CITY OF WATFORD CITY

CITY COUNCIL MEETING

October 6, 2014

Minutes of the regular City Council meeting held on October 6, 2014 at 6:00 p.m. at City Hall. Present were Mayor Brent Sanford and Council Members Justin Voll, Doug Bolken, Marty Mulder, Steve Sanford, Aaron Gravos, and Phil Riely. Also present were City Planner Curt Moen, City Auditor Peni Peterson, and Attorney Wyatt Voll.

Council Member Sanford moved to approve the minutes of the city council meetings held on September 9 and September 16, 2014. Motion also included approving the agenda. Motion seconded by Council Member Riely and carried unanimously.

Brenda Berquist, Roughrider Committee, presented an application from McKenzie County Healthcare System in the amount of $75,000 for assistance in the acquisition and renovation of the Wiggles and Giggles building, which will include five apartments and an 18 child daycare to support MCHS employees. This contribution will go towards the Bank of North Dakota Flex Pace funding, which will by down the interest rate.

Council Member Bolken moved to approve the Roughrider application submitted by McKenzie County Healthcare System in the amount of $75,000 with the contingency that if the building is sold within 5 years, MCHS will have to pay back the full $75,000 to the Roughrider Fund. Motion seconded by Council Member Mulder and carried by the following roll call vote; ayes: Sanford, Gravos, Mulder, Voll, Riely, and Bolken; nays: none.

Council Member Voll moved that the following resolution be adopted: “Whereas, the City Council did on the 6th of October 2014 adopt a preliminary budget for January 1, 2015 through December 31, 2015, and that the budget notice of the final hearing to be held at this time and place was published; Therefore, be it resolved that the Final Budget be adopted and the following amounts be levied: General Fund $157,452.98; Social Security $196,290.82; Retirement $36,652.16; Insurance Reserve $33,878.03; Advertising $4,875.75; Emergency $13,198.14; Planning Commission $7,733.94; Cemetery $0; Lease of Law Enforcement Facilities $64,477.54; Forestry $14,206.92; and “Whereas, the City Council did set forth in budget form the amounts necessary for each fund and Whereas, the notice of hearing was given and Whereas, the hearing was held and the final budget for the City of Watford City was adopted; Therefore, be it resolved that there is hereby levied a tax for the year 2014 on all taxable property in the City of Watford City for the purposes set forth in the final budget in the total amount of $528,766.28. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Mulder, Gravos, Bolken, Riely, Sanford, and Voll; nays: none.

Council Member Voll moved to approve holding a Public Hearing to hear comment on a Petition to Vacate Easement submitted by WCND Apartments II, LLC. Public Hearing will be held at the regular council meeting on December 1, 2014. Motion seconded by Council Member Gravos and carried unanimously.

Council Member Voll moved to approve holding a Public Hearing to hear comment on a Petition to Vacate Easement submitted by McKenzie County Water District. Public Hearing will be held at the regular council meeting on December 1, 2014. Motion seconded by Council Member Riely and carried unanimously.

Ryan Norrell, ND Missouri River Stakeholders Group, was present and spoke about what the group represents, goals, challenges, and some of the Missouri River issues. He also invited the council to their fall workshop on November 20 in Bismarck.

Ron Bass, WhippleWood CPAs, provided fees for auditing services. WhippleWood CPAs would perform the 2013 and 2014 audits for not-to-exceed $25,000 per year without further approval from City Council. Council Member Voll moved to approve the proposed auditing fees for the 2013 and 2014 city audits. Motion seconded by Council Member Gravos and carried by the following roll call vote: ayes: Bolken, Voll, Mulder, Gravos, Riely, and Sanford; nays: none.

Todd Norton, Advanced Engineering, presented pay estimates.

Council Member Voll moved to approve Pay Estimate #7 from Phoenix Fabricators & Erectors, Inc. (Northwest Water Tower) in the amount of $390,736.80. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Mulder, Bolken, Gravos, Voll, Sanford, and Riely; nays: none.

Council Member Riely moved to approve Pay Estimate #8 from Landmark Structures (East Water Tower) in the amount of $127,700. Motion seconded by Council Member Sanford and carried by the following roll call vote: ayes: Voll, Gravos, Riely, Mulder, Sanford, Bolken; nays: none.

Council Member Bolken moved to approve Pay Estimate #2 from Northern Improvement (17th Ave NE Street Improvements) in the amount of $1,805,659.57. Motion seconded by Council Member Sanford and carried by the following roll call vote: ayes: Riely, Mulder, Voll, Sanford, Bolken, Gravos; nays: none.

Council Member Voll moved to approve Pay Estimate #2 from PXI, Inc. (2014 Watermain Improvements) in the amount of $197,076.50. Motion seconded by Council Member Riely and carried by the following roll call vote: ayes: Sanford, Gravos, Mulder, Voll, Bolken, and Riely; nays: none.

Council Member Sanford moved to approve Pay Estimate #2 from Merryman Excavation (Hwy 23 Watermain Extension) in the amount of $68,879.99. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Riely, Voll, Mulder, Gravos, Sanford, and Bolken; nays: none.

Matt Beard, TD&H, presented a Release of Bond Application #1 for Tara Estates releasing $437,440.19 of their bond.

Council Member Mulder moved to approve releasing $437,440.19 of the Tara Estates Bond. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Bolken, Gravos, Riely, Sanford, Mulder, and Voll; nays: none.

Chief Art Walgren gave an update on the police department. Chief Walgren informed the council that Whiting Oil donated 10 gas monitors to the department. Also discussed the possibility of implementing a parade permit.

Council Member Mulder moved to approve the recommendations from the Planning Commission from their September 29, 2014 meeting with the exceptions of item numbers 4, 5, 7, 10, 11, and 12 to be voted on separately. Approved the following: Simple Lot Split Application submitted by David & Jan Rolfson JT via Hunter’s Run, LLC on property located in Section16, T150N, R98W, Lot 1 of Rolfson Subdivision, 40.91 acres. Creating two lots: Lot 1= 10.35 acres, Lot 2=30.56 acres; Simple Lot Split Application submitted by City of Watford City via Hunters Run, LLC on property located in Section 16, T150N, R98W, Lot 2 Rolfson Subdivision, 106.89 acres. Creating two lots: Lot 1= 62.01 acres, Lot 2= 44.87 acres; Simple Lot Split Application submitted by Hunters Run, LLC, Touraj/Jason Vedadi on property located Section 16, T150N, R98W, Lot 137 of Hunters Run Subdivision, 5.199 acres. Creating two lots: Lot 1= 2.2 acres, Lot 2= 2.0 acres; Conditional Use Permit Application submitted by Badlands Cellular of ND, d/b/a Verizon Wireless & MBY15, LLC on property located 409 12th St South East, Lot 22 Block 6 Cherry Creek 2nd Addition, allowing a wireless telecommunications transmission facility including a 50’ monopole style antenna structure and 12’x30’ utility building; Preliminary Subdivision Plat, *Emerald Ridge 1st Addition,* for property located NE1/4SE1/4 Section 14, T150N, R99W, 40 acres; Subdivision Revised Final Plat, *Homestead Subdivision Phase 1, Filing 1*; Subdivision Final Plat, *Stallion Meadows*, by Watford City Legacy, LLC & Muth-Hillberry, LLC. Motion seconded by Council Member Gravos and carried by the following roll call vote: ayes: Sanford, Mulder, Voll, Gravos, Riley, and Bolken; nays: none.

No action was taken on items 10, 11, or 12.

Council Member Bolken moved to approve the Conditional Use Permit Application Annual REVIEW for Warren Hovland, One Way Services, and Brad Arntson, Knife River, located at 401 14th St SW, to continue operating a concrete batch plant on Industrial Zoned property, and the Conditional Use Permit Application submitted by Warren Hovland, One Way Services, and Brad Arntson, Knife River, located at 401 14th St SW, to continue operating an asphalt batch plant on Industrial zoned property. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Gravos, Riely, Sanford, Voll, Mulder, and Bolken; nays: none.

Council Member Bolken moved to approve the Conditional Use Permit Application Annual REVIEW for HKE Danny Matthews / Watford City Livestock Association on property located at 502 3rd Ave SW, allowing the continuation of Employee Housing (Temporary Workforce Housing). Approved with the following contingencies: HKE must bring the property into compliance (only HKE employees living on the premises) within 90 days, must provide a monthly tenant list to the city, and the property needs to be annexed into the city and meet C1 Zoning requirements. Seconded by Council Member Voll and carried by the following roll vote: ayes: Riely, Bolken, Voll, Mulder, Gravos, and Sanford; nays: none.

Council Member Bolken moved to approve the recommendations from the Special Planning Commission held October 6, 2014 meeting. Approved the following: Preliminary Subdivision Plat, *Rolling Hills Estates*, located Lot 1-12 in Block 4 and Lots 13-16 in Block 5 of Rolling Hills Estates; Zone Change Application submitted by Rolling Hills Estates for property located in Block 4, Lots 1-12 and Block 5, Lots 13-16 of Rolling Hills Estates from R-1 to R-3 and RT. Motion seconded by Council Member Gravos and carried by the following roll call vote: ayes: Riely, Mulder, Bolken, Gravos, Sanford, and Voll; nays: none.

Council Member Voll moved to approve a funding request from the Centennial Steering Committee in the amount of $12,186.20. Motion seconded by Council Member Riely and carried by the following roll call vote: ayes: Mulder, Bolken, Gravos, Sanford, Voll, and Riely; nays: none.

Council Member Bolken moved to approve the following Raffle Permit Applications: #714 submitted by Watford City Lions Club, #715 submitted by Friends of WC Fire Department, #716 submitted by Bakken Friends of the NRA, and #717 submitted by Watford City Golf Club. Motion seconded by Sanford and carried unanimously.

Council Member Voll moved to accept the resignation of Nathan Stoker. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Sanford, Voll, Mulder, Bolken, Riely, and Gravos; nays: none.

Council Member Voll moved to approve the following category and step changes for Ryan Chaffee, Category 12, Step 2, effective November 1, 2014: Larry Fisketjon, Category 3, Step 1, effective November 1, 2014: Robert Lamell, Category 3, Step 1, effective November 1, 2014; Rita Olson, Category 6, Step 5, effective November 1, 2014; Peni Peterson, Category 10, Step 2, effective November 1, 2014. Motion seconded by Council Member Riely and carried by the following roll call vote: ayes: Mulder, Bolken, Gravos, Voll, Sanford, and Riely; nays: none.

Council Member Voll moved to approve November 28th, December 24th at noon, December 26th and January 2nd as additional holidays for city employees. Motion seconded by Council Member Gravos and carried unanimously.

Council Member Voll moved to approve Mayor Sanford’s appointment of Bill Carlson to the Planning Commission Board to fulfill Teri Wolff’s unexpired term until January 1, 2015. Motion seconded by Council Member Sanford and carried unanimously.

City Engineer Todd Kelley presented two options regarding the proposed Fox Hills Village Special Assessment District (Roadway, Storm Sewer, Water, Sanitary Sewer, and Street Lighting). After a discussion, it was the consensus of the council to use Option 2.

Council Member Gravos moved to approve Resolution No. 2014-01P Resolution Creating and Defining the Boundaries for Paving Improvement District No. 2014-01P. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Sanford, Riely, Mulder, Voll, Gravos, and Bolken; nays: none.

Council Member Voll moved to approve Resolution No. 2014-02P Resolution Directing Preparation of Engineer’s Report and Cost Estimate. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Gravos, Mulder, Riely, Sanford, Voll and Bolken; nays: none.

Council Member Riely moved to approve Resolution No. 2014-03P Resolution Approving Engineer’s Report and Direction Preparation of Detailed Plans and Specifications for Paving Improvement District No. 2014-01P. Motion seconded by Council Member Voll and carried by the following roll call vote: ayes: Mulder, Bolken, Voll, Sanford, Gravos, and Riely; nays: none.

Council Member Sanford moved to approve Resolution No. 2014-04P Resolution Approving Engineer’s Plans, Specification and Estimates for Paving Improvement District No. 2014-01P. Motion seconded by Council Member Riely and carried by the following roll call vote: ayes: Bolken, Gravos, Mulder, Voll, Riely and Sanford; nays: none.

Council Member Voll moved to approve Resolution No. 2014-05P Resolution of Necessity for Paving Improvement District No. 2014-01P. Motion seconded by Council Member Riely and carried by the following roll call vote: ayes: Bolken, Gravos, Mulder, Riely, Sanford, and Voll; nays: none.

Council Member Riely moved to approve Resolution No. 2014-01S Resolution Creating and Defining the Boundaries for Sanitary Sewer Improvement District No. 2014-01S. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Sanford, Voll, Gravos, Mulder, Bolken, and Riely; nays: none.

Council Member Gravos moved to approve Resolution No. 2014-02S Resolution Directing Preparation of Engineer’s Report and Cost Estimate. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Voll, Riely, Gravos, Bolken, Mulder, and Sanford; nays: none.

Council Member Bolken moved to approve Resolution No. 2014-03S Resolution Approving Engineer’s Report and Directing Preparation of Detailed Plans and Specifications for Sanitary Sewer Improvement District No. 2014-01S. Motion seconded by Council Member Riely and carried by the following roll call vote: ayes: Sanford, Mulder, Bolken, Gravos, Voll, and Riely; nays: none.

Council Member Gravos moved to approve Resolution No. 2014-04S Resolution Approving Engineer’s Plans, Specifications and Estimates for Sanitary Sewer Improvement District No. 2014-01S. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Voll, Gravos, Bolken, Riely, Sanford, and Mulder; nays: none.

Council Member Voll moved to approve Resolution No. 2014-01SS Resolution Creating and Defining the Boundaries for Storm Sewer Improvement District No. 2014-01SS. Motion seconded by Council Member Gravos and carried by the following roll call vote: ayes: Mulder, Riely, Sanford, Bolken, Gravos, and Voll; nays: none.

Council Member Bolken moved to approve Resolution No. 2014-02SS Resolution Directing Preparation of Engineer’s Report and Cost Estimate. Motion seconded by Council Member Gravos and carried by the following roll call vote: ayes: Sanford, Bolken, Gravos, Mulder, Voll, and Riely; nays: none.

Council Member Sanford moved to approve Resolution No. 2014-03SS Resolution Approving Engineer’s Report and Directing Preparation of Detailed Plans and Specifications for Storm Sewer Improvement District No. 2014-01SS. Motion seconded by Council Member Riely and carried by the following roll call vote: ayes: Mulder, Bolken, Voll, Sanford, Riely, and Gravos; nays: none.

Council Member Riely moved to approve Resolution No. 2014-04SS Resolution Approving Engineer’s Plans, Specifications and Estimates for Storm Sewer Improvement District No. 2014-01SS. Motion seconded by Council Member Gravos and carried by the following roll call vote: ayes: Sanford, Riely, Mulder, Voll, Gravos, and Bolken; nays: none.

Council Member Mulder moved to approve Resolution No. 2014-01L Resolution Creating and Defining the Boundaries for Street Lighting Improvement District No. 2014-01L. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Bolken, Gravos, Mulder, Riely, Sanford, and Voll; nays: none.

Council Member Voll moved to approve Resolution No. 2014-02L Resolution Directing Preparation of Engineer’s Report and Cost Estimate. Motion seconded by Council Member Gravos and carried by the following roll call vote: ayes: Mulder, Bolken, Voll, Sanford, Gravos, Riely; nays: none.

Council Member Bolken moved to approve Resolution No. 2014-03L Resolution Approving Engineer’s Report and Directing Preparation of Detailed Plans and Specifications for Street Lighting Improvement District No. 2014-01L. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Sanford, Bolken, Gravos, Mulder, Voll, and Riely; nays: none.

Council Member Sanford moved to approve Resolution No. 2014-04L Resolution Approving Engineer’s Plans, Specifications and Estimates for Street Lighting Improvement District No. 2014-01L. Motion seconded by Council Member Gravos and carried by the following roll call vote: ayes: Bolken, Gravos, Mulder, Riely, Sanford, and Voll; nays: none.

Council Member Bolken moved to approve Resolution No. 2014-05L Resolution of Necessity for Street Lighting Improvement District No. 2014-01L. Motion seconded by Council Member Gravos and carried by the following roll call vote: ayes: Riely, Sanford, Voll, Gravos, Mulder, and Bolken; nays: none.

Council Member Riely moved to approve Resolution No. 2014-01W Resolution Creating and Defining the Boundaries for Water Improvement District No. 2014-01W. Motion seconded by Council Member Gravos and carried by the following roll call vote: ayes: Voll, Riely, Gravos, Bolken, Mulder, and Sanford; nays: none.

Council Member Voll moved to approve Resolution No. 2014-02W Resolution Directing Preparation of Engineer’s Report and Cost Estimate. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Riely, Sanford, Mulder, Bolken, Gravos, and Voll; nays: none.

Council Member Riely moved to approve Resolution No. 2014-03W Resolution Approving Engineer’s Report and Directing Preparation of Detailed Plans and Specifications for Water Improvement District No. 2014-01W. Motion seconded by Council Member Mulder and carried by the following roll call vote: ayes: Voll, Gravos, Bolken, Riely, Sanford, and Mulder; nays: none.

Council Member Sanford moved to approve Resolution No. 2014-04W Resolution Approving Engineer’s Plans, Specifications and Estimates for Water Improvement District No. 2014-01W. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Riely, Sanford, Mulder, Bolken, Gravos, and Voll; nays: none.

City Engineer Kelley also presented a proposed North Development Regional Drainage Study. It was the consensus of the council to have him proceed with a cost study and scope of the project.

Council Member Riely moved to approve signing a Sell Letter to Bakken Select Partners, LLC regarding the Hunters Run Addition. Motion seconded by Council Member Riely and carried unanimously.

Council reviewed the Development Agreement template.

Council Member Riely moved to approve changing Commercial Site Plan fees from $0.30 per square foot to $0.45 per square foot. The additional amount will go towards Unit Fees. Motion seconded by Council Member Sanford and carried by the following roll call vote: ayes: Mulder, Bolken, Voll, Sanford, Gravos, and Riely; nays: none.

Council Member Gravos moved to accept the Judith H. Stenehjem (SLS), Limited Partnership Development Agreement as orally presented by City Attorney Voll. Motion seconded by Council Member Riley and carried by the following roll call vote: ayes: Mulder, Sanford, Voll, Bolken, Riely, and Gravos; nays: none.

Council Member Gravos moved to accept the Stenehjem Commons Development Agreement as orally presented by City Attorney Voll. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Riely, Sanford, Mulder, Bolken, Gravos, and Voll; nays: none.

Council Member Gravos moved to accept the Fox Hills Golf Estates Development Agreement as orally presented by City Attorney Voll. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Bolken, Mulder, Riely, Voll, Sanford, and Gravos; nays: none.

Council Member Sanford moved to approve the new Temporary Dumpster Fees as presented. Motion seconded by Council Member Bolken and carried by the following roll call vote: ayes: Bolken, Mulder, Sanford, Voll, Riely, and Gravos; nays: none.

Council Member Voll moved to approve a used vehicle for GIS Field Data Collector. Motion seconded by Council Member Riely and carried by the following roll call vote: ayes: Gravos, Bolken, Mulder, Riely, Voll, and Sanford; nays: none.

Council Member Sanford moved to approve the bills as listed. Motion seconded by Council Member Gravos and carried unanimously. EFTPS $68,747.27; TASC $485.68; NDPERS $1,245.00; Nationwide Financial $170.00; Nationwide Retirement Solutions $1,454.00; Payroll $258,942.84; BCBS $30,874.31; NDPERS $27,421.08; NDPERS $239.73; Symetra $430.62; AFLAC $1,344.20; 24/7 Contracting Services $18,405.00; Advanced Engineering $457,795.87; American Society of Civil Engineers $250.00; Andrew Langowski $35.00; Arthur Walgren $50.50; Astro Chem Services $75.00; Badlands Hardware $551.05; Balco Uniform $24,848.23; Beard Construction $130.04; Ben Meadows $177.95; Best Western Fargo Doublewood $224.10; BlueTarp Financial $170.33; Border States Electric $10,300.00; Braun Intertec Corporation $13,827.00; Buttons By Fish $80.00; C’Mon Inn of Fargo $360.00; Carquest Auto Parts $40.62; Chief Supply Corporation $339.48; Comfort Inn Bismarck $74.00; CRU $5,000.00; Dacotah Paper $604.63; Dakota Fire Extinguishers $43,425.00; Dakota Supply Group $22,547.76; Dale or Vicki Karpyak $75,000.00; DW Excavating $35,635.00; Farmer’s Union Oil $15,440.63; Fastenal Company $649.74; First International Insurance $748.00; Flexible Pipe Tool Company $1,275.60; Foley Brother’s Towing $3,395.00; Gaffaney’s Inc $35.58; Galls $180.91; Gene’s Tree Service $1,018.50; Heggen Equipment, Inc. $943.73; Indigo Signworks $3,646.40; Information Technology Dept $564.15; Intergraph Corporation $252.00; Interstate Power Systems $603.47; Jack & Jill $174.81; Jamar Co. $5,715.00; Jesse Wellen $105.00; JLG Architects $538,748.88; JN Tire & Auto Repair $1,150.00; JoJoshua Trevena $35.00; Kaminsky, Sullenberger & Associates $8,085.00; Kohler Communications $175.50; Landmarck Structures Inc. $127,700.00; Locators & Supplies $625.21; Lund Oil $5,903.87; Lyle Signs $587.63; Mail Finance $315.00; Mainstay Suites $166.00; Marco, Inc $918.10; McKennett Law $18,575.00; McKenzie County Farmer $1,280.00; McKenzie County Healthcare $249,999.99; McKenzie County Landfill $24,985.59; McKenzie County Recorder $152.00; McKenzie County Water Resource $135,216.31; McKenzie Electric $417,864.00; Merryman Excavation $68,879.99; Meuchel Enterprises, Inc. $3,996.46; Montana Dakota Utilities $11,643.44; ND Assoc. of Oil & Gas Producing Counties $165.00; ND State Radio Communications $240.00; Northern Improvement $1,805,659.57; Office of the State Tax Commissioner $8,701.10; Ohio Calibration Lab $213.00; OK Implement $868.03; OK Tire Stores $1,069.37; One Way Services $1,066.31; OR Dept Of Justice $93.00; Phoenix Fabricators $390,736.80; Postmaster $395.72; Pro Forms $481.12; PXI, Inc. $197,076.50; Red Carpet $270.20; Rena Nelson $187.84; Reservation Telephone $1,718.94; Rita Olson $103.50; S&S Motors $335.03; Sherwin-Williams Co. $123.50; Sleep Inn & Suites Minot $239.85; Starion Bond Services $22,067.25; State Disbursement Unit $325.00; Steve Williams $191.94; Strata Corporation $224.72; Swanston Equipment $974.93; Tara Estates $437,440.19; TD & H Engineering $28,260.01; Tecta America Dakotas $3,051.16; The Sign Shop $1,533.00; Todd Kelley $28.00; Tractor Supply $315.37; Triple AAA Safelty/Training $847.68; Trucks of Bismarck $162.86; Ultramax $776.00; Verizon $2,223.78; VISA $2,111.59; Watford City Centennial $12,186.20; Watford City Economic Dev. Corp $100.00; Watford City Express Laundry $539.28; Wingate by Wyndham Bismarck $452.35; Z&S Dust Control $1,571.95.

The next regularly scheduled City Council meeting will be on Monday, November 3, 2014 at 6:00 p.m. at City Hall.

There being no further business, the meeting was adjourned at 9:06 p.m. These minutes are published subject to the City Council’s Review and Revision pursuant to NDCC 40-01-09.1.

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Peni Peterson, Auditor Brent Sanford, Mayor