

TEMPLETON CITY COUNCIL  
NOVEMBER 4, 2013  
7:00 P.M. – TEMPLETON CITY HALL

The Templeton City Council met on this fourth day of November 2013 at 7:00 o'clock a.m. at City Hall, Templeton, Iowa. The meeting was called to order by Mayor Behrens, and the roll was called showing the following named Council Members present and absent:

Present: Jan Wieland, Dave Ramsey, Doyle Engelen, & Mark Bauer

Absent: Rick Hoffman

Others in attendance: Mayor Ken Behrens  
City Clerk Rhonda Schwaller  
Public Works Director Dale Prebeck  
Carroll County Sheriff Doug Bass  
Carroll County Supervisors Gene Meiners & Marty Danzer  
Joe Behrens

Approval of Agenda: A motion was made by Bauer and seconded by Wieland to approve the agenda. All in favor, motion carried.

Council visited with Carroll County Sheriff Doug Bass and Carroll County Supervisors Gene Meiners & Marty Danzer to discuss proposed law enforcement contract effective July 1, 2014. Council requested the County change the proposed contract's wording to clarify the periodic increases in the fee for contract law enforcement services and forward to City Attorney Robert Peters for review.

Citizen Forum: None

At 7:25 p.m. Mayor Behrens opened the public hearing to consider recommendation dated November 4, 2013 from the Templeton Planning & Zoning Commission to rezone the Templeton Area Development Corporation (TADC) 3<sup>rd</sup> Addition from AG-Agricultural to LI-Light Industrial. Mayor Behrens asked for comments or discussion on the proposed rezoning. City Clerk Schwaller indicated there were no written or oral objections heard or received on the proposed rezoning. At 7:32 p.m. Mayor Behrens closed the public hearing. Council Member Bauer introduced Ordinance #75 – an Ordinance Amending the Templeton Zoning Ordinance and Official Zoning Map and made a motion to approve the first reading, seconded by Wieland. Roll call taken:

Ayes: Wieland, Ramsey, Bauer, & Engelen

Nays: None

A motion was made by Ramsey to waive the second & third readings, seconded by Engelen. Roll call taken:

Ayes: Bauer, Engelen, Wieland, & Ramsey

Nays: None

A motion was made by Bauer to approve the final reading of Ordinance #75, seconded by Engelen. Roll call taken:

Ayes: Wieland, Engelen, Ramsey, & Bauer

Mayor Behrens declared the motion carried and ordinance #75 passed.

**Ordinance No. 75**

**AN ORDINANCE AMENDING THE  
TEMPLETON ZONING ORDINANCE AND OFFICIAL ZONING MAP**

**BE IT ORDAINED BY THE CITY COUNCIL OF TEMPLETON, IOWA, AS FOLLOWS:**

**Section I. Purpose.** The purpose of this Ordinance is to amend the district boundaries of the official Templeton zoning map to reflect a recommendation of the Planning and Zoning Commission to rezone the TADC 3<sup>rd</sup> Addition Industrial Park.

**Section II. Description of Amended District Boundaries.** The following described real estate shall be rezoned from AG, Agricultural to LI, Light Industrial:

T.A.D.C 3<sup>rd</sup> Addition, (formally known as Lot 3 of the Southwest Quarter of the Northwest Quarter of Section 16, Township 82 North, Range 35 West of the 5<sup>th</sup> P.M., Carroll County, Iowa) Templeton, Iowa, which exterior boundary is more fully described as follows:

Commencing at the West corner of Section 16, thence S 88 Deg. 41 Min. 18 Sec. E (assumed bearing) along the South line of Northwest Quarter of said section, a distance of 500.05 feet to a mag nail, said point being the point of beginning (P.O.B.);

Thence N 00 Deg. 38 min. 12 sec. E, 1182.75 feet to a 5/8" rebar yellow cap 12108, said point being on the South right-of-way line of Third Street and the Northwest corner of Lot 3 of the Southwest Quarter of the Northwest Quarter;

Thence S 88 Deg. 40 min. 19 Sec. E 160.06 feet along the South right-of-way line of Third Street to a 5/8" rebar yellow cap 12108 said point being a corner of Lot 3 of the Southwest Quarter of the Northwest Quarter;

Thence N 00 Deg. 38 Min. 29 Sec. E, 133.64 feet to a 5/8" rebar yellow cap 12108, said point being a corner of Lot 3 of the Southwest Quarter of the Northwest Quarter;

Thence S 88 Deg. 42 Min. 51 Sec. E, 87.85 feet to a 5/8" rebar yellow cap 12108, said point being the Northeast corner of Lot 3 of the Southwest Quarter of the Northwest Quarter;

Thence S 00 Deg. 38 Min. 12 Sec. W, 1316.37 feet to a 5/8" rebar yellow cap 12108, said point being on the South line of the Northwest Quarter of said section;

Thence N 88 Deg. 41 Min. 18 Sec. W, 247.92 feet to the point of beginning (P.O.B.).

The above described parcel contains 7.00 acres, inclusive of 0.32 acres for road right-of-way, more or less and is subject to any easements of record not shown on this plat.

**Section III. Official Zoning Map Amended.** The Official Zoning Map is hereby amended to reflect the above referenced change in the zoning district boundaries.

**Section IV. Repealer.** All Ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed.

**Section V. Severability.** If any section, provision, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**Section VI. Effective Date.** This Ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed and approved this 4<sup>th</sup> day of November, 2013.

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*Ken F. Behrens, Mayor*

*Attest:*

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*Rhonda Schwaller, City Clerk*

Council discussed IRS Notice 2013-54 concerning employer reimbursements for all or part of employee healthcare premiums which are subject to the provisions of the Affordable Care Act. Council requested City Clerk Schwaller forward information to Todd Stadlander from Manning Insurance for further clarification and guidance.

After due consideration and discussion, Council Member Ramsey introduced the following resolution and moved its adoption, seconded by Council Member Bauer. The Mayor put the question upon the adoption of said resolution, and the roll being called, the following Council Members voted:

Ayes: Wieland, Bauer, Engelen, & Ramsey  
Nays: None

Whereupon, the Mayor declared the resolution duly adopted, as hereinafter set out.

**RESOLUTION NO. 1028-13**

**RESOLUTION ADOPTING AND APPROVING TAX COMPLIANCE PROCEDURES RELATING TO TAX-EXEMPT BONDS**

**WHEREAS**, pursuant to the laws of the State of Iowa and Section 103 of the Internal Revenue Code, the City of Templeton, Iowa (the "City"), acting by and through the authority of its City Council, has issued, and likely will issue in the future, tax exempt municipal bonds, notes or other obligations (the "Tax Exempt Bonds"); and

**WHEREAS**, the City deems it necessary and desirable to adopt certain procedures and practices to be followed by the City in connection with the issuance of Tax Exempt Bonds; and

**WHEREAS**, proposed tax compliance procedures are attached hereto as Exhibit A (the "Compliance Procedures");

**NOW THEREFORE**, Be It Resolved by the City Council of the City of Templeton, Iowa, as follows:

Section 1. The Compliance Procedures attached hereto as Exhibit A are hereby adopted and shall be dated as of the date hereof.

Section 2. The City Clerk is hereby authorized and directed to periodically update the Compliance Procedures in accordance with the Internal Revenue Code and supporting Internal Revenue Service Rulings and Regulations, with advice from bond counsel.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved November 4, 2013.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

**EXHIBIT A**

**TAX COMPLIANCE PROCEDURES  
RELATING TO TAX-EXEMPT BONDS**

**City of Templeton, Iowa  
Tax Compliance Procedures  
Relating to Tax-Exempt Bonds**

**Dated: November 4, 2013**

**I. Purpose:**

*To ensure that interest on tax-exempt bonds, notes or other obligations (the "Bonds") of the City of Templeton, Iowa (the "Issuer") remains excludable from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code").*

These written procedures shall be followed by the Issuer in connection with its issuance of Bonds:

**II. Expenditure/Use of Proceeds:**

- A. Expenditure of Bond proceeds will be maintained and/or coordinated with the City Clerk (the "Compliance Officer") for consistency with the Bond documents, including any applicable resolutions, loan agreements, tax/arbitrage/closing certificates or other operative document (referred to collectively as "Bond Documents").
- B. The Issuer has separately established procedures for preparation and review of requisitions of Bond proceeds through the accounting system of the Issuer. To such end, the Compliance Officer shall:
- (i). account and record how the Bond proceeds are spent (including investment earnings and including reimbursement of expenditures made before bond issuance) and maintaining records identifying Bond-financed or refinanced assets (e.g., land, buildings, improvements, facilities, furnishings or equipment) (the "Bond-Financed Property"), including the average economic life of such Bond-Financed Property and allocation of such Bond-Financed Property to private use or other non-qualifying use.
  - (ii). create the required funds/accounts (and any necessary subaccounts) required by the Bond Documents (i.e. sinking funds, debt service funds, debt service reserve funds, project funds, etc.), and if such funds are not required by the applicable Bond Documents, create such funds and accounts, into which proceeds of a Bond issue will be deposited. For all construction projects, a project or construction fund shall be established to track expenditures for the projects. (Referred to herein as the "Project Fund.") (In the event the Bond Documents require a trustee, paying agent or other entity to create and hold such funds and accounts, the Compliance Officer will monitor such funds and accounts accordingly).
  - (iii). review and monitor all requisitions, draw schedules, draw requests, invoices and bills for payment from the Project Fund, and determine whether such payments are appropriate and consistent with the Bond Documents and use of the Bond proceeds.
  - (iv). make and account for all payments from the Project Fund and any other funds created (i.e. sinking funds, debt service funds, debt service reserve funds, etc.).
- C. None of the proceeds of Bonds will be used to reimburse the Issuer for costs of a capital project paid prior to the date of issuance of the Bonds unless the Issuer shall have fully complied with the provisions of Section 1.150-2 of the Treasury Regulations with respect to such reimbursed amounts, and those provisions are summarized in Exhibit 1 hereto.
- D. The Compliance Officer will make a "final allocation" of Bond proceeds to uses not later than 18 months after the in-service date of the Bond-Financed Property (and in any event not later than 5 years and 60 days after the issuance of the Bonds or not later than 60 days after earlier retirement of the Bonds) in a manner consistent with allocations made to determine compliance with arbitrage yield restriction and rebate requirements.
- E. Expenditure of proceeds of Bonds will be measured against the Issuer's expectation, as set forth in the Bond Documents, to proceed with due diligence to complete the capital project and fully spend the net sale and investment proceeds within three years.
- F. If there are any Bond proceeds remaining other than in a reserve or debt service fund established pursuant to the Bond Documents after completion of the projects, such proceeds shall be applied in a manner consistent with the applicable Bond Documents or pursuant to advice from Bond Counsel/Special Tax Counsel.
- G. In the event that Bond proceeds are to be used to make a grant to an unrelated party, a grant agreement will be reviewed prior to execution for compliance with the Code. Such agreement will be approved by the Issuer's Attorney or Bond Counsel and the Compliance Officer. The repayment of any portion of a grant by the grantee shall be treated as unspent Bond proceeds.

### **III. Use of Bond-Financed Property:**

- A. Use of Bond-Financed Property when completed and placed in service will be reviewed and continually monitored by the Compliance Officer.
- B. The Compliance Officer shall monitor all private use or private payments with respect to Bond-Financed Property by nongovernmental entities and the use thereof throughout the term of the Bonds to ensure compliance with covenants and restrictions set forth in the applicable Bond Documents relating to the Bonds. Private Use includes but is not limited to leases, research contracts, and use of Bond-Financed Property by a non-employee, such as third-party contracts concerning use, management or services in the Bond-Financed Property that do not meet the compensation, term and other requirements under Revenue Procedures 97-13. Such agreements will be approved by the Issuer's Attorney and the Compliance Officer, who will be responsible for determining whether the proposed agreement (i) results in private business use of the Bond-Financed Property, and (ii) if applicable, meets the compensation, term and other requirements under Revenue Procedures 97-13 and 2007-47 (i.e. Management/Service Contract Rules); all upon advice of Bond Counsel, as necessary.
- C. Appropriate department/facility managers shall be advised in writing concerning restrictions on the use of the Bond proceeds and the Bond-Financed Property and instructed to consult with the Compliance Officer and the Issuer's Attorney or Bond Counsel, as appropriate, regarding private use.
- D. Upon issuance of Bonds, there shall be no expectation that the Bond-Financed Property will be sold or otherwise disposed of by the Issuer during the term of the Bonds; and no item of Bond-Financed Property will be sold or transferred by the Issuer while the Bonds are outstanding without approval of the Issuer's Attorney and the Compliance Officer upon advice of Bond Counsel or advance arrangement of a "remedial action" under the applicable Treasury Regulations.
- E. To the extent that the Issuer discovers that any applicable tax restrictions regarding use of Bond proceeds and Bond-Financed Property will or may be violated, the Issuer will consult promptly with Issuer's Counsel/Bond Counsel/Special Tax Counsel to determine a course of action to remediate all nonqualified bonds, if such counsel advises that a "remedial action" is necessary.
- F. The Issuer acknowledges that any sale, transfer, change in use, or change in users of the Bond-Financed Property may require remedial action or resolution pursuant to the IRS Voluntary Closing Agreement Program (or "VCAP") to assist in resolving violations of the federal tax laws applicable to the Bonds.

### **IV. Investments:**

- A. The Compliance Officer shall manage and supervise the investment of Bond proceeds in compliance with the arbitrage and rebate requirements of the Code and applicable Treasury Regulations.
- B. Guaranteed investment contracts ("GICs") may be purchased only in accordance with the fair market value provisions of applicable Treasury Regulations, including bid requirements and fee limitations. Certificates of deposit may be purchased only according to the fair market value provisions of applicable Treasury Regulations. The Issuer's Counsel/Bond Counsel/Special Tax Counsel will be consulted before purchasing any other, non-marketable securities and before depositing gross proceeds in any other bank account not explicitly authorized by the Bond Documents.
- C. The Compliance Officer will:
  - (i) Maintain a procedure for the allocation of proceeds of the Bonds and investment earnings to expenditures, including the reimbursement of pre-issuance expenditures. (See Section I Expenditure/Use of Proceeds and Section II Use of Financed Property, above).
  - (ii) Obtain a computation of the Bond yield for each issue of the Bonds from the Issuer's financial advisor, underwriter or other relevant third party and maintain a system for tracking investment earnings.

- (iii) Coordinate with Issuer staff to monitor compliance by departments with the applicable “temporary period” (as defined in the Code and Treasury Regulations) exceptions for the expenditure of proceeds of the Bonds, and provide for yield restriction on the investment of such proceeds if such exceptions are not satisfied.
- (iv) Ensure that investments acquired with proceeds of the Bonds are purchased at fair market value. In determining whether an investment is purchased at fair market value, any applicable Treasury Regulation safe harbor may be used. (See Section IV. B. above).
- (v) Avoid formal or informal creation of funds reasonably expected to be used to pay debt service on the Bonds without determining in advance whether such funds must be invested at a restricted yield.
- (vi) Consult with Bond Counsel/Special Tax Counsel prior to engaging in any post-issuance credit enhancement transactions.
- (vii) Monitor compliance of spending of Bond proceeds with six-month, 18-month or 2-year spending exceptions to the rebate requirement, as applicable.
- (viii) Prepare or cause to be prepared a spending exception report or an arbitrage rebate computation (as applicable) for the Bonds upon final expenditure of the Bond proceeds, other than a reserve fund or debt service fund (i.e. after the project is completed and Bond proceeds allocated to the projects have been spent).
- (ix) Cause rebate payments, if due, to be made with Form 8038-T no later than 60 days after (i) each fifth anniversary of the date of issuance of the Bonds and (ii) the final payment or prepayment of the Bonds. The Compliance Officer shall engage a rebate specialist to assist with its rebate obligations.
- (x) Arrange for timely computation and payment of “yield reduction payments” (as such term is defined in the Code and Treasury Regulations), if applicable.
- (xi) In the case of any issue of refunding Bonds, coordinate with the Issuer’s financial advisor and any escrow agent to arrange for the purchase of the refunding escrow securities, obtain a computation of the yield on such escrow securities and monitor compliance with applicable yield restrictions.

**V. Continuing Disclosure:**

The Compliance Officer shall be responsible for complying with any continuing disclosure agreements/obligations related to any Bond issue, including making required annual filings, reporting material events and coordinating with any dissemination agent.

**VI. Financial & Other Non-Tax Covenants:**

The Compliance Officer shall be responsible for monitoring and complying with financial and other non-tax covenants and requirements in the Bond Documents, including but not limited to covenants and requirements regarding liquidity, debt coverage, incurrence of additional indebtedness, financial reporting, transfer of property, lien restrictions and loan-to-value ratios.

**VII. Records Management and Retention:**

- A. Management and retention of records related to Bond issues will be supervised by the Compliance Officer.
- B. Records for Bonds will be retained for the life of the Bonds, plus any refunding Bonds, plus eleven years (or such longer term as may be required by the state records administrator). [Iowa Code section 372.13(5)(a)] Such records may be in the form of documents or electronic copies of documents, appropriately indexed to specific Bond issues and compliance functions.

- C. Records pertaining to Bond issuance shall include a transcript of documents executed in connection with the issuance of the Bonds and any amendments, and copies of rebate calculations and records of payments, including Forms 8038-T.
- D. Records pertaining to expenditures of Bond proceeds and final allocation of Bond proceeds will include requests for Bond proceeds, construction contracts, purchase orders, invoices, payment records, and trustee/paying agent reports. Such documents will include documents relating to costs reimbursed with Bond proceeds.
- E. Records pertaining to use of Bond-Financed Property shall include all third-party contracts concerning use of the Bond-Financed Property, including (without limitation) leases, use, management or service contracts, and research contracts.
- F. Records pertaining to investments shall include records of purchase and sale of GICs, certificates of deposit and other investments, and records of investment activity sufficient to permit calculation of arbitrage rebate or demonstration that no rebate is due.
- G. Records shall include all documents pertaining to IRS communications regarding the Bonds, including audits and compliance questionnaires.

**VIII. Overall Responsibility:**

- A. Overall administration and coordination of these procedures is the responsibility of the Compliance Officer.
- B. The Compliance Officer shall review compliance with these procedures not less than annually.
- C. The Issuer understands that failure to comply with these policies and procedures could result in the retroactive loss of the exclusion of interest on Bonds from federal gross taxable income.
- D. Any violations or potential violations of federal tax requirements shall promptly be reported to the Compliance Officer, and the Issuer will engage qualified consultants and Bond Counsel to further investigate potential violations or recommend appropriate remedial actions, if necessary.

**CONDUIT BOND POST ISSUANCE PROCEDURES**

It is the policy of the Issuer that for any conduit bonds (the "Conduit Bonds") issued on behalf of a conduit borrower (the "Borrower") the Borrower shall be responsible for and shall establish written procedures in the applicable bond documents for the issuance of such Conduit Bonds (the "Conduit Bond Documents") to address ongoing compliance with applicable financial and tax requirements, arbitrage/rebate requirements, remedial actions and other applicable post-issuance requirements of federal tax law throughout the term of the Conduit Bonds (collectively, the "Borrower's Post Issuance Compliance Procedures").

It is the Issuer's policy that the Borrower shall be responsible for compliance with all of the following:

- A. **Arbitrage Rebate and Yield Requirements**
  - (i) determining the likelihood of complying with an arbitrage rebate exemption;
  - (ii) if necessary, engaging the services of a rebate service provider;
  - (iii) assuring payment of required rebate amounts, if any, no later than 60 days after each 5 year anniversary of the issue date of the Conduit Bonds, and no later than 60 days after the last Conduit Bond of each issue is paid or redeemed; and
  - (iv) during the construction period of each capital project financed in whole or in part by Conduit Bonds, monitoring the investment and expenditure of Conduit Bond proceeds and consulting with the rebate service provider to determine compliance with any applicable exceptions from the arbitrage rebate requirements during each 6-month, 18 months or 2 year spending period, as applicable, following the issue date of the Conduit Bonds.

**B. Use of Bond Proceeds and Bond-Financed or Refinanced Assets**

- (i) monitoring the use of Conduit Bond proceeds (including investment earnings and including reimbursement of expenditures made before bond issuance) and the use of Bond-financed or refinanced assets (e.g., facilities, furnishings or equipment) (the “Conduit Bond-Financed Property”) throughout the term of the Conduit Bonds to ensure compliance with covenants and restrictions set forth in the Conduit Bond Documents;
- (ii) maintaining records identifying the Conduit Bond-Financed Property with proceeds of each issue of Conduit Bonds (including investment earnings and including reimbursement of expenditures made before bond issuance), including a final allocation of Conduit Bond proceeds as described below under “Record Keeping Requirements”;
- (iii) consulting with bond counsel and other legal counsel and advisers in the review of any change in use of Conduit Bond-Financed Property to ensure compliance with all covenants and restrictions set forth in the Conduit Bond Documents; and
- (iv) to the extent that the Borrower discovers that any applicable tax restrictions regarding use of Conduit Bond proceeds and Conduit Bond-Financed Property will or may be violated, consulting promptly with bond counsel and other legal counsel and advisers to determine a course of action to remediate all nonqualified bonds, if such counsel advises that a remedial action is necessary.

**C. Record Keeping Requirement**

- (i) retaining copies of the Conduit Bond closing transcript(s) and other relevant documentation delivered to the Borrower at or in connection with closing of the issue of Conduit Bonds;
- (ii) retaining copies of all material documents relating to capital expenditures financed or refinanced by Conduit Bond proceeds, including (without limitation) construction contracts, purchase orders, invoices, trustee requisitions and payment records, as well as documents relating to costs reimbursed with Conduit Bond proceeds and records identifying the Conduit Bond-Financed Property, including a final allocation of Conduit Bond proceeds and the Final Completion Report filed pursuant to the Conduit Bond Documents;
- (iii) retaining copies of all records of investments, investment agreements, arbitrage reports and underlying documents, including trustee statements, in connection with any investment agreements, and copies of all bidding documents, if any; and
- (iv) ensuring the required 8038 forms (including 8038-T forms) are filed on a timely basis.

**EXHIBIT 1**

**REIMBURSEMENT RULES SUMMARY**

Following is a general summary of the requirements relating to Bonds (or a portion thereof) that are issued to reimburse expenditures that were paid prior to the date of issuance of such Bonds.

Subject to certain exceptions set forth below, the Bond proceeds cannot be used to reimburse expenditures paid more than 60 days prior to the adoption of the declaration of official intent/reimbursement resolution by the Issuer, which must contain:

- a general functional description of the property to which the reimbursement relates or an identification of the fund or account from which the expenditure is to be paid and a general functional description of the purposes of such fund or account; and
- the maximum principal amount of tax-exempt bonds to be issued.



Reimbursement allocations must be made in writing and not later than 18 months after the later of (i) the date on which the original expenditure is paid, or (ii) the date on which the property for which the original expenditure was made is placed in service or abandoned, but in any case not more than three years after the date on which the original expenditure is paid.

There are exceptions to the general 60-day rule described above for “de minimis” amounts (not in excess of the lesser of \$100,000 or 5% of proceeds of the Bonds) and for “preliminary expenditures” (such as architectural, engineering, surveying, soil testing and similar costs and costs of issuance that are incurred prior to acquisition, construction or rehabilitation but not including land acquisition and site preparation), so long as such preliminary expenditures do not exceed 20% of the aggregate issue price.

**NOTE: This is only a summary of current law as of the Date of this Policy, and special rules may also apply. Additionally, the requirements may be amended or revised from time to time. The Issuer should consult with Bond Counsel/Special Tax Counsel, as necessary.**

After due consideration and discussion, Council Member Bauer introduced the following resolution and moved its adoption, seconded by Council Member Engelen. The Mayor put the question upon the adoption of said resolution, and the roll being called, the following Council Members voted:

Ayes: Bauer, Wieland, Engelen, & Ramsey  
Nays: None

Whereupon, the Mayor declared the resolution duly adopted, as hereinafter set out.

**RESOLUTION NO. 1029-13**

**RESOLUTION FOR PAY APPLICATION #2 TO BADDING CONSTRUCTION FOR THE  
TEMPLETON COMMUNITY CENTER'S REMODELING PROJECT**

**WHEREAS**, by prior resolution, the City Council of the City of Templeton, Iowa, has accepted the bid of Badding Construction Company, Carroll, Iowa for the Templeton Community Center's remodeling project; and

**WHEREAS**, the Application and Certificate for Payment has been reviewed by Simonson & Associates Architects, LLC, Des Moines, Iowa certifying to the City of Templeton that to the best of their knowledge, information and belief the work has progressed as indicated, the quality of the work is in accordance with the contract documents, and the contractor is entitled to partial payment in the amount of \$140,153.50; and

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLETON, IOWA**, that it is hereby found and determined that the Templeton Community Center's remodeling project is in accordance with the terms of the contract and said work is hereby accepted and partial payment in the amount of \$140,153.50 is approved.

Passed and approved by the City Council of the City of Templeton, Iowa this 4th day of November, 2013.

City Council of the  
City of Templeton, IA

\_\_\_\_\_  
Ken F. Behrens  
Mayor

Attest: \_\_\_\_\_  
Rhonda Schwaller  
Templeton City Clerk

After due consideration and discussion, Council Member Ramsey introduced the following resolution and moved its adoption, seconded by Council Member Wieland. The Mayor put the question upon the adoption of said resolution, and the roll being called, the following Council Members voted:

Ayes: Bauer, Ramsey, Wieland, & Engelen  
Nays: None

Whereupon, the Mayor declared the resolution duly adopted, as hereinafter set out.

**RESOLUTION NO. 1030-13**

**RESOLUTION FOR PAYMENT TO IRLMEIER PAINTING INC. FOR CEILING PAINT AND SUPPLIES TO PAINT THE TEMPLETON COMMUNITY CENTER'S GYMNASIUM CEILING AND STEEL BAR JOISTS.**

**WHEREAS**, Irlmeier Painting, P.O. Box 3, Templeton, Iowa has submitted a bill in the amount of \$2,275.50 for paint and supplies to paint the Templeton Community Center's gymnasium ceiling and steel bar joists; and

**WHEREAS**, volunteers Doug Irlmeier, Ken Behrens, Bill Prebeck, Dale Prebeck, Dave Ramsey, & Dave Schwaller painted the Templeton Community Center's gymnasium ceiling and steel bar joists with one coat of stain blocker and two coats of latex white paint; and

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLETON, IOWA**, that it hereby approves payment in the amount of \$2,275.50 to Irlmeier Painting, Inc. for the ceiling paint and supplies used to paint the gymnasium ceiling and steel bar joists at the Templeton Community Center.

Passed and approved by the City Council of the City of Templeton, Iowa this 4th day of November, 2013.

City Council of the  
City of Templeton, IA

\_\_\_\_\_  
Ken F. Behrens  
Mayor

Attest: \_\_\_\_\_  
Rhonda Schwaller  
Templeton City Clerk

After due consideration and discussion, Council Member Engelen introduced the following resolution and moved its adoption, seconded by Council Member Wieland. The Mayor put the question upon the adoption of said resolution, and the roll being called, the following Council Members voted:

Ayes: Ramsey, Bauer, Wieland, & Engelen  
Nays: None

Whereupon, the Mayor declared the resolution duly adopted, as hereinafter set out.

**RESOLUTION NO. 1031-13**

**RESOLUTION FOR PAYMENT TO SIMONSON & ASSOCIATES ARCHITECTS, LLC FOR PROFESSIONAL SERVICES FROM FEBRUARY 2011 THROUGH SEPTEMBER 15, 2013 FOR THE TEMPLETON COMMUNITY CENTER'S REMODELING PROJECT**

**WHEREAS**, by prior resolution, the City Council of the City of Templeton, Iowa, has awarded the contract for architectural services for the Templeton Community Center Renovation project to Simonson & Associates, LLC, Des Moines, Iowa; and

**WHEREAS**, Simonson & Associates Architects, LLC per signed Standard Form of Agreement between Owner and Architect dated October 1, 2012 shall provide design, structural, mechanical, plumbing, heating, and electrical engineering services with regards to this project; and

**WHEREAS**, Simonson & Associates Architects, LLC has submitted for payment from the city of Templeton invoice #11026-01 dated September 23, 2013 in the amount of \$14,610.23 for professional services from February 2011 through September 15, 2013; and

**WHEREAS**, the Templeton City Council to the best of their knowledge, information and belief the work has progressed as indicated, the quality of the work is in accordance with the contract documents, and the architect is entitled to partial payment in the amount of \$14,610.23; and

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLETON, IOWA**, that it is hereby found and determined that the Templeton Community Center's remodeling project is in accordance with the terms of the contract and said work is hereby accepted and partial payment in the amount of \$14,610.23 is approved.

Passed and approved by the City Council of the City of Templeton, Iowa this 4<sup>th</sup> day of November, 2013.

City Council of the City of Templeton, IA

\_\_\_\_\_  
Ken F. Behrens  
Mayor – City of Templeton

Attest: \_\_\_\_\_  
Rhonda Schwaller  
Templeton City Clerk

After due consideration and discussion, Council Member Bauer introduced the following resolution and moved its adoption, seconded by Council Member Engelen. The Mayor put the question upon the adoption of said resolution, and the roll being called, the following Council Members voted:

Ayes: Bauer, Ramsey, Wieland, & Engelen  
Nays: None

Whereupon, the Mayor declared the resolution duly adopted, as hereinafter set out.

RESOLUTION NO. 1032-13

**A RESOLUTION APPROVING AND ADOPTING THE DRAWING, DIMENSIONS, METAL COVERINGS, SPECIFICATIONS AND PROPOSAL #CI-228872 FOR A WALK-IN COOLER AT THE TEMPLETON COMMUNITY CENTER.**

WHEREAS, the Templeton City Council has reviewed the drawing, dimensions, metal coverings, specifications, and proposal #CI-228872 for a Walk-In Cooler at the Templeton Community Center; and

WHEREAS, the Walk-In Cooler complies with all provisions of Section 312 of the Energy Independence and Security Act of 2007; and

WHEREAS, the Templeton City Council approves in all respects the drawings provided by Carroll Coolers, Inc. (see Exhibit "A" and "B") in connection with seller's quote #CI-228872 dated October 21, 2013. The Templeton City Council acknowledges and agrees that the agreement between the City of Templeton and Carroll Coolers, Inc. consists of the (i) descriptions and quantities of the goods stated on such purchase order, and (ii) the prices, delivery dates and terms and conditions stated on such quote; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLETON, IOWA, that said drawing, dimensions, metal coverings, specifications and seller's quote #CI-228872 for the Walk-In Cooler for the Templeton Community Center are hereby approved and adopted as the drawing, dimensions, metal coverings, specifications, and cost of said public improvement, as described in the preamble of this Resolution.

Passed and approved by the Templeton City Council this 4th day of November, 2013.

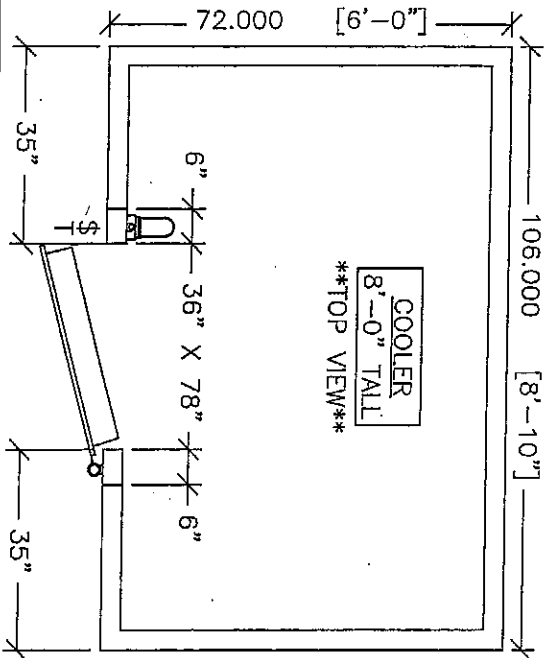
CITY COUNCIL OF THE  
CITY OF TEMPLETON, IOWA

By: \_\_\_\_\_  
Ken F. Behrens  
Mayor – City of Templeton

ATTEST:

By: \_\_\_\_\_  
Rhonda Schwaller, City Clerk

EXHIBIT "A"



COOLER SPECIFICATIONS

- CHECKED:
- SIZE: 8'-10" x 6' x 8'
  - PANEL THICKNESS: 3 1/2" WALLS, & 3 1/2" CEILING
  - EXTERIOR FINISH: (01) 26 GA. STUCCO GALVANIZED
  - INTERIOR FINISH: (01) 26 GA. STUCCO GALVANIZED
  - CEILING TYPE: CAM DOWN
  - SCREEN TYPE: GREY VINYL SCREEN
  - DOOR DESCRIPTION: 1 QTY 36" x 78" OVERLAP SELF-CLOSING DOOR
  - 3 SIDED GASKET W/ BOTTOM SWEEP
- ACCESSORIES:
- (1) VAPOR PROOF LIGHT 115V. (BULB NOT INCLUDED)
  - (1) WEISS LIGHT SWITCH AND DIGITAL THERMOMETER 115V
- REFRIGERATION:
- (1) MOHOO8X62CFMT CONDENSER HERMETIC 3/4 HP
  - LSC065AEMW06K COIL LOW PRO AIR DEF 6,500 BTU
  - (1) 4 YR. EXTENDED COMPRESSOR WARRANTY

THIS WALK-IN COMPLIES WITH ALL PROVISIONS OF SECTION 312 OF THE ENERGY INDEPENDENCE AND SECURITY ACT OF 2007

\*\*\* ATTENTION \*\*\*  
PLEASE SIGN & CHECK BOX

\*\*\* ATTENTION \*\*\*  
PLEASE SIGN

VERIFICATION OF ALL ITEMS ON APPROVAL IS THE CUSTOMER'S RESPONSIBILITY. ANY REVISIONS NECESSARY MUST BE NOTED ON THIS DRAWING. FINAL DRAWING WILL BE PRODUCED USING SIGNED APPROVAL DRG.

PLEASE READ

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

PRINTED NAME \_\_\_\_\_

FAX TO CARROLL COOLERS AT 712-792-8748

APPROVED AS DRAFT  
 APPROVED AS NOTED  
 REVISE AND RESUBMIT

CHECK LIST

- DOOR SWING
- DOOR SIZE
- INT. FINISH
- EXT. FINISH
- DIMENSIONS
- DISPLAY DOOR LOC.
- DISPLAY DOOR OPENING
- SILL HEIGHT
- HEADER HEIGHT

IMPORTANT NOTICE!  
THIS COOLER/FREEZER IS DESIGNED TO ONLY SUPPORT ITS OWN WEIGHT. STORAGE ON TOP, MOUNTING TO OR MODIFYING THE COOLER/FREEZER OR ALL MANUFACTURER'S WARRANTIES, OUTDOOR COOLERS/FREEZERS ARE DESIGNED TO MEET STATE AND LOCAL SNOW LOAD AND WIND REQUIREMENTS.

CONCRETE AND TILE WORKERS  
THE SHEET METAL FACING INSIDE THIS WALK-IN MAY BE SUBJECTIVE TO SPALLING OR CRACKING DUE TO EXCESSIVE WEIGHTS OR OVERLOADING. CARE MUST BE TAKEN WHEN USING MURATIC ACID OR OTHER HARSH CLEANING MATERIALS ON THE INSIDE OR OUTSIDE OF THIS WALK-IN. IT IS EXTREMELY IMPORTANT THAT THE WALK-IN IS PROPERLY VENTILATED WHILE THE CONCRETE IS CURING.

WARNING:  
ENGINEERED FOR ON-GRADE INSTALLATION. IF ALL OR ANY PORTION OF THIS WALK-IN IS TO BE INSTALLED IN A DEPRESSION, CONTACT CARROLL COOLERS, MODEL 1-800-764-6674

IMPORTANT!  
CARROLL COOLERS MUST KNOW IF YOU ARE USING QUARRY TILE IN THE WALK-IN OR BUTTING UP TO THE WALK-IN, ANY ROUGH OPENINGS FOR PASS THRU DOORS OR ACCESS DOORS WILL NEED TO BE MODIFIED TO ALLOW THE DOORS TO OPEN AND CLOSE PROPERLY.

(BUYER) APPROVES IN ALL RESPECTS THE DRAWINGS PROVIDED BY CARROLL COOLERS, INC. ("SELLER") IN CONNECTION WITH SELLER'S QUOTE #228972, DATED 10/29, 2013 AND/OR BUYER'S PURCHASE ORDER # \_\_\_\_\_ DATED \_\_\_\_\_ 2013. BUYER ACKNOWLEDGES AND AGREES THAT THE AGREEMENT BETWEEN BUYER AND SELLER CONSISTS OF THE (i) DESCRIPTIONS AND QUANTITIES OF THE GOODS STATED ON SUCH PURCHASE ORDER, AND (ii) THE PRICES, DELIVERY DATES AND TERMS AND CONDITIONS STATED ON SUCH QUOTE. BUYER FURTHER ACKNOWLEDGES THAT SUCH TERMS AND CONDITIONS SUPERSEDE AND REPLACE ANY AND ALL TERMS AND CONDITIONS APPEARING ON OR IN BUYER'S PURCHASE ORDER FORM.

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SALESMAN KIM	CITY OF TEMPLETON 108 S MAIN ST TEMPLETON, IA 51463	DRAWN BY NKS	SHEET 1 of 1
APPROVAL DRAWING DATE 10/31/13	JOB LOCATION		
PRODUCTION DRAWING DATE 10/31/13	PURCHASE ORDER NUMBER		
TAG NUMBER/REV NAME CI-228872			



**CARROLL COOLERS**  
19705 HIGHWAY 30 WEST, P.O. BOX 671, CARROLL, IOWA 51401  
PHONE (800) 764-6634 FAX (712) 792-8748

"EXHIBIT B"



Walk-In coolers & Freezers

19705 Highway 30, Box 671  
Carroll, Iowa 51401  
Voice: (800) 764-6834  
Fax: (712) 792-6748

PROPOSAL #	CI-228872
TAG #	
Last Saved	10/21/13 12:42
Page 1 of 1	

Submitted to City of Templeton ATTN: Ken Behrens 108 S Main St Templeton, IA 51463  SHIP VIA: WILL ADVISE
-----------------------------------------------------------------------------------------------------------------------------

Proposal Date	10/21/2013
Customer PO#	
Representative:	CR-00 CCI House Account
Sales Person:	Kim Murphy
Customer Phone#:	(712) 669-3443
Customer Fax#:	(712) 669-3403

Estimated Box Weight:: 1179#  
Approx .Sq Ft.: 294

# of Units	Description	Unit Price	Amount
1	6' 0" x 8' 10" x 8' 0" COOLER COOLER 3-1/2" Floorless  Cam down Ceiling  U.L. Flame Spread Rated ,U.L. Electric Listed - NSF Listed 2007 EISA COMPLIANT  STUCCO GALVANIZED 26Ga (Interior) STUCCO GALVANIZED 26Ga (Exterior) COOLER 3-1/2" Vinyl Screed 3-1/2" Wood Perimeter Polyurethane (1) Cooler Door 36"x78", Right Hand Hinge (1) Weiss Digital Thermometer/Switch 24DT-L (2) Spring loaded hinge (1) Door closer/K-58 Latch and Strike (1) Vapor Proof Light Fixture (Bulb not included)  (Options Please Check Accepted Options)	2730.85	2730.85
1	Accepted? <input type="checkbox"/> ( SYS 1) 1304315 CONDENSER HERMETIC 3/4 HP208/230/1 OUTDOOR PRE-AS *MOH008X62CFMT		
1	Accepted? <input type="checkbox"/> ( SYS 1) 1314309 COIL LOW PROFILE AIR DEF. 6,500 BTU 115 V *LSC065AEWMC6K		
	REFRIG TOTAL FOR ( SYS 1)		2187.30
1	Accepted? <input type="checkbox"/> (SYS 1) 1304995 3/4HP HERM 4 YEAR EXTENDED WARRANTY (End Of Options)		184.00

Price is good for 60 days when scheduled for shipment within 120 days from the date of this Proposal.  
All prices are Net, and FOB -- Carroll, IA 51401 Terms are Cash In Advance unless other payment arrangements have been approved by CCI's credit department.  
Prices are based upon information submitted by the named Buyer. CCI is not responsible for unsubmitted specifications.  
Freight is estimated only and is quoted separately.  
Prices are subject to sales and use taxes unless proper tax exemption certificates are furnished at time of order entry.  
The consignee is responsible for freight damages that are beyond the control of CCI.  
The additional Terms & Conditions stated on the reverse side of this document or otherwise accompanying this document are an integral part of this Proposal and are incorporated by reference.

WALK-IN	2730.85
ACCEPTED OPTIONS	.00
OPTIONS	2371.30
SUBTOTAL	5102.15
*FREIGHT	.00
<i>*freight is estimated</i>	
TOTAL	5102.15

Templeton Community Center Update:

- Templeton Community Center Board conducted interviews with candidates on Thursday, October 24, 2013 for the manager’s position. Community Center Board will be meeting on Wednesday, November 6, 2013 to discuss potential candidates in more detail.
- Progress Open House was well attended by the community on Sunday, October 27, 2013.
- Dave Schoeppner Construction is working on small projects not contracted for in the Badding Construction contract:
  - Stage lights
  - Reinforcing stage front
  - Doors below stage
  - Bi-fold doors on stage
  - Structural modifications made to stage ceiling after old ceiling removed.
  - Installed overhead rollup aluminum door
  - Installed wood casings above doors – dry wall/sheet rock
- Council recommended contacting John Danos from Dorsey & Whitney to start proceedings to set the date for a public hearing on proposal to enter into a General Obligation Loan Agreement and borrow money to secure funding needed for the Templeton Community Center renovation project in a principal amount not to exceed \$375,000.

Council discussed annexation of North Ridge Addition. No further action taken.

A motion was made by Bauer and seconded by Ramsey to approve Annual Urban Renewal Report for fiscal year 2012/2013. All in favor, motion carried.

A motion was made by Ramsey and seconded by Engelen to approve Annual Financial Report for fiscal year 2012/2013. All in favor, motion carried.

Mayor Behrens requested any comments or corrections to be made to the Consent Agenda. A motion was made by Engelen and seconded by Wieland to approve the Consent Agenda. All in favor, motion carried.

1. Approved Minutes from October 7, 2013
2. Approved October 2013 Financial Review
3. Approved September 2013 Treasurer’s Report.
  - \$ 138,234.19 revenue
  - \$ 18,989.78 expenditures
  - \$ 708,097.54 total cash & investments

FUND	RECEIPTS	DISBURSEMENTS
General	\$ 9,230.93	\$ 9,896.24
Road Use Tax	\$ 2,607.06	\$ 0.00
Employee Benefits	\$ 696.75	\$ 0.00
Local Option Tax	\$ 3,664.49	\$ 0.00
TIF	\$ 2,530.12	\$ 0.00
Debt Service	\$ 1,170.75	\$ 0.00
Capital Proj. – Community Center	\$ 111,408.57	\$ 552.80
Water	\$ 4,752.06	\$ 6,991.03
Sewer	\$ 1,962.58	\$ 1,549.71
Certificate of Deposit	\$ 0.00	\$ 0.00
Fire Truck Fund	\$ 210.88	\$ 0.00
Totals	\$ 138,234.19	\$ 18,989.78

4. Approval of the Claims for October 2013 as listed:

13260	Aspinwall Cooperative	251.16	Gas
13261	Mid American Energy	783.44	Utilities
13262	Badding Construction Company	114,560.50	Community Ctr. pay application #1
13263	Dale Prebeck	1,317.88	Payroll
13264	Dale Prebeck	511.98	insurance allowance
13265	Rhonda Schwaller	351.99	insurance allowance
13266	Raccoon Valley Electric Coop.	42.00	sewer lagoon
13267	Manning Municipal Gas Dept.	68.99	Utilities
13268	Templeton Telephone Co.	22.50	Community Center telephone

13269	Templeton Telephone Co.	73.36	telephone & internet service
13270	De Lage Landen	127.25	printer/copier lease
13271	West Central Iowa Rural Water	2,401.25	835,000 gallons used
13272	Carroll Refuse Service	1,565.19	garbage collection
13273	Postmaster	54.78	Postage
13274	Dale Prebeck	1,317.87	Payroll
13275	Denise Irlbeck	17.28	Payroll
13276	Rhonda Schwaller	1,840.08	Payroll
13277	IPERS	958.93	retirement fund
ACH	TSB	1,764.88	October 2013 941 tax
13278	U.S. Cellular	55.36	cell phone
13279	Blacktop Service Company	15,213.70	seal coat & asphalt
13280	John Deere Financial	49.49	slick plate for snow plow
13281	Remedy Glass, LLC	50.80	adjust City Hall door
13282	BlueSpace Creative	31.25	export logo for utility bill forms
13283	Danner (G&L) Lawnsapes, Inc.	320.60	broadleaf
13284	The Office Stop	38.50	misc. supplies
13285	Northwest Iowa League of Cities	25.00	2013/2014 dues
13286	Audubon-Exira Ready Mix	332.25	concrete for street repairs
13287	Sacred Heart Church	116.08	Community Center utilities
13288	Central States Lab, LLC	618.86	waste water treatment
13289	Daily Times Herald	233.85	Community Center manager ad
13290	Templeton Hardware, Inc.	25.99	misc. supplies
13291	Rhonda Schwaller	210.18	Mileage
13292	Rye Supply, Inc.	10.39	UPS charge
13293	Irlmeier Painting	144.00	traffic paint
13294	Irlmeier Painting	2,275.50	paint supplies for gym ceiling
13295	Simonson & Associates Architects	14,610.23	professional serv. for Comm. Ctr.
13296	Badding Construction Company	140,153.50	Community Ctr. pay application #2

Maintenance Report by Dale Prebeck:

- Ordered new tire chains for snowplow.
- Replaced snowplow slick plate.
- Attended the following continuing instructional courses:
  - Roadside, Forest and Aquatic Pest Management on Categories 2, 5, 6, & 10 on October 16, 2013 at the Carroll Extension Service.
  - Mosquito/Public Health Management on Categories 7D, 8, & 10 on October 24, 2013 at the Carroll Extension Service.
- Will be attending annual Water & Wastewater Operator's Training workshop November 19, 20, & 21, 2013 in Des Moines, Iowa.
- Replaced street sweeper battery.
- Will be installing snow fence in North Ridge Addition and Ball Diamond.

Mayor's Report:

- Governor Terry Branstad will be touring the Templeton Rye Distillery on December 4, 2013.

At 8:30 o'clock p.m. and with no further business before the council at that time, they agreed to adjourn. Bauer moved to adjourn and Engelen seconded the motion. All voted aye, motion carried.

Zoning Administrator Dale Prebeck approved the following building permit:

- Tyler Barnard – business sign at Barnard Storage

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Ken F. Behrens, Mayor

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Rhonda Schwaller, City Clerk