

**MINUTES OF THE PEORIA CITY COUNCIL**  
CITY OF PEORIA, ARIZONA  
COUNCIL CHAMBER  
March 18, 2008

A **Regular Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 7:00 p.m.

Following a moment of silence, Councilmember Evans led the Pledge of Allegiance.

**Members Present:** Mayor Bob Barrett; Vice Mayor Cathy Carlat; Councilmembers Ron Aames, Joan Evans, Vicki Hunt, Carlo Leone and Dave Pearson.

**Members Absent:** None

**Other Municipal Officials Present:** Terrence Ellis, City Manager; Carl Swenson, Deputy City Manager; John Wenderski, Deputy City Manager; Steve Kemp, City Attorney; Mary Jo Kief, City Clerk; J.P. de la Montaigne, Bill Mattingly, Brent Mattingly, Bob McKibben, Grady Miller, Dave Moody, Steve Prokopek, Larry Ratcliff, Jeff Tyne, Glen Van Nimwegen, James Mason and Rhonda Simmons.

**Audience:** Approximately 40 members of the public were present.

**Note:** The order in which items appear in the minutes is not necessarily the order in which they were discussed in the meeting.

**PRESENTATION:**

1. Lawrence Enyart presented two fire station design awards to the City of Peoria for the design and build of Fire Station #7, located at 7758 W. Jomax Road. Fire Chief Magazine honored the station in their November 2007 issue with a two-page spread for the Gold Satellite Award. Fire Industry Equipment and Research Organization honored Fire Station #7 with a second station design award. Each station was judged by the category, location and resources available to meet the needs and unique challenges facing fire departments and their communities. Mayor Barrett and Bob McKibben, Fire Chief, accepted the awards on behalf of the City of Peoria.

**CONSENT AGENDA:** All items listed with a "C" are considered to be routine or have been previously reviewed by the City Council, and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

Mayor Barrett asked if any Councilmember wished to have an item removed from the Consent Agenda. Having no requests from Council, Motion was made by Vice Mayor Carlat, seconded by Councilmember Aames, to approve the Consent Agenda. Upon vote, the motion carried unanimously.

**CONSENT – New Business:**

**1C MINUTES:** Approved

Special Meeting and Study Session – December 18, 2007  
Regular Meeting – December 18, 2007  
Special Meeting and Study Session – January 15, 2008  
Regular Meeting – January 15, 2008  
Regular Meeting – February 5, 2008  
Council Workshop – February 8, 2008  
Council Workshop – February 9, 2008

**2C Code Amendment, Chapter 13, Public Service and Telecommunication Corporation Vehicles**

ORDINANCE NO. 08-05

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 13 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 13-25 PERTAINING TO CRIMINAL NUISANCES; USE OF VEHICLES ON VACANT PROPERTY AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Adopted **ORD. 08-05** amending Chapter 13 of the Peoria City Code (1992 Edition) pertaining to public service and telecommunication corporation vehicles by amending the Criminal Nuisance PM-10 Code.

**3C Code Amendment, Chapter 14, Permitted Conditional Use, Wedding and Reception Centers**

ORDINANCE NO. 08-06

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 14 OF THE PEORIA CITY CODE (1977 EDITION), BY AMENDING ARTICLE 14-9 NON-RESIDENTIAL DISTRICTS, PROVIDING FOR SEPARABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Adopted **ORD. 08-06** amending Chapter 14 of the Peoria City Code (1977 Edition) by amending Section 14-9-3, Non-Residential Districts Land Use Matrix, to add wedding and reception centers as a permitted conditional use within the Office Commercial Zoning District O-1. (TA08-01)

**4C Memorandum of Understanding, Arizona Office of the State Fire Marshal, Plan Review and Inspection of Schools, State and County Buildings**

Authorized the City Manager to execute a Memorandum of Understanding (MOU) with the Arizona Office of the State Fire Marshal to conduct plan reviews and inspections of schools, state and county buildings within the boundaries of the City of Peoria. (LCON12208)

**5C Construction of Waterline Agreement, Barclay-Pleasant Valley, LLC, Loop System Water Service Line, Mountainside Crossing, Happy Valley Road and Lake Pleasant Road**

Approved a Construction of Waterline Agreement with Barclay-Pleasant Valley, LLC to construct a loop system water service line for development at Mountainside Crossing, located at Happy Valley Road and Lake Pleasant Road. (LCON02308)

**6C Contract, Damon S. Williams, Environmental Consulting Services**

- a) Approved a single source selection and awarded a contract to Damon S. Williams in the amount of \$37,320 for environmental consulting services (LCON02408); and
- b) Approved a budget transfer in the amount of \$37,320 from the Water Fund Contingency Account to the Utilities Environmental Professional Services Account.

**7C Contract Amendment, Aztec Engineering, Inc., Construction Documents, New River Trail between Northern Avenue and Olive Avenue**

Approved Contract Amendment No. 4 with Aztec Engineering Inc. in an amount not to exceed \$65,960 to complete construction documents for the New River Trail segment between Northern Avenue and Olive Avenue. (LCON 05202D)

**8C Authorize Expenditure, Police and General Government Radio System**

Authorized expenditures in the amount of \$225,000 for costs related to the Police and General Government Radio System.

**9C Budget Carry Over, Solid Waste Services Rate Study**

Approved a carry over of \$39,000 in the Solid Waste Operating Fund, Other Professional Services Account approved in Fiscal Year 2007 for a rate study for Solid Waste Services which was completed in Fiscal Year 2008.

**10C Recommended Salary Increases from the Citizens Commission on Salaries for**

**Elected City Officials**

Accepted the recommendation of the Citizens Commission on Salaries for Elected City Officials and increased the salaries of the Mayor and City Council effective January 6, 2009.

**11C Maintenance Improvement District No. 1062, Tierra del Rio South, 107<sup>th</sup> Avenue and Jomax Road**

RESOLUTION NO. 08-40

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, DECLARING ITS INTENTION TO CREATE AN IMPROVEMENT DISTRICT TO MAINTAIN LANDSCAPING INCLUDED WITHIN, NEAR AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, FOR MAINTENANCE WITHIN AN AREA IN THE CITY OF PEORIA AS DESCRIBED HEREIN; ADOPTING PLANS FOR CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1062, TIERRA DEL RIO - SOUTH, AS MORE PARTICULARLY DESCRIBED HEREIN, AND DECLARING THE WORK OR IMPROVEMENT TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THAT THE COST OF SAID WORK OR IMPROVEMENT SHALL BE ASSESSED UPON A CERTAIN DISTRICT, AND PROVIDING THAT THE PROPOSED WORK OR IMPROVEMENT SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES TITLE 48, CHAPTER 4, ARTICLE 2, AND AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

RESOLUTION NO. 08-41

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING ITS INTENTION TO ORDER THE IMPROVEMENTS OF A CERTAIN AREA WITHIN THE CORPORATE LIMITS OF THE CITY AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1062, TIERRA DEL RIO - SOUTH; PROVIDING THAT THE COST OF THE MAINTENANCE OF THE LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, SHALL BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

Approved the Petition of Formation and adopted **RES. 08-40** intention and ordering formation of proposed Maintenance Improvement District No. 1062, Tierra del Rio South, located on 107<sup>th</sup> Avenue and Jomax Road; and adopt **RES. 08-41** ordering the work within the proposed Maintenance Improvement District.

**12C Final Plat, Trianna, 88<sup>th</sup> Avenue and Thunderbird Road**

Approved the Final Plat for Trianna, located at 88<sup>th</sup> Avenue and Thunderbird Road, subject to stipulations. (Project No. R070072)

**13C Condominium Plat, Empire Business Center, 89<sup>th</sup> Avenue and Cactus Road**

Approved the Condominium Plat for Empire Business Center, a Condominium, located at the northwest corner of 89<sup>th</sup> Avenue and Cactus Road, subject to stipulations. (Project No. R070113)

**REGULAR AGENDA**

**UNFINISHED BUSINESS**

**14R PUBLIC HEARING - General Plan Amendment, 83<sup>rd</sup> Avenue and Olive Avenue (Item 20R, March 4, 2008)**

RESOLUTION NO. 08-42

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA AMENDING THE LAND USE PLAN OF THE GENERAL PLAN AND THE CENTRAL PEORIA REVITALIZATION PLAN; AND PROVIDING FOR SEPARABILITY AND AN EFFECTIVE DATE.

**PUBLIC HEARING:** RE: A minor amendment to the General Plan through the Central Peoria Revitalization Plan Land Use Map for approximately 17.2 gross acres generally located north and west of the northwest corner of 83<sup>rd</sup> Avenue and Olive Avenue from Neighborhood Commercial Mixed Use to High Density Residential (15+ du/ac).

Public Hearing not held.

Motion was made by Councilmember Hunt and seconded by Councilmember Evans to carryover the discussion and possible action to concur with the Planning and Zoning Commission's recommendation and adopt **RES. 08-42** approving a minor amendment to the General Plan through the Central Peoria Revitalization Plan Land Use Map for approximately 17.2 gross acres generally located north and west of the northwest corner of 83<sup>rd</sup> Avenue and Olive Avenue from Neighborhood Commercial Mixed Use to High Density Residential (15+ du/ac) (GPA07-03). Upon vote, the motion carried unanimously.

**15R PUBLIC HEARING - Rezoning, 83<sup>rd</sup> Avenue and Olive Avenue (Item 21R, March 4, 2008)**

ORDINANCE NO. 08-07

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA REZONING PROPERTY FROM OFFICE COMMERCIAL (O-1) AND INTERMEDIATE COMMERCIAL (C-2) ZONING DISTRICTS TO PLANNED AREA DEVELOPMENT (PAD) ZONING DISTRICT; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

**PUBLIC HEARING:** RE: Rezoning of approximately 17.2 gross acres, generally located north and west of the northwest corner of 83<sup>rd</sup> Avenue and Olive Avenue, from Office Commercial (O-1) and Intermediate Commercial (C-2) to Planned Area Development (PAD).

Public Hearing not held.

Motion was made by Councilmember Hunt and seconded by Councilmember Evans to carryover the discussion and possible action to concur with the Planning and Zoning Commission's recommendation and adopt **ORD. 08-07** approving the rezoning of approximately 17.2 gross acres, generally located north and west of the northwest corner of 83<sup>rd</sup> Avenue and Olive Avenue, from Office Commercial (O-1) and Intermediate Commercial (C-2) to Planned Area Development (PAD) (Z07-06). Upon vote, the motion carried unanimously.

**CLERK'S NOTE:** Agenda Items 14R and 15R were carried over pursuant to one motion.

**16R Easement Agreement, Nobel Learning Communities and Meritas, LLC, Fence Installation, Fletcher Heights Park North (Item 15C, January 15, 2008)**

J.P. de la Montaigne, Community Services Director, provided an overview of the history of an agreement authorized by the City Council for Nobel to share use of the Fletcher Heights Park North. The agreement allowed for public use of the park at all times including during school hours. The agreement also stated Nobel was responsible for the maintenance of the park. Meritas Schools entered into a lease agreement with Nobel. Meritas agreed to improve the park appearance by providing landscape maintenance improvements, basketball court re-surfacing, shade over the playground area, and a fence along the perimeter; Meritas agreed to pay for these improvements. Meritas was advised that installation of the fence prior to City Council approval would be done at their own risk. Meritas installed the fence at its own risk. Mr. de la Montaigne informed Council that at its January 15, 2008 Council Meeting, staff recommended approval of the amendment to the easement agreement to allow the fence. The City Council at that time carried over the Agenda Item to allow for additional public input. At the request of Council, the item was also referred back to the Parks and Recreation Board.

Meritas conducted a neighborhood meeting on January 29<sup>th</sup>, and the majority of the attendees were in favor of the fence. However, residents expressed some concerns. Meritas held an open house to discuss resident concerns prior to opening of the school. The Community Services Department mailed 745 letters to homeowners asking for resident preferences on the fence, and the Parks and Recreations Board held the January 29<sup>th</sup> meeting in the neighborhood. Meritas held an open house meeting on February 12<sup>th</sup> and 195 letters were mailed to residents to request their preferences on the fence – 39 percent responded to remove the fence; 61 percent responded to keep the fence. The Parks and Recreation Board unanimously recommended to keep the fence. Council was also provided with copies of a petition that had been circulated by a resident of Fletcher Heights, with the signatures of approximately 215 residents opposing the fence.

Mayor Barrett called on members of the public in attendance to speak on the item.

Brian Ladd addressed the Council stating that no one knew about the fence. Mr. Ladd indicated concerns about the fact that no at risk application is on file for the fence. Mr. Ladd also stated that a three- to four-foot fence like the one currently in place does not provide safety. Mr. Ladd stated that 215 residents signed a petition to have the fence removed and that the letter that went out from the Community Services Department was skewed and did not follow a proper process.

Jon Edwards addressed the Council stating he would like to see the fence removed. Mr. Edwards also stated they want a barrier but they want to work together on a barrier that is agreeable to everyone.

Teresa Wiest addressed the Council. Mayor Barrett stated to Ms. Wiest that although her husband cannot be present to speak to the Council, it is noted that her husband is opposed to the fence. Ms. Wiest stated she votes to remove the fence because this is the only park in her area and she would like to see the park remain open and inviting. Ms. Wiest also indicated that no notice was given to the public about the fence prior to the fence being constructed. Ms. Wiest also stated that two former schools used this park without safety concerns and without a fence.

Tammy Jodarski addressed the Council stating she chose to live in Peoria specifically because of their parks and that she chose a house across from the park. Ms. Jodarski stated when she attended the community meeting, she was first for the fence, but has changed her mind since that time because she was not given proper information when she first cast her vote for the fence. Ms. Jodarski also stated that at one time during school hours, a member of the public was asked to leave the park during school hours.

Debbie Juengel addressed the Council stating she votes no to a fence and to an easement change. Ms. Juengel stated she attended the meeting held by the school, and she felt that it was a mean-spirited meeting. Ms. Juengel stated there are no safety concerns that have been filed with the police. Ms. Juengel stated she felt pushed into a corner and that she is willing to work something out.

Petra Stevens addressed the Council stating she would like to see no fence and no change to the easement. Ms. Stevens stated she would like to keep the park an open space park. Ms. Stevens stated she was not consulted prior to the construction of the fence. Ms. Stevens stated Meritas should have gone through the proper channels. Ms. Stevens stated she believes a traffic study needs to be done to show any safety concerns and that there are new blind spots due to the fence.

Danielle Juengel addressed the Council stating she votes no to a fence and no to a change in easement. Ms. Juengel stated the fence was installed without future thought to the neighborhood. Ms. Juengel stated that the safety concerns are just speculation and that the fence portrays that Meritas has exclusive use of the park.

Jim Carruthers addressed the Council stating he is a Meritas representative and that he lives in Peoria. Mr. Carruthers stated a safety study was conducted and that short cuts between 83<sup>rd</sup> Avenue and Deer Valley Avenue are being used by speeding cars. Mr. Carruthers stated the Memorandum of Understanding in 1999 allowed for a fence around the park. Mr. Carruthers stated Meritas took the risk of adding the fence prior to Council approval because of concerns for the safety of the children. Mr. Carruthers also stated that no member of the public has ever been asked to leave the park during schools hours.

Reo Krebsbach addressed the Council stating he lives within walking distance of the park, and he enjoys the park now that it offers a high degree of safety. Mr. Krebsbach stated that at the meeting in January, 90 percent of the residents who attended were in favor of the fence; at the February meeting, the majority of the attendees said they wanted the fence; and in response to the letter mailed requesting votes, the majority of the residents wanted a fence. Mr. Krebsbach stated the fence should stay. Mr. Krebsbach stated the school put up the fence at no taxpayer expense, and the park has never looked better. Mr. Krebsbach stated the park offers safety for kids and he has had no problems using the park.

Cherelyn Steele addressed the Council stating she is in favor of keeping the fence. Ms. Steele stated the 215 signature petition against the fence did not record her vote that she would like to see the fence remain. Ms. Steele stated the fence is for the safety of the kids and the back area is open for easy access to the park.

Motion was made by Councilmember Pearson, and seconded by Councilmember Aames to deny the request for an amendment to an easement agreement at the Fletcher Heights Park North and to instruct staff to work with the neighbors to come back with an action plan for a safety barrier along Hillcrest Boulevard. The motion carried by a vote of four to three. Mayor Barrett, Vice Mayor Carlat and Councilmember Hunt voted "no".

## **NEW BUSINESS**

**17R PUBLIC HEARING – Liquor License, Fleming’s Prime Steakhouse & Wine Bar, 9712 W. Northern Avenue**

**PUBLIC HEARING:**

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on a new Restaurant Liquor License (Series 12) for Fleming’s Prime Steakhouse & Wine Bar, located at 9712 W. Northern Avenue. Applicant: Randy D. Nations. LL#10011591.

**Staff Report/Public Comment:**

Mary Jo Kief, City Clerk, reported that the property was posted in accordance with Arizona law, all fees were paid, all reviewing Departments recommended approval, and no comments were received from the public.

Having no requests from the Council or public to address this item, Mayor Barrett declared the public hearing closed.

**Council Action:**

Motion was made by Vice Mayor Carlat, seconded by Councilmember Aames, to recommend approval to the State Liquor Board for a new Restaurant Liquor License (Series 12) for Fleming’s Prime Steakhouse & Wine Bar, located at 9712 W. Northern Avenue. Applicant: Randy D. Nations. LL#10011591. Upon vote, the motion carried unanimously.

**18R Notice of Intent, Parke West LLC (General Growth Partners), 91<sup>st</sup> Avenue and Northern Avenue**

Steve Prokopek, Economic Development Director, informed Council State Law requires that before Council can discuss issues that include sales tax agreements, there must be a 15-day minimum Notice of Intent to discuss the item. Mr. Prokopek informed Council that Agenda Item 18R is a Notice of Intent to Council to discuss the amendments to the development agreement, which includes retail sales tax reimbursements, in April.

Motion was made by Councilmember Hunt, seconded by Councilmember Aames, to adopt a Notice of Intent to enter into an amendment to the development agreement that includes retail sales tax reimbursements with Parke West LLC (General Growth Partners), located at 91<sup>st</sup> Avenue and Northern Avenue to be discussed in further detail at the April 15<sup>th</sup> meeting. Upon vote, the motion carried unanimously.

**19R Contract Amendment, Environmental Planning Group Inc., Landscape Design**

**and Engineering Services, Westwing Neighborhood Park, High Desert Drive and Westwing Boulevard**

J.P. de la Montaigne, Community Services Director, informed the Council that the Contract Amendment with Environmental Planning Group Inc. (EPG) would provide funding for the design and construction of the Westwing Neighborhood Park project.

Motion was made by Vice Mayor Carlat, seconded by Councilmember Hunt to approve Contract Amendment No. 1 with Environmental Planning Group Inc. (EPG) for an amount not to exceed \$163,779 for landscape design and engineering services for the development of construction documents for the Westwing Neighborhood Park project, located west of High Desert Drive and south of Westwing Boulevard (LCON 04007A). Upon vote, the motion carried unanimously.

**20R Contract Amendment, FNF Construction, Inc., Thunderbird Road Construction, 94<sup>th</sup> Drive to Loop 101**

Dave Moody, Engineering Director, informed Council that the Northwest Valley Transportation Study and the Peoria Transportation Needs Study recommended widening Thunderbird Road to six lanes between the Loop 101 and 94<sup>th</sup> Drive. The City is in the final design process for Thunderbird Road Widening. Mr. Moody also informed Council that the contract with FNF as the Construction Manager at Risk contractor is being approved in phases and that each segment of the project comes with its own Guaranteed Maximum Price and has been and will continue to be submitted to the Council for approval.

Motion was made by Councilmember Hunt, seconded by Councilmember Pearson, to:

- a) Approve Contract Amendment No. 2 for Guaranteed Maximum Price No. 2 (GMP No. 2) with FNF Construction, Inc. in an amount not to exceed \$2,153,059.66, for Construction Manager at Risk services for the initial construction phase of the Thunderbird Road project from 94<sup>th</sup> Drive to the Loop 101 (LCON06207B); and
- b) Approve a budget transfer in the amount of \$653,059.66 from the General Fund Contingency Account to the Outside Sources Fund Street System Account to provide the additional budgetary authority.

Upon vote, the motion carried unanimously.

**CALL TO THE PUBLIC: (NON-AGENDA ITEMS)**

Dolores Ceballos addressed the Council inquiring about the status of the branding logo and requesting the Council vote against it. Ms. Ceballos inquired about the Performing Arts Building and statistics on the Performing Arts Center. Ms. Ceballos asked for the status of the Women's Club. Ms. Ceballos also stated she received a City Code violation for weeds in her yard.

Michele Stone addressed the Council informing them that she has been trying to contact her Councilmember to address issues of safety.

Jonny Electric addressed the Council stating he is new to the neighborhood as he has been hired as Ms. Stone's bodyguard. Mr. Electric stated Ms. Stone has had her life threatened and has not received a response to her issue.

David Karr addressed the Council stating life has been complicated in Peoria and that Police Chief Ratcliff does not respond. Mr. Karr further commented on documents he had received from the City Attorney's Office.

#### **Reports from the City Manager:**

1. Vicki Rios, Revenue Manager, addressed the Council informing them of a new brochure that has been produced to help the community learn how to do business in Peoria. The brochure talks about the history of Peoria and shows the different types of businesses in Peoria and what licenses and forms are required for some businesses. The brochure also provides several City of Peoria contact numbers to assist the public with starting a business in Peoria.

#### **Reports from City Council:**

Councilmember Leone reported on the various City of Peoria activities he attended.

Councilmember Hunt reported on the City of Peoria Arts Festival she attended.

Councilmember Pearson stated he was honored to meet the volunteer coaches at a recent award dinner.

Vice Mayor Carlat commented on the Kids Hunger Program where she had volunteered.

#### **Reports from the Mayor:**

Mayor Barrett stated it was an honor to meet the volunteer coaches at the recent award dinner.

**ADJOURNMENT**

Being no further business to come before the Council, the meeting was duly adjourned at 9:05 p.m.

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Bob Barrett, Mayor

ATTEST:

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Mary Jo Kief, City Clerk

**CERTIFICATION**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the City Council of Peoria, Arizona held on the 18<sup>th</sup> day of March, 2008. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 6<sup>th</sup> day of May, 2008.

(Seal)

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Mary Jo Kief, City Clerk