified notifications, it might not make it to its destination. He suggested making a request to the federal delegation to look into it.

Alderman Olson announced, she is participating in the Little Black Dress Campaign with Women United to raise money for BIO Girls.

### **ADJOURNMENT**

There being no further business, Alderman Jantzer moved the City Council meeting be adjourned. Motion seconded by Alderman Pitner and carried unanimously. Meeting adjourned at 8:02 pm.

ATTEST: \_\_\_\_\_  
Kelly Matalka, City Clerk

APPROVED: \_\_\_\_\_  
Shaun Sipma, Mayor