

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

July 2, 2009 – 6:30 p.m.

Mayor William E. Gentner called the Regular Meeting to order, pursuant to proper notice having been given. City Recorder Betty Modrall called the roll. Present were Mayor William E. Gentner, Council Members Debbie Matthews, Christa Martin, Dean Dickey and Susan Stephenson; City Manager Paul C. Boyer, Jr.; City Attorney Tim Tisher; City Recorder Betty Modrall; and Liz Bermudez, Recording Secretary. Vice Mayor Kennedy and Council Member McCullen were absent.

Reverend David McGregor offered the invocation followed by the Pledge of Allegiance led by Council Member Stephenson.

APPROVAL OF AGENDA:

Council Member Martin moved to approve the Agenda. Council Member Matthews seconded the motion. All Council Members present voted aye.

PRESENTATION:

**Item 5.1 – PRESENTATION OF RETIREMENT PLAQUE AND GIFT CHECK TO FIRE DEPARTMENT EMPLOYEE WAYNE STACY.**

Mayor Gentner asked Fire Chief Don Martin to join him in honoring Wayne Stacy. Mayor Gentner invited Wayne Stacy and members of his family to join him at the front of the room. Chief Martin congratulated Wayne Stacy on his retirement. Chief Martin said a driver has one of the most important jobs in the Fire Department. He said, they have to know where they are going, they have to make sure they have the appropriate water pressure and they have “precious cargo” of the other firefighters on-board. Chief Martin said Mr. Stacy has done an outstanding job. Chief Martin advised that Mr. Stacy’s fantastic attitude has really impressed him and that Wayne is a natural leader. Mayor Gentner said he has known Wayne for 16 years and he is leaving a great legacy for the drivers who will follow him. Mayor Gentner advised he doesn’t think people realize how important the driver position is within the Fire Department. Mayor Gentner recognized Mr. Stacy’s family for being there in the good and bad times. Mayor Gentner said the City is blessed to have a City employee such as Mr. Stacy. Mayor Gentner read the retirement plaque for Wayne Stacy and presented him with a gift check. Mr. Stacy introduced Kirsten (granddaughter), Journey Lea,

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

July 2, 2009 – 6:30 p.m.

Trina (wife), Hugh and Carolyn Stacy (his parents), Lance (son), Lindsey (daughter), Megan (daughter), Ava and Caden. Mr. Stacy thanked everyone.

ORGANIZATIONAL BUSINESS:

Item 6.1 – **MINUTES OF THE SPECIAL CALLED MEETING ON JUNE 11, 2009.** Council Member Stephenson moved to approve the Special Called June 11, 2009 City Council Meeting Minutes. Council Member Martin seconded the motion. All Council Members present voted aye.

Vice Mayor Kennedy arrived at 6:40 p.m. to the City Council Meeting.

Item 6.2 – **MINUTES OF THE REGULAR CITY COUNCIL MEETING OF JUNE 18, 2009.** Council Member Martin moved to approve the Minutes of the Regular City Council Meeting of June 18, 2009. Council Member Dickey seconded the motion. All Council Members present voted aye.

CONSENT AGENDA:

Council Member Dickey moved to approve the Consent Agenda. Council Member Martin seconded the motion. All Council Members present voted aye and the following items were approved:

1. Consider annual renewal of property insurance with the TML Risk Management Pool – Finance Department
2. Amendments to agreement for legal services – City Manager’s Office.
3. Bid award for alcohol and drug testing services – Personnel Department.

ADMINISTRATION:

RESOLUTIONS:

RESOLUTION NO. 09-27 - A RESOLUTION APPROVING THE ANNUAL FACILITY USE AND

July 2, 2009 – 6:30 p.m.

PROGRAM FEES FOR THE FY 2009-2010 FOR THE CITY OF COLUMBIA, TENNESSEE PARKS AND RECREATION DEPARTMENT – PARKS AND RECREATION DEPARTMENT.

Vice Mayor Kennedy moved to approve Resolution No. 09-27. Council Member Stephenson seconded the motion. All Council Members present voted aye.

RESOLUTION NO. 09-28 - ACCEPTANCE OF OWNERSHIP AND MAINTENANCE OF SANITARY SEWER IMPROVEMENTS SERVING ARMSTRONG MEADOWS SUBDIVISION, SECTION 2 – WARD 1 – WASTEWATER DEPARTMENT.

Council Member Matthews moved to approve Resolution No. 09-28. Council Member Dickey seconded the motion. All Council Members present voted aye with the exception of Council Member Stephenson who abstained.

RESOLUTION NO. 09-31 - AUTHORIZING THE ACQUISITION OF EASEMENTS AND RIGHT-OF-WAY INCLUDING THE AUTHORIZATION OF EMINENT DOMAIN PROCEEDINGS IF NECESSARY FOR THE DUCK RIVER WALK PROJECT – WARD 5 – CITY ATTORNEY’S OFFICE.

Council Member Matthews moved to approve Resolution No. 09-31. Council Member Stephenson seconded the motion. Council Member Matthews asked the City Attorney to go over why this issue is before Council again. She said she understands it is just a technicality. City Attorney Tisher advised the Agenda Item last time concerned the proposed alternate route and wasn’t a Resolution. City Attorney Tisher said there needs to be a formal Resolution with the actual condemnation papers, and that’s why the item is on the Agenda again. Council Member Stephenson

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

July 2, 2009 – 6:30 p.m.

said she wanted to clarify something today, she said there was an article on the front page of today's paper and she just wanted to make a correction because she was present at the meeting that took place. Council Member Stephenson said the Riverwalk Committee and staff members were present and it was a unanimous vote of the Riverwalk Committee and staff members present at that meeting to proceed with the original plan, which would go forward also with eminent domain. Council Member Stephenson said in the newspaper it was stated that the recommendation from the City Manager and staff was for the alternate plan. Council Member Stephenson advised that the City Manager recommended the alternate plan but staff members from Planning and Engineering advised Council to move forward with eminent domain. Council Member Stephenson advised she just wanted to clarify that and hopes the newspaper can make those corrections. Mayor Gentner advised he voted against the item at the last meeting and plans on voting no again tonight. Mayor Gentner said the eminent domain process could potentially result in additional costs once the construction gets started. Mayor Gentner continued by saying it is possible that by going through the eminent domain process, the City might not be able to begin construction at all in 2009. Mayor Gentner said the proposed alternate plan didn't mean that they were necessarily varying from the overall concept. Mayor Gentner said there is nothing that prohibits the City from completing the project if Council wants to take a longer approach in getting it done. Mayor Gentner advised there is also the possibility that the court may deny the City's request to use eminent domain and the City may have to absorb the additional costs that are involved in the process. All Council Members present voted aye with the exception of Vice Mayor Kennedy and Mayor Gentner who voted no. Motion passed.

ORDINANCES:

ORDINANCE NO. 3812 - AN ORDINANCE TO ADOPT A  
GENERAL PLAN FOR THE SOUTHERN  
URBAN GROWTH AREA WITHIN THE  
URBAN GROWTH BOUNDARIES OF  
THIRD CONSIDERATION COLUMBIA, TENNESSEE.

Vice Mayor Kennedy moved to approve Ordinance No. 3812 on third consideration. Council Member Dickey seconded the motion. City Manager

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

July 2, 2009 – 6:30 p.m.

Boyer advised Council has the Plan certified by the Planning Commission from their Special Called Meeting that was held last night. City Manager Boyer advised there is a cover memo, which summarizes the changes the Planning Commission made to the Plan last night. City Manager Boyer advised the Planning Commission did certify the changes they made at last night's meeting. City Manager Boyer said Council has two options; they can adopt the Plan that is on the floor, which returns the Plan back to the Planning Commission, or they can make a motion to substitute the Plan with the certified Plan that Planning Commission passed last night. Mayor Gentner advised the motion is to approve the Plan, but there are changes that aren't consistent with the changes Council made. Mayor Gentner asked if someone would have to amend the motion. City Attorney Tisher advised Council can only formally adopt and have in place the Plan that has been certified by the Planning Commission. City Attorney Tisher said if Council adopts the Plan that they previously adopted then they would be sending that back to the Planning Commission again for certification or they can defer the matter and make changes to be sent to the Planning Commission. City Attorney Tisher advised Council can only adopt a Plan that has been certified by the Planning Commission. Council Member Matthews asked if they can amend the certified Plan or if deferral is their only option. City Attorney Tisher advised Council can make amendments but they will be deferring the item because it is on third consideration and any amendments would have to go back to the Planning Commission for it to be certified before it can be adopted by Council. Council Member Matthews moved to defer. Council Member Stephenson seconded the motion. Council Member Matthews thanked the Planning Commission for their time and attention to the SUGA Plan but there are amendments that Council want on the Plan and that is why she wants the deferral. All Council Members present voted aye with the exception of Council Member Dickey and Vice Mayor Kennedy who voted no. Motion to defer Ordinance No. 3812 on third consideration passed. City Attorney Tisher advised the item has been deferred to the next meeting. Council Member Matthews asked if a Special Called Meeting is now needed to talk about amendments to the Plan. Council Member Matthews asked when the next Planning Commission Meeting will be held. City Manager Boyer advised they meet the second Wednesday of each of month. Planning Director David Holderfield advised the Planning Commission will not have a July meeting. City Attorney Tisher spoke about making sure all amendments are in place for when it goes back to the

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

July 2, 2009 – 6:30 p.m.

Planning Commission. Council Member Matthews asked how Item 10.1 is worded different than it was on first or second consideration to where Council can't make amendments tonight. Council Member Matthews said Council was able to amend the Plan on both first and second consideration. City Attorney Tisher advised due to the item being on third consideration Council cannot defer and amend in the same night. City Attorney advised on the July 16<sup>th</sup> meeting, Council will have to make all the amendments they want to the Plan and then it can go to Planning Commission for their regular August meeting. Vice Mayor Kennedy said he would like to see Council vote on this one way or another. Vice Mayor Kennedy advised the taxpayers are getting tired of this and it has been going on for almost three years. Vice Mayor Kennedy said we have fooled with this long enough. Mayor Gentner advised part of the problem is how the State language is written. Mayor Gentner said he thinks a great deal of effort has gone into the document and deferring it to make amendments may result in a stronger Plan.

ORDINANCE NO. 3814 - AN ORDINANCE TO AMEND THE CITY OF COLUMBIA EMPLOYEES' RETIREMENT PLAN RELATIVE TO THE CITY'S CONTRIBUTION – CITY THIRD CONSIDERATION RECORDER'S OFFICE.

Council Member Martin moved to approve Ordinance No. 3814 on third consideration. Council Member Stephenson seconded the motion. All Council Members present voted aye.

ORDINANCE NO. 3815 - AN ORDINANCE TO AMEND THE CITY OF COLUMBIA PRE-65 AND POST-65 HEALTHCARE INSURANCE BENEFIT FOR ELIGIBLE RETIREES OF THE CITY OF COLUMBIA RELATIVE TO THE CITY'S CONTRIBUTION – CITY THIRD CONSIDERATION RECORDER'S OFFICE.

Council Member Martin moved to approve Ordinance No. 3815 on third consideration. Council Member Matthews seconded the motion. All Council Members present voted aye.

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

July 2, 2009 – 6:30 p.m.

ORDINANCE NO. 3813 - AN ORDINANCE TO AMEND ORDINANCE NO. 3638 – THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF COLUMBIA, BY REZONING 206 AND 208 EAST 16<sup>TH</sup> STREET FROM R-6 (RESIDENTIAL) TO GCS (GENERAL COMMERCIAL SERVICES) DISTRICT – WARD 3 – GRANTS AND PLANNING  
SECOND CONSIDERATION DEPARTMENT.

Vice Mayor Kennedy moved to approve Ordinance No. 3813 on second consideration. Council Member Martin seconded the motion. Council Member Stephenson advised she plans to abstain due to her opinion of the City being in violation of the Zoning Ordinance. Mayor Gentner asked if the applicant has provided Council Member Martin the information that he asked for at the Study Session. Council Member Martin advised she didn't have time to get to the office to get the information. Council Member Martin asked that Council move forward on this. Council Member Martin said she will get the information typed up and to the City Manager before third consideration. All Council Members present voted aye with the exception of Council Member Stephenson who abstained.

ORDINANCE NO. 3721 - AN ORDINANCE TO ANNEX PROPERTY KNOWN AS WINDY HILL FARM LOCATED ON THE SOUTH SIDE OF CAMPBELLSVILLE PIKE CONTAINING 131.89 ACRES AND ESTABLISH THE DATE OF AUGUST 6, 2009 AS THE DATE OF THE PUBLIC HEARING ON THE ANNEXATION AND PLAN OF SERVICES – GRANTS AND  
FIRST CONSIDERATION PLANNING DEPARTMENT.

Council Member Matthews moved to defer Ordinance No. 3721 on first consideration. Council Member Dickey seconded the motion. All Council Members present voted aye.

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

July 2, 2009 – 6:30 p.m.

ORDINANCE NO. 3722 - AN ORDINANCE TO AMEND ORDINANCE NO. 3638 – THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF COLUMBIA, TO ZONE PROPERTY BEING ANNEXED BY ORDINANCE NO. 3721 KNOWN AS WINDY HILL FARM LOCATED ON THE SOUTH SIDE OF CAMPBELLSVILLE PIKE CONTAINING 131.89 ACRES TO R-10 PLANNED UNIT DEVELOPMENT AND ESTABLISH THE DATE OF AUGUST 6, 2009 AS THE DATE OF THE PUBLIC HEARING – GRANTS AND PLANNING DEPARTMENT.

FIRST CONSIDERATION

Council Member Dickey moved to defer Ordinance No. 3722 on first consideration. Council Member Matthews seconded the motion. All Council Members present voted aye.

PUBLIC COMMENTS:

Mr. Terry Britt spoke about eminent domain and how it is important to the citizens of the United States. Mr. Britt said the City has another option besides eminent domain. He said the City can go to the citizens and offer an easement. Mr. Britt said with an easement there wouldn't be money going back and forth and it would be a modest cost. Mr. Britt said with eminent domain the process may never get done, he is just trying to offer another option to solve the problem.

OTHER BUSINESS:

Council Member Matthews said Council had a discussion on Tuesday night about the contract for the Spring Hill water sale and in that discussion, Council requested one extra week to review the contract. Council Member Matthews advised the Council's representative, Council Member McCullen, was to send that request back to the Public Utilities Board. Council Member Matthews said she has her comments here with her tonight about the Spring

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

July 2, 2009 – 6:30 p.m.

Hill water sale. Vice Mayor Kennedy advised according to the newspaper the Board did allow the extra week that Council requested. City Manager Boyer advised he did relay to Mr. Clark that Council would like more time to look over the contract. City Manager Boyer advised he thought Council had agreed on Tuesday night that they would submit their comments to him in writing and he would try to assemble those into a letter, and he would put the letter on the Agenda for discussion and approval at the July 16<sup>th</sup> meeting. He said that is why the item is not on their Agenda tonight. City Manager Boyer advised Council will have an opportunity to discuss the item. Council Member Matthews said Council Member McCullen is ill, and she hates to not know for sure if the Public Utilities Board did defer the contract for a week or not. Mayor Gentner advised Council Member McCullen did call him to let him know he was ill and he did say the Board gave Council the extra time they requested. Council Member Matthews asked the City Manager Boyer to have the methadone clinic placed on their calendar. Council Member Matthews mentioned August 1<sup>st</sup>, which is the deadline for correspondence about the methadone clinic. City Manager Boyer went over the list of people that opposed the clinic in Spencer, Tennessee. City Manager Boyer advised the Certificate of Need was denied for the clinic in Spencer, Tennessee. City Manager Boyer advised his understanding was the certificate was denied due to number of people being served by the clinic was too low to establish a need. City Manager Boyer did say that he wasn't at the meeting and the minutes for that meeting aren't on the State's website yet. Council Member Matthews said she has spoken to someone in legal services and they know of two times where heroin has been an issue in the City. Council Member Matthews advised the clinic in Columbia would be serving six counties. She said the main issues for her is protecting a situation where the City has a crime issue already that is paralyzing the City and to protect the business district. Mr. Boyer advised he is currently reviewing the Certificate of Need and looking at ways to put a letter together from Council. City Manager Boyer recommended that Council contact other leaders in the community like the District Attorney, law enforcement officials, State Representative and anyone that may be of some influence in regards to the Certificate of Need for the methadone clinic. City Manager Boyer recommended having those leaders send their letters of opposition directly to the Board that deals with Certificates of Need. Council Member Matthews said if they are going to ask other officials to send letters then the City needs the address or information posted somewhere. City Manager

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

July 2, 2009 – 6:30 p.m.

Boyer advised the City will get it posted on the website. Council Member Matthews asked about getting a copy of the letter individuals send. City Manager Boyer advised they need to make it easy on the citizens and the City will know how many letters have been received by the Agency because it will be listed on their Agenda item. City Manager Boyer advised if someone sends him a copy of the letter they sent to the Agency then he will accept it and place it in a file. City Manager Boyer advised he will get a link to website, and he reminded everyone no written documentation will be accepted after the first of the month (August). City Manager Boyer advised he is going to try to have a letter for the City Council's July 16<sup>th</sup> Meeting. Council Member Matthews asked the Mayor for a Special Called Meeting if it is needed to discuss the methadone clinic before the August 1<sup>st</sup> deadline. Mayor Gentner advised the Charter is specific on how that can be achieved and it shouldn't be a problem. Council Member Matthews said she worries about the business district due to having a methadone clinic in that area. Council Member Matthews advised she does read the weekly reports from staff and the local sales tax is down seventy-six thousand dollars for the month of June compared to last year. Council Member Matthews said there is a new restaurant in Columbia called Papa Murphy's. Council Member Matthews said our citizens have a great record of supporting new businesses for a while. Council Member Matthews said buying Columbia first makes a difference.

Council Member Stephenson asked City Manager Boyer for the criteria the agency uses for making their decision on Certificates of Need in regards to the methadone clinic. Mr. Boyer advised the criteria was given to Council at the last Council Meeting, he said it is on the pages he got from their website and it is in the TCA.

Council Member Dickey advised that the City of Spencer may have not known of the Certificate of Need because maybe the owners didn't notify the city. Council Member Dickey said they may have just notified the County and not the City like they did here in Columbia. Council Member Dickey spoke about the owners needing to follow the correct guidelines. Council Member Dickey said the application does not talk about location. City Manager Boyer advised he met with the owner's of the business last week at their request and they made statements about the application being site specific. City Manager Boyer said he is going to further study how much

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

July 2, 2009 – 6:30 p.m.

site plays into the process for the Certificate of Need. City Manager Boyer advised the Police Chief and Planning Director were at the meeting with him and they all made it clear to the owners that they were not happy with the site they chose for the clinic. City Manager Boyer said the owners said they need close access to the medical community. City Manager Boyer advised the owners that there are spaces available that are right in the middle of the medical community and then they wouldn't be messing with the City's business district. City Manager Boyer advised the owners were very nervous about the City taking a position on the site. City Manager Boyer said even though he previously said site wasn't a part of the criteria he thinks there may be something to it. City Manager Boyer said he needs to do some more studying and even if the site isn't part of the review criteria they should still list it as one of their reasons for not wanting the clinic in the area. City Manager Boyer advised there are better places for the clinic in the community. Mayor Gentner advised the City did get official notification about the application. Council Member Martin said we are getting many new requests to place certain businesses in Columbia. Council Member Martin asked if the City has access to demographic data that would include data that people are using to decide to locate to Columbia that Council needs to see. City Manager Boyer advised he tried to get that information from the owners. He said Maury County is the northern most county of the counties they are trying to serve, but he was unable to get the answer as to why they are trying to get a methadone clinic in Columbia. City Manager Boyer spoke about the distance between clinics in the Tennessee area. City Manager Boyer advised the Police Chief is doing research about crime in the areas around clinics. City Manager Boyer said he would like to see how the clinic really operates. Council Member Martin said if there is data that agencies are getting about the City of Columbia then she would like that information. Council Member Martin asked the City Manager to share information on the Block Party, which is scheduled for July 25<sup>th</sup>. City Manager Boyer advised Sergeant Vince Morgan of the Police Department is responsible for Special Event Planning. City Manager Boyer advised he has had conversation with those putting the party together and they were having problems with getting liability insurance. City Manager Boyer said the Police Chief and he believe this is an important event so they offered City co-sponsorship; city liability insurance will be available to the group. City Manager Boyer advised the final field planning to install power in a pavilion in Johnson-Frierson Park was done today. City Manager Boyer said the

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

July 2, 2009 – 6:30 p.m.

lines would be underground so as not to be a safety issue for the kids. City Manager Boyer mentioned two new security lights that will be placed on top of a pole in the park with another light being added toward White Street. Council Member Martin said this is another great step and she thanked everyone who has been involved in this. Council Member Martin said on Tuesday night she asked that the City do something extra in engaging the community to reduce the amount of youth drowning. Council Member Martin said Mr. Boyer will be doing research on this issue and she will be initiating a task force as soon as Mr. Boyer gets some information. City Manager Boyer said the conversation with Council Member Martin reminded him of a program in Florida. City Manager Boyer advised there was a Commissioner in Palm Beach Florida that was very involved in drowning prevention. City Manager Boyer advised the Commissioner, not using County funds, starting the Palm Beach County Drowning Prevention Coalition which ended up being a non-profit and getting private sector donations that way anyone who wanted to learn to swim had the opportunity to have swimming lessons. City Manager Boyer advised the coalition worked with all the municipalities in the County, he mentioned they made sure the lessons were paid for, but they also took care of transportation if it was a problem. City Manager Boyer advised tax money is not used for the coalition they use private donations. Council Member Martin said this topic is very important and she hopes once Council receives more information they all will endorse it.

Council Member Stephenson asked the City Manager for clarification about when Council is going to discuss the Spring Hill water sale and the SUGA Plan. City Manager Boyer advised those topics will be on Council's next Agenda. City Manager Boyer advised the next meeting for Council is going to be a big meeting. Council Member Stephenson said she wanted to respond to Mr. Britt. Council Member Stephenson said the City is bound by federal guidelines, and there are limitations that have to be followed in regards to communication. Council Member Stephenson advised there is at least one property owner that does not want to communicate with the City. Council Member Stephenson continued by saying the area they are discussing is far removed from the homes, and there is heavy vegetation in that area. Council Member Stephenson said she is not a strong advocate for eminent domain and it has to be a last resort process but she had to look at it from a business perspective. Council Member Stephenson said the most of

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

July 2, 2009 – 6:30 p.m.

pertinent information does not make it to the newspaper. Council Member Stephenson spoke about the use of recording devices to help with accuracy in the newspaper. Council Member Stephenson said she apologized to Council Member McCullen for snapping on him Tuesday night and he did accept her apology. Council Member Stephenson asked the citizens to keep in mind that the decisions Council make are not easy.

Mayor Gentner advised at the last official Council Meeting he requested that they address guns in the parks. Mayor Gentner advised at the next meeting he would like an Ordinance that would ban guns in the local City parks. Mayor Gentner said the City now knows that General Motors will not be building the small vehicle at the Saturn Plant. Mayor Gentner asked that Mr. Boyer be prepared to bring the 2009-2010 Budget to the August 4<sup>th</sup> meeting so they can look at areas to address if the economy continues to decline. Mayor Gentner spoke about making sure the City has a game plan ready. City Manager Boyer advised the plan has been given to Council and that plan hasn't changed. City Manager Boyer advised they do not have any data to recommend making changes to the budget at this time. City Manager Boyer advised he will bring the plan back if Council wants, but it will not be to make any recommendations at this point. Mayor Gentner said when the recommendations were first made the City did not know what was going to happen to General Motors and the Spring Hill Plant and now we know. Mayor Gentner said we should be prepared to go back over the plan. Mayor Gentner said we live in a great Country and wished everyone a safe 4<sup>th</sup> of July.

There being no further business, the meeting adjourned at 7:46 p.m.

APPROVED:

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WILLIAM E. GENTNER, MAYOR

ATTEST:

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BETTY MODRALL, CITY RECORDER