

**DATE:** February 16, 2010  
**STAFF:** Wanda Krajicek

**AGENDA ITEM SUMMARY**  
FORT COLLINS CITY COUNCIL

**6**

**SUBJECT**

Consideration and Approval of the Minutes of the February 2, 2010, Regular Meeting.

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**COUNCIL OF THE CITY OF FORT COLLINS, COLORADO**

**Council-Manager Form of Government**

**Regular Meeting - 6:00 p.m.**

A regular meeting of the Council of the City of Fort Collins was held on Tuesday, February 2, 2010, at 6:00 p.m. in the Council Chambers of the City of Fort Collins City Hall. Roll Call was answered by the following Councilmembers: Hutchinson, Kottwitz, Manvel, Ohlson, Poppaw, Roy and Troxell.

Staff Members Present: Atteberry, Krajicek, Roy.

Councilmember Ohlson made a motion, seconded by Councilmember Manvel, to adjourn the regular Council meeting until the conclusion of the Pilot Trash District Special Public Hearing. Yeas: Hutchinson, Kottwitz, Manvel, Ohlson, Poppaw, Roy and Troxell. Nays: none.

THE MOTION CARRIED.

The Pilot Trash District Hearing was held from 6:05 p.m. to 11:00 p.m.

**Meeting Reconvened**

Councilmember Manvel made a motion, seconded by Councilmember Poppaw, to continue the regular Council meeting after 10:30 p.m. for the purpose of considering additional items of business. Yeas: Hutchinson, Manvel, Ohlson, Poppaw and Roy. Nays: Kottwitz and Troxell.

THE MOTION CARRIED.

\*\*Secretary's Note: Councilmember Kottwitz left the Council meeting at 11:05 p.m.

**Citizen Participation**

Eric Sutherland, 631 LaPorte Avenue, expressed concern regarding the length of time the City has been considering net metered electric service. He encouraged Council to explore more cutting edge options in the future.

Dirk Kraus, owner of Piano Institute, expressed concern regarding a medicinal marijuana dispensary which has opened next door to his business. He encouraged Council to examine zoning regulations regarding medical marijuana dispensaries.

**Citizen Participation Follow-up**

Councilmember Poppaw asked when the medical marijuana dispensary topic would be on the Council calendar. City Manager Atteberry replied it is an agenda item on the February 9, 2010 work

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session and noted staff has assembled some proposals for Council which include land use and spacing regulations.

Councilmember Poppaw asked how any new regulations would affect existing medical marijuana dispensaries. City Attorney Roy replied Council would have two options; either to grandfather in existing dispensaries in their current locations or to apply the new zoning and permit distancing requirements to existing dispensaries. He stated the first reading of the ordinance is scheduled for March 2, 2010.

Mayor Hutchinson noted there is not, nor will there be, a ban on medical marijuana dispensaries. Regulations will include zoning and placement issues.

### **Agenda Review**

City Manager Atteberry stated there were no changes to the published agenda.

Councilmember Ohlson withdrew Item No. 9, *Items Relating to the Construction of the Harmony Road and College Avenue Intersection Project.*

### **CONSENT CALENDAR**

6. Consideration and Approval of the Minutes of the January 19, 2010, Regular Meeting.
7. Second Reading of Ordinance No. 002, 2010, Amending Section 2-445 of the City Code Regarding Membership on the Youth Advisory Board.

This Ordinance, unanimously adopted on First Reading on January 19, 2010, changes the membership of the Youth Advisory Board from its current membership of 7 to a range of 5 to 9 members. This change provides greater flexibility to accommodate fluctuating interest by young people in serving on the board. In the past, it has been difficult at times to secure and retain seven engaged board members. Currently, there are young people interested and excited about serving on the board, but no vacancies.

8. Items Relating to Net Metered Electric Service and Interconnection Standards of Electric Generation Facilities to the Fort Collins Electric Distribution System.
  - A. Second Reading of Ordinance No. 003, 2010, Amending Chapter 26, Article VI of the City Code Relating to Net Metered Electric Service.
  - B. Second Reading of Ordinance No. 004, 2010, Adopting Standards for Interconnection of Electric Generation Facilities to the Fort Collins Electric Distribution System.

The proposed net metering rate and interconnection standards have been developed with the goal of establishing rates and standards that encourage and facilitate the installation of

renewable generation within our community.

The net metering language establishes limits similar to those established by the Colorado Legislature through Colorado Revised Statute §40-2-124, and subsequently by the Colorado Public Utilities Commission (PUC) for customers served by investor owned utilities. The PUC has established net metering limits at 120% of annual consumption. The PUC also enacted language limiting the installation to the capacity of the service entrance.

The proposed interconnection standards have been developed to support the adoption of a net metering rate that enables customers to install renewable generation capable of supplying up to 120% of their annual kilowatt-hour consumption. The standards define the requirements of the connection between the utility and the customer's generator to insure a safe connection that protects the distribution system, adjacent customers, the generator and the customer. These Ordinances were unanimously adopted on First Reading on January 19, 2010.

9. Items Relating to the Construction of the Harmony Road and College Avenue Intersection Project.

- A. Resolution 2010-003 Authorizing the Mayor to Enter Into an Amendment Agreement with the Colorado Department of Transportation to Add Funding for the Construction of the Harmony Road and College Avenue Intersection Project.
- B. First Reading of Ordinance No. 005, 2010, Appropriating Unanticipated Revenue in the Capital Projects Fund for the Intersection Improvements Project for Harmony Road and College Avenue.

This Resolution authorizes the City to amend a contract with the Colorado Department of Transportation (CDOT) to receive State and Federal Funds designated for the construction of improvements to the Harmony Road and College Avenue intersection. The Ordinance appropriates those funds.

10. Items Relating to the Conveyance of Interests in City-Owned Property Known as Grape Street for the Benefit of the North College Marketplace Project.

- A. First Reading of Ordinance No. 006, 2010, Authorizing the Conveyance of a Portion of the City-Owned Property Known as Grape Street to 1908 N. College, LLC.
- B. First Reading of Ordinance No. 007, 2010, Authorizing the Conveyance of a Temporary Construction Easement on a Portion of the City-Owned Property Known as Grape Street to 1908 N. College, LLC.

The North College Marketplace Project ("Project") is a shopping center development that will include various retail companies and will be anchored by a new King Soopers. The Project is located at the northeast corner of College Avenue and Willox Street and the north

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boundary is the City-owned property known as Grape Street. As part of this Project, Grape Street access will be eliminated at College Avenue and the developer has included a permanent access easement through the Project for users of Grape Street. With this change, these conveyances have been requested by the developer of the North College Marketplace Project to enhance its development.

11. Items Relating to the Implementation of Phase Three of the Southwest Enclave Annexation.

- A. Resolution 2010-004 Amending the City Structure Plan Map.
- B. Hearing and First Reading Ordinance No. 008, 2010, Amending the Zoning District Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in Phase Three of the Southwest Enclave Annexation to the City of Fort Collins, Colorado.

Phase Three of the Southwest Enclave Annexation consists of 1,080 acres. This is a request to amend the *City Structure Plan* map, apply appropriate zoning districts, and place Phase Three within the Residential Sign District. The *City Structure Plan* map will be amended from Urban Estate to Low Density Mixed-Use in two areas; and from Low Density Mixed-Use, Open Lands, Parks, Stream Corridors, and Rural Lands to Urban Estate. The requested zone districts for Phase Three are Low Density Residential (RL), Urban Estate (UE), Low Density Mixed-Use Neighborhood (LMN), and Public Open Lands (POL).

12. Resolution 2010-005 Making Appointments to the Youth Advisory Board.

This Resolution appoints three members to the Youth Advisory Board.

**\*\*\*END CONSENT\*\*\***

Ordinances on Second Reading were read by title by City Clerk Krajicek.

- 7. Second Reading of Ordinance No. 002, 2010, Amending Section 2-445 of the City Code Regarding Membership on the Youth Advisory Board.
- 8. Items Relating to Net Metered Electric Service and Interconnection Standards of Electric Generation Facilities to the Fort Collins Electric Distribution System.
  - A. Second Reading of Ordinance No. 003, 2010, Amending Chapter 26, Article VI of the City Code Relating to Net Metered Electric Service.
  - B. Second Reading of Ordinance No. 004, 2010, Adopting Standards for Interconnection of Electric Generation Facilities to the Fort Collins Electric Distribution System.

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Ordinances on First Reading were read by title by City Clerk Krajicek.

9. First Reading of Ordinance No. 005, 2010, Appropriating Unanticipated Revenue in the Capital Projects Fund for the Intersection Improvements Project for Harmony Road and College Avenue.
10. Items Relating to the Conveyance of Interests in City-Owned Property Known as Grape Street for the Benefit of the North College Marketplace Project.
  - A. First Reading of Ordinance No. 006, 2010, Authorizing the Conveyance of a Portion of the City-Owned Property Known as Grape Street to 1908 N. College, LLC.
  - B. First Reading of Ordinance No. 007, 2010, Authorizing the Conveyance of a Temporary Construction Easement on a Portion of the City-Owned Property Known as Grape Street to 1908 N. College, LLC.
11. Hearing and First Reading Ordinance No. 008, 2010, Amending the Zoning District Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in Phase Three of the Southwest Enclave Annexation to the City of Fort Collins, Colorado.

Councilmember Manvel made a motion, seconded by Councilmember Roy, to adopt and approve all items on the Consent Calendar with the exception of Item No. 9. Yeas: Hutchinson, Manvel, Ohlson, Poppaw, Roy and Troxell. Nays: none.

THE MOTION CARRIED.

### **Consent Calendar Follow-up**

Councilmember Troxell noted Item #11, *Hearing and First Reading Ordinance No. 008, 2010, Amending the Zoning District Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in Phase Three of the Southwest Enclave Annexation to the City of Fort Collins, Colorado*, is the third of four phases of this annexation which is on schedule. City Manager Atteberry commended the collaborative approach taken by City staff on this annexation.

### **Councilmember Reports**

Councilmember Troxell commented on the Innovation After Hours program examining clean energy from an economic perspective.

Councilmember Manvel stated he met with the newly reconstituted Regional Air Quality Council in Denver regarding the state implementation plan to lower ozone levels in the Front Range.

Mayor Hutchinson stated he met with the Gainesville, Florida mayor regarding feed-in tariffs and Fort Collins' clean energy cluster. He stated he testified regarding Colorado House Bill 1107 which involves fixing URA and TIF issues, particularly relating to agricultural land.

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**Resolution 2010-006**  
**Approving the North College Infrastructure Funding Plan, Postponed Indefinitely**

The following is staff's memorandum for this item.

***“EXECUTIVE SUMMARY***

*The proposed Funding Plan essentially consists of a prioritized list of infrastructure projects needed in the North College Avenue corridor area, along with corresponding potential funding sources to pursue. It contains no new policy decisions, nor any obligations or commitments; rather it is an aid to implementation of previously adopted plans.*

*The term “infrastructure projects” generally refers to construction projects that would build up a more complete system of streets and utilities in the area. These are basic public facilities needed to support long-term revitalization as envisioned.*

*Council approval of the Funding Plan will establish a useful framework to guide work efforts and decision making on funding for projects over time.*

**BACKGROUND**

***Initiative for the Funding Plan***

*The Funding Plan was prompted by a joint meeting of the Urban Renewal Authority (URA) Board of Commissioners (City Council members acting as the Board) and the North College Citizen Advisory Group (CAG) in July 2008. At the meeting, the Board, the CAG, and staff all agreed on the need for a prioritized overall funding plan for the many infrastructure projects envisioned for the North College area. This is needed to help plan for the use of tax increment financing (TIF) revenues in the North College corridor area. The Board directed staff to prepare the needed plan. In March 2009, staff began the process to develop the Funding Plan. In July 2009, at the second annual joint work session, staff presented draft material to the URA Board and received direction and support to complete the plan and bring it forward for approval.*

***Purpose of the Funding Plan***

*The purpose of this funding plan is to place all of the area's key infrastructure needs into an overall framework to guide work and decisions by the URA, the City, and others with an interest in North College area infrastructure.*

***Previously Adopted Plans***

*The Funding Plan is a tool to help implement the vision, goals, policies, and objectives of previously adopted plans, including:*

- *The 2007 North College Corridor Plan.*

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- *The 2004 North College Avenue Urban Renewal Plan.*
- *The 2000 US287/SH14 Access Management Report.*

*These plans address infrastructure needs and issues in the North College corridor area. All are consistent with the City's overall Comprehensive Plan known as City Plan.*

*Related to these adopted plans, Fort Collins Utilities and Engineering staff have performed engineering design work on drainage and sewer facilities, and also on the proposed new arterial street known as "Realigned Vine". This work has also contributed to the information in the Funding Plan.*

### ***The Plan in a Nutshell***

*The primary component of the Funding Plan is the Project Summary Table that lists needed infrastructure projects, designates priorities, and notes potential funding sources. The remainder of the plan includes additional explanation of the projects and funding sources.*

### ***Implications of Council Approval***

*If approved, staff will use the Funding Plan to seek funding for projects, and develop recommendations for use of TIF. Also, the Plan will be used for coordination and input on other important capital project lists and budgets used by City departments and the Colorado Department of Transportation. Finally, approval will signify general support for exploring and pursuing special assessment or improvement districts, or other cooperative measures among property owners, developers, and other stakeholders.*

*Approval of the Plan will not create any funding commitments or obligations. Rather, it will support ongoing work and discussion which will lead to funding commitments by appropriate sources. Any City capital projects that move forward to build infrastructure will be administered in accordance with the City's Capital Projects Procedures Manual.*

### ***FINANCIAL IMPACT***

*Because the Funding Plan contains no funding commitments, staff finds no direct financial impacts resulting from its approval. However, as the North College area develops over time as envisioned, the URA and the City are likely to continue to participate in funding public infrastructure improvements. This Funding Plan will guide those funding decisions, and it may have indirect financial implications for the City.*

*Specific financial impacts of projects will be determined on a case by case basis as projects proceed to approval of funding, programming, and construction.*

*The question of life cycle costs for operations and maintenance of infrastructure has been a topic of discussion. Such costs are separate and distinct from the capital costs of getting projects designed and built. Cost estimates in the Funding Plan include capital costs only. Funding for*



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*operation and maintenance costs for City capital projects must be identified at the time projects are approved, in accordance with the City's Capital Projects Procedures Manual.*

### **SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS**

*Because this Funding Plan contains no new policy or funding commitments, staff does not find any new impacts on these sustainability considerations -- such impacts are addressed in existing adopted plans which this Funding Plan will help to implement.*

*As the North College area develops over time, economic effects will be complex. Infrastructure projects will be costly; most of them will involve multiple funding sources; and many will require public/private partnership. Costs will be offset by increased values and revenues generated in the area over the long term.*

*The projects in the Funding Plan will be constructed to current standards for water quality and energy consumption. Any associated development will comply with Land Use Code standards. The projects will build up a more complete system of public improvements to support the health, safety, and well-being of citizens.*

*In general, the projects listed in the Funding Plan represent investments in efficient infill and redevelopment, with an emphasis on pedestrian facilities and community character, in a close-in location near downtown. This type of development is envisioned in adopted plans for the area, and is generally consistent with sustainability goals."*

Jeff Scheick, Director of Planning, Transportation and Development, stated this funding plan is a list of projects for the North College Infrastructure project which involves long term strategy for using Urban Renewal Authority tax increment financing for potential future projects. He stated this is in conformance with the North College Plan, City Plan, and Street Master Plan and is supported by the North Fort Collins Business Association, Transportation Board, and Planning and Zoning Board. There are no specific commitments of financing at this time and sustainability and environmental issues will need to be more thoroughly examined for all projects.

Shane Miller, 4325 Mill Creek, asked for discussion regarding using tax increment financing as the mechanism for funding capital projects. He expressed concern about education funding impacts when tax increment dollars are used in this way.

Don Butler, North Fort Collins Business Association, expressed support for the North College improvements and thanked staff for its efforts to include the businesses.

Eric Sutherland, 631 LaPorte Avenue, expressed concern about a loan made by the City to construct the new RMI2 building when empty retail space exists in the city. He asked for explanation of that expenditure and the loan payback details.

Eric Holsapple, Loveland Commercial, stated his company is developing the King Soopers complex at North College and Willox. He commended staff and Council for its work in prioritizing and

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funding the projects.

Councilmember Ohlson expressed concern about the potential inequity between the benefits for developers and responsibilities for tax payers in terms of financing. He expressed concern as to whether the City is recovering all the appropriate impact fees and asked what developers would be funding. Clark Mapes, City Planner, replied some of the projects are related to improving North College Avenue as part of the current Building on Basics project. He added improving North College piecemeal by developers could take decades. Scheick stated this funding plan was developed in looking at what currently exists on North College Avenue.

Councilmember Manvel asked if developers might be responsible for reimbursing some of the charges for future developments. Mapes replied there is a chance for developers to do that in the future.

Councilmember Ohlson stated that information should be included in the Funding Plan.

City Manager Atteberry clarified as development occurs along the North College corridor, developers will be required to reimburse. He asked if street oversizing fees will contribute toward these projects. Mapes replied street oversizing fees are not part of projects which are not triggered by development.

Councilmember Ohlson asked why street oversizing fees are listed as part of the Funding Plan. Mapes stated developers could be added as one of the funding sources, in terms of reimbursement, for some of the projects, though developers would not likely fund projects in the first place.

Councilmember Ohlson asked why sustainability and environmental objectives were not included in the Funding Plan. Scheick replied that issue should have been better addressed but are included within other objectives in terms of longevity, bike, pedestrian, and transit friendliness, and compact land use and smart growth. He acknowledged sustainability and environmental objectives need to be addressed more specifically.

Councilmember Ohlson expressed concern regarding City projects including qualifiers on environmental objectives, if they are included at all.

City Manager Atteberry stated this Funding Plan has involved a great deal of vetting and work among staff and North College businesses. He stated the Resolution may not be ready for consideration; it may need further clarification regarding funding sources.

Councilmember Roy asked that the railroad corridor along North College Avenue, and open space properties be included in the Plan. He also asked that the Jefferson Street corridor and its link to North College Avenue also be included.

Councilmember Roy made a motion, seconded by Councilmember Poppaw, to postpone *Resolution 2010-006 Approving the North College Infrastructure Funding Plan*, until the City Manager determines it is ready for consideration. Yeas: Hutchinson, Manvel, Ohlson, Poppaw, Roy and

Troxell. Nays: none.

THE MOTION CARRIED.

**Items Relating to the Construction of the Harmony Road  
and College Avenue Intersection Project, Adopted on First Reading**

The following is staff's memorandum for this item.

***“EXECUTIVE SUMMARY***

- A. *Resolution 2010-003 Authorizing the Mayor to Enter Into an Amendment Agreement with the Colorado Department of Transportation to Add Funding for the Construction of the Harmony Road and College Avenue Intersection Project.*
- B. *First Reading of Ordinance No. 005, 2010, Appropriating Unanticipated Revenue in the Capital Projects Fund for the Intersection Improvements Project for Harmony Road and College Avenue.*

*This Resolution authorizes the City to amend a contract with the Colorado Department of Transportation (CDOT) to receive State and Federal Funds designated for the construction of improvements to the Harmony Road and College Avenue intersection. The Ordinance appropriates those funds.*

***BACKGROUND/DISCUSSION***

*The intersection of Harmony Road and College Avenue is one of the highest volume intersections in the City. The intersection currently operates at a Level of Service D (50 seconds average delay) and is forecast to be Level of Service F (95 seconds average delay) in 20 years. It is constrained on all four corners by existing development, but proposed improvements will reduce delay, improve the pavement surface, add urban design and landscaping elements, and provide better facilities for bicycles and pedestrians.*

*In February 2008, Council approved the appropriation of State and Federal funds totaling \$1,420,000 for this Project. This action enables Council to add additional Federal and State funds totaling \$747,000. Two types of funding are being added. Congestion Relief funding comprises \$627,000 and Hazard Elimination funding comprises \$120,000.*

*Staff is currently completing the final stages of design and right-of-way acquisition. Construction is planned to start in the spring of 2010 and last into the fall.*

***FINANCIAL IMPACT***

*Following is a summary of the College and Harmony Intersection Project funding. Sources in **bold** are authorized with this Council action.*

<i>Building on Basics (BOB) Intersection Improvements</i>	<i>\$1,480,000</i>
<i>State Transportation Plan (STP) Metro Funds Grant</i>	<i>\$1,420,000</i>
<b><i>Congestion Relief Federal Funds Grant</i></b>	<b><i>\$ 627,000</i></b>
<b><i>Hazard Elimination &amp; Safety (HES) Funds, Kensington Median</i></b>	<b><i>\$ 120,000</i></b>
<i>Building on Basics (BOB) W. Harmony Road</i>	<i>\$ 800,000</i>
<i>Harmony Maintenance Reserves</i>	<i>\$1,557,000</i>
<b><i>Total Funding (revised with Council action)</i></b>	<b><i>\$6,004,000</i></b>

### **SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS**

*This Council action authorizes additional funding to be added to a project that is currently underway and planned to be constructed in 2010. The economic, environmental and social impacts described below refer to the entire \$6 million project as a whole.*

#### ***Economic Impact***

*The Project will provide an important long-term positive economic impact through a direct investment into improving mobility through one of the City's busiest intersections and vital retail areas. A significant effort is also being made to improve the look and feel of the area through landscaping and urban design improvements.*

*Staff acknowledges that there is a short-term impact to area businesses due to the disruption caused by construction of a project of this size. The Project Team has implemented a strategy to minimize this impact by shortening the duration of the project and maintaining traffic flow whenever possible. This process has included pavement design that can be constructed quickly, performing tree and utility relocations prior to the main work, holding a day-long constructability workshop with regional contractors, and providing monetary incentives to the contractor for early completion.*

#### ***Environmental Impact***

*The Project will have a positive impact on long-term air quality. The Design Team estimates that the improvements will reduce congestion by about 20% based on the ten-year traffic projection. This means a reduction in the emissions caused by idling vehicles will be reduced correspondingly.*

*The Project completes the last remaining gap in bicycle lanes on Harmony Road from east of Ziegler Road to Taft Hill Road. The Project also improves the safety and convenience for pedestrians crossing the intersection.*

*The Project includes significant improvements to stormwater quality with the installation of facilities to remove suspended solids and hydrocarbon contaminants from roadway drainage prior to discharge into receiving waters. The Project will also be required to minimize sediment runoff during construction through the use of a Stormwater Management Plan Permit.*

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*The Project has been designed to minimize material usage and waste. For example, existing trees are being transplanted where possible, existing road base material is being reused on site, and asphalt millings will be recycled into road base.*

### **Social Impact**

*The Project provides an improvement to the quality of life to the citizens of Fort Collins by reducing congestion and increasing transportation choices. During the construction, there is a negative impact due to the inconvenience of the construction. As mentioned above, the Design Team has taken steps to minimize this impact."*

Councilmember Ohlson asked about private sector or impact fee contributions for funding the project and asked why maintenance reserve money is one of the funding sources. He also expressed concern regarding monetary incentives for early completion. Mark Jackson, Planning, Development, and Transportation Budget, Policy and Communication Manager, replied there are no impact fees associated with this project because there is no development near the area from which there is rational nexus to exact those impact fees. When the intersection was originally improved, impact fees were obtained from developers. Should one of the corners of the intersection have redevelopment, impact fees would certainly be part of this improvement project. He added that future redevelopment would pay fees into the street oversizing fund.

Councilmember Ohlson asked if intersection improvements are part of the street oversizing fees as well as road segments. Jackson replied the complete answer would be available prior to second reading.

Councilmember Roy made a motion, seconded by Councilmember Poppaw, to adopt Resolution 2010-003. Yeas: Hutchinson, Manvel, Ohlson, Poppaw, Roy and Troxell. Nays: none.

THE MOTION CARRIED.

Councilmember Roy made a motion, seconded by Councilmember Poppaw, to adopt Ordinance No. 005, 2010, on First Reading. Yeas: Hutchinson, Manvel, Ohlson, Poppaw, Roy and Troxell. Nays: none.

THE MOTION CARRIED.

### **Other Business**

Councilmember Troxell asked which items on the regular meeting agenda had been considered urgent. City Manager Atteberry replied the Harmony Road and College Avenue intersection project was urgent as it needs to go out to bid.

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**Adjournment**

The meeting adjourned at 12:00 a.m.

\_\_\_\_\_  
Mayor

ATTEST:

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City Clerk