



City Council
City Council Chambers ♦ 314 West Stephenson Street ♦ Freeport, IL 61032

MINUTES
COUNCIL MEETING
MONDAY, JUNE 19, 2017 AT 6:00 P.M.

CALL TO ORDER

The regular meeting of the Freeport, Illinois, City Council was called to order in council chambers by Mayor Jodi Miller with a quorum being present at 6:06 p.m. on Monday, June 19, 2017.

ROLL CALL

Present on roll call: Mayor Miller and council members Tom Klemm, Peter McClanathan, Art Ross, Bob Smith, Patrick Busker, Sally Brshaw, Mike Koester and Andrew Chesney (8).

Staff members present: Finance Director Guary Bernadelle, Community Development Director Alex Mills, Public Works Director Tom Dole, Police Chief Todd Barkalow, Fire Chief Scott Miller, City Engineer/Water and Sewer Director Shaun Gallagher, Deputy Clerk Dawn Pontius and City Clerk Dovie Anderson.

City Legal Counsel present: Aaron Szeto, Esq.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alderperson McClanathan.

APPROVAL OF AGENDA

Alderperson Koester moved and Alderperson Busker seconded to approve the agenda; motion carried unanimously by voice vote without dissent.

APPROVAL OF MINUTES

Alderperson Brshaw moved for approval of minutes from the meeting on June 5, 2017, seconded by Alderperson Ross, and motion prevailed by voice vote without dissent.

PUBLIC COMMENTS

Joanne Farnsworth spoke against the tenant tax because she has not seen any value to her as a landlord. During times she thought that the landlord and the City were to be working together, it did not happen. She received a letter regarding a loud noise at a building she no longer owned. She has had incidents involving her property but she has not contacted. She feels no one in the City is working with or keeping her informed.

George Buss is a landlord who is having a new roof installed on his rental property next door to his residence, which he feels is an appropriate action of a landlord. He also feels that inappropriate actions, as described by the first speaker, need to be dealt with. He is in favor of the Ordinance and in favor in moving towards enforcement. The plight of our neighborhoods is the weakest link. When drug sales were taking place in his neighborhood, the Police Chief took care of it. He believes persevering against wrong-doers will cause them to move somewhere else.

Connor Brown, representing Realtors' Association of Northwest Illinois, has been involved for years and supports registering rental properties with the City. They opposed the mandatory fee believing that the fee would be here

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forever. He is in favor of removing the fee. He is not looking for a way for people to avoid code or criminal violations. He is happy with the progress moving forward.

Roxanne Goodman spoke on behalf of Pink Heals and their fifth year in Freeport. Pink Heals is a movement started by a retired firefighter who painted his fire truck pink. Pink vehicles travel the country bringing support and awareness to people who have cancer. An event will be held Saturday, June 24, 2017, at Logan's.

CONSENT AGENDA

The Consent Agenda as presented in the council packet was read into record as follows:

- A. Approval of Resolution No. 2017-38: Temporary Closure of Streets for Cruise Night – August 12, 2017
- B. Approval of Water & Sewer Bills Payable (Registers #783, 784, 787, 788, 789) --- \$392,882.27
- C. Approval to receive and place on file: City of Freeport Police Department Report of Activities – April and May 2017
- D. Approval to receive and place on file: City Treasurer's Reports – May 2017
- E. Approval of Finance Bills Payable (Registers #782, 790, 791 and TBA) --- \$453,609.90
- F. Approval of Payroll for pay period ending June 10, 2017 --- \$430,247.79 with fringe benefit payments in the amount of \$35,433.68 for a total of \$465,681.47

Aldersperson Brashaw moved for approval of the consent agenda, seconded by Aldersperson Koester. The motion prevailed by an omnibus vote of:

Yeas: Klemm, McClanathan, Ross, Smith, Busker, Brashaw, Koester and Chesney (8)

Nays: None

APPOINTMENTS

Aldersperson Brashaw moved that all appointees be approved at one time, seconded by Aldersperson Chesney, and motion carried by voice vote without dissent.

Aldersperson Koester moved and Aldersperson Busker seconded that:

- Dawn E. Pontius be appointed as Deputy City Clerk by Dovie Anderson, City Clerk.
- Dovie Anderson, City Clerk; Dawn Pontius, Deputy City Clerk; and Diane Kahly, Executive Assistant, be designated as Open Meetings Act Officers and to require training of employees and officers.
- Dovie Anderson, City Clerk; Dawn Pontius, Deputy City Clerk; Diane Kahly, Executive Assistant; Denise Scudder, Fire Administrative Assistant; Matthew Summers, Deputy Chief of Police; and Lynn Cuplin, Documents Coordinator of the Freeport Police Department, be designated as Freeport of Information Act Officers.

The motion prevailed by omnibus vote by roll call of:

Yeas: Klemm, McClanathan, Ross, Smith, Busker, Brashaw, Koester, and Chesney (8)

Nays: None

ORDINANCES – SECOND READING

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2nd READING OF ORDINANCE #2017-48

An Ordinance Amending Part Ten Streets, Utilities and Public Services Code Adding Chapter 1034 Outdoor Parklets to the Codified Ordinances of the City of Freeport, Illinois (Revised June 13, 2017)

At the City Council Meeting on June 5, 2017, a motion to forward this ordinance to the June 12, 2017, Committee of the Whole was given by Alderperson Busker, seconded by Alderperson Klemm and approved by majority vote

City Manager Crow explained that Ordinance #2017-48 had been amended to better define the premises and prescribe that parklets be boarded by a barrier, leave in wording requiring that food be served incidental to alcohol sales, and increase the insurance requirements to \$1 million per occurrence.

Alderperson Brashaw moved and Alderperson Koester seconded to accept the amendments to the Ordinance as stated by City Manager Crow.

Discussion ensued regarding the requirement of barriers for safety and enforcement. City Manager Crow will give latitude to restaurant owners when submitting their plans. There will need to be discussion to ensure that a safe, esthetic barrier is provided by the owners. Barriers need to be movable yet still delineate the premises.

There being no further discussion, Mayor Miller asked for a roll call vote:

Yeas: Klemm, McClanathan, Ross, Smith, Busker, Brashaw, Koester and Chesney (8)

Nays: None

Ordinance #2017-48 was passed.

ORDINANCES – FIRST READING

1ST READING OF ORDINANCE #2017-50

An Ordinance Amending Title Two, Business Regulation, Chapter 876, Residential Real Property Regulation, Section 867.08 Of The Codified Ordinances Of The City Of Freeport, Illinois Regarding Annual Registration Fee

At the June 12, 2017, Committee of the Whole, a draft of Ordinance #2017-50 was reviewed and moved forward upon a motion made by Alderperson Chesney; seconded by Alderperson Smith.

This Ordinance removes the registration fee from April 30 to June 1 to encourage registration by the landlords. If they register outside of this timeframe, there will be a fee of \$50.00. There is an allowance for Notification of Ordinance Violations to be mailed to the landlord's address on file in addition to the renter's address. This will satisfy the requirements of the courts that landlords be notified of their renter's violations.

City Manager Crow confirmed that the budget has been written without the receipt of the fees that are being forfeited under this proposed Ordinance change. The effective date was confirmed as beginning in 2018. The Community Development Administrative Assistant is being trained to receive the registrations and adjustments are being made to maintain the database by the Community Development Department.

Alderperson Koester moved to forward this Ordinance and Alderperson Chesney seconded.

Discussion ensued noting the merits of this system as being mutually beneficial to landlords and the City. Enforcement will be prosecuted as an Ordinance Violations. If fee is not paid, it will go before an administrative hearing. However, the City will work closely with landlords looking at water and sewer bills and if property is registered at the courthouse.

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Aldersperson Klemm stated that he would not be supporting this partially because it eliminates two people and adds one, which he feels is not concrete enough to show his support. He believes in the reasons that the fee was established in the first place which include attempting to reduce crime in rental units.

Mayor Miller stated that the Ordinance will be automatically laid over to the next regular Council meeting.

1ST READING OF ORDINANCE #2017-51: An Ordinance Amending Title Ten, Employment Provisions, Chapter 290, Compensation and Benefits, Section 290.01 of the Codified Ordinances of the City of Freeport, Illinois Regarding Classification Plan

At the June 12, 2017, Committee of the Whole, a draft of this Ordinance was reviewed and moved forward upon a motion made by Aldersperson Chesney; seconded by Aldersperson McClanathan.

City Manager Crow explained that these revisions eliminate the positions of Corporation Counsel, Paralegal, City Attorney, Residential Rental Registration Police Liaison, and Employees of the Water and Sewer Commission. Also, immediately following the wording "with the exception of", strike "Rental Property/Crime Free Housing Specialist". It also adds the position of City Manager.

Aldersperson Brashaw moved and Aldersperson McClanathan seconded that Ordinance #2017-51 be amended as stated by City Manager Crow.

City Manager Crow added that with staffing reorganization, Nancy McDonald will be a new Community and Economic Development Director and Alex Mills will be overseeing the Neighborhood Blight Reduction Demolition Program and the Liaison with the Police Department. Rental Registration will be taken over by the Administrative Assistant to Community Development.

Mayor Miller called for a roll call vote on only the amendments for Ordinance #2017-51.

Yeas: McClanathan, Ross, Smith, Busker, Brashaw, Koester and Chesney (7)

Nays: Klemm (1)

Ordinance #2017-51 was passed.

Mayor Miller then asked for a motion to move forward the Ordinance. Aldersperson Koester expressed his concern that some landlords feel the current system does not benefit them. City Manager Crow stated that going forward the staff reorganization will allow full-time staff to address rental property, and he will work with landlords to review the overall Ordinance to more closely meet Council's desires and landlords needs. Aldersperson Busker made the motion; Aldersperson Chesney seconded to recommend approval of Ordinance 2017-51 on Second Reading and the matter was automatically laid over.

1ST READING OF ORDINANCE #2017-52:

An Ordinance Amending Various Sections Within Title Six-Administration Of The Codified Ordinances Of The City Of Freeport, Illinois To Provide A Residency Requirement For City Department Heads And To Provide For The Appointment Of Department Heads By The City Manager

City Manager Crow stated that this Ordinance is to align with the City Manager Form of Government and establish residency requirements for Department Heads commencing July 1, 2017. Due to the appointment of Department Heads not occurring until July 3, 2017, he would like that date amended to August 1, 2017, so current Department Heads can be grandfathered in.

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Aldersperson Brashaw moved for approval of the date change amendment; seconded by Aldersperson Busker. Motion prevailed by a roll call vote of:

Yeas: Klemm, McClanathan, Ross, Smith, Busker, Brashaw, Koester and Chesney (8)

Nays: None

Aldersperson Busker moved to approve Ordinance #2017-52 as amended, seconded by Aldersperson Koester.

City Manager Crow verified that the residency requirement would apply for the Fire Chief and Water and Sewer Director for which we are currently advertising if they are hired after August 1, 2017. Aldersperson Klemm is opposed to the residency requirement; however, Attorney Szeto confirmed that it is enforceable. Aldersperson Koester was unsure of his agreement with the residency requirement. Aldersperson Chesney supports residency requirements and stated that, when hiring a City Manager, this concern was raised, and believes that situation turned out favorably. City Manager Crow stated that only one of the applicants for Fire Chief and Water and Sewer Director expressed that they were not interested in moving to Freeport. Aldersperson Koester stated that he is not in favor of making exceptions. Aldersperson Brashaw agrees that there should be no exceptions and stated that she feels residency is as important for Department Heads as it is for Alderspersons. She believes it is important to keep wages local and benefit from Department Heads purchasing homes and living in Freeport.

Mayor Miller stated that Ordinance #2017-52 was automatically laid over to the next regular Council meeting.

1ST READING OF ORDINANCE #2017-53: Special Ordinance for Variation, Permit or Amendment of Codified Ordinances of Freeport, Illinois

Community Development Director Mills stated that in May 2017, Signature Lounge filed a petition for a Special Use Permit to allow a tavern at 225 West Main Street, Freeport, Illinois. The property is currently zoned B-1-2, General Retail Business District. A Public Hearing was held at the June 8, 2017, Planning Commission. Ordinance #2017-53 states the conditions and findings of fact, as read by Director Mills into record:

“Date: June 19, 2017

Petitioner: Signature Lounge – Freeport, LLC, 225 W. Main St, Freeport, IL 61032

Petition: Approval of a special use permit under Section 1252.02 (a) to allow a tavern in a B-1-2 General Retail Business District Zoning Classification at the property located at 225 W. Main St., Freeport, Illinois

1. The establishment, maintenance or operation of the special use will not be detrimental to, or endanger the public health, safety and general welfare in that...

...a tavern must follow City of Freeport ordinances regarding the sale, consumption, and possession of alcoholic liquor, as well as related ordinances regarding illegal or disorderly activities on or about the premises, and a tavern must be granted and maintain a liquor license in order to operate as such.

2. The special use will not be injurious to the enjoyment of other property in the immediate area for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood in that...

...property in the immediate area operated as permitted during the prior operation of 225 W. Main St. as a tavern, and future operation of 225 W. Main as a tavern should likewise not affect the enjoyment, value or operation of other property within the area.

3. The establishment of the special use will not impede the normal and orderly development and improvement of adjacent property for uses permitted in the district in that...

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...the reactivation of vacant space will compliment future development in the district and is in-line with development as envisioned in the City's Comprehensive Plan."

Discussion ensued regarding dissent presented at the Public Hearing regarding the former establishment at 225 West Main, formerly known as "Munzie's". The new owner rebutted those statements by ensuring there would be security staff, his desire to present a new image of a family-oriented business with food and music, and the fact that he is a different owner. Director Mills pointed out that it was the staff's recommendation that the Special Use Permit be granted. Alderperson Koester favors occupying an empty building downtown and feels it is important that the new owner is viewed irrespective of the previous owner.

Upon unanimous passage by the Planning Commission, Alderperson Koester moved for final action to approve Ordinance #2017-53; seconded by Alderperson Ross.

Police Chief Barkalow spoke with the new owner, who recognizes he has a stigma to overcome. It was established that the new owner wanted to set the precedence and recommended a security plan; it was not requested of him.

The motion for final passage of Ordinance #2017-53 prevailed by a roll call vote of:
Yeas: Klemm, McClanathan, Ross, Smith, Busker, Brashaw, Koester and Chesney (8)
Nays: None
Ordinance #2017-53 was passed.

1ST READING OF ORDINANCE #2017-54

An Ordinance to Amend Ordinance No. 2014-46 to Add Portions of Pearl City Road to the City of Freeport's Municipal Street System and Approving a Local Agency Agreement for Jurisdictional Transfer

City Engineer Gallagher explained that the City will take over maintenance of Pearl City Road west to and including the roundabout at the intersection of Kiwanis Drive.

Alderperson Chesney made a motion to move Ordinance #2017-54 forward; seconded by Alderperson Koester.

It was established that a gardener's club planted native plants in the middle of the roundabout which has cost the City no money. Several veterans' organizations (Korean War, VFW, VietNow, AmVets, as well as Freeport Flag Pole) would like to install a flagpole with American flag and POW flag in the center of the roundabout before July 4th, of which the County has approved.

Alderperson Koester moved for suspension of the rules, which is non-debatable and requires a 2/3 majority vote. Alderperson Chesney seconded and the motion for suspension prevailed by a roll call vote of:
Yeas: Klemm, McClanathan, Ross, Smith, Busker, Brashaw, Koester and Chesney (8)
Nays: None

The motion for passage of Ordinance #2017-54 prevailed by a roll call vote of:
Yeas: Klemm, McClanathan, Ross, Smith, Busker, Brashaw, Koester and Chesney (8)
Nays: None
Ordinance #2017-54 was passed.

RESOLUTIONS

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[ADOPTION OF RESOLUTION R-2017-36:](#)

Resolution Of The City Of Freeport, Illinois Authorizing The Amendment Of The City Loan To The Freeport Area Economic Development Foundation

At the June 12, 2017, Committee of the Whole meeting, a draft of Ordinance R-2017-36 was reviewed and moved forward for recommendation upon a motion made by Alderperson Busker; seconded by Alderperson McClanathan.

Alderperson Klemm moved and Alderperson Busker seconded that this resolution be adopted. Motion carried by a roll call vote of:

Yeas: Klemm, McClanathan, Ross, Smith, Busker, Brashaw, Koester and Chesney (8)

Nays: None

[ADOPTION OF RESOLUTION R-2017-37:](#)

Resolution To Approve An Application To The Us Department Of Justice Community Oriented Policing Hiring Grant

Police Chief Barkalow stated that this grant will provide \$125,000 each year in funds for each full-time sworn officer hired through the three-year program. Officers' salaries with fringe benefits will exceed the award amount. The maximum award is \$375,000; however, health care, pension and legacy costs total over \$400,000. Expenditure of the additional City funds required above the award amount aligns with the City's top priority of Public Safety.

Alderperson McClanathan moved and Alderperson Chesney seconded to adopt Resolution R-2017-37. Motion prevailed by a roll call vote of:

Yeas: Klemm, McClanathan, Ross, Smith, Busker, Brashaw, Koester and Chesney (8)

Nays: None

APPROVAL OF BIDS

[Demolition Residential Properties CD-002-17](#)

Bid Opening: June 14, 2017 – Community Development

Community Development Director Mills stated that this project is to demolish seven (7) structures through the \$72,000 Illinois Housing Developing Authority (IHDA) Vacant and Abandoned Properties Program. The apparent low bidder was Fischer Excavating for \$60,150, which is the recommendation.

Alderperson Ross moved and Alderperson Busker seconded that Fischer's low bid of \$60,150 be approved. Motion prevailed by a roll call vote of:

Yeas: Klemm, McClanathan, Ross, Smith, Busker, Brashaw, Koester and Chesney (8)

Nays: None

[Demolition Residential Properties CD-003-17](#)

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Bid Opening: June 14, 2017 – Community Development

Community Development Director Mills stated that this group of six (6) vacant and abandoned properties were individual, fast-tracked demolitions that were posted for public comment and received no objections. He leveraged purchasing power to bid as a package. He recommends Kleckner Excavating which was the apparent low bidder at \$49,900.

Aldersperson Koester moved and Aldersperson Busker seconded that Kleckner's low bid of \$49,900 be approved. Motion prevailed by a roll call vote of:

Yeas: Klemm, McClanathan, Ross, Smith, Busker, Brashaw, Koester and Chesney (8)

Nays: None

2017 Street Resurfacing

Bid Opening: June 19, 2017 – City Engineer

City Engineer Gallagher stated that this project received some of the lowest bid prices he has ever seen. He attributes that to having a base bid and an alternate bid, a personal history of working with the bidding contractors, declining asphalt prices, combining two projects into one mobilization, and declining state work. Martin & Co. was the apparent low bidder on the alternate project at \$316,139.55. This computes to \$119.42 per lineal foot. When combined with the first package, it computes to \$114.87 per lineal foot, which is a savings of \$4.55 per lineal foot by bidding a slightly bigger project. His engineer's estimate sent to the Illinois Department of Transportation (IDOT) was \$399,000. By bidding a bigger project, this resulted in \$80,000 savings. He gave a reminder that there will be an eight (8) day waiting period, barring no bid protests, per MFT requirements. Since \$397,788.07 is budgeted, he asked for leave of council to provide a limit of \$399,000 to include Arapaho Drive at these rates.

Aldersperson McClanathan asked if adding Arapaho Drive would be the most cost-effective option. Engineer Gallagher stated that going to another area of town might include additional mobilization costs. The reason this area was selected was because it is outside the new pressure zone, water main is outside of roadway, and all utilities are relatively good. Very few other streets fit into those categories. It is up to Council to not spend the additional money or do the extension on Arapaho Drive.

Mayor Miller asked for Manager Crow's input, who stated that it will be money well spent. If we go out for another bid at another location, there will be mobilization fees and we will not be able to get a rate as low as \$114.87 per lineal foot. Council would basically be giving Engineer Gallagher the authority to extend the contract to the full \$399,000 which was approved by IDOT.

Aldersperson Klemm moved and Aldersperson Koester seconded that Engineer Gallagher is authorized to spend up to \$399,000, which was the Engineer's estimate approved by IDOT. Motion prevailed by a roll call vote of:

Yeas: Klemm, McClanathan, Ross, Smith, Busker, Brashaw, Koester and Chesney (8)

Nays: None

Aldersperson Busker moved and Aldersperson Ross seconded to accept the low bid of Martin & Co. of \$397,788.07. Motion prevailed by a roll call vote of:

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Yeas: Klemm, McClanathan, Ross, Smith, Busker, Brashaw, Koester and Chesney (8)
Nays: None

OTHER

REPORTS OF DEPARTMENT HEADS

Fire Department

Fire Chief Miller reported a busy week including an outdoor fire where someone extinguished a cigarette on wood siding. The same evening there was a structure fire on Logan Street which began on a rear pool deck which spread to the neighbor's property, which was determined to be accidental. They also responded to a heroin overdose with a successful resuscitation when the paramedic administered Narcan.

Police Department

Police Chief Barkalow reported some upcoming special events: Pink Heals, Touch-A-Truck, and Dairy Days Parade.

Water and Sewer

Interim Water and Sewer Director Gallagher reported that the Pearl City Road project is completed minus the tree replacement. They were able to isolate one last valve in the Pressure Zone. For the first time, Burchard Hills water tower was active with eight (8) feet of water in it. That system will be calibrated over the next six (6) weeks. Flushings will produce rusty water. At Carnegie City Hall, landscape restoration work is in progress with tree removal and trimming. Conduit has been installed so sidewalks can be completed. The old flagpole will be replaced.

CITY MANAGER'S REPORT

City Manager Crow reported that Curt Suttman will be appointed as the Director of Information Technology. Alex McIlvanie with the Police Department has been working with Director Suttman identifying unused phone numbers that we are still being billed for. He will be meeting with Attorney Sosnowski to finalize ordinance to adopt City-Manager Form of Government.

MAYOR'S REPORT

Mayor Miller reported that we have received many phone calls regarding the legitimacy of the Constellation electrical aggregation program. It is legitimate. Cruise Night is August 12, 2017, and the Freeport Downtown Development Foundation is in need of volunteers at multiple levels of service. Michelle Magee-King was tasked with matching \$7,500 for the fireworks plus \$2,000 for additional expenses. They have currently collected over \$10,000 and continue to raise funds.

COUNCIL ANNOUNCEMENTS/NEW BUSINESS

Aldersperson Ross thanked whoever put up the "low budget" shades on the Council Chamber windows which help reduce glare.

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Aldersperson Busker reminded everyone of the Fifth Ward Neighborhood Watch meeting tomorrow night at 6:00 p.m. at the First Church of the Nazarene.

Aldersperson Koester wanted to dispel the rumors that he was stepping down from City Council. He will complete his term and make a decision at the time his term expires. He thanked the Sky Concert Committee for stepping up with phenomenal achievements. Parking is free at the fairgrounds for the fireworks; however, donations are accepted. Seventh Ward Neighborhood Watch is on the fourth Wednesday of the month at the Main Fire Station. He also thanked everyone for their best wishes and prayers for his wife.

Aldersperson Chesney thanked Mayor and Council for their first thirty (30) days of aggressive actions including addressing Old City Hall, tripling demolitions, eliminating backlog of trimming trees and stump removal, initiating bulk waste pick-up that Aldersperson Busker is working on, doubling infrastructure funding which is part way there, phasing out Freeport Downtown Development Foundation funding, restructuring the landlord registration fees to attack blight reduction and streamlining our process, and raising the threshold on permitting fees to entice homeowners to clean up their properties.

Aldersperson Klemm added that two service organizations have chipped in with fireworks funding: AmVets and VFW. VietNow and Korean War Veterans have also committed to lending their support.

PUBLIC COMMENTS – AGENDA OR NON-AGENDA ITEMS

Tom Teich complimented Mayor on leading the meeting and thanked City Manager Crow and everyone for their good work for the City. City Manager Crow confirmed that we are working on finding a new business to move into the former Eagle's Supermarket building.

Upon a motion duly made and seconded, the meeting was adjourned at 8:28 p.m.

s/ Dovie L. Anderson

Dovie L. Anderson
City Clerk