

NOTICE AND CALL OF PUBLIC MEETING

Governmental Body: Winterset City Council

Date of Meeting: May 1, 2017

Time of Meeting: 7:00 PM

Place of Meeting: City Hall

PUBLIC NOTICE IS HEREBY GIVEN that the above-mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for said meeting is as follows:

AGENDA:

- 7:00 1. Call to order, Pledge of Allegiance, roll call, adopt agenda
- 7:00 2. Reports from City Boards & Departments
- 7:20 3. Amendments to floodplain ordinance
 - public hearing on proposed amendments
 - consideration of ordinance
- 7:30 4. Amendments to zoning regulations special exception uses
 - public hearing on proposed amendments
 - consideration of ordinance
- 7:40 5. FY 2016-17 Budget amendment
 - public hearing on proposed amendments
 - resolution adopting budget amendments
- 7:50 6. Library Renovation Project
 - Pay Estimate No. 2 - \$3,800.00
 - resolution accepting project
- 8:00 7. Appointment to Planning & Zoning Commission
- 8:10 8. Native wine permit - Heartland Fiber
- 8:15 9. Liquor license renewal - Casey's General Store (W. Summit)
- 8:20 10. Beer/wine permit - Madison County Chamber of Commerce
- 8:30 11. Administrator report
- 8:40 12. Claims
- 8:45 13. Minutes April 17th meeting
- 8:50 14. Public comment
- 8:55 15. Adjournment

This notice is given pursuant to Chapter 28A, Code of Iowa and the local rules of said governmental body.

DATE POSTED: April 27, 2017

BY:

Title: City Administrator

City Council of the City of Winterset, Iowa met in regular session on May 1, 2017 in accordance with the above Notice and Call of Public meeting. The meeting was called to order by Mayor James C. Olson with the following members of the Council in attendance:

PRESENT: Mike Fletcher, Howard Harrell, Philip Macumber, Edmund Seaward, Scott Stover

ABSENT: None

The Mayor called for any additions or deletions to the agenda. A motion was made by Council Member Macumber and seconded by Council Member Stover to approve the agenda as set forth in the Notice and Call of Public meeting. Roll call vote:

AYES: Fletcher, Harrell, Macumber, Seaward, Stover

NAYS: None

Whereupon the Mayor declared that the motion carried.

The Mayor noted that the following students from the High School Government class were in attendance at the Council meeting this evening: Dakota Kelly.

The Mayor stated that the Council would first hear reports from the various City Boards and Departments. The Mayor recognized Jean Bosch and asked for a report from the Library Board. She reported that the renovation project is completed except for a couple pieces of furniture yet to be delivered. She invited the Council to tour the newly renovated Library. She also stated that she will be attending a Library conference in Utah where she will be presenting a program on small libraries in rural areas. She also presented several flyers providing information on upcoming activities at the Library. The Mayor then recognized Jeff Johnston and asked for a report from the Fire Department. Assistant Chief Jeff Johnston reported that the Fire Department responded to 14 calls during the past month. He also stated that the fund raiser has been completed and they have purchased a new jaws of life. He also stated that the engine in truck 504 has been replaced and the truck is back in operation.

The Mayor recognized John Pletchette and asked for a report from the Winterset Park & Recreation Department. Mr. Pletchette presented a list of Park improvement projects that is planned for this next year. He also reported on the first Friday concert series which they are holding in conjunction with the Madison County Chamber of Commerce. He presented a map showing the location of the event.

The Mayor then called upon Police Chief Ken Burk to present his report at this time. Chief presented a written report summarizing activities of the Police department during the past month. He reported that Officer Halverson has resigned effective May 2nd. He stated that he has begun the process of hiring a replacement. He stated that he is competing with nearby cities, particularly in the Des Moines metro area, for Police Officers. He stated that another problem in that he has encountered is the residency requirement. He stated that the City Code requires employees of the Police Department to reside within Madison County. He suggested that the residency requirement provide for a 45 minute response time if the Officer is called in. He also stated that the Police Department will be participating Coffee with a Cop tomorrow at Rudy's Restaurant.

The Mayor stated that the next item on the agenda is a public hearing on amendments to the flood plain ordinance. The Mayor called upon Assistant City Administrator Bob Hendricks to report on this matter. Mr. Hendricks stated that the amendment is required because new flood insurance rate maps have been prepared. He also stated that the Iowa Department of Natural Resources suggested other changes to our flood plain ordinance. Copies of the revised flood plain ordinance had been previously provided to the Mayor & Council Members.

The Mayor then called for any comments or objections to be voiced at this time. Hearing nor public comments or objections, the Mayor declared that the public hearing was now closed.

Following brief discussion, a motion was made by Council Member Stover to waive the statutory requirement that the ordinance be considered at three different dates, and that the ordinance now be placed on its passage. Council Member Fletcher seconded the motion to waive the readings of the ordinance. Roll call vote:

AYES: Fletcher, Harrell, Macumber, Seaward, Stover

NAYS: None

Whereupon the Mayor declared that the motion carried.

The motion was then made by Council Member Macumber and seconded by Council Member Fletcher to adopt the Flood Plain Management Ordinance. Roll call vote:

AYES: Fletcher, Harrell, Macumber, Seaward, Stover

NAYS: None

Whereupon the Mayor declared that the motion carried and that Ordinance No. 607 AN ORDINANCE AMENDING CHAPTER 16 OF TITLE IV CONCERNING FLOOD PLAIN MANAGEMENT FOR THE CITY OF WINTERSSET, IOWA was now duly adopted.

The Mayor stated that the next item on the agenda is a public hearing on proposed amendments to the zoning regulations regarding special acceptance uses. Assistant City Administrator Bob Hendricks reported that one of the proposed changes would be to allow a property to have an accessory use without a principal use. He stated that the proposal would allow these accessory uses as a special exception use. He stated that this change would allow an ATM machine in the Downtown Commercial District, and also allow an automated fuel dispensing station in the regular Commercial District. Mr. Hendricks also reported that another change being proposed is to revise the procedure for issuing a special exception use. He stated that the current City Code provides that an application for special exception use should be referred to the Board of Adjustment within five days. City Attorney, Jane Rosien suggested that the reference to five days be removed, but that the rest of the section requiring a public hearing before the Board of Adjustment within 30 days continue to be included in the Codes.

The Mayor then called for a public comment regarding the proposed changes to the special exception use sections of the zoning regulations. There were no public comments made, so the Mayor declared that the public hearing is now closed.

Council Member Harrell then made a motion to waive the requirement that a proposed ordinance be considered on three separate dates, and that the proposed ordinance now be placed on its passage. Council Member Seaward seconded the motion. Roll call vote:

AYES: Fletcher, Harrell, Macumber, Seaward, Stover

NAYS: None

Whereupon the Mayor declared that the motion was duly adopted.

The motion was then made by Council Member Stover and seconded by Council Member Seaward to adopt Ordinance No. 608. Roll call vote:

AYES: Fletcher, Harrell, Macumber, Seaward, Stover

NAYS: None

Whereupon the Mayor declared that the motion carried and that Ordinance No. 608 AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE WINTERSET MUNICIPAL CODE TO ALLOW AUTOMATED BANK TELLING SERVICES AND AUTOMATED FUEL DISPENSING SERVICES AS PERMITTED SPECIAL EXCEPTION USES as now duly adopted.

The Council then turned its attention to the ordinance to modify the procedure for issuing a special exception use permit. Council Member Seaward made a motion to waive the requirement that the ordinance be considered on three different dates, and that the ordinance now be placed its passage. Council Member Macumber seconded the motion. Roll call vote:

AYES: Fletcher, Harrell, Macumber, Seaward, Stover

NAYS: None

Whereupon the Mayor declared the motion carried.

The motion was then made by Council Member Seaward and seconded by Council Member Harrell to adopt Ordinance No. 609. Roll call vote:

AYES: Fletcher, Harrell, Macumber, Seaward, Stover

NAYS: None

Whereupon the Mayor declared that the Ordinance No. 609 AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE WINTERSET MUNICIPAL CODE TO MODIFY THE PROCEDURE UPON RECEIPT OF A SPECIAL EXCEPTION USE PERMIT was now duly adopted.

The Mayor then stated that this is the time and place for a public hearing on a proposal to amend the budget for the current fiscal year. The Mayor called upon the Administrator to report on this matter. The Administrator presented a report showing the different areas of the City budget that would be amended, and explained the reason for these proposed amendments. The Mayor then called for any public comments regarding the proposed amendments to be voiced at this time. No public comments were made, so the Mayor then declared that the public hearing is now closed.

A motion as then made by Council Member Stover and seconded by Council Member Macumber to approve the following resolution. Roll call vote:

AYES: Fletcher, Harrell, Macumber, Seaward, Stover

NAYS: None

Whereupon the Mayor declared the following resolution was duly adopted.

RESOLUTION NO. 2017 - 52

RESOLUTION APPROVING AMENDMENTS
TO THE CITY BUDGET

BE IT RESOLVED by the City Council of the City of Winterset Iowa that amendments to the budget for Fiscal Year 2016-17 are hereby approved.

Passed and approved this 1st day of May 2017.

James C. Olson, Mayor

Attest:

Mark Nitchals, City Administrator

The Mayor stated that the next item on the agenda is in regards to the Library Renovation Project. The Mayor called upon the City Administrator to report on this matter. The Administrator stated that the project is completed and the contractor has submitted Pay Application No. 2 requesting payment in the amount of \$3,800. He stated that the pay estimate provides for 5% retainage in the amount of \$4,904.75. He stated that the architect has reviewed the pay estimate and recommends approval. A motion was then made by Council Member Harrell and seconded by Council Member Fletcher to approve the following resolution. Roll call vote:

AYES: Fletcher, Harrell, Macumber, Seaward, Stover

NAYS: None

Whereupon the Mayor declared the following resolution was duly adopted.

RESOLUTION NO. 2017- 53

RESOLUTION APPROVING PAY ESTIMATE
LIBRARY INTERIOR RENOVATION PROJECT

WHEREAS the City has previously entered into a contract with Grand Homes and Renovations LLC for construction of the Library Interior Renovation Project; and

WHEREAS the contractor has submitted Pay Estimate No. 2 requesting payment in the amount of \$3,800.00; and

WHEREAS the Project Architect from OPN Architects has reviewed said pay estimate and has recommended approval of Pay Estimate No. 2.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Winterset,

Iowa that Pay Estimate No. 2 providing for payment in the amount of \$3,800.00 to Grand Homes and Renovations LLC for work completed on the Library Interior Renovation Project be hereby approved and that the City Administrator is hereby directed to issue payment to Grand Homes and Renovations LLC in the amount of \$3,800.00

Passed and approved this 1st day of May, 2017.

James C. Olson, Mayor

ATTEST:

Mark Nitchals, City Administrator

The Mayor stated that the next item on the agenda is resolution accepting the work. A motion was made by Council Member Macumber and seconded by Council Member Fletcher to adopt the following resolution. Roll call vote:

AYES: Fletcher, Harrell, Macumber, Seaward, Stover

NAYS: None

Whereupon the Mayor declared the following resolution was duly adopted.

RESOLUTION NO. 2017-54

RESOLUTION ACCEPTING WORK
LIBRARY INTERIOR RENOVATION PROJECT

WHEREAS the City has previously entered into a contract with Grand Homes and Renovations LLC for construction of the Library Interior Renovation Project; and

WHEREAS OPN Architects, the Project Architect, has reviewed the work completed by Grand Homes and Renovations LLC on said project and has recommended Final Acceptance of Work done by Grand Homes and Renovations LLC on the Library Interior Renovation Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winterset, Iowa that the work completed by Grand Homes and Renovations LLC on the Library Interior Renovation Project be hereby accepted.

BE IT FURTHER RESOLVED that a 30 day period now begins during which time claims are to be filed for unpaid materials and services, and that following this 30-day period, the release of the 5% retainage in the amount of \$4,904.75 is hereby approved.

Passed and approved this 1st day of May, 2017.

James C. Olson, Mayor

ATTEST:

Mark Nitchals, City Administrator

The Mayor stated that the next item on the agenda is to consider an appointment to fill a vacancy on the Planning & Zoning Commission. Assistant City Administrator Bob Hendricks stated that he asked Dan Bush to consider serving on this Commission and filling this vacant term.. Following a brief period of discussion, Council Member Harrell introduced the following resolution and moved for its adoption. Council Member Stover seconded the motion. Roll call vote:

AYES: Fletcher, Harrell, Macumber, Seaward, Stover

NAYS: None

Whereupon the Mayor declared the following resolution was duly adopted.

RESOLUTION NO. 2017 - 55

RESOLUTION MAKING APPOINTMENT TO
PLANNING & ZONING COMMISSION

WHEREAS there now exist a vacancy on the Planning & Zoning Commission; and

WHEREAS appointments to the Planning & Zoning Commission are made by the City Council.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Winterset Iowa that Dan Bush be hereby appointed to a vacant term on the Planning & Zoning Commission, said term to expire on October 1, 2020.

Passed and approved this 1st day of May 2017.

James C. Olson, Mayor

ATTEST:

Mark Nitchals, City Administrator

The Mayor stated that the next item on the agenda is consideration of the Native wine permit for Heartland Fiber. It was reported that the Police Department did not have compliance problems with this business. A motion was then made by Council Member Harrell and seconded by Council Member Macumber to approve the following resolution. Roll call vote:

AYES: Fletcher, Harrell, Macumber, Seaward, Stover

NAYS: None

Whereupon the Mayor declared the following resolution was duly adopted.

RESOLUTION NO. 2017 - 56

RESOLUTION APPROVING
NATIVE WINE LIQUOR LICENSE

WHEREAS, there is now on file in the office of the City Administrator an application for a Class B Native Wine permit and Sunday Sales filed by Heartland Fiber; and

WHEREAS, after due investigation and consideration of said matter, it is considered that the application should be granted and recommendations be made that the permit be granted.

NOW, THEREFORE, BE IT RESOLVED that the application of Heartland Fiber for a Class B Native Wine permit and Sunday Sales is hereby approved and it is recommended the permit be granted.

Passed and approved this 1st day of May 2017.

James C. Olson, Mayor

Attest:

Mark Nitchals, City Administrator

The Mayor stated that the next item on the agenda is the liquor license renewal for the Casey's Store on West Summit St. It was reported by the Police Chief that the Police Department has not had compliance problems at this business. A motion was then made by Council Member Harrell and seconded by Council Member Stover to approve the following resolution. Roll call vote:

AYES: Fletcher, Harrell, Macumber, Seaward, Stover

NAYS: None

Whereupon the Mayor declared the following resolution was duly adopted.

RESOLUTION NO. 2017 - 57

RESOLUTION APPROVING APPLICATION FOR
ALCOHOLIC BEVERAGE LICENSE

WHEREAS, there is now on file in the office of the City Administrator an application for a Class C beer permit and a Class B wine permit filed by Casey's General Store, electronically paid a \$300.00 fee payable to the City of Winterset, and a \$500 electronically fee paid to the Alcoholic Beverage Division; and

WHEREAS, there is also on file in the office of the City Administrator an application for a Class B beer permit filed by Casey's General Store electronically paid \$500.00 fee payable to the Iowa Department of Commerce, Alcoholic Beverages Division, and the \$300.00 electronically fee paid to the City of Winterset, and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winterset that the application by Casey's General Store, for a Class C beer, Carryout Native Wine and Sunday Sales permit is hereby approved and it is recommended that such license be granted

BE IT FURTHER RESOLVED that the application of Casey's General Store for a Class C beer, Carryout Native Wine and Sunday Sales permit is hereby approved and it is recommended the permit be granted.

Passed and approved this 1st day of May 2017.

James C. Olson, Mayor

ATTEST

Mark Nitchals, City Administrator

The Mayor stated that the next item on the agenda is a beer/wine permit application submitted by the Madison County Chamber of Commerce. The Mayor stated that this is for the concert series that would be held at the City Park. Following a period of discussion, a motion was made by Council Member Harrell and seconded by Council Member Macumber to approve the following resolution. Roll call vote:

AYES: Fletcher, Harrell, Macumber, Seaward, Stover

NAYS: None

Whereupon the Mayor declared the following resolution was duly adopted.

RESOLUTION NO. 2017 - 58

RESOLUTION APPROVING APPLICATIONS FOR
ALCOHOLIC BEVERAGE LICENSE

WHEREAS, there is now on file an application Class B Beer (BB) includes wine coolers Liquor License filed by Madison County Chamber of Commerce.

WHEREAS, after due investigation and consideration of said matters, it is considered that application for the Madison County Chamber of Commerce be granted.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winterset Iowa that the Madison County Chamber of Commerce Class B Beer (BB) includes wine coolers is hereby approved and it is recommended that alcoholic beverage license be granted.

Passed and approved this 1st day of May 2017.

ATTEST:

Mark Nitchals, City Administrator

The Mayor called upon the Administrator to present his report at this time. The Administrator stated that a new law will allow the public to shoot off their own fireworks and will allow vendors to sell fireworks. He stated that the new law allows local governments to opt out of allowing the public to discharge their own fireworks. He stated that the vendors are limited to selling fireworks for only a certain time period before and after the 4th of July, so most of these will be temporary vendors and will need to comply with the transient merchant regulations.

The Administrator stated that the Cemetery Association has asked to be exempted from sewer charges since most of their water is used outdoors. He stated that the Water Dept. tried to install a second water meter that would be used to meter outside usage, but the water lines inside the Cemetery were not configured correctly. The Administrator suggested that instead of charging sewer based on water usage, perhaps a flat monthly sewer charge could be billed each month.

The Administrator stated that he received a request for information about employee wages for the most recent year, either calendar year or fiscal year. The Administrator provided a copy of the request from an organization called American Transparency requesting copies of each employee's record that contains the employers name, employer zip code, year of compensation, first name, middle initial, last name, hire date, base salary amount, bonus amount, overtime amount, gross annual wages and position title. The Administrator stated that this organization also wants this information provided as an email attachment in a certain type of file format, and they are also asking that we waive the fees for preparing this information. The Administrator stated that all this information is available in various computer records but are not compiled into an Excel file.

The Administrator stated that he and the City Attorney are working with representatives of the Winterset Community Church on terms of a lease for City owned property along E. Court Avenue, between Second Street and Third Street. He stated that he hopes to have the terms of the proposed lease completed soon, and then have the Council schedule a public hearing on this long term lease.

The Administrator stated that SICOG staff has reported that the Iowa Economic Development Authority would not be announcing CDBG award recipients in May as they originally planned. He stated that they do not anticipate being able to announce the 2017 CDBG awards until July.

The Mayor called for a report on the claims. Council Member Fletcher stated that he reviewed the claims and moved to approve the following list of claims. Council Member Stover seconded the motion. Roll call vote:

AYES: Fletcher, Harrell, Macumber, Seaward, Stover

NAYS: None

Whereupon the Mayor declared that the motion carried.

GENERAL

POLICE:

Madison Co Sheriff's Office, dispatch service	2,508.33
Payroll Account, salaries	17,293.56
Pro-Vision Video Systems, patrol camera	2,968.46
Quality Car Care, car repairs	313.04
Quill Corp., office supplies	11.99
Secretary of State, notary fee	30.00
Stivers Ford, car repairs	197.25
Tadd Davis, CPR training	360.00
Verizon, cellular service	320.10
Winterset Municipal Utilities, utilities	72.45

FIRE:

Brittains Std Parts, truck maint	476.88
Danko Emergency Equip Co., emergency lights	1,350.21

Emergency Apparatus Maint Inc., truck repairs	279.30
Iowa State University, fire school/certification	485.00
John Deere Financial, equip repairs	122.10
Lynn Card Co., business cards	92.95
MidAmerican Energy, gas service	108.79
Quality Car Care, batteries	284.30
Stivers Ford, truck repairs	646.04
Verizon, cellular service	23.61
Winterset Farm & Home, hdw supplies	84.85
Winterset Municipal Utilities, utilities	173.72

ADMINISTRATION:

Payroll Account, salaries	1,115.00
Payroll Account, salaries	4,292.98

ANIMAL CONTROL:

Payroll Account, salaries	57.64
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BUILDING INSPECTOR:

Payroll Account, salaries	1,247.59
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TRANSFERS:

Internal Service Fund, reimb internal	2,847.62
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ECONOMIC DEVELOPMENT:

Madison Co Alliance Group, approp	3,666.67
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AIRPORT:

Winterset Airport Authority, approp	3,289.92
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GARBAGE FUND

SOLID WASTE/GARBAGE:

Payroll Account, benefits	606.40
Payroll Account, salaries	634.60
Terry McNamara, refund	109.25
Waste Management of Iowa, garbage service	23,530.66

INTERNAL SERVICE FUND

ADMINISTRATION:

F & M State Bank, ACH fees	186.50
Neofunds by Neopost, postage	600.00
Brandy Decker, cleaning service	200.00
Access Systems, maint contract	435.60
CIT, copier lease	368.30
Employee Benefit Systems, HRA admin fees	285.60
Neopost Inc., rate change	250.47
Quill Corp., office supplies	91.24
Winterset Municipal Utilities, utilities	1,125.42
Authorize.net, ACH fees	15.00

ROAD USE TAX

ROADWAY MAINTENANCE:

CenturyLink, phone service	193.58
Electronic Engineering, pager maint	23.90
Grimes Asphalt & Paving Corp, cold mix	1,210.34
Logan Contractors Supply Inc., paint/flags	82.11
MidAmerican Energy, gas service	240.56
National Sign Co Inc., signs/sign post supplies	692.58
Payroll Account, salaries	6,319.31
Winterset Farm & Home, gloves	27.48
Winterset Municipal Utilities, utilities	5,864.72

STREET CLEANING:

John Deere Financial, equip repairs	27.46
Payroll Account, salaries	1,022.00

SEWER UTILITY FUND

SANITARY SEWER:

CINTAS Corp, first aid supplies	43.67
CR Services, safety glasses/safety supplies	127.10
Internal Service Fund, reimb internal	1,898.41
Keystone Laboratories Inc., lab testing	1,554.75
Payroll Account, benefits	5,547.07
Payroll Account, salaries	7,498.37
Sewer Improvement Project Fund, transfer	20,000.00
Sewer Revenue Bond Sinking Fund, transfer	16,440.37
Spee-Dee Delivery Service, shipping	104.84
Terry McNamara, refund	94.80
Verizon, cellular service	130.13

Verizon, cellular service 40.01
Winterset Municipal Utilities, utilities 7,173.15
Winterset Oil Co., gasoline 316.62
SEWER IMPROVEMENT PROJECT FUND

SANITARY SEWER:

Veenstra & Kimm Inc., engineer fees 2,230.00
CITY HALL PROJECT FUND

ADMINISTRATION:

SME Mechanical Inc., pay est #5 19,785.07
NORTHSTONE VILLAGE TIF

ECONOMIC DEVELOPMENT:

Scot M Clark, TIF rebate 3,092.50
LMI GRANT FUND

ECONOMIC DEVELOPMENT:

Shalea & Preston Fleming, spec asmt grant 1,000.00
TRUST & AGENCY

POLICE:

Payroll Account, benefits 8,940.19

ADMINISTRATION:

Payroll Account, benefits 3,512.27

ROADWAY MAINTENANCE:

Payroll Account, benefits 5,981.74
Iowa Workforce Development, unemployment benefit 2,235.00

The Mayor stated that the minutes of the April 17, 2017 City Council meeting were previously distributed to the Council Members for their review. A motion was made by Council Member Seaward and seconded by Council Member Harrell to approve the minutes as submitted. Roll call vote:

AYES: Fletcher, Harrell, Macumber, Seaward, Stover

NAYS: None

Whereupon the Mayor declared that the motion carried.

The Mayor stated that Trevor Bindel signed up to make public comment. Trevor Bindel stated that all City Departments should be instructed to not modify vehicles which would void the warranties. He stated that the Fire Department installed modifications to the engine which voided the warranty, which was why the City had to pay for the engine replacement.

A motion was made by Council Member Stover to adjourn the meeting. The motion to adjourn was seconded by Council Member Macumber. Roll call vote:

AYES: Fletcher, Harrell, Macumber, Seaward, Stover

NAYS: None

Whereupon the Mayor declared that the motion carried and the meeting was now adjourned.

James C. Olson, Mayor

ATTEST:

Mark Nitchals, City Administrator