



CITY AND BOROUGH OF SITKA

ASSEMBLY CHAMBERS
330 Harbor Drive
Sitka, AK
(907)747-1811

Minutes - Draft City Assembly

Mayor Cheryl Westover
Assemblymembers: Terry Blake, Thor Christianson, Larry Crews, Pete Esquiro, Phyllis Hackett, Mim McConnell, and Mike Reif
Municipal Administrator: Jim Dinley
Municipal Attorney: Theresa Hillhouse
Municipal Clerk: Colleen Ingman, MMC

Tuesday, October 11, 2011

6:00 PM

Assembly Chambers

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

Present: 6 - Westover, McConnell, Blake, Crews, Esquiro, and Hackett

Absent: 1 - Christianson

IV. CORRESPONDENCE/AGENDA CHANGES

Hackett requested that Item F be divided into three motions. No objections were heard.

V. CEREMONIAL MATTERS

11-200 Proclamation - Disability Mentoring Day

Mayor Westover read the Disability Mentoring Day Proclamation. Patrick McMann accepted the proclamation and read SAIL's mission.

VI. PERSONS TO BE HEARD

Andrew Miller of Sitka Conservation Society thanked the Assembly for having the Sealaska executives at the last meeting.

VII. REPORTS

11-199 Special Report by Public Works - Granite Creek Quarries

Public Works Director, Michael Harmon, and Municipal Engineer, Stephen Weatherman, presented a status report on the potential Granite Creek Quarry Development.

**a. Mayor, b. Administrator, c. Attorney, d. Liaison Representatives, e. Clerk,
f. Other**

Mayor - Noted a recent conversation with Rick Harris of Sealaska regarding a MOA between the Tribe, Sealaska and the USFS. Recently attended: Respect Mural Dedication and Hope Float Cruise. Welcomed the Tongass Future Roundtable attendees. Inquired about AML attendance.

Administrator – Gave an overview of Public Works projects and their progress. He announced auditors would be here for two weeks; Fourth Quarter review would be at 5:00 PM on October 25; electric projections should come forward in November. He mentioned this would be the last year for rural schools and even though legislation was being pursued, a plan was needed.

Attorney – Announced her legal assistant was busy with garnishment of PFDs.

Other – McConnell traveled to False Island with USFS and members of Sitka Conservation Society to review tree thinning done under USFS contract with T&M Construction. The crews have done a good job. Attended Chamber's "Look Local First" unveiling, Seawalk and the Health Summit meetings.

VIII. CONSENT AGENDA

- A 11-196 Approve the minutes of the September 13, 2011 Assembly meeting.**

This item was APPROVED on the Consent Agenda.

IX. UNFINISHED BUSINESS:

- B 11-205 Approve closing the Donations account with the transfer of the balance to the General Fund.**

Hackett's understanding was 20% would stay in the fund for emergencies. She wasn't in favor of this and believed it was premature. The Mayor reflected \$142,285 for non-profits; upwards of \$170,000 was spent. She wanted the budget adjusted before the new Assembly began.

A motion was made by McConnell that this Item be APPROVED. The motion PASSED by the following vote.

Yes: 4 - Westover, Blake, Crews, and Esquiro

No: 2 - McConnell, and Hackett

Absent: 1 - Christianson

Non-voting: 1 - Reif

- C 11-208 Accept certification of Municipal Regular Election.**

Hackett and Esquiro, who were candidates, stepped down from voting on this item.

A motion was made that this Item be APPROVED. The motion PASSED by the following vote.

Yes: 4 - Westover, McConnell, Blake, and Crews

Absent: 1 - Christianson

Recused: 2 - Esquiro, and Hackett

Non-voting: 1 - Reif

D 11-209 Acknowledge outgoing Assembly member(s).

Recess

Mayor acknowledged Larry Crews's service and a recess was taken to thank him.

X. NEW BUSINESS:

E 11-202 Swearing in of newly elected officials.

Newly and re-elected Assembly members Mike Reif, Pete Esquiro and Phyllis Hackett took their oath of office and were seated.

Additional New Business Items

F 1 11-204 Appoint Patrick Sullivan to an unexpired term on the Planning Commission, appoint Dan Jones to a two year term on the Sawmill Cove Industrial Park Board, and reappoint Ryan Wilson to a three year term on the Building Department Appeals Board.

Hackett was concerned with having a resident of Sitka for only two months serve on the Planning Commission. She wondered if the city should require a minimum length of residency in order to serve; the information provided didn't tell much. Esquiro shared Hackett's concerns. Westover pointed out it was to fill an unexpired term which was to expire in July 2012.

Hackett moved to postpone the appointment and request that the applicant attend the meeting and would appreciate it if he would furnish more information. The motion to POSTPONE PASSED on a unanimous vote.

Absent: 1 - Christianson

Hackett thanked Dan Jones for all the information he provided. Blake agreed.

A motion was made by Blake that the appointment of Dan Jones to the Sawmill Cove Industrial Park Board be APPROVED. The motion PASSED by the following vote.

Yes: 6 - Westover, McConnell, Blake, Esquiro, Reif, and Hackett

Absent: 1 - Christianson

Non-voting: 1 - Crews

Hackett would have liked to seen more information. She suggested the application form be redone to obtain more information from applicants.

A motion was made by Hackett that the appointment of Ryan Wilson to the Building Department Appeals Board be APPROVED. The motion PASSED by

the following vote.

Yes: 6 - Westover, McConnell, Blake, Esquiro, Reif, and Hackett

Absent: 1 - Christianson

Non-voting: 1 - Crews

G 11-207 Approve the Whitcomb Heights III (Jacobs Circle) Final Subdivision Plat.

Planning Director, Wells Williams, spoke to the Whitcomb Heights project. Williams informed site work would be expensive, similar to Hillside, and that drainage wouldn't be an issue with these particular lots.

Property proceeds would be addressed prior to any sale. Research was currently being done. The Gavan subdivision was developed differently, and sold through the LID (Local Improvement District) process. Hillhouse pointed out it was really the decision of the Assembly.

A motion was made by McConnell that this item be APPROVED. The motion PASSED by the following vote.

Yes: 6 - Westover, McConnell, Blake, Esquiro, Reif, and Hackett

Absent: 1 - Christianson

Non-voting: 1 - Crews

H ORD 11-39 Authorizing the sale of Lots 1 through 9 in Whitcomb Heights III Subdivision along Jacobs Circle.

A motion was made by Reif to approve Ordinance 2011-39 on first reading and direct the administrator to bring forth a plan for the proper distribution of the revenue generated by these land sales. The motion PASSED by the following vote.

Yes: 6 - Westover, McConnell, Blake, Esquiro, Reif, and Hackett

Absent: 1 - Christianson

Non-voting: 1 - Crews

I 11-203 Authorize the Municipal Administrator to execute the Alaska Clean Water Action 2012 Grant Agreement.

It was explained if CBS wasn't able to get the second part of the grant, CBS would need to come up with the difference.

Esquiro questioned the principal forgiveness. Municipal Engineer, Stephen Weatherman, responded the principal forgiveness was limited. Anything not spent would retire back. Finance Director, Jay Sweeney, estimated debt service over 20 years at 3.5% or \$3,000 a month. It was noted at the present time, the WWTP generates a positive cash flow, but infrastructure was declining faster than money could be put away. Sweeney cautioned rates would need to be addressed as they were projected to be insufficient to cover over a longer time period.

A motion was made by McConnell that this item be APPROVED. The motion PASSED by the following vote.

Yes: 6 - Westover, McConnell, Blake, Esquiro, Reif, and Hackett

Absent: 1 - Christianson

Non-voting: 1 - Crews

- J RES 11-23** Authorizing the application for a loan increase from the Alaska Department of Environmental Conservation under the Alaska Clean Water Fund for Japonski Sewer Lift Stations Rehabilitation.

A motion was made by Hackett that this Resolution be APPROVED. The motion PASSED by the following vote.

Yes: 6 - Westover, McConnell, Blake, Esquiro, Reif, and Hackett

Absent: 1 - Christianson

Non-voting: 1 - Crews

- K 11-201** Discussion/Direction on Sales Tax Holiday for 2011.

Esquiro believed the situation was different now considering the overall economy and wondered if the City could afford the sales tax holiday(s). Esquiro entertained the idea of spreading out the holiday(s). Westover spoke in favor of perhaps only one day. McConnell wasn't sure if the day after Thanksgiving was the best choice. Blake spoke in support of businesses and believed the sales tax holiday(s) was needed. Hackett asked the Chamber to research whether a sales tax holiday was helpful. Her personal survey resulted in the opinion it didn't make much difference. Reif proposed this winter to look at all revenue sources and focus on both pieces.

The sales tax discussion lead to the need for the assembly to have hold a financial briefing/worksession. A January financial work session was proposed to be held on January 14th at 9:00 AM - Sawmill Cove Conference Room.

XI. PERSONS TO BE HEARD:

Mayor was approached by the Sitka Historical Society. They are looking ahead at their future and have asked for one assembly member to meet with them. Reif stated he could make some of the meetings.

Reif proposed changing the procedure for the appointment of liaisons. He suggested having the boards come before the Assembly versus having the Assembly commit to liaison positions.

XII. ADJOURNMENT

A motion was made by McConnell to ADJOURN. The motion PASSED by unanimous vote; the meeting adjourned at 9:43pm.

ATTEST: _____
Colleen Ingman, MMC
Municipal Clerk



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City Assembly

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*Municipal Administrator: Jim Dinley
Municipal Attorney: Theresa Hillhouse
Municipal Clerk: Colleen Ingman, MMC*

Tuesday, October 25, 2011

6:00 PM

Assembly Chambers

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

Present: 4 - Westover, Christianson, Esquiro, and Hackett

Telephonic: 3 - McConnell, Blake, and Reif

IV. CORRESPONDENCE/AGENDA CHANGES

Due to the length of the agenda the Mayor asked that "Reports" be moved to the end. No objections were heard.

V. CEREMONIAL MATTERS

Mayor Westover read the Extra Mile Proclamation encouraging citizens to maximize their contributions and thanked the many Sitkans who already go the extra mile for the benefit of us all.

Sitka School District Update

Tim Fulton, School Board member, provided an update to the Assembly.

SPECIAL MUNICIPAL/COMMITTEE/COMMISSION REPORTS:

- 1) Local Emergency Planning Committee members Ken Fate, Annabel Lund, Donna Callistisi, Al Stevens and Fire Chief Dave Miller reported on the progress made by LEPC. They reported the Committee was very active.*
- 2) Representatives from Forakers, the Library Feasibility Team, and Library Director, Sarah Bell, gave an update on the status of plans for expansion of the current library or a new library with 50% funding coming from the State of Alaska.*
- 3) Public Works Director, Michael Harmon, showed the latest plans for Harrigan Centennial Hall renovations.*

VI. PERSONS TO BE HEARD

Karen Martinsen spoke to "Energize! Sitka". Elizabeth Balducci "Bitty" announced workshops would be held at UAS November 2-4: Building Energy Efficiency Standards and Advanced Cold Climate. November 5 & 6 workshops would be held on Homeowner Energy Efficiency.

Nancy Yaw Davis – Spoke to a minor subdivision going before the Planning Commission which she felt would have a major impact on Sitkans.

Peter Apathy, the new president of Alaska Arts Southeast, announced citizens were enthusiastic about their project. Allen Memorial folks received enough donation money to purchase the green space near the tennis courts; property to be transferred over to Alaska Arts Southeast.

Bob Medinger of Sitka Historical Society invited the Assembly to Dale DeArmond's Art Acquisition exhibit, reception, and fundraiser.

Duck Didrickson spoke to Redoubt and Sealaska. He stated Redoubt belonged to the people of Sitka- "It has always been our land and opened to all people Native and non-Native to fish and enjoy".

VIII. CONSENT AGENDA

- A** **11-212** Approve the minutes of the September 27, 2011 assembly meeting.

This item was APPROVED on the Consent Agenda.

IX. UNFINISHED BUSINESS:

- B** **ORD 11-39** Authorizing the sale of Lots 1 through 9 in Whitcomb Heights III Subdivision along Jacobs Circle.

On first reading of this ordinance the motion included the following language: "to direct the administrator to bring forth a plan for the proper distribution of the revenue generated by these land sales".

Municipal Attorney, Theresa Hillhouse, explained the Charter defined this action. The Assembly requested an agenda item on this topic no later than the November 29 meeting.

A motion was made by Hackett that this Ordinance be PASSED ON SECOND READING. The motion PASSED by the following vote.

Yes: 7 - Westover, McConnell, Blake, Christianson, Esquiro, Reif, and Hackett

New Business First Reading

- C** **RES 11-27** Authorizing the application for a loan from the ADEC under the Clean Water Fund for Baranof Street Sewer Replacement.

Mayor Westover mentioned her mother owned property on this street and recused herself. Christianson volunteered to serve as Deputy Mayor to preside over the matter. No objections were heard.

A motion was made by Hackett that this Resolution be APPROVED. The motion PASSED by the following vote.

Yes: 6 - McConnell, Blake, Christianson, Esquiro, Reif, and Hackett

Recused: 1 - Westover

- D RES 11-28** Authorizing the application for a loan from the ADEC under the Alaska Drinking Water Fund for UV Disinfection Facility

A motion was made by Hackett that this Resolution be APPROVED. The motion PASSED by the following vote.

Yes: 7 - Westover, McConnell, Blake, Christianson, Esquiro, Reif, and Hackett

- E RES 11-29** Authorizing participation in the Library Construction and Major Expansion Matching Grant Program.

McConnell voiced her support but said it would be a matter of priorities. Westover expressed her disappointment the project was presented as a tear down of the building. Public Works Director, Michael Harmon, stated it would cost \$125,000 to demolish the current building. He added CBS could look at keeping the existing building in place and go for a 30% expansion. Harmon commented if this were passed, CBS would still have the ability to downsize the project. He also noted this was a legislative priority.

A motion was made by Reif to amend the first whereas to read: "The City and Borough of Sitka (CBS) believes there is a majority of community support for the expansion of Kettleson Memorial Library for use in the community and therefore the Assembly supports this resolution; and". The motion to AMEND PASSED by the following vote.

Yes: 7 - Westover, McConnell, Blake, Christianson, Esquiro, Reif, and Hackett

Library Director, Sarah Bell, thanked Foraker publically for their help which she equated to \$70,000 worth of professional services at no cost to the City.

Christianson, Reif, Esquiro, and Hackett expressed their opinions.

Public Works Director, Michael Harmon and Building Maintenance Superintendent, Chris Wilbur, spoke to the maintenance and condition of the existing building. Simplistic maintenance over the next five plus years was estimated to cost \$800,000. It was noted there were no structural problems with the building.

If the legislature were to approve this there would be about five years before the funding would dissolve. Foraker was unsure how long funding for this program would exist and delaying it would incur escalated costs between 4-5%.

A motion was made by Hackett that this Resolution be APPROVED as amended. The motion PASSED by the following vote.

Yes: 4 - McConnell, Christianson, Reif, and Hackett

No: 3 - Westover, Blake, and Esquiro

- F RES 11-24** Supporting Sitka Summer Music Festival's grant funding application from the FY12 Historic Preservation Fund to Certified Local Governments.

McConnell was recused because of her client relationship.

Jay Sweeney, Finance Director, pointed out if the City were going to support these grant applications the City should be paid for the work that the grant applications generate for the Finance Department. The City should be able to bill the grantee an administrative charge.

A motion was made by Hackett that this Resolution be APPROVED. The motion PASSED by the following vote.

Yes: 6 - Westover, Blake, Christianson, Esquiro, Reif, and Hackett

Recused: 1 - McConnell

- G RES 11-25** Supporting Alaska Arts Southeast, Inc. grant funding application from the FY12 Historic Preservation Fund to Certified Local Governments.

A motion was made by Christianson that this Resolution be APPROVED. The motion PASSED by the following vote.

Yes: 7 - Westover, McConnell, Blake, Christianson, Esquiro, Reif, and Hackett

- H RES 11-26** Supporting ANB, ANS, ANB Hall grant funding application from the FY12 Historic Preservation Fund to Certified Local Governments.

Robert Medinger, representing the Sitka Historical Society, said they serve as the fiscal agency for this grant. They plan to have panels designed for the ANB/ANS Building in recognition of their 100th Anniversary which will bring many people to Sitka next October.

A motion was made by Hackett that this Resolution be APPROVED. The motion PASSED by the following vote.

Yes: 7 - Westover, McConnell, Blake, Christianson, Esquiro, Reif, and Hackett

- I ORD 11-40** Adjusting the FY10 and FY11 Budgets for changes identified during the Fourth Quarter FY10 Formal Budget Execution Review.

Finance Director, Jay Sweeney, explained a number of departments were over budget due to previous leave amounts being recorded insufficiently.

A motion was made by Hackett that this Ordinance be APPROVED. The motion PASSED by the following vote.

Yes: 7 - Westover, McConnell, Blake, Christianson, Esquiro, Reif, and Hackett

- J ORD 11-41** Amending the official Sitka Zoning Map to Rezone Lot 25 Block 1 of Sitka Indian Village, USS 2542 A & B from R-1 Single Family and Duplex district to CBD Central Business District.

A motion was made by Esquiro that this Ordinance be POSTPONED until the first meeting in January. The motion PASSED by the following vote.

Yes: 6 - Westover, Blake, Christianson, Esquiro, Reif, and Hackett

No: 1 - McConnell

- K ORD 11-42** Amending Section 4.09.100 of SGC to identify possible sales tax holiday for certain sales in 2011 - December 10.

Shirley Robards, owner of Stereo North, and Jennifer Robinson of the Greater Sitka Chamber of Commerce spoke in support of the Friday and Saturday after Thanksgiving as sales tax free days.

Blake spoke in support of two days. In response to a question by Reif, Sweeney estimated \$30,000 a day would be lost during sales tax free days. Esquiro supported leaving it status quo for this year.

A motion was made by Hackett that this Ordinance be APPROVED. The motion FAILED by the following vote.

No: 7 - Westover, McConnell, Blake, Christianson, Esquiro, Reif, and Hackett

- L** **ORD 11-43** Amending SGC Section 4.09.100 to identify possible sales tax holiday for certain sales in 2011 - November 26.

A motion was made by Hackett that this Ordinance be PASSED ON FIRST READING. The motion FAILED by the following vote.

Yes: 1 - McConnell

No: 6 - Westover, Blake, Christianson, Esquiro, Reif, and Hackett

- M** **ORD 11-44** Amending Section 4.09.100 of SGC to identify possible sales tax holiday for certain sales in 2011 - November 23.

No action taken.

- N** **ORD 11-45** Amending SGC Section 4.09.100 to identify possible sales tax holidays for certain sales in 2011 - November 25 & 26.

A motion was made by Christianson that this Ordinance be PASSED ON FIRST READING. The motion PASSED by the following vote.

Yes: 7 - Westover, McConnell, Blake, Christianson, Esquiro, Reif, and Hackett

X. NEW BUSINESS:

- O** **11-213** Approve Conditional Use Permit for a short-term rental submitted by Lou and Gail Roderick at 802 Sirstad

A motion was made by Hackett to convene as the Board of Adjustment. The motion PASSED on the following vote.

Yes: 7 - Westover, McConnell, Blake, Christianson, Esquiro, Reif, and Hackett

A motion was made by Christianson to approve a conditional use permit request submitted by Lou and Gail Roderick for a short-term rental at 802 Sirstad Street as recommended by the Planning Commission; concurring with their following findings and condition.

Findings:

- 1. Will not be detrimental to the public health, safety and welfare;**
- 2. Will not adversely affect the established character of the surrounding vicinity;**
- 3. Will not be injurious to the uses, property, or improvements adjacent to or in the immediate vicinity of the location;**
- 4. The granting of the proposed conditional use permit is consistent and compatible with the goals and objectives of the comprehensive plan in regards to 2.1.1 and 2.5.2 I;**
- 5. The proposed conditional use permit request will not introduce hazardous**

- conditions at the site that cannot be mitigated;
- 6. The conditional use will be supported by and not adversely affect adequate public facilities and services; and
- 7. The applicant has met the burden of proof.

Condition: This request be brought back before the Planning Commission if events warrant.

The motion PASSED by the following vote.

Yes: 7 - Westover, McConnell, Blake, Christianson, Esquiro, Reif, and Hackett

P 11-211

Appeal of the Planning Commission's decision filed by Marco Hernandez to deny a variance reduction of a front setback from 20' to 10' at 1955 Anna Circle

A motion was made by Hackett that this Item be REFERRED to the Planning Commission. The motion FAILED on the following vote.

Yes: 3 - McConnell, Reif, and Hackett

No: 4 - Westover, Blake, Christianson, and Esquiro

Planning Director, Wells Williams, spoke to the neighborhood and its history; the Planning Commission felt the 10' setback was too close. In response to a question by Blake, Williams responded the setback would not obstruct anything or compromise the utilities.

Applicant, Marco Hernandez, pleaded his case and spoke of his disagreement with the Planning Commission's decision to deny his variance setback reduction from 20' to 10'. He appealed the action for the following reasons:

1. Characteristics of the property
2. Other requests granted in the past
3. Reduction of living square footage
4. Peaceful enjoyment

His testimony focused primarily on a similar request submitted by his neighbor that was granted and the fact that the Planning Director and a Planning Commission member were on record noting the neighborhood was poorly planned and a mess in terms of setbacks.

A motion was made by Christianson to grant the appeal of Marco Hernandez for a variance reduction of the front setback from 20' to 10' at 1955 Anna Circle based on the following Findings of Fact and Condition:

Findings:

1. Will not be detrimental to the public health, safety and welfare;
2. Will not adversely affect the established character of the surrounding vicinity;
3. Will not be injurious to the uses, property, or improvements adjacent to or in the immediate vicinity of the location;
4. The granting of the proposed variance is consistent and compatible with the goals and objectives of the comprehensive plan in regards to 2.1.1 and 2.5.2 I;
5. The proposed variance request will not introduce hazardous conditions at the site that cannot be mitigated;
6. The variance will be supported by and not adversely affect adequate public facilities and services; and
7. The applicant has met the burden of proof that:
 - A similar variance setback was issued to the adjoining neighbor at 1945 Anna Circle,

- That variance was found consistent with the general neighborhood, and,
- No adverse affects have been reported from the granting of that similar variance.

Condition: This variance be brought back before the Planning Commission if events warrant.

The motion **PASSED** by the following vote.

Yes: 7 - Westover, McConnell, Blake, Christianson, Esquiro, Reif, and Hackett

Extend the Meeting

A motion was made by Christianson to extend the meeting until 10:45 PM. The motion **PASSED** on a 7-0 roll call vote.

Reconvene as the Assembly

A motion was made by Hackett to Reconvene as the Assembly in regular session. The motion **PASSED** by a unanimous vote.

Q 11-214

Award a professional services contract to PND Engineers Inc. for the Sitka Harbor System Master Plan not to exceed \$131,507.

Public Works Director, Michael Harmon, explained the need for the City to plan ahead so that the rate increases could be tailored over a long period of time.

A motion was made by Christianson that this Item be **APPROVED**. The motion **PASSED** by the following vote.

Yes: 7 - Westover, McConnell, Blake, Christianson, Esquiro, Reif, and Hackett

Extend the Meeting

A motion was made by Hackett to extend the meeting until 11:00 PM. The motion **PASSED** on a 7-0 roll call vote.

R 11-210

Authorize Notice of Award to clarify and confirm a final price and enter into an agreement for Contract No. 4 - the supply of Penstock and manifold for Blue Lake Expansion Project \$927,975.00.

Electric Department Generation Engineer, Dean Orbison, explained the City was to purchase a piece of pipe that fit the turbines. The pipe would be nine feet in diameter, approximately 400' in length and was estimated to last over 100 years.

A motion was made by Hackett that this Item be **APPROVED**. The motion **PASSED** by the following vote.

Yes: 7 - Westover, McConnell, Blake, Christianson, Esquiro, Reif, and Hackett

S 11-215

- 1) Deputy Mayor and Vice-Deputy Mayor Appointments
- 2) Liaisons Appointments

Due to time constraints no action was taken on this item. This item would be moved to the next regular meeting.

VII. REPORTS

Due to time constraints this item was not taken up.

XI. PERSONS TO BE HEARD:

None.

XIII. ADJOURNMENT

With no further extensions, the meeting automatically adjourned at 11:00 PM.

ATTEST: _____
Colleen Ingman, MMC
Municipal Clerk