

MINUTES RECAP

00366

MARYSVILLE CITY COUNCIL MEETING MARCH 8, 1993

WORKSHOP: 6:00 p.m.

RECONVENE: 7:00 p.m.

ROLL CALL: All present

MINUTES OF PREVIOUS MEETING: 3/1/93 Approved

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

AUDIENCE PARTICIPATION: Gary Petershagen, Doyle Parks

PRESENTATIONS: None

PETITIONS & COMMUNICATIONS: Hunters letter - matter postponed

PUBLIC HEARINGS: None

CONSENT AGENDA:

1. Feb. Payroll Claims - \$452,464.36 Approved
2. 3/8/93 Claims - \$290,565.69 Approved
3. Final Construction Contract Approved
Completion; Jennings Nature Park
/Grade, Inc.

REVIEW BIDS:

1. Bid for Cement Concrete/Curb, Gutter & Sidewalk Construction Accepted
2. Bid for 2 Low Entry Front Loading Refuse Collection Trucks Continued to 3/22/93

CURRENT BUSINESS:

1. Purchase of Insurance for \$3,700,000 Library Bond Issue Approved from MBIA
2. Final Plat of Brighton Park; Geonerco, Inc. Approved with conditions

NEW BUSINESS:

1. Utility Variance - Request for Extension; James & Ruth Hall; UV 93-001 Postponed until more info. received

ORDINANCES & RESOLUTIONS:

1. Ordinance Amending Fireworks Code Ord. 1942 Approved
2. Res. re Fowler Utility Variance Res. 1609 Approved
3. Res. extending Smokey Pt. Church of Christ Utility Variance Res. 1610 Approved

LEGAL MATTERS:

1. Multi-Jurisdiction Narcotics Task Force Program Mayor authorized to sign letter of intent
2. Mission Statement Adopted as amended

ADJOURNMENT INTO EXECUTIVE SESSION: 9:10 p.m.

1. Real Estate
2. Personnel
3. Pending Litigation

RECONVENED AND ADJOURNED: 10:08 p.m.

MARYSVILLE CITY COUNCIL MINUTES

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6:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
 Donna Pedersen, Mayor Pro Tem
 Dave McGee
 John Myers
 Ken Baxter
 Donna Wright
 Mike Leighan
 Otto Herman

Administrative Staff:
 Grant Weed, City Attorney
 Steve Wilson, Finance Director
 Gloria Hirashima, City Planner
 Mary Swenson, City Clerk
 Ken Winckler, Public Works Director
 Jim Ballew, Parks & Recreation Director
 Wanda Iverson, Recording Secretary

WORKSHOP: 6:00 p.m. - Marysville Community Television.

RECONVENE/CALL TO ORDER:

Mayor Weiser called the meeting to order at 7:00 p.m. and led the flag salute.

ROLL CALL:

Finance Director Wilson called the roll with all members present/absent as indicated above.

MINUTES OF PREVIOUS MEETINGS:

City Clerk Swenson explained she had some corrections to the second paragraph of page 4 of the 3/1/93 City Council Minutes: She asked that the first sentence of that paragraph be deleted (She stated one of the Recycling.....); that the phrase "which have already been paid for" about 2/3 of the way through the paragraph be amended to "which will be funded by Cycle 2 of the grant"; that the words "regarding the multi family recycling program" be deleted from the second to last sentence in that paragraph and that the term of Cycle 3 be changed to read "July 1993 to July 1994" not "Dec. 1993 to Dec. 1994".

On page 3, Councilor Pedersen asked that the first sentence be reworded to reflect that sales of tobacco should not be allowed to persons under 18. Under Minutes of Previous Meetings, page 1, it was noted that Jim Kresge is a retired county employee.

Councilor Herman noted on page 3, third paragraph, there should be a period after "CT" in the fourth line, deleting the rest of the sentence and adding a new sentence: "He also reported on a BN demonstration train ride from Seattle to Portland." (reflecting that there were two separate events)

Councilor McGee moved and Councilor Leighan seconded to approve the minutes of the 3/1/93 meeting as corrected.

STAFF BUSINESS:

Finance Director Wilson reported the City did receive the bond rating: BAA-1 which is a medium rating and not as high as hoped. He stated Moody's was very pleased with the presentation the City gave however because of our strong residential factors and lack of commercial and industrial businesses, that's why we did not get a triple A rating, he said. Also, he noted that there were four

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audit findings that need to be taken care of with regard to fixed assets, eg. we have to give more detail for the auditor, accounting for the General Fund and Utility Fund purchases, as well as going back and detailing purchases made in the past. He noted this is a very time consuming task and he is now entering a physical inventory and picking up previous purchases on the computer for the General Fund and Street Fund, but he also needs to work on the Utilities Fund and this includes water and sewer lines that were put in the ground many years ago. He said the other three audit findings were with regard to contract management and having supporting documentation for all change orders with proper notification to Council. He stated staff is working on this also and he will be reporting further.

Councilor Herman asked about the threshold of Council notification and City Attorney Weed explained that staff will sometimes automatically allow a project to continue so as not to incur mobilization and immobilization costs.

Councilor Herman noted it's important to have that fine line defined with regard to Council notification in order to address these issues.

City Clerk Swenson reported City Administrator Zabell will return Thursday. She reminded Council of the upcoming Retreat 3/26 & 3/27 at the Tulalip Inn. She announced Don Mike will be retiring 3/31 and an open house will be held in his honor from 11:30 to 1 PM at the Lloyd Taubeneck Building on 3/31.

City Planner Hirashima announced the next Growth Management Coordinating Committee meeting will be 3/15/93 at 7 PM in the Log Cabin Room. There will also be a Question & Answer Forum for developers and others who are interested, giving an update of what's happening with regard to the Planning & Building processes, 4 PM 3/15/93, she said. She also reported that the new owner of the Marysville Golf Center has indicated he has ordered some screen to shield the lights on 67th. There will be a public hearing on this on 3/25/93.

Councilor McGee asked about the type of screen and City Planner Hirashima said it is a dark mesh netting, she believed.

Councilor Baxter asked if there had been any letters from neighbors at all and City Planner Hirashima said no, there have been no complaints since the golf center has reopened. She added that an annual report has been completed and will be distributed shortly.

Public Works Director Winckler reported that Burlington Northern will be repairing the crossing at 116th & Smokey Pt. Blvd. on 3/10 and the City St. Dept. has taken care of all signage for redirecting traffic that day.

MAYOR'S BUSINESS:

Mayor Weiser reminded everyone that the special Council meeting called for 3/15 has now been cancelled.

CALL ON COUNCILMEMBERS:

Councilor McGee noted that the bridge/path connecting Jennings' Nature Park with Parkside is not blacktopped all the way to the park and Parks & Recreation Director Ballew noted that was not part of the grant, however, it will be finished eventually, with better weather, etc.

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Councilor McGee asked about repairs to one of the pieces of equipment and Parks & Recreation Director Ballew noted they will be getting new bumpers for it soon.

Councilor McGee reported he will be out of town on 3/22/93.

Councilor Baxter asked about business that will be conducted/the agenda for 3/27 Saturday morning for the Retreat as he said he has a problem with attendance. There was discussion about this, City Clerk Swenson stating the plan was for an EDC/Council discussion but she said she could contact the EDC and possibly rearrange this and get back to Council on this. (Councilors Wright and McGee also indicated attendance problems for Saturday.)

Councilor Wright said in the new part of the park there is some open water and she said she has concerns about children playing around and in it, also, there are a lot of loose dogs running through the park, she noted.

Parks & Recreation Director Ballew said the plan is to put up fences as well as signage indicating that dogs are to be on leashes.

Councilor McGee also noted there is a drainage swale full of water and dirt (malfunctioning) in the park and Parks & Recreation Director Ballew said they were working on that today, in fact they are working on the whole drainage system, relocating rocks, etc.

Councilor Herman reported he will be in Washington, DC 4/17 to 4/23. With regard to people having problems with the county permitting process being so slow, he said the contact person at the county is Craig Ladiser in Community Development. He stated with regard to the letter the City was going to write to the county with regard to the Smokey Pt. Church of Christ third utility variance extension, it should be written to Mr. Ladiser, with a copy to Councilor Herman. Thirdly, he reported on the City Motto/Mission Statement (handout) and stated the committee felt the mission statement should be adopted prior to any publicity/contest. He thanked the citizens, staff and Councilor Wright for serving on the committee. Fourthly, he presented a very large amount of documentation concerning Community Development Block Grants and noted he will be unable to attend the upcoming 3/17-18-19 all day meetings this year concerning this, asking that someone else take his place on the committee. The meetings will all be at the Snohomish County Administrative Bldg., he said. After a brief discussion, it was determined that possibly Councilor Wright and/or a City staff member would be able to attend the meetings.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Gary Petershagen of Belmark Industries, 505 Cedar, addressed Council. He stated they are in process of completing a plat which has been deemed to be part of LID 64 and one of the conditions was to do the frontage improvements or participate in the LID. He stated they wanted to participate in the LID rather than doing the improvements and then having to tear them up 2 years later, say. He said they are looking for some direction from the Council as to where the LID is going or whether it is a totally dead issue. He noted they had wanted to come before Council 3/22 with the plat.

Mayor Weiser stated the issue is not totally dead and he did talk with Ross Kane on this and explained that the City needs \$300,000, asking if the county could help us out with this. Mayor Weiser stated it's possible the county might have some money and that would reduce the portion for the rest of the homeowners in the

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LID. He pointed out that the City is already participating to the extent of 70% and there are no promises from the county; we have to wait and see what they can come up with.

Mr. Petershagen pointed out that the intersection has to be re-aligned so it doesn't make much sense to do half street improvements first and he asked about the possibility of posting a performance bond instead. He said they would like to keep the process moving.

City Attorney Weed said he believed a performance bond would be feasible but the City would need the Council/hearing examiner's recommendations/approval first. He suggested Mr. Petershagen meet with him at City Hall Thursday, with Dave Zabell and Ken Winckler, to discuss this matter.

Councilor McGee asked about reconsideration of the vote on the LID and City Attorney Weed explained that yes, that process could also be started if one of the dissenting votes asked for reconsideration of the motion with regard to establishment of the LID.

Councilor Pedersen stated that one of her concerns last week was to help people defray costs by way of a grant and/or county money.

Public Works Director Winckler agreed that if any grant money or county money is received, that would proportionately reduce homeowners' assessments.

Councilor McGee pointed out that the City portion of the assessment role would also be reduced in the event of receipt of grant or county money. City Attorney Weed agreed but noted the City's portion of the 5th lane assessment would stay the same, however. It was also noted that the City is being assessed by virtue of the fact they own the golf course on 67th and are therefore considered a property owner.

Councilor Pedersen asked about comparing the petition method to the resolution method and how many were in favor of each. Public Works Director Winckler stated 100% of the LIDs and ULIDs that have been established in the past have all been through the petition method.

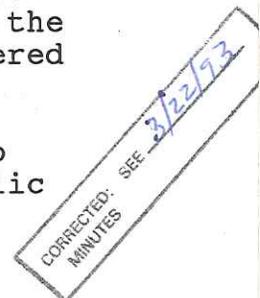
Mayor Weiser explained that if the LID was formed there would be a final assessment which would include any grant money that comes in, reducing the preliminary assessment.

Councilor Wright asked about an approved LID prejudicing county funding and City Attorney Weed said he could not say whether it would predispose the county toward granting any funds or not.

Councilor Pedersen asked about Roberts Rules of Order regarding an absent member asking for a vote to be reconsidered and City Attorney Weed said Roberts Rules of Order do not cover that particular situation.

Doyle Parks, 8026 67th NE, addressed Council and asked if the LID and ULID are connected in any way and whether they have both been postponed.

Mayor Weiser said they are only connected by way of it costing less if both are done at the same time; they have been both postponed indefinitely and Council cannot bring it up again unless there is some new information or if one of the Councilmembers who voted against it asks for a reconsideration.



Mr. Parks said he felt the only problem was with the widening of the road and he said he is concerned with the safety factor. He asked if the City has any future plans to fund or get this done.

Mayor Weiser stated the Council can continue discussing it but is looking for more funding.

Mr. Parks said he would like to see it brought back up and Councilor Leighan explained Council had no alternatives as the homeowners did not want to pay the assessments.

Mr. Parks pointed out there was no opposition to the ULID but it was recommended by staff that they both be done at the same time and that is why the ULID did not get approval.

Mayor Weiser said he recalled someone saying they had a high sewer assessment too, with only one house or being able to only build one house on the lot, but he said he did not feel \$3500 is out of line for a sewer assessment.

Councilor Pedersen noted she was one who voted against the ULID and LID and it was to see if there could be another informational meeting with the neighbors, additional funding, etc., so there would be a better feeling from the homeowners.

Mayor Weiser noted the county is not a funding source but at times there is some extra money available; it's a very nebulous possibility and if we had an LID in place there would be a greater possibility for funding, he said.

Councilor Pedersen said she would not call for reconsideration of the vote tonight.

Mr. Parks said he was still confused because there was no opposition to the ULID and he would like to see the City go ahead with the installation of the sewer.

Councilor Pedersen stated it was staff's recommendation to do both the ULID & LID at the same time.

City Attorney Weed pointed out the petition method is still available if the homeowners feel they want to go ahead with the ULID.

Councilor Herman said that as the third person against the establishment of the ULID/LID, he would echo the opinions of the other two dissenting votes, however this ULID & LID has to be done in the most equitable way. He added he would like to see all avenues explored as far as funding, etc. with a look at additional traffic that has occurred on 67th over the years, how it interrelates with other intersections and projects, and he is not ready to call for reconsideration of the motion tonight, either, he said.

Mr. Parks noted the property owners have been waiting for years on this, first with the county and now with the City.

Councilor Baxter asked about the school mitigation/participation in the 67th Avenue LID and City Planner Hirashima stated the safety hazard was discussed at length in public hearings but staff recommendations/final conditions did not require the school district to participate in the LID on 67th.

Councilor Baxter asked about assessing the property that can't be used now because of new zoning and Mayor Weiser explained that is not the specific problem here; there is zoning on the property and people are waiting for the Comp Plan to be finalized.

CORRECTED:
MINUTES
SEE 3/22/83

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City Planner Hirashima added that one of the property owners had tried a rezone at 67th & 88th two years ago from 12,500 to high density multi family but was denied and they are now waiting for the Comp Plan to be completed. She noted that sight distance/safety hazard is an area that needs to be addressed prior to development of multi family on that corner.

PETITIONS & COMMUNICATIONS:

Mayor Weiser noted that he did not know what the Hunters are referring to in their letter and so this matter was postponed until further information could be obtained.

CONSENT AGENDA:

1. February Payroll Claims - \$452,464.36.
2. 3/8/93 Claims - \$290,565.69
3. Final Construction Contract Completion; Jennings Nature Park/Grade, Inc.

Councilor Pedersen referred to Voucher #14888 and asked about the status of checking into all maintenance agreements the City is paying for on copiers, typewriters, computers, etc.

Finance Director Wilson said unfortunately, that project has been delayed but that he agrees #14888 looks excessive and he will be following up on this.

Councilor Pedersen reiterated she would like to know the total amount spent on maintenance agreements per year and she noted that on some things, the City might want to be self insured.

Finance Director Wilson said staff wanted to review items in accordance with their need and critical use.

Councilor Pedersen stated she just wondered if the City might be saving money by self insuring.

Councilor Baxter asked if #14970 should be for 3 months and not 2 and it was agreed it should be.

Councilor Myers moved and Councilor McGee seconded to approve Consent Agenda Items 1 through 3. The motion passed with Councilor Leighan abstaining on Voucher #14941.

REVIEW BIDS:

1. Bid for Cement Concrete/Curb, Gutter & Sidewalk Construction.

Public Works Director Winckler reported 3 bids were received with LeDuc being the low bid. He noted they have an excellent reputation with the City and staff is recommending acceptance of their bid of \$24,310.

Councilor Baxter moved and Councilor Myers seconded to approve/accept LeDuc Concrete, Inc. as the 1993 Curb, Gutter & Sidewalk Contractor for the City. Passed unanimously.

Councilor Baxter said he didn't know when to bring this up but would be interested in the cost of water before and after we got it from Everett. Public Works Director Winckler said he believed he could come up with the cost per gallon figures that Councilor Baxter is looking for.

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2. Bid for Two Low Entry Front Loading Refuse Collection Trucks.

Public Works Director Winckler stated only one bid was received, from Western Peterbilt, Inc. and staff recommends going with the Heil loader vs. Dempster. The advantages of the Heil would be local servicing, 2600 lbs. lighter than the Dempster, cylinder construction, compatible parts, he said. With regard to the option for a third vehicle in 18 months, he said he needs to check into this further.

Councilor Herman asked about the other options referred to in the packets and Public Works Director Winckler stated there were no recommendations for other options.

Councilor Herman noted that there would be savings by only having to use one person per truck and he asked for an explanation of how this would be done. Public Works Director Winckler explained it's a stand up unit, right hand driven and the driver also empties the cans into the front of the truck. It works very well, he said.

Councilor Baxter confirmed that all the options listed are not included and he said it looked like there was some information missing from the packets, that he wasn't sure of what we are really buying.

Councilor McGee agreed, stating he would like to see a brochure, picture and/or specs of the vehicles.

Public Works Director Winckler showed Council the bid specification sheet listing 7 options and pictures. There was further discussion that Council should be shown the video and have more clarification of the listing of options, more information about specifications, prices, to be brought back to Council.

Councilor Myers moved to postpone this to 3/22, Councilor Wright seconded and the motion passed unanimously.

CURRENT BUSINESS:

1. Purchase of Insurance for \$3,700,000 Library Bond Issue.

Finance Director Wilson explained that as a result of the BAA-1 bond rating, Steve Gaidos recommends buying the insurance from MBIA in the amount of \$30,000 to \$33,000, the premium would come out of the bond proceeds and the City would pay for the insurance over three months, he said.

Councilor Wright moved and Councilor Pedersen seconded to authorize purchase of the insurance as recommended by staff. Passed unanimously.

2. Final Plat Approval for Brighton Park; Geonerco, Inc. PA 9001005.

City Planner Hirashima reviewed the agenda bill, noting this is for 48 single family lots complete with sport court and tot lot. She read the prerecording contingencies:

- filing of a performance and maintenance bond for landscaping and recreation improvements;
- submittal of a mylar copy of the recorder plat;
- filing of the legal description and final payment for the proposed vacation of 75th Avenue.

Councilor Herman asked about a previously referred to hearing examiner recommendation #4 to do with the pedestrian path.

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City Planner Hirashima stated that Associate Planner Thompson did verify that the trail had been constructed in accordance with conditions. There was no requirement for fencing, she noted, and she mentioned the plastic sheeting protecting sensitive areas during construction. She said there had been a problem with workers going into the wetlands on the west side of the property but this was taken care of with the plastic sheeting.

Councilor Baxter asked if the wetlands would basically be under the surveillance of the Building and Planning Dept. and City Planner Hirashima said yes.

Councilor Herman moved and Councilor Myers seconded to approve the Final Plat of Brighton Park and authorize the Mayor to sign off on the mylar. Passed unanimously.

NEW BUSINESS:

1. Utility Variance - Request for Extension; James & Ruth Hall; UV 93-001.

City Planner Hirashima reviewed the agenda bill, noting the Halls have submitted a water quality inspection that shows high levels of sulphur and Sears Roebuck did recommend a purification system, however our Public Works Dept. recommends granting of the variance request, she said.

There was discussion about purification equipment, the report from Sears Roebuck, requirement of a letter from the Snohomish Health District, applicant being on a well system, outside RUSA, outside CWSA, no one else provides water to this area, there have been other utility variances in this area, the need to be consistent with the county plans on water, approving variances on the condition that they get the letter from the Snohomish Health District.

Ruth Hall, 22 172nd St. NE, Arlington, addressed Council. She stated they have lived there for 40 years and in 8/92 submitted a sample of water to the county, which is required every year. She said the report came back bacteria free but the water smells awful and they went to Sears regarding a purification system.

Councilor Baxter pointed out that the water is probably high in iron and manganese content but the City should be consistent in requiring a letter from the Snohomish Health District here. He moved to approve the utility variance upon delivery of the letter from the Snohomish County Health District on water quality. Councilor Myers seconded.

Councilor Pedersen said she wished clarification regarding the letter currently in the possession of the Halls from the county (apparently Mrs. Hall left the letter from the county at home).

City Attorney Weed said the City needs to know that a health hazard exists before approving the variance.

Councilor Pedersen asked if Mrs. Hall should be allowed to bring her letter to the Public Works Dept. and if not sufficient then she would have to go back to the Snohomish County Health District.

James Hall, 22 172nd St. NE, Arlington, addressed Council and said the county told them they only test for bacteria in Everett, anything else goes to Seattle. It's a 113' well they have had for 40 years, he said and they were going to put in a new pump and pipes and that's when the quality went down, it got worse, they had it vented but sulphuric gas was getting in. He said Sears

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sells a system but they don't guarantee it so they are looking for City water now. He added that they didn't put in a new hot water tank.

There was more discussion about criteria for granting of utility variances and Councilor Baxter suggested postponing this and making some changes to allow for these situations, at least until 3/22.

Councilor Baxter withdrew his previous motion and so did the seconder, Councilor Myers.

Councilor Baxter moved to postpone the decision until Council staff receives more information, the letter from the applicant, etc. Councilor Myers seconded and the motion passed unanimously.

ORDINANCES & RESOLUTIONS:

1. Ordinance Amending Fireworks Code.

City Attorney Weed stated this reflects changes as per Council minutes, with sales from 6/28 to 7/4 and discharge from 7/1 to 7/4.

Councilor McGee moved and Councilor Herman seconded to approve/adopt Ordinance 1942. Passed unanimously.

2. Resolution Regarding Utility Variance; H.D. Fowler.

City Attorney Weed pointed out there are some differences between this and the 1989 resolution: this one approves utilities for one lot only (Lot 4), there are restrictions of usage and industrial and business park uses only.

Councilor Pedersen moved and Councilor McGee seconded to approve/adopt Resolution 1609. Passed unanimously.

LEGAL MATTERS:

1. Multi-Jurisdiction Narcotics Task Force Program.

City Attorney Weed noted the MPD has been a participant in the task force and the county sheriff's dept. is asking for a letter of intent in order for them to seek and continue funding. He stated he has reviewed the documents and they are in order.

City Clerk Swenson added that she, Bob Dyer and the City Attorney did review and approve these documents however Bob Dyer did not have the opportunity to sign the agenda bill. She added that we have an officer who is funded out of this program.

Councilor McGee moved and Councilor Pedersen seconded to authorize the Mayor to sign a letter of intent to continue with the program. Passed unanimously.

2. City's Mission Statement.

Councilor Herman presented the handout and Councilor Pedersen noted that "you will find what you need in Marysville" is a very bold statement. There was more discussion and minor changes, with the final Mission Statement (subject to grammatical correction) being:

The City of Marysville's mission is to enhance the quality of life in our city by efficiently and innovatively meeting the needs of the citizens and giving full value for public investment.

Whether you are a resident or visitor, you will find our city is progressive, anticipating the future while remembering what makes a city home.

(continued)

In all of its activities, the City will foster the environment and deliver the best possible public service, integrating the needs of residents and business. We encourage citizens to be actively involved in making Marysville a better place to live, work, learn and play.

Councilor Herman moved to adopt the City of Marysville Mission Statement as amended. Councilor Myers seconded and it was passed unanimously.

3. Smokey Point Church of Christ Resolution Approving Extension of Variance.

City Attorney Weed noted the applicant is in a real time crunch and so this resolution was drawn up, including the finding regarding documented delays that occurred at the county level.

Councilor Wright moved and Councilor Pedersen seconded to approve/adopt Resolution 1610. Passed unanimously.

ADJOURNMENT INTO EXECUTIVE SESSION: 9:10 p.m.

1. Real Estate.
2. Personnel.
3. Pending Litigation.

RECONVENE: 10:05 p.m.

Councilor Herman moved to acquire right of way on 64th St. NE under the terms as discussed in Executive Session. Councilor McGee seconded and the motion passed unanimously.

ADJOURNMENT: 10:08 p.m.

Accepted this 23rd day of March, 1993.

David Weiser
MAYOR

Mary S. Iverson
CITY CLERK

Standa A. Iverson
RECORDING SECRETARY