

City Council

Proceedings by Authority

State of New York

City of Jamestown

ss:

City Council Chambers

A meeting of the City Council of the City of Jamestown, New York was held on Monday, September 30, 2019 at 7:30 p.m.

Members Present: Council President Marie Carrubba, Council Members, Brent Sheldon, Tony Dolce, Vickye James, Maria Jones, Tom Nelson, Kim Ecklund, Tamu Graham-Reinhardt, Andrew Liuzzo

Members Absent:

Others Present: Mayor Samuel Teresi, Director of Administrative Services/City Clerk James N. Olson, Police Chief/Director of Public Safety Harry Snellings, Deputy Fire Chief Sam Salemme, Corporation Counsel Peter Larson, City Comptroller Joe Bellitto, Director of Development Vince DeJoy

Council President Marie Carrubba called the meeting to order and led the assembly in the Pledge of Allegiance to the Flag.

The Invocation was given by Rev. Tom LeBeau of the Kidder Memorial United Methodist Church.

Councilman Dolce moved to approve the minutes from the August 26, 2019 meeting.

MESSAGES FROM THE MAYOR

201909C00.01

To the City Council of the City of Jamestown New York

Council Members:

In accordance with Section 310 of the New York State Real Property Tax Law, I do hereby nominate:

Kevin Okerlund
7580 Felton Rd.
Westfield, NY 14787

to be re-appointed as the Assessor IV of the City of Jamestown, New York.

The term for which said appointment is to be made will expire September 30, 2025.

Dated: September 30, 2019

201909C00.02

Council Members:

In pursuance of the authority vested in me by the Charter of said City, I do hereby nominate:

Frank Besse
515 Pine Street
Jamestown, NY 14701

to be re-appointed a member of the Jamestown Housing Authority in and for the City of Jamestown, New York.

The term for which said appointment is to be made will expire September 30, 2024.

Dated: September 30, 2019

201909C00.03

Council Members:

In pursuance of the authority vested in me by the Charter of said City, I do hereby nominate:

Wayne C. Young
401 Arlington Avenue
Jamestown, NY 14701

to be re-appointed a member of the Board of Assessment Review in and for the City of Jamestown, New York.

The term for which said appointment is to be made will expire September 30, 2024.

Dated: September 30, 2019

Council Members:

In pursuance of the authority vested in me by the Charter of said City, I do hereby nominate:

Terrance Horner
1249 Newland Ave.
Jamestown, New York 14701

to be appointed a member of the Riverfront Management Council in and for the City of Jamestown, New York (to fill the unexpired term of Jade Barber, resigned).

The term for which said appointment is to be made will expire
December 31, 2020.

Dated: September 30, 2019

Council Members:

In pursuance of the authority vested in me by the Charter of said City, I do hereby nominate:

James N. Olson
106 Arcade Ave.
Jamestown, New York 14701

to be appointed a member of the Board of Public Utilities in and for the City of Jamestown, New York (to fill the unexpired term of Tyler C. Case, resigned.)

The term for which said appointment is to be made will expire
December 31, 2021.

Dated: September 30, 2019

Samuel Teresi
Mayor of the City of Jamestown, New York

Councilwoman Ecklund moved to suspend the rules and vote on the appointments.

Carried: 9 – 0

Councilwoman Ecklund moved to approve the appointments.

Carried: 9 – 0

OPPORTUNITIES FOR PERSONS TO ADDRESS THE COUNCIL

201909C00.06

Larry Barmore: Thank you Madame President. Larry Barmore, I am the Chautauqua County Clerk, 1 North Erie Street, Mayville, New York. As you probably know, five years ago we moved our DMV office here in Jamestown. I was rather disappointed with the office we had when I became County Clerk and I started looking for a place to move and I found what I thought was going to be a nice place up at the old Big N plaza with lots of parking and I had made a deal with the owner of the building and appeared before the legislature committee to get my resolution approved to move the DMV. On that particular day, Mr. DeJoy and others showed up at the meeting and asked me if I would be willing to consider some other locations before I made up my mind because they wanted to see the DMV remain downtown. So, I agreed to that. The next day I came to Jamestown. Mr. DeJoy and others showed me several properties in the downtown area and we finally settled on the one where we're currently located; very pleased with that property. The man I'd made a deal with up on Fluvanna Avenue wasn't very happy with me, but we moved down here anyways. The only problem that I had with the property was the parking lot is somewhat small. And at the time I asked the people from Jamestown if we could do something about the parking and I was told, let's see how it works out and we can address it at a later time. I'm here to tell you that it's just human nature; it's a free parking lot and there's meters on the street and people are jamming into that parking lot with one-ton trucks with crew cabs. I'm having a car accident in the parking lot pretty much on a weekly basis. Last week some gentleman actually slammed into the building. The parking lot is way too small for half the vehicles that come there and the parking spaces in front of the DMV on both sides of the street remain empty or nearly empty all day long. My landlord's with me, Jody Peterson, I'm sure you all know him. He owns Jamestown Rental Properties. He's got some pictures he'd like to share with you. I've been there early in the morning, late in the afternoon, during the middle of the day. Rarely will you find a car parked in one of the metered spots. What I'm here for is requesting that this council consider removing those meters and let's put up signs that say DMV parking only. And that will alleviate the congestion in the parking lot; make it much more convenient for people using the DMV and city residents and do away with a lot of these accidents we're having in that parking lot because it is kind of cramped. I guess that's all I have to say. By the way, there are three spots across the street; it would take care of the traffic moving east and there are seven on our side of the street. Not necessarily asking for all seven, but if we could get three or four of them unmetered, it would really help the congestion in the parking lot and make it much more convenient for people coming to DMV. Thank you.

Mayor Teresi: Madame President, it is within the prevue of the City Council to decide whether they want to have paid parking or not on certain public rights of way. I've asked the Corporation Counsel to look into the legality of designating parking on a public right of way for use of a particular individual or business or organization. He will look into that and report back to me, and to you, as soon as we have an indication as to the legality of that. Thank you.

201909C00.07

Doug Champ: My name is Doug Champ. I live at 225 Bowen Street in Jamestown, New York. I'm here tonight to kind of propose what City Council, I believe, should do – although I know there's no dialogue tonight - The Mayor, on September 9th, presented his Smart City Platform for Reinvestment in Capital and Infrastructure. I think we all know that our capital, our infrastructure, is very important, but at this point in time, I can only speak in terms of being like a stockholder in the city and you are the board of directors and you have to investigate what those investments are going to be and actually come down on the payback scheme. I just recently, for all those that don't know, I spent thirty-some years working both for the Board of Public Utilities and the City of Jamestown. And since that time, I've been engaged with a lot of energy projects, literally, all over the country. Most recently on what I would call industrial investment and capital improvement program along the southern tier. And in regard to infrastructure, especially with energy, corporate is different than community. However, they do look at payback. It's important for you to understand the dynamics of what payback is, when you look at capital improvements. Everyone has a different formula or a different way of looking at it and I would suggest in your evaluations of each of these activities; especially when they come to energy efficiency, that you look at what I call CIOM, which is the capital cost, the insulation cost, the operation cost and the maintenance cost. Both short-term and long-term. Energy in this building, under one of these directives, \$586,000.00 is going to energy improvements, which is fine, but it replaces what? It replaces old equipment and my understanding is that they want to shut down the chiller system that the BPU has running out of the Ice Arena, which I actually put in years ago. I find that a unique situation when across this country, they're looking for cold storage applications. So, we're going to shut down a system when it actually has a beneficial aspect and could be propelled further on those new applications. As far as the boiler goes, we originally had district heating in there to eliminate the boiler, so now we're going to put a new boiler in and also, I notice that you're looking at balancing. For those of you that don't what balancing is, it's a heat balance of a building that you usually do during the coldest time of the year. I've been involved in them and you're looking at a fan balance of \$16,000.00. Which actually should be concluded within the boiler range, but not necessarily a separate heat balance. I also ask the question of whether or not the city could look at something unique which is absorption chillers because that device...

Council President Carrubba: Mr. Champ, could you back up from the microphone just a little bit. The noise, the way it's picking it up, it's really difficult to hear you. If you back up just a little bit, I think it would be easier to hear you.

Mr. Champ: Thank you. I would encourage you, if this is brought out and all of these activities have on their stand-alone merits of what their COIM relationships are. Because it's up to you, not to me, I'm a stakeholder, I'm a citizen. You're the board of directors and the investment plan you have in the city has to make a lot of sense. And the payback, as estimated, is \$599,000.00 a year. On an aggregate basis, that may be assessible in different ways, but a lot of this stuff doesn't work that way. It works, basically, on replacement cost of kilowatts and BTU's and that type of thing when you come to energy. Also, I see you're putting more money into a building that you don't really want to have over the long-term, because one of the potentials was to have a new central garage. So, you're throwing a lot of additional money as a fix to buildings on Steele Street, which you don't really want to have, so I question why would that be done, other than necessity. And then you telescope out all of your equipment that you want to replace with getting a value of what your replacement costs are going to be, recognizing that they'll all go to bid, but I don't know why you get into that type of a rationale when you tell people out there that you've got this amount of money that you're going to spend on equipment and we all know what happens when you tell a seller how much you can pay, he usually comes across with that particular amount, especially in this area. I know you all need the capital improvement investment plan, but I would encourage all of you to have a dialogue about it; and not in an executive session, but before the public. You all are running for reelection. I think the public would like to know what your stand is, and what your appreciation is going to be on this rather than just saying yes or no. Thank you.

201909C00.08

Staci Cranor The Broadway Group, 216 Westside Square, Huntsville, Alabama: I'm speaking to Resolution 13. Just to reiterate, the proposal that my company, The Broadway Group, to develop the property on Winsor and Crescent. Vince DeJoy has been very helpful in this process and he actually came to us with these properties. He knew we were looking in the area. We were having a challenge, actually, in finding properties and he brought these properties to us. We bought the city properties, in the process of buying the city properties, as well as some private properties with the idea of developing those properties and building a Dollar General that will bring tax money to the city, will employ ten people, will provide a grocery store, a walkable grocery store, in an area that doesn't have one right now; basically is a food desert so to speak. I just wanted – when they read Resolution 13 here in a little bit, I want to you to think about that and the people that will be served in that area. And I also wanted to personally thank Vince for all his help in this process.

FINANCE COMMITTEE

201909C01

BY COUNCILWOMAN ECKLUND:

RESOLVED, That bills be audited and warrants drawn on the proper funds in payment of the respective amounts, totals as follows: General Fund, Capital Fund, Special Revenue Fund and Trust & Agency Fund \$5,800,124.90 in accordance with the period ending September 27,

2019 copy of which is annexed hereto and a copy to be filed in the office of the City Clerk, and be it further

RESOLVED, That disbursements in the total amount of \$4,097,747.29 and payrolls in the total amount of \$1,702,377.61 as paid by the Comptroller and Director of Financial Services, a copy of which is annexed hereto and a copy to be placed on file in the office of the City Clerk be and hereby are approved.

Carried: 9 – 0

201909C02

BY COUNCILWOMAN ECKLUND:

RESOLVED, That Lieutenant Scott Forster be and he hereby is authorized to attend the Federal Bureau of Investigation Regional Command College in Niagara Falls, New York, October 6-11, 2019 with expenses paid pursuant to Section 77-b of the General Municipal Laws of the State of New York.

Carried: 9 – 0

201909C03

BY COUNCILWOMAN ECKLUND:

RESOLVED, That Police Officers Kyle Sorenson and Alexis Carlson be, and they hereby are, authorized to attend the NYSP Underwater Recovery Team's Fall In-Service Training to be held in Alexandria Bay, NY, from September 9-13, 2019, with expenses paid pursuant to Section 77-b of the General Municipal Laws of the State of New York.

Carried: 9 – 0

201909C04

BY COUNCILWOMAN ECKLUND:

WHEREAS, the U.S. Department of Justice, Bureau of Justice Assistance, is administering the 2019 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, and

WHEREAS, the City of Jamestown is eligible to receive funding under the 2019 Edward Byrne Memorial Justice Assistance Grant (JAG) Program through a joint application process, now therefore be it

RESOLVED that the Mayor and Police Chief/Director of Public Safety be and they hereby are authorized and directed to receive grant funds to be utilized by the Jamestown Police Department in the amount of Seventeen Thousand, Four Hundred Sixty Dollars (\$17,460.00).

Note: These proceeds will be used by the Jamestown Police Department to fund the purchase of a speed trailer and computers.

Carried: 9 – 0

201909C05

BY COUNCILWOMAN ECKLUND:

WHEREAS, The Allen Parks Women’s Club is desirous of contributing a new prep counter for the kitchen building located at Allen Park valued at approximately \$298.38 to the City of Jamestown, now therefore be it

RESOLVED, that the City of Jamestown hereby accepts the donation, and be it further

RESOLVED, that the Jamestown City Council hereby extends its appreciation and gratitude on behalf of the citizens of City of Jamestown to The Allen Park Women’s Club for its generous donation

Councilwoman Ecklund: I just want to say this resolution, and the one below for Allen Park, a special thanks, not only to the Community Foundation, but also to the Allen Park Women’s Club who continually does all kinds of things at that park on a daily basis to make it the incredible park that it is on the southside.

Carried: 9 – 0

201909C06

BY COUNCILWOMAN ECKLUND:

RESOLVED, That the Mayor of the City of Jamestown be and he hereby is authorized to enter into a grant agreement with the Chautauqua Region Community Foundation in an amount not to exceed \$10,665.80 for the purpose of purchasing playground equipment at Allen Park subject to the approval of the Corporation Counsel as to form.

Note: The City of Jamestown would like to recognize the Allen Park Women’s Club and the Zanetta Family for their generous donations through the Community Foundation to make these park upgrades possible.

Carried: 9 – 0

201909C07

BY COUNCILMAN DOLCE:

RESOLVED, That Firefighter Robert Smith be and he hereby is authorized to attend the 2019 Vital Signs Conference in Buffalo, New York, October 24-27, 2019, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 9 – 0

201909C08

BY COUNCILMAN DOLCE:

RESOLVED, that the Mayor of the City of Jamestown be and he hereby is authorized to enter into an agreement with the County of Chautauqua Youth Bureau, in an amount not to exceed Two Thousand, Five Hundred dollars (\$2,500.00), for the purpose of funding a portion of the 2019 Parks, Recreation and Conservation Department Summer Playground Program subject to the approval of the Corporation Counsel as to form.

Carried: 9 – 0

201909C09

BY COUNCILMAN DOLCE:

RESOLVED, that the Mayor be, and he hereby is authorized to enter into an contract with Complus Data Innovations, Inc. (COMPLUS), 120 White Plains Road, Tarrytown, New York 10591 for the processing of parking tickets using the FastTrack™ Parking Ticket Management System (FastTrack™) at a cost of 12.5% of Parking Ticket Collections for the time period January 1, 2020 to June 30, 2020 subject to the approval of the Corporation Counsel as to form.

Note: This is a six (6) month extension from the existing contract that is to expire December 31, 2019. A formal RFP will be completed in the Spring of 2020.

Carried: 9 – 0

201909C10

BY COUNCILMAN DOLCE:

WHEREAS, that City of Jamestown and the American Federation of State, County and Municipal Employees (AFSCME), Council 66, Local 418, through negotiations have arrived at the terms of a tentative agreement, and

WHEREAS, the City Council has, after much deliberation and discussion, considered all the terms contained within the tentative agreement, now; therefore, be it

RESOLVED, That the terms of the tentative agreement be, and hereby are, approved, and be it further

RESOLVED, That the Mayor be, and he hereby is, authorized to enter into a personnel agreement with the American Federation of State, County and Municipal Employees (AFSCME), Council 66, Local 418, for the period covering January 1, 2019 through December 31, 2021, subject to the review and approval of the Corporation Counsel as to form.

Councilman Dolce: Just a quick comment. I want to recognize the mayor and the staff as well as the members of the unit for coming to an agreement. It's a fair agreement for all. Thank you.

Carried: 9 – 0

201909C11

BY COUNCILMAN DOLCE:

RESOLVED, that the Mayor be and he hereby is authorized to enter into an agreement with the Town of Busti, 125 Chautauqua Ave., Lakewood, New York 14750 to provide assessing services for the Town during the period of October 1, 2019 to September 30, 2025, subject to the review and approval of the Corporation Counsel as to form.

Carried: 9 – 0

201909C12

BY COUNCILMAN DOLCE:

RESOLVED that the Mayor and Jeffrey Lehman, P.E., Director of Public Works and Acting Director of Parks, Recreation & Conservation, be and they hereby are authorized and directed to purchase from Ed Shults Ford Lincoln, 2253 Washington Street, Jamestown, NY 14701, one (1) new 2019 Ford F-250 XL Crew Cab 4x4, in an amount not to exceed Thirty-Four Thousand Nine Hundred Seventy-Three dollars (\$ 34,973.00) less the trade-in of one (1) used 2017 F-250 in the amount of Thirty-One Thousand Dollars (\$31,000.00), for a total net amount not to exceed Three Thousand Nine Hundred Seventy-Three Dollars (\$3,973.00), subject to the approval of the Corporation Counsel as to form.

Note: Said vehicle is for use in the Jamestown Fire Department to replace current JFD Command Vehicle (JFD Car #1) which is being traded-in.

Councilman Dolce: Just a note, too, that this is a trade-in that we're trying to keep going, so that we're not waiting until they completely die out and then we have to get a new one, so we're trying to get in that mode of trading vehicles in to save money.

Carried: 9 – 0

201909C13

BY COUNCILMAN DOLCE:

WHEREAS, the Jamestown Urban Renewal Agency, in accordance with GML §507 and specifically §507 (2)(c)(d) issued a Request for Proposals (RFP) for the sale and a redevelopment plan for (4) parcels of land situated in the Winsor Street and Crescent Street corridor owned by the Jamestown Urban Renewal Agency, Parcel Numbers, 387.08-2-37, 387.08-2-38, 387.08-2-39, 387.08-2-40, with a combined area of approximately 28,884 square feet, approximately 0.663 acres and an appraised value of \$80,000. Credits may be granted against the sale price for qualified redevelopment purposes; and

WHEREAS, the Board of Directors of the Jamestown Urban Renewal Agency, on September 23, 2019, unanimously authorized the Mayor of the City of Jamestown, as Chairman of the Jamestown Urban Renewal Agency, to designate the Broadway Group, LLC 216 West Side Square, Huntsville, AL 35801 as a qualified and eligible sponsor for the redevelopment of the aforementioned parcels in the Winsor Street and Crescent Street corridor, based upon their proposal submitted to purchase said parcels for \$13,200.00 in order to construct a Dollar General Store on said site; and

WHEREAS, the Board of Directors of the Jamestown Urban Renewal Agency, on September 23, 2019, unanimously authorized the sale of said parcels in the Winsor Street and Crescent Street corridor to The Broadway Group, LLC 216 West Side Square, Huntsville, AL 35801 for the amount of Thirteen Thousand Two Hundred Dollars (\$13,200) reflecting the application of eligible, legal development credits, subject to the ratification by a majority vote of the City Council of Jamestown, New York; now therefore be it

RESOLVED, that the Jamestown City Council hereby authorizes the Mayor, as Chairman of the Jamestown Urban Renewal Agency, to execute the sale of said property to the Broadway Group, LLC 216 West Side Square, Huntsville, AL 35801 for the sum of Thirteen Thousand Two Hundred Dollars (\$13,200) in accordance with GML §507, subject to the approval of the Corporation Counsel as to form.

Councilman Dolce: The public hearing really was about the construction of the new Dollar General in that area. It's good news for the revitalization of that particular area. Thank you.

Carried: 9 – 0

PUBLIC WORKS COMMITTEE

201909C14

BY COUNCILMAN NELSON:

RESOLVED, that the Mayor be and he hereby is authorized to enter into an agreement with Jamestown Roofing, Inc., 119 Clifton Avenue, Jamestown, NY 14701 for the Jones Memorial Park Restroom Building Roof Replacement in an amount not to exceed Thirty Three Thousand Nine Hundred Dollars (\$33,900.00), this being the lowest of two bids received meeting qualifications, subject to the approval of Corporation Counsel as to form.

Carried: 9 – 0

PUBLIC SAFETY COMMITTEE

201909C15

BY COUNCILWOMAN GRAHAM-REINHARDT:

WHEREAS, a Neighborhood Watch Committee has been organized in the vicinity of Elam Ave., Cole Ave., and Martin Road for the purpose of deterring crime in this area, and

WHEREAS, the Elam Forever Neighborhood Watch Program has the support and approval of the Jamestown Police Department, and

WHEREAS, the Jamestown Police Department has received funding for the purchase of Neighborhood Watch signs with the understanding that the City of Jamestown will erect the signs and assume the responsibility for the maintenance of said signs, now therefore be it

RESOLVED, that the Director of Public Works be, and he hereby is, authorized to erect and maintain said signs in appropriate places on the aforesaid street.

Carried: 9 – 0

NEW BUSINESS

201909C16

BY COUNCILWOMAN ECKLUND:

**ENVIRONMENTAL COMPLIANCE RESOLUTION TO MAKE FINDINGS
AND DETERMINATIONS**

WHEREAS various City department heads and where applicable, competent architectural and engineering firms, duly licensed by the State of New York have, at the instance of the City Council of the City (the “City”), prepared plans, estimates, and where applicable, engineering and architectural studies and an estimate of the costs of various public improvements, including, (i) the improvements to and replacement of water mains for the Board of Public Utilities (\$1,500,000), (ii) the reconstruction, renovation and improvements to City facilities, including structural and energy improvements (\$2,000,000), (iii) the improvements to the storm water management system (\$300,000), (iv) the acquisition and construction of buildings, including a new central maintenance facility, (\$3,000,000), (v) the acquisition of equipment for the DPW and Parks departments (\$2,900,000) (vi) the acquisition of equipment for the fire department (\$1,200,000), and (vii) the acquisition of unspecified betterments or improvements for the Board of Public Utilities, including the acquisition of heavy-duty garbage containers and related equipment (\$1,250,000) and (viii) the reconstruction, renovation and improvements to facilities of the Board of Public Utilities (\$500,000) at a total cost not to exceed \$12,650,000 and including any preliminary and incidental costs related thereto (collectively, the “Project”), to be authorized by the City Council pursuant to a bond resolution, dated September 30, 2019 (the “Resolution”), and said plans,

estimates and engineering and architectural studies have been filed in the office of the City Clerk and are on file for public inspection; and

WHEREAS, the City has determined, the Project is a “Type II action”, as that term is defined in 6 NYCRR §617.2(ak), and therefore there is no requirement that the City prepare or file an Environmental Assessment Form (“EAF”); and

WHEREAS, it is proposed that the maximum amount estimated to be expended for the Project is \$13,650,000 and that the costs of the Project are to be financed by (i) the proceeds of serial bonds and/or bond anticipation notes to be issued pursuant to the Resolution and (ii) grant monies anticipated to be received by New York State; and

WHEREAS, it is proposed that the costs of the Project are to be paid from a tax levied upon all the taxable property in the City in annual installments determined by the City in amounts sufficient to pay the principal of and interest on said bonds to be authorized by the Resolution; and

WHEREAS, the evidence contained in such plans, estimates and engineering and architectural studies with respect to the Project permits the City to make the determinations hereinafter in connection with actions to be made for the purpose of authorizing the financing of the Project;

NOW THEREFORE, pursuant to proceedings prescribed in 6 NYCRR at §617 of the State Environmental Quality Review Act (“SEQRA”) regulations, BE IT RESOLVED, BY CITY COUNCIL OF THE CITY OF JAMESTOWN, NEW YORK, as follows:

Section 1. The City, by and through the City Council, hereby declares and designates itself to be the “lead agency” as that term is defined in 6 NYCRR §617.2(v), with respect to the environmental review of the Project.

Section 2. It is hereby determined that the Project is a Type II action, as that term is defined in 6 NYCRR §617.2(ak).

Section 3. No other agency other than the City is involved in said environmental review and no coordinated review, segmentation or scoping of such review is necessary or required with respect to the Project.

Section 4. No hearing as set forth in 6 NYCRR §617.10(e) is required in making the determinations contained herein with respect to the Project.

Section 5. Taking into account the criteria set forth in 6 NYCRR §617.7, upon review of all pertinent information, including taking a hard look at all the facts and circumstances, it will determine that the Project (i) will not have a significant effect on the climate or climate change, and (ii) will not have a significant effect on the environment, and no unidentified adverse effects are anticipated with respect thereto and are precluded from further review under the Environmental Conservation Law.

Section 6. The City shall maintain a file, readily accessible to the public, in the office of the City Clerk, containing this resolution.

Section 7. This resolution shall take effect immediately upon its adoption.

September 30, 2019

Councilman Liuzzo: I'm going to make my comments at the beginning of this as 16 and 17 are related. I made my opinion known during the work sessions regarding this proposal so that we can borrow close to \$13 million. I appreciate all the work that the A team did in putting this together and it's something that we do need to address; something that has been neglected for a number of years and the time has come to address it. But I do not believe, since we have not received the budget, since this is the last three months of our mayor's term, I don't believe that nine days is going to make that much of a difference and the emergency of this resolution being passed tonight. We need to consider how we're going to pay this back. Yes, there are BTU's that are estimated. There's also estimated savings, but those aren't real numbers. Those are what we hope for. I am not saying scrap this resolution. I am not saying that it is worthless because it is not; it's viable. But I am saying that this should not be a burden on the next administration and the next council. Because if this does not work out the way we want it to, tonight, we will be shamed publicly for passing a resolution that we don't have all the information on. Before the mayor interjects that this is just the ball getting rolling and it doesn't mean we have to do it; I've heard that before. This is not the time to pass this resolution. This resolution can be tabled for ninety days until the new administration, whoever it is and whoever is at this council is here, and then we can look at it, piece by piece. The work that's been done is not going to fall apart in ninety days. I urge the council to reconsider before passing this resolution tonight. Let this go to the next administration. They're the ones that are going to have to work with it. The projection's been out there that year '24 and '25 are going to be tough years; that's in the next term for whoever is running. Why burden a new administration with something that they had no input on? Let this wait until January 1st. Please join me in this.

Carried: 8 – 1 (Liuzzo – nay)

201909C17

BY COUNCILMAN DOLCE:

BOND RESOLUTION, DATED SEPTEMBER 30, 2019, AUTHORIZING THE ISSUANCE OF UP TO \$12,650,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF JAMESTOWN, COUNTY OF CHAUTAUQUA, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF VARIOUS PUBLIC PURPOSES IN AND FOR THE CITY, INCLUDING THE (I) IMPROVEMENTS TO AND REPLACEMENT OF WATER MAINS FOR THE BOARD OF PUBLIC UTILITIES, (II) RECONSTRUCTION, RENOVATION AND IMPROVEMENTS TO CITY FACILITIES, (III) IMPROVEMENTS TO THE STORM WATER MANAGEMENT SYSTEM, (IV) ACQUISITION AND CONSTRUCTION OF BUILDINGS, (V) ACQUISITION OF

September 30, 2019

MAINTENANCE EQUIPMENT FOR THE DPW AND PARKS DEPARTMENTS, (VI) ACQUISITION OF EQUIPMENT FOR THE FIRE DEPARTMENT, (VII) ACQUISITION OF UNSPECIFIED PUBLIC BETTERMENTS AND IMPROVEMENTS FOR THE BOARD OF PUBLIC UTILITIES AND (VIII) RECONSTRUCTION, RENOVATION AND IMPROVEMENTS TO FACILITES OF THE BOARD OF PUBLIC UTILITIES.

WHEREAS, the City Council of the City of Jamestown (the “City”), a municipal corporation of the State of New York, located in the County of Chautauqua, hereby determines that it is in the public interest of the City to authorize, in accordance with the Local Finance Law, the financing of the costs of various public purposes in and for the City, including (i) the improvements to and replacement of water mains for the Board of Public Utilities (\$1,500,000), (ii) the reconstruction, renovation and improvements to City facilities, including structural and energy improvements (\$2,000,000), (iii) the improvements to the storm water management system (\$300,000), (iv) the acquisition and construction of buildings, including a new central maintenance facility, (\$3,000,000), (v) the acquisition of maintenance equipment for the DPW and parks departments (\$2,900,000), (vi) the acquisition of equipment for the fire department (\$1,200,000), (vii) the acquisition of unspecified betterments or improvements for the Board of Public Utilities, including the acquisition of heavy-duty garbage containers and related equipment (\$1,250,000) and (viii) the reconstruction, renovation and improvements to facilities of the Board of Public Utilities (\$500,000) at a total cost not to exceed \$12,650,000.

WHEREAS, the City Council of the City has not taken any action or adopted any local law which would require the effectiveness of this bond resolution be subjected to a permissive or mandatory referendum;

September 30, 2019

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Jamestown, located in the County of Chautauqua, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$12,650,000, pursuant to the Local Finance Law, in order to finance the costs of the specific objects or purposes, or classes of objects or purposes, as set forth herein (collectively, the “Project”).

Section 2. The respective estimated maximum costs of such specific objects or purposes, or class of objects or purposes, the principal amount of serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, for such specific objects or purposes, or class of objects or purpose, and the period of probable usefulness of such specific objects or purposes, or class of objects or purposes, pursuant to the applicable subdivision of paragraph a of Section 11.00 of the Local Finance law, are as follows:

(i) the improvements to and replacement of water mains for the Board of Public Utilities including any preliminary and incidental costs related thereto, at a total estimated maximum cost of \$1,500,000 for which \$1,500,000 principal amount of serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of forty (40) years pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of forty (40) years computed from the earlier of (a) the date of the first issue of such serial

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bonds authorized herein or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds;

(ii) the reconstruction, renovation and improvements to City facilities, including structural and energy improvements, and including any preliminary and incidental costs related thereto, at a total estimated maximum cost of \$2,000,000 for which \$2,000,000 principal amount of serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of twenty-five (25) years pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law (such buildings being of “Class A” construction as that term is defined in Section 11.00 of the Local Finance Law). Such serial bonds shall have a maximum maturity of twenty-five (25) years computed from the earlier of (a) the date of the first issue of such serial bonds authorized herein or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds;

(iii) the improvements to the storm water management system, including any preliminary and incidental costs related thereto, at a total estimated maximum cost of \$300,000 for which \$300,000 principal amount of serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of forty (40) years pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of forty (40) years computed from the earlier of (a) the date of the first issue of such serial bonds authorized herein or

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(b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds;

(iv) the acquisition and construction of buildings, including a new central maintenance facility, and including any preliminary and incidental costs related thereto, at a total estimated maximum cost of \$4,000,000 for which \$3,000,000 principal amount of serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of thirty (30) years pursuant to subdivision 11(a)(1) of paragraph a of Section 11.00 of the Local Finance Law (such buildings being of “Class A” construction as that term is defined in Section 11.00 of the Local Finance Law). Such serial bonds shall have a maximum maturity of thirty (30) years computed from the earlier of (a) the date of the first issue of such serial bonds authorized herein or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds;

(v) the acquisition of maintenance equipment for the DPW and parks departments, including any preliminary and incidental costs related thereto, at a total estimated maximum cost of \$2,900,000 for which \$2,900,000 principal amount of serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of fifteen (15) years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of fifteen (15) years computed from the earlier of (a) the date of the first issue of such serial bonds authorized herein or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds;

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(vi) the acquisition of equipment for the fire department, including any preliminary and incidental costs related thereto, at a total estimated maximum cost of \$1,200,000 for which \$1,200,000 principal amount of serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of twenty (20) years pursuant to subdivision 27 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of twenty (20) years computed from the earlier of (a) the date of the first issue of such serial bonds authorized herein or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds;

(vii) the acquisition of unspecified betterments or improvements for the Board of Public Utilities, including the acquisition of heavy-duty garbage containers and related equipment, and including any preliminary and incidental costs related thereto, at a total estimated maximum cost of \$1,250,000 for which \$1,250,000 principal amount of serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of fifteen (15) years pursuant to subdivision 35 of paragraph a of Section 11.00 of the Local Finance Law, such object or purpose having been determined to have a useful life of at least fifteen years. Such serial bonds shall have a maximum maturity of fifteen (15) years computed from the earlier of (a) the date of the first issue of such serial bonds authorized herein or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds; and

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(viii) the reconstruction, renovation and improvements to facilities of the Board of Public Utilities, including any preliminary and incidental costs related thereto, at a total estimated maximum cost of \$500,000 for which \$500,000 principal amount of serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of twenty-five (25) years pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law (such buildings being of "Class A" construction as that term is defined in Section 11.00 of the Local Finance Law). Such serial bonds shall have a maximum maturity of twenty-five (25) years computed from the earlier of (a) the date of the first issue of such serial bonds authorized herein or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds;

Section 3. The City Council of the City has ascertained and hereby states that (a) the estimated maximum costs of the Project are not to exceed \$13,650,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the City Council of the City plans to finance the costs of the Project from (i) the proceeds of the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, except to the extent of Federal or State aid received by the City which shall reduce the principal amount of such serial bonds or bond anticipation notes *pro tanto* and (ii) \$1,000,000 grant monies anticipated to be received from New York State for the objects or purposes described in Section 2(iv) herein; (d) the maturity of the serial bonds authorized herein shall be in excess of five (5) years and (e) on or before the expenditure of moneys to pay for any costs related to the Project, for which

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proceeds of any obligations authorized herein are to be applied to reimburse the City, the City Council of the City took “official action” for federal income tax purposes to authorize the capital financing of such expenditure.

Section 4. Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize the issuance of the serial bonds authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the Director of Administrative Services/City Clerk, as the chief fiscal officer of the City. The Director of Administrative Services/City Clerk is hereby authorized to execute by manual or facsimile signature on behalf of the City, all serial bonds authorized herein and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the Director of Administrative Services/City Clerk is hereby authorized to impress the seal of the City (or to have imprinted a facsimile thereof) on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Director of Administrative Services/City Clerk. In the absence of the Director of Administrative Services/City Clerk, the City Comptroller is hereby authorized to exercise the powers delegated to the Director of Administrative Services/City Clerk by this bond resolution.

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Section 5. The faith and credit of the City is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized herein as the same shall become due.

Section 6. When this bond resolution takes effect, the Director of Administrative Services/City Clerk shall cause the same to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in *The Post-Journal*, a newspaper having a general circulation in the City. The validity of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which should have been complied with at the date of publication of this bond resolution, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 7. Prior to the issuance of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not

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completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the City Council of the City covenants that it will re-adopt, amend or modify this bond resolution prior to the issuance of such obligations as authorized herein upon the advice of bond counsel. It is hereby determined by the City Council of the City that the Project will not have a significant effect on the environment.

Section 8. The City hereby declares its intention to issue the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the “obligations”) to finance costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the City, and will not make any use of the Project which would cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the City to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the City to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the serial bonds or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior

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redemption date thereof. The proceeds of such obligations may be applied to reimburse expenditures or commitments of the City made with respect to the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond resolution by the City.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to the obligations under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby implement that agreement, including provisions for enforcement, amendment and termination, the Director of Administrative Services/City Clerk is hereby authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”), to be placed on file with the Director of Administrative Services/City Clerk, and which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of such obligations in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the City and that are approved by the Director of Administrative Services/City Clerk on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City’s continuing

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disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The Director of Administrative Services/City Clerk is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Director of Administrative Services/City Clerk shall consult with, as appropriate, the Corporation Counsel of the City and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by the Corporation Counsel of the City or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This bond resolution will take effect immediately upon its adoption by the City Council of the City.

Councilman Dolce: Just a brief comment on this. I appreciate Councilman Liuzzo's concerns. I know that many of us have had concerns and have been asking questions over the course of the last couple of weeks. This, however, is something that has been on the mayor's plate for quite some time. We've been tweaking numbers and looking at it. Just some of the improvements; water main improvements, renovations to city facilities, stormwater improvements, central maintenance facility, acquisition of DPW and Parks equipment, purchase of equipment for our Fire Department, containers for the BPU that have long been asked for by our community. There are many things in here and the mayor and Joe Bellitto have gone into detail in both paper and in conversation with us about this does just get the ball rolling. We are not locked in to \$12.65 million. We would have to take, we, or the next council or next administration, would look at each one of these as they came down and determine. And Mr. Champ is correct in that they would be evaluated on each individual merit as to, is it a valuable project, are we going to go forward with it. So, it basically is just giving you the ability to get the ball rolling, get it going forward to that. As we go to each one of these phases, the new mayor and new council and new administration can determine that they may or may not want to go with some, any or all of these,

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but this basically gets the process going for Jeff Lehman, for the administration, for the next year to get these pieces of equipment, to start bidding the proposals out there and move this forward. Again, this isn't locking us into anything, this basically is just something I know the mayor addressed this over the last two years in his State of the City address and there are people out there that say we should do more. And we probably should do more. I feel very confident that given we are at 29% of our debt limit, there will be some debt coming off, and yes, there will be a couple tough years, but the analogy I kind of make is, in home improvements, you have a home equity line of credit, you borrow down, you do a few projects and if those projects come off, you then have the ability to start and move to the next phase of that. I feel that that's similar and I think we all have concerns, but we have to address these things; there's equipment that's falling apart, there is facilities that need upgrading and again, we can take this one on one as they come down the line, or whoever's here can do that. With our new mayor and new council. Thank you.

Carried: 8 – 1 (Liuzzo-nay)

201909C18

BY COUNCILMAN NELSON:

Resolution rescinding Resolution 201903A09, adopted March 25, 2019 with Davis Concrete & Excavating, 1263 Blockville Road, Ashville, New York 14710 for the 2019 Street reconstruction of Broadhead Ave.

Councilman Nelson: Just a quick explanation; we had received notice that they weren't able to complete the work due to a delay, not their fault at all, so we felt that we couldn't hold them to their contract so this went out to bid again and that's the next resolution. But we had to rescind this resolution first.

Carried: 9 – 0

201909C19

BY COUNCILMAN NELSON:

RESOLVED that the Mayor and Director of Public Works/Acting Director of Parks, Recreation and Conservation be and they hereby are authorized to enter into an agreement with S. Tabone Construction Co., Inc., 3712 Straight Road, Fredonia, NY 14063, for the Broadhead Avenue Slipform Curbing and Gutter Project in the amount of Thirty Four Thousand Nine Hundred Fifty Eight Dollars (\$34,958.00), subject to approval of the Corporation Counsel as to form.

Carried: 9 – 0

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201909C20

BY COUNCILMAN SHELDON:

RESOLVED, That the Mayor and Director of Public Works/Acting Director of Parks, Recreation and Conservation be and they hereby are authorized to enter into an agreement with S. Tabone Construction Co., Inc. 3712 Straight Road, Fredonia, NY 14063 for Concrete Work: 2019 Street Reconstruction - Broadhead Avenue in the following amounts:

5,400 SF Flatwork 4" at \$6.50 SF
3,400 SF Flatwork 6" at \$7.25 SF
150 LF Concrete Curb & Gutter at \$38.50 LF
20 SY Asphalt Pavement at \$10.00 LF
20 EA Core Drill at \$125.00 EA
100 SY Additional Stone at \$10.00 SY
10 LF Additional Excavation at \$1.00 LF
30 SF for ADA Detectable Warning Surface at \$35.00 SF

for a total amount of Seventy Thousand Two Hundred Eighty-Five Dollars (\$70,285.00), subject to the approval of the Corporation Counsel as to form.

Mayor Teresi: The Corporation Counsel pointed out to me that there may have been a type in this resolution, that it's likely the same S. Tabone Construction not of Ashville, New York, but of Fredonia, New York.

Carried: 9 – 0

201909C19

BY COUNCILWOMAN JAMES:

WHEREAS, the plan for the creation of Chadakoin Park was launched in the 1960's with initial major construction occurring largely throughout the 1970's and 1980's, and

WHEREAS, throughout its development and establishment, Dr. Isabelle Jackson, Vivian and Lula Taylor were instrumental in the process to build support for the development and improvement of both the park and the surrounding Northside community, and

WHEREAS, the City of Jamestown Parks, Recreation and Conservation Commission, on September 3, 2019, recommended to the Jamestown City Council that Chadakoin Park be

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formally renamed as Jackson-Taylor Park in honor of Dr. Jackson and Vivian and Lula Taylor, now therefore be it

RESOLVED, that the Jamestown City Council formally accepts the recommendation of the City of Jamestown Parks, Recreation and Conservation Commission and hereby officially renames Chadakoin Park, Jackson-Taylor Park in honor of the leadership and contributions of Dr. Isabelle Jackson and Vivian and Lula Taylor.

Councilwoman James: I'm just so elated just to read that. In our ward, we have been talking about this for almost three years amongst us. And to have something named after Isabelle Jackson, who, anyone who has met her, known her, is a wonderful, wonderful woman. She has helped many people; when she was down at JCC she helped many vets. The Taylors, we all know all the contributions that the Taylors have made to the community. We know that Mrs. Taylor, the first, not only woman, to be on the legislature, to be the first black woman on the legislative body for the State of New York and Vivian, what a storybook couple. Who meets in a month and gets married and stays married for over sixty years? The Taylors. To have this named after them is, to me, to our community, is like having the Prendergast Library named after James Prendergast and things of that nature. We just thank the Parks, Councilwoman Ecklund and I'd like to thank Wanda Cooper who spoke eloquently last month and all those that signed the petition, and the mayor for allowing this to go through and to work on this also and Kim and everybody on the Parks Commission, right now I'm just so full I can't stand myself. I just thank the City of Jamestown on behalf of Ward 3.

Councilman Liuzzo: I knew Dr. Jackson briefly from JCC, but I just want to say I think that Lula and Vivian could be officially named the aunt and uncle of the whole City of Jamestown. they've been there, it didn't matter who you were, where you came from, once they met you, they were your friend. This is a really good choice.

Carried: 9 – 0

There being no further business, the meeting was adjourned.

James N. Olson, Director of Administrative Services/ City Clerk

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