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President Handwerk called the meeting to order. Pastor Paul Shallenberg offered the prayer. The Pledge was recited by all.

Roll call: Purdy, Miller, Landaw, Baker, Weaver, Corfman, and Leathers were present.

Corfman moved and Baker seconded that the November 6, 2006 minutes be approved. Roll call vote. Ayes all. Motion carried.

Public Comment:

Jim Yungen: First of all the city takes bids on the concrete. I understand they had to beat Orrville Trucking & Grading by two or three dollars. There are things that should be considered though. OTG has services that Medina doesn't have. They deliver the wire, rebar, visqueen (sp?) expansion to do the job on the truck at no extra charge. You can't get it from Medina so you have to go to Medina to get it. Ordering time – there is down time. When you go to order with Medina you may have to order 3-4 days ahead to get your concrete, because the way they operate they run just a few trucks out of each plant. They might run you concrete from three, four, five different plants to service you. Your scheduling is down time. Then, once you do get concrete it can come from three different plants, three different mixes. Your drive time changes your set up time so it takes more people to finish the concrete because it has set up in the trucks before you even get because of the traveling time. Then Orrville has trucks that are remote control. We do not need a man on the chute, but you are going to pay a man to run the chute at Medina – that is lost labor. You also have structural strength laws, because if you have a truck that is on the road for an hour and fifteen minutes, that load sets up. You go to pour up against it, it set up, the next loads loose, you have a seam. You are going to end up with cracks, so structurally you also loose your strength. The other trouble you find, half the drives can't find the job site. So you are paying people to finish concrete and they are sitting there waiting on trucks that can't find the job site. You still loose money. Then Orrville Trucking & Grading drivers are paying city income tax. They also buy products here in this town. I don't see why you should shun a business here. There are other things that should qualify. Then as far as the sidewalks – there are 5-10% of these new walks that are going in that will not pass the Ohio wheelchair code. They're too steep from left to right. Then 70% of the walks won't even pass the city ordinance. Some walks are to the point if you really got insurance involved they almost need a guardrail or a handrail for around poles and trees. For example – when they redid Main Street from Taco Bell to the industrial park, 50% of the approaches were replaced within the first year. The first year – they weren't even old yet and they're replaced already. And now that they're replaced, they still don't pass the city code. The back of the approach has to be as high as the curb to keep the rain water to go to the storm sewer. If it doesn't – if the approach is lower – it will flood the lot that it goes to. Now you have sidewalk out on Crown Hill in front of a new development which is out there at Weaver's. Forty percent of this walk has been replaced already and it's two years old. What I am getting at is if it is put into code to start with, you won't be replacing it a second time. If there is no curb, the elevation has to come from the crown of the road, which on a blacktop road the elevation should come from. When all the dirt was moved to do the allotment there at Weaver's, it could have been moved to the other side and brought that elevation up. All the dirt coming out of the cemetery could have raised all these low areas in the city to where the walks could be put to the right elevation. Then where you're going to find trouble is, if that blacktop street turns in to a concrete street and you're going to put curb and gutter in, you're going to end up replacing the sidewalks a third time, because they are not to elevation. That is my point.

Handwerk: Thank you Mr. Yungen. I know I talked to you for a few minutes before our meeting and you bring up some very good, valid points. Points I might add that none of us are really aware of,

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because we're not sidewalk installers and work with concrete on a daily basis and you know the trade. Mr. Baker I believe is having a committee meeting next week that is going to be dealing with sidewalk installation. I would like for you to come to that meeting, if you can.

Yungen: I'll come.

Handwerk: I don't know if you know what time it will be yet.

Baker: Planning on it being after the Utility Board meeting on Monday evening.

Handwerk: Many of those things are too late for us to do anything about now, but if there are things that we can look at in the future.

Yungen: It's not all that hard. The elevation only has to come off the crown of the road. And if that sidewalk follows the crown of the road or the curb, everything is fine. But when you are three, four feet below the crown or three, four feet above it, you are going to end up replacing it. You have already showed it's happened twice now. Even though it has been replaced twice, it is still not to code and it will end up being replaced again. So it is a waste of time, waste of money if you are not going to do it right.

Handwerk: I would like to go with you sometime. We will get in the car and go look at some of the ones you are talking about – the main areas. I would like to see what they look like.

Yungen: That is fine.

Jewell: Just one thing I would like to comment on. Mr. Yungen keeps referring to a code. There is no code for a sidewalk that is on a chip and seal street and we discussed this when we went into the sidewalk program. We said if we go into this and if we require sidewalks on chip and seal streets, then we are going to have problems, because they don't have drainage, you have to allow sometimes for drainage to go across the sidewalks if there are no ditches there. You have to accommodate the fact that the roadway is at one elevation and then the sidewalks are going to be at different elevations and it is certainly less than perfect and yes we did discuss that these sidewalks would have to be replaced if we ever put in curbs and gutters.

Yungen: A couple of years ago when I got into this and come down here and mentioned it. I have found elevations that drain higher than the road. How is the water going to run out if the drain is higher than the road? But on the other hand, whether it has a curb or not Becky, if there is a curb you say you are going to go from the curb. The curb elevation comes from the crown of the road, so when it goes to the blacktop it is real simple – go to the crown of the road.

Jewell: But if they don't have a curb and gutter then you don't have the drainage, you don't have the same situation. It is a less than perfect situation.

Yungen: So then you're saying you are going to do it a second time when that area grows and gets developed and gets a curb and gutter, that means you'll end up replacing the sidewalks a second time. How is that feasible?

Jewell: That has been historically in town for many, many years. If you have a chip and seal street and if that street is paved, then at that time it usually gets new sidewalks.

Yungen: Ten to one says if you take any street running on that block, maybe the water won't fall left to right, but it will fall the length of it and still drain to the first storm sewer. You won't retain the water – I would say 90% of the time.

Jewell: What I am saying is that is a less than perfect situation. That is the sidewalk program.

Yungen: It is the sidewalk program, but it doesn't pass some of these codes and I don't see how anybody can say how they can walk on them comfortably when they drop six inches within four feet. How is that even safe?

Jewell: Like I said, it's less than perfect. That's the way the program was designed.

Yungen: That is why I am here. It should be looked over. Something should be changed.

Jewell: That is what council is going to discuss at the committee meeting, because we are ready to go into phase three of the sidewalk program.

Handwerk: I would be willing to bet some of the imperfect situations you are talking about were done primarily to save the homeowners some money.

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Jewell: That is correct.

Handwerk: Because to do them perfect like you are saying would be nice, but we might have been asking somebody to totally re-landscape their yard and I know that was a big issue for us. It was a touchy subject to even go to a sidewalk program in the beginning. I am thrilled to see as many as we have around town, because I see them getting used a lot. People are walking.

Yungen: But the point is also I want to bring up, when you have a new development put the sidewalks in when the street goes in. Because then there are no yards, no trees, no anything. The worse scenario – you end up replacing four pieces of walkway. You won't replace them if you cut the curb out, pour the apron in and the trucks drive over the apron sidewalk, you won't even ruin them. But you won't end up doing the sidewalks twice, the yard twice, and you only deal with one customer that is putting in the street. You don't have to deal with every individual that owns a lot.

Handwerk: That is something to look at on new developments.

Yungen: It was always done that way before. The only reason they got away from it was that the developer didn't want to put the money up front to pay for the walks. But he will get it back when he sells the lots anyhow and at least the walks will be done right to where the city doesn't have walks that are steep and going around tree and telephone poles.

Handwerk: If it is a new development, there are certainly things we can do there. The older places around town that didn't have sidewalks that were already established and we had them put in, there were a lot of things we were trying to work around. There is no doubt about that.

Yungen: But if go to Crown Hill out by Weaver's, there wasn't any trees. There wasn't any obstructions. It could have been put in right. You are running down North Vine Street, on the left side there are no houses, it could be put to the elevation. There is no problem to do that. Then you had the free ground coming out of the cemetery. All you had to do was have it trucked to these areas and raise them. Made use of all that ground.

Handwerk: Any other comments. Appreciate your comments Mr. Yungen and like I said, if you can come to our meeting next Monday night that would be appreciated.

Yungen: 7:30?

Baker: After the Utility Board Meeting.

Handwerk: They meet at 6:30. We usually figure by 7:00 we will be meeting – up here. Thank you.

Standing Committee Reports:

A. Finance – Mr. Miller reported there was a brief follow-up meeting on the capital improvement fund last Monday (11/13/06) after the utility board. There is no other meeting scheduled at this time.

B. Utilities – Mr. Landaw had no report.

C. Health & Safety – Mr. Corfman had no report.

D. Parks and Recreation – Mr. Weaver had no report, but congratulated Coach Devault and the Orrville Football Team on their fine season. Handwerk: I would also like to do that. They did a fine job. Maybe someday the Ohio High School Athletic Association will wake up and find out there should be another division out there someplace.

E. Transportation – Mr. Baker report not report. There will be a Transportation Committee meeting next Monday (11/27/06) after the Utility Board meeting.

F. Planning – Mr. Purdy had no report. Requested to schedule a Planning Committee meeting for December 11, 2006 immediately following the Utility Board meeting to discuss sign ordinances.

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G. Ordinance & Personnel – Ms. Leathers had no report.

Special Committee Reports: None.

Administrative Reports:

A. Mayor - Mayor Steiner wanted to remind everyone the annual Downtown Home for the Holidays begins Friday (11/24/06) from 5pm to 8pm. Bring the kids down. Santa arrives at 6pm at the fire station. Wish everybody a Happy Thanksgiving.

B. Safety Service Director- Director Jewell requested at the end of the meeting council go into executive session for the purpose of discussing property acquisitions and personnel matters.

C. Utilities Director – Director Preising reported the power cost adjustment factor the utility board approved the past month went into effect last Monday (11/13/06). That represents approximately about a six percent increase to an average residential load of 8 Kw and that relates to about a \$3 increase. The power cost adjustment factor goes for additional fuel costs, coal costs, ash disposal fees, environmental fees and purchase power costs are beyond the utility's control.

D. Finance Director – Director Leggett reported that prior to the meeting he distributed a news release from the Government Finance Officers Association stating we had received their award for excellence in financial reporting for our comprehensive and financial report for the year ending 12/31/2005. We are very proud of that. It is the sixth year in a row we have received this award.

E. Law Director - Director Lutz had no report.

F. President of Council – President Handwerk had no report.

Old Business

Leathers moved and Landaw seconded that Ordinance N-06, an ordinance amending Section 931.07 of Chapter 931 of the Codified Ordinances of the City of Orrville, Ohio, and declaring an emergency, be placed on second reading. Roll call vote. Ayes all. Motion carried.

Miller: As I understand it, this is a raise of \$.19 per month to a customer's bill on the average.

Jewell: That is correct.

Miller: Even less for seniors, right?

Jewell: \$.17 per month for seniors.

Leathers moved that the rules, regulations, and statutes requiring the reading of a resolution on three separate dates be suspended, Corfman seconded. Roll call vote. Ayes all. Motion carried.

Leathers moved and Weaver seconded that Ordinance N-06 be adopted as amended. Roll call vote. Ayes all. Motion carried.

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Leathers moved and Corfman seconded that Resolution 51-06, a resolution authorizing the amendment of a certain agreement with Waste Management of Ohio, Inc., for trash pickup in the City of Orrville, Ohio, by increasing the rate charged and declaring an emergency, be placed on second reading. Roll call vote. Ayes all. Motion carried.

Handwerk: We discussed this pretty thoroughly at the last meeting. This is something that is in the contract – cost of living increase. There is not a lot we can do about it unless we want to open up a new contract and we discussed that probably would not end up being a benefit to us either. Any other questions or comments on that?

Leathers moved that the rules, regulations, and statutes requiring the reading of a resolution on three separate dates be suspended, Corfman seconded. Roll call vote. Ayes all. Motion carried.

Leathers moved and Landaw seconded that Resolution 51-06 be adopted as read. Roll call vote. Ayes all. Motion carried.

New Business

Leathers moved and Miller seconded that Resolution 54-06, a resolution authorizing the sale or disposition by internet auction of unclaimed property held by the police department for the year 2007, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Handwerk: Mrs. Jewell – If I understand it, this is to be able to do this again this year – correct?

Jewell: That is correct. 2006 was the first year we've done this. The reason you have two pieces of legislation before you is that 54-06 allows for the sale or disposition of unclaimed property held by the police department. For instance bicycles or someone may come in with a backpack they found laying along the road and turn that in and we hold it for 90 days and then we dispose of it after that. 55-06 is disposition of municipal property that is no longer needed – old computers, old vehicles, that kind of thing.

Handwerk: Okay, thank you.

Miller: This is a different way of doing it then we have done in the past. This is the thing we passed last spring right?

Jewell: That's correct.

Miller: My understanding is that it is going well. How is it going compared to the old way we did it? Is there any money being saved?

Jewell: I think it is working much more smoothly than it did in the past. We would save everything up for an auction in May and do a rather large auction where you might throw a whole table full of little scrap or whatever and get a quarter and really the only thing a person wanted was one thing on that table, but you have to do that to even try to get a bid for things. This year we have really streamlined that and the items that we think will sell, we are putting them on the internet. It has been working pretty well. Karen Flinner, the Administrative Assistant in our office, is the one who administers that said that it is going very smoothly and she believes the other departments are pleased with it also. She is the one who pretty much took this whole project on and had made it succeed.

Leathers moved that the rules, regulations, and statutes requiring the reading of a resolution on three separate dates be suspended, Purdy seconded. Roll call vote. Ayes all. Motion carried.

Leathers moved and Miller seconded that Resolution 54-06 be adopted as read. Roll call vote. Ayes all. Motion carried.

Leathers moved and Landaw seconded that Resolution 55-06, a resolution allowing the sale or disposition of municipal personal property by internet auction for the year 2007, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Leathers moved that the rules, regulations, and statutes requiring the reading of a resolution on three separate dates be suspended, Purdy seconded. Roll call vote. Ayes all. Motion carried.

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Leathers moved and Corfman seconded that Resolution 55-06 be adopted as read. Roll call vote. Ayes all. Motion carried.

Leathers moved and Miller seconded that Resolution 56-06, a resolution to make appropriations for current expenses and other expenditures of the City of Orrville, State of Ohio, during the fiscal year ending December 31, 2006, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Leggett: Council should have received a memo from me dated November 15th explaining this appropriation amendment. I did allude to it at our last meeting that this may be coming to you. Since that time I met with Mr. Preising and Mr. Brediger about the expenses we anticipate for the rest for the electric utility. Electric utility is having a very good year. They had a good year last year and they are having a good year again this year. When we started in to the year and did the final appropriations back in spring, the certificate of resources allowed us to appropriate upwards of \$30 million for the electric utility because of the receipts we anticipated. However, we appropriated about \$27 million rather than take it up to that full limit. One reason was we wanted to make sure those receipts did indeed materialize which they are. The extra receipts means there are extra expenses and these additional items are now in front of us and we identified what they are and we think this will suffice for the appropriations through the end of the year. There is plenty of room in the certificate to do this. We don't have to amend the certificate. One of the things worth mentioning; of course, is some of you who have been to the Utility Board meeting heard Mr. Brediger speak to this. The anticipated coal price increase is substantial for next year. What the electric utility is trying to do is stockpile as much coal as they possibly can under our current contract. So we are going to spend \$600-\$700 thousand just additionally for coal here the remainder of the year. Doing that we are going to save around \$60-\$70 thousand of that coal price going into next year. It is a very prudent move. It is something we normally don't do. We don't stockpile a lot of coal at the end of the year. That is the major factor contributing to this. Also, we made this number large enough so we don't have to come back again; hopefully, and get another appropriation amendment before year end. As I mentioned at the last meeting, there was a possibility I would ask for this on first reading, but the situation is such that's not necessary. It is totally up to council. If you want to pass it tonight, that's fine. If you want to wait until next meeting. I would ask if you don't pass it tonight, please pass it at the next meeting. That is all I have unless someone has questions.

Handwerk: Could you explain maybe for the viewers at home especially. We just talked to Mr. Preising about a power cost adjustment and how much that is going to cost. There has to be a lot of people sitting at home saying why don't you tighten your belt just like the city had to do instead of just doing a power cost adjustment. I am just saying this because we are talking here about buying coal and better prices make sense to everybody so we are just adjusting some money here for that. Going back to the power cost adjustment, how is that different then the city just saying we need more money because we can't pave roads.

Leggett: I can address and Mr. Preising can correct me if I am wrong or make additional comments. First of all, utilities is part of the city. When you say "like the city" I guess you are referring to the Safety-Service department. They are two different parts of the city. Secondly, there has been some belt tightening in these areas. The power cost adjustment, as Mr. Preising just mentioned, is for costs that really can't be controlled by the utility such as the EPA fees, coal costs, and also purchase power costs. To tighten your belt, let's say coal costs. To tighten your belt there means that you virtually buy less coal. You buy less coal, you generate less electricity. So when you generate less electricity somebody doesn't get electricity. The utilities operate as enterprise funds. They operate much more like normal "for profit" business – Dan's Safety-Service department does. Their method of operation is a little different because the utilities department revenue stream is directly connected to its expenses. When they burn more coal, they sell more electricity. The price of that electricity is determined by the utility board and members of council as well as the price in the market. When the

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coal cost and the purchase power cost – which we have purchase power agreements that we are committed to we have to buy at a certain price one way or another – when those costs go up then the only way to recapture that is to have a rate increase. These costs can fluctuate rather quickly and the power cost adjustment was added to the rate package so the utility could react quickly and recapture those costs, because these are all costs that have been spent. The power cost adjustment is based on historic cost, based on a standard. When the cost goes above that standard, then the power cost adjustment factor allows the utility to recapture cost they spent in the past that is over and above what that standard is. The belt tightening they can do is in maintenance, distribution maintenance, and so forth. The street department – to compare the two departments for example – they have a road to fix and they would like to repave that street because it is in bad shape. They can't repave it because they don't have the funds to do it, so they patch it best they can. Not ideal what they would like, but the road is patched so it is passable. A power line goes down, you have to go out and fix it, you can't just say we will let it sit, we will go out and just run a couple wires between these to for awhile until we get enough money to go back and fix that line or put new transformers up and stuff like that. There need to react is a little different. They operate under different business plans. The safety-service department, their revenue stream has nothing to do with their expenses. The more snow they plow has no impact on the amount of money they get. The more streets they fix or patch has no impact on the amount of money they get. The two do operate separately. The electric utility is having a good year. They're going to have excess working capital at the end of the year. By belt tightening that will be reduced. The excess working capital is what moves into the utility reserve fund for the capital expenditures for the next year. If you recall the last two appropriations that we have had, the utility reserve funds the electric and water utility is a very low level. If they don't have that excess working capital, then next year when it comes to replacing lines or purchasing equipment such as bucket trucks or whatever, or rebuilding equipment in the plant, that money is not going to be there to do that. So that belt tightening that they would do would only result in next year not having money to fix the things they need to fix out of their capital fund. Like I said they are having a good year this year, they had a good year last year; they had a series of not so good years. They need several good years put together to get those capital funds up there where they should be. Then possibly they should look at whether or not their rates need adjusted or whatever. But the two are not directly related. This is not directly related to the power cost adjustment. That's to recapture past cost.

Handwerk: I just wanted to clear that up a little bit, because when you said we had two pretty good years and then we turn around and talk about the power cost adjustment, people might think then why is it going to cost us more.

Leggett: If we wouldn't have enough in it, we probably wouldn't have a real good year this year and the utility reserve fund would be somewhat depleted and they would be in a position not to be able to replace their infrastructure which is the distribution system as well as the power plant itself. The thing about the electric utility is that it is the giant amongst all the other departments. The wastewater department, the water department, the safety-service department – they are very small compared to the dollars which we talked about with the electric utilities. It is much more of a big business type operation.

Handwerk: Thank you Mr. Leggett. Mr. Preising, anything to add to that?

Preising: No, that was a very good discussion of it.

Landaw: I want to make sure I am correct on this – the public utility board votes to approve or disapprove adjustments in the power cost formula, city council only votes to approve or disapprove rate increases in the utility department.

Leggett: That's correct.

Leathers moved and Corfman seconded that Resolution 57-06, a resolution to make appropriations for current expenses and other expenditures of the City of Orrville, State of Ohio, during the fiscal

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year ending December 31, 2007, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Leggett: This is just the first reading on the 2007 temporary appropriations. This resolution is scheduled to go three readings. The numbers are the exact same as the budget. Traditionally when temporary appropriations are the same as the budget, council doesn't require a workshop because you went over the budget back in June, but that is totally up to council.

Leathers moved and Corfman seconded that Resolution 58-06, a resolution authorizing the Board of Control to enter into a contract and/or contracts to repair a broken storm sewer, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Handwerk: We received a memo on this this week.

Jewell: I can update council a little bit on this project. We were cleaning storm sewers in the railroad right-of-way last week and in doing so we had a professional sewer cleaner in here which has a lot of power to it. As we were cleaning the storm sewer that goes east from Walnut Street along the railroad right-of-way we discovered a very large sink hole and I am talking about a sink hole that is large enough for a compact car to go into. That is how big it was. We barricaded the area off and we talked with a contractor. We spoke with Snyder Excavating and they gave us their pricing for what they would charge us on a per day fee for bringing a crew in. They staged their equipment on Friday and started digging this morning. They excavated the hole and actually removed another piece of concrete from another repair that had been done we figure maybe 15-20 years ago. That piece of concrete again was as big as a compact car. It was a huge piece of concrete they pulled out of there. And what we discovered is it was sitting on top of an old corrugated piece of pipe that met up with the concrete storm were that was there. We believed that this was built during the WPA so it has been there quite awhile. We will be able to make temporary repairs to it. We believe that it will be maybe a three day project. However, we do have a corrugated pipe we are dealing with that goes under the railroad tracks and that will be something that we will have to address within the next several months also. We are working with the railroad to let them know what we discovered and have them give us some direction as to which direction we need to go.

Handwerk: Will that portion of it be our responsibility or will the railroad have to help too?

Jewell: No, it is our drainage pipe. There are two main conduits that go under the railroad there. Both are between 42 and 48 inches and everything that is in the south end of town that is east of Main Street all drains down to Pine Street and goes under the tracks at these two locations. It is very important that we keep these open and flowing. The focus of this legislation is to allow us to determine what is wrong and get pricing as necessary and go ahead and fix it rather than determine what is there, having an engineer draw up a set of plans and then bidding it. We are skipping the step of bidding it; although we are getting prices and determining the order. Getting the best deal that we can under the circumstances.

Handwerk: Any other questions, council?

Baker: Is what's being done done now a temporary repair and then a permanent repair will be made later?

Jewell: What we are doing right now is we are putting another piece of concrete pipe in which will replace the piece of corrugated that we are taking out. Then there is still, my guess, 75 feet of corrugated left that we will need to deal with.

Baker: That's the part that goes under the tracks?

Jewell: That's the part that goes under the tracks. The piece we are putting in now will be able to remain there, but everything from there north will need to be replaced.

Miller: Do we have any idea what it is going to cost?

Jewell: At one time we thought the cost was going to be anywhere between \$16,000 and \$20,000, but right now we think it will be right around \$10,000 to \$12,000 for this temporary repair that we are

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doing right now. The contractor's costs are \$4000 per day plus materials, so it just depends on how many days we need to have them in there with their track hoe.

Miller: You said in your memo it could be one to five days. You estimate that five days could be the most?

Jewell: We think five days would be the most. We will have to have them in there this week.

However, we do know that we need to do something with that culvert now, so it could be more than that. I will come back to council and let you know where we are at. At our next meeting I will give you an update.

Handwerk: I would certainly think you would want to get this passed and let them get going on whatever they need to do.

Leathers moved that the rules, regulations, and statutes requiring the reading of a resolution on three separate dates be suspended, Corfman seconded. Roll call vote. Ayes all. Motion carried.

Leathers moved and Purdy seconded that Resolution 58-06 be adopted as read. Roll call vote. Ayes all. Motion carried.

Good of the Order – None.

Handwerk: We have been asked by Mrs. Jewell to go to Executive Session.

Corfman moved and Baker seconded that council go into Executive Session for the discussion of property acquisition and personnel matters. Roll call vote. Ayes all. Motion carried.

Council entered into Executive Session at 8:21 p.m.

Purdy moved and Miller seconded that the Executive Session and Council Meeting be adjourned. Ayes all. Motion carried.

Council was adjourned at 8:50 p.m.

Tamra Peppard, Clerk of Council

Date

Dave Handwerk, President of Council