

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF SEPTEMBER 3, 2019**

**FENTON TOWNSHIP CIVIC COMMUNITY CENTER
12060 MANTAWAUKA DRIVE, FENTON, MICHIGAN**

Clerk Krug called the meeting to order at 7:30 p.m.

Present: Krug, Tucker, Goupil, Lorraine, Reid, Attorney Belzer and Operations
Manager Broecker.

Absent: Mathis, Kesler

OPENING PRAYER / PLEDGE OF ALLEGIANCE:

Trustee Goupil offered the opening prayer. Clerk Krug led the pledge of allegiance to the flag.

APPOINTMENT OF TEMPORARY CHAIRPERSON:

Clerk Krug stated that, in the absence of the Township Supervisor, the board must appoint a temporary chairperson for this evening's meeting.

Motion to appoint Clerk Krug as chairman pro-tem.

Motion by: Lorraine

Seconded: Goupil

Ayes: Krug, Tucker, Goupil, Lorraine, Reid

Nays: None

Absent: Mathis, Kesler

Motion carried.

APPROVAL OF AGENDA:

Motion to approve the 9/3/19 Fenton Township Board Meeting agenda as presented.

Motion by: Lorraine

Seconded: Tucker

Ayes: Krug, Tucker, Goupil, Lorraine, Reid

Nays: None

Absent: Mathis, Kesler

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes for the 8/19/19 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices and expenditures for all funds totaling \$748,028.56 for payment as presented.

Motion by: Tucker

Seconded: Lorraine

Ayes: Krug, Tucker, Goupil, Lorraine, Reid

Nays: None

Absent: Mathis, Kesler

Motion carried.

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PUBLIC HEARINGS:

Loon Lake Improvement Special Assessment District No. 2 - Hearing on Special Assessment Roll

Chairman Krug opened a public hearing on the special assessment roll for Loon Lake Improvement Special Assessment District No. 2. The proposed roll assesses the following amounts per parcel:

December	2019	\$ 233.06 (includes township administrative costs)
"	2020	221.91
"	2021	221.91
"	2022	232.03
"	2023	232.03

The board will accept public comment on the following:

1. An individual's assessment in relation to benefit received.
2. The total cost of the project.
3. The validity of the proceedings to date.

Public comment:

Gabriel Bilas, 4260 Neal Court

Mr. Bilas stated that, while his property has deeded access to the lake, it is not usable access. He believes his property and two neighboring properties that are similarly situated should be exempted from the special assessment.

Treasurer Tucker stated that a permit could be obtained from EGLE (formerly DEQ) to construct a boardwalk to access the lake. Mr. Bilas responded that he has applied for such a permit more than once and has been denied every time.

Treasurer Tucker stated that, unless the property owners give up the deeded access, it cannot be argued that the properties don't benefit from the improvement. Attorney Belzer agreed – with deeded access, these properties should remain part of the special assessment district.

Mr. Bilas asked if his property is one of the "non-frontage" properties that were being assessed at 50%. Operations Manager Broecker confirmed that the only parcels being assessed at 50% are properties in the Minnetonka Beach plat that are located on the north side of Minnetonka Drive. These properties have deeded lake access through a platted easement. Mr. Bilas asked the board to consider at least assessing the three lots at 50% if full exemption is not possible.

Dave Weber, 4212 Neal Court

Mr. Weber clarified that the owners of properties on Neal Court are allowed to launch boats and use the lake – the same access as other riparians. The Minnetonka Beach properties have passive access only, with no boating or mooring rights. He understands the practical difficulties of Mr. Bilas and the other two property owners, however they do still benefit from the improvement.

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Dominic Corso, 3266 Ponemah Drive

Mr. Corso, Vice President of the Ponemah-Squaw-Tupper Lake Association, explained how their association’s approach to the Lake Ponemah special assessment resulted in three different levels of assessment, (full, half and quarter “shares”), based on types of lake access. The board agreed that input from the lake association/petitioners can play a role in how the costs are assessed.

Don Bolen, 4127 Minnetonka Drive

Mr. Bolen asked if the assessment for a lot were to be reduced because of the access issues, would the assessment automatically go back up if the access issues were resolved. Attorney Belzer confirmed that the assessment would not change for the 5-year period approved, unless a revised special assessment roll was confirmed, which would require a public hearing and the costs that go with it.

The board continued to discuss various approaches to the allocation of the costs. It was noted that reducing the three properties in question to 50% status would increase the per parcel assessment for the rest of the district by approximately \$3 per year. Trustee Goupil suggested delaying action on the special assessment roll to give the lake association an opportunity to review and comment.

Motion to continue public hearing on the special assessment roll for Loon Lake Improvement Special Assessment District No. 2 to the 9/16/19 township board meeting, to allow additional input from the lake association.

Motion by: Goupil

Seconded: Tucker

Ayes: Krug, Tucker, Goupil, Lorraine, Reid

Nays: None

Absent: Mathis, Kesler

Motion carried.

Squaw Lake Improvement Special Assessment District No. 2 - Hearing on Special Assessment Roll

Chairman Krug opened a public hearing on the special assessment roll for Squaw Lake Improvement Special Assessment District No. 2. The proposed roll assesses the following amounts per parcel:

December	2019	\$ 177.35 (includes township administrative costs)
"	2020	130.47
"	2021	130.47

The board will accept public comment on the following:

1. An individual’s assessment in relation to benefit received.
2. The total cost of the project.
3. The validity of the proceedings to date.

Public comment:

Mark Shantz,

Mr. Shantz reported that everyone he spoke to is in favor of the special assessment. Squaw Lake is looking forward to combining their treatment program with Lake Ponemah at the end of this 3-year assessment. He supports the proposed special assessment.

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There was no further public comment. Chairman Krug closed the public hearing.

Operations Manager Broecker presented the following resolution:

RESOLUTION NO. 2019-42

WHEREAS, the township board of the Charter Township of Fenton, Genesee County, Michigan, after due and legal notice, has conducted a public hearing upon a proposed special assessment roll prepared by the supervisor and assessing officer of the Township for the purpose of defraying the costs of the lake improvement project within Squaw Lake Improvement Special Assessment District No. 2 as shown on the plans and specifications for such project, and

WHEREAS, such public hearing was preceded by proper notice in the Tri-County Times, a newspaper of general circulation in the township, and by first class mail notice to each property owner of record within said district and upon said assessment roll, and

WHEREAS, comments were received from those present at such public hearing concerning said special assessment roll and opportunity to all present to be heard in the matter, and

WHEREAS, a record of those present to protest, and of written protests submitted, if any, at or before the public hearing was made a part of the minutes of the hearing, and

WHEREAS, the Township Board has duly inspected the proposed special assessment roll and considered all comments and proposed amendments thereto and has found the proposed special assessment roll, as submitted, to be correct, just and reasonable;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1. The special assessment roll submitted by the supervisor and assessing officer of the Township, shall hereafter be designated as Fenton Township Special Assessment Roll No. 2019-07 and shall hereby be confirmed as the special assessment roll for Squaw Lake Improvement Special Assessment District No. 2.*
- 2. The assessments in said Fenton Township Special Assessment Roll No. 2019-07 shall be divided into five annual installments with the first installment due on or before December 1, 2019 and the following installments to be due on or before the 1st day of December of the years 2020 through 2021, inclusive.*
- 3. Future due installments of an assessment against any parcel of land may be paid to the township treasurer at any time in full. If any installment of a special assessment is not paid when due, then the installment shall be considered to be delinquent and there shall be collected a penalty at the rate of 1% for each month, or fraction of a month, that the installment remains unpaid before being reported to the township board for reassessment upon the township tax roll, in accordance with said Michigan PA 188.*

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- 4. *The assessments made in said special assessment roll are hereby ordered and directed to be collected by the township treasurer, and the township clerk shall deliver said special assessment roll to said treasurer with his warrant attached, commanding the treasurer to collect such assessments in accordance with the direction of the township board and said PA 188.*
- 5. *All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.*

Motion to adopt Resolution No. 2019-42 as presented.

Motion by: Goupil
Seconded: Tucker
Ayes: Krug, Tucker, Goupil, Lorraine, Reid
Nays: None
Absent: Mathis, Kesler

Motion carried. Resolution declared adopted.

Golden Pond Improvement Special Assessment District - Hearing on Special Assessment Roll

Chairman Krug noted that, per board action at a previous meeting, he will be abstaining from voting on this issue due to a conflict of interest. He asked Treasurer Tucker to moderate this public hearing.

Treasurer Tucker opened a public hearing on the special assessment roll for Squaw Lake Improvement Special Assessment District No. 2. After the 8/19/19 public hearing, the Township was advised by Aquatic Nuisance Plant Control of an error in their proposal, which resulted in the estimated cost being overstated by \$400 in each of the five years. The special assessment roll has been revised to reflect the corrected costs, which reduce the annual assessment per parcel by approximately \$5.71. The proposed roll assesses the following amounts per parcel:

December	2019	\$ 106.45 (includes township administrative costs)
"	2020	77.88
"	2021	80.22
"	2022	82.61
"	2023	84.73

The board will accept public comment on the following:

- 1. An individual's assessment in relation to benefit received.
- 2. The total cost of the project.
- 3. The validity of the proceedings to date.

Public comment:

Dennis "Whitey" Fischer, 2377 Golden Shores Drive
Mr. Fischer asked who determines when and how the lake treatments are done. Treasurer Tucker stated that the contractor makes those decisions, based on a variety of factors, (time of year, water temperature, weed growth, etc.).

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Pete Trosko, 2341 Swans Cove

Mr. Trosko expressed concern over how the special assessment funds are managed. Is one of the property owners responsible for the bank account? Treasurer Tucker clarified that the Township collects and deposits the special assessment funds into a Township bank account. As invoices are presented and approved for payment by the board, the Township issues the checks to the contractor. Individual property owners do not control the funds.

Hank Mozingo, 2344 Swans Cove

Mr. Mozingo thanked the board for completing the special assessment process. The deteriorating quality of Golden Pond is due to dwindling voluntary contributions for treatment costs. The special assessment will ensure funding for effective treatment.

There was no further public comment. Treasurer Tucker closed the public hearing.

Operations Manager Broecker presented the following resolution:

RESOLUTION NO. 2019-43

WHEREAS, the township board of the Charter Township of Fenton, Genesee County, Michigan, after due and legal notice, has conducted a public hearing upon a proposed special assessment roll prepared by the supervisor and assessing officer of the Township for the purpose of defraying the costs of the lake improvement project within the Golden Pond Improvement Special Assessment District as shown on the plans and specifications for such project, and

WHEREAS, such public hearing was preceded by proper notice in the Tri-County Times, a newspaper of general circulation in the township, and by first class mail notice to each property owner of record within said district and upon said assessment roll, and

WHEREAS, comments were received from those present at such public hearing concerning said special assessment roll and opportunity to all present to be heard in the matter, and

WHEREAS, a record of those present to protest, and of written protests submitted, if any, at or before the public hearing was made a part of the minutes of the hearing, and

WHEREAS, the comments received and information obtained since the filing of the roll indicated the reasonableness of the following amendments to said special assessment roll:

- *The total cost of the improvement is reduced by \$400 in each year, resulting in annual assessments per parcel as follows:*

2019: \$106.45

2020: 77.88

2021: 80.22

2022: 82.61

2023: 84.73

and

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WHEREAS, the Township Board has duly inspected the proposed special assessment roll and considered all comments and proposed amendments thereto and has found the proposed special assessment roll, as revised, to be correct, just and reasonable;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1. The special assessment roll submitted by the supervisor and assessing officer of the Township, shall hereafter be designated as Fenton Township Special Assessment Roll No. 2019-08 and shall hereby be confirmed as the special assessment roll for the Golden Pond Improvement Special Assessment District.*
- 2. The assessments in said Fenton Township Special Assessment Roll No. 2019-08 shall be divided into five annual installments with the first installment due on or before December 1, 2019 and the following installments to be due on or before the 1st day of December of the years 2020 through 2023, inclusive.*
- 3. Future due installments of an assessment against any parcel of land may be paid to the township treasurer at any time in full. If any installment of a special assessment is not paid when due, then the installment shall be considered to be delinquent and there shall be collected a penalty at the rate of 1% for each month, or fraction of a month, that the installment remains unpaid before being reported to the township board for reassessment upon the township tax roll, in accordance with said Michigan PA 188.*
- 4. The assessments made in said special assessment roll are hereby ordered and directed to be collected by the township treasurer, and the township clerk shall deliver said special assessment roll to said treasurer with his warrant attached, commanding the treasurer to collect such assessments in accordance with the direction of the township board and said PA 188.*
- 5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.*

Motion to adopt Resolution No. 2019-43 as presented.

Motion by: Tucker

Seconded: Reid

Ayes: Tucker, Goupil, Lorraine, Reid

Nays: None

Absent: Mathis, Kesler

Abstaining: Krug

Motion carried. Resolution declared adopted.

Fenton Orchards III Street Lighting Special Assessment District - Hearing on Special Assessment Roll

Chairman Krug opened a public hearing on the special assessment roll for the Fenton Orchards III Street Lighting Special Assessment District. The proposed roll assesses the following amounts per parcel:

2019: \$ 220.46*
2020 & after: 36.37

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[the first year assessment includes installation of lights, pro-rated 2019 operating costs, 2020 operating costs and township administrative costs.]*

The board will accept public comment on the following:

1. An individual's assessment in relation to benefit received.
2. The total cost of the project.
3. The validity of the proceedings to date.

Public comment:

Chuck Gurden, 12359 Wolfberry Drive

Mr. Gurden stated that he and his neighbors are excited about adding street lights to their neighborhood. They are looking forward to the improved safety the lights will provide.

There was no further public comment. Chairman Krug closed the public hearing.

Operations Manager Broecker presented the following resolution:

RESOLUTION NO. 2019-44

WHEREAS, the township board of the Charter Township of Fenton, Genesee County, Michigan, after due and legal notice, has conducted a public hearing upon a proposed assessment roll prepared by the supervisor and assessing officer of the Township for the purpose of defraying the costs of the street lighting project proposed to be installed within the Fenton Orchards III Street Lighting Special Assessment District as shown on the plans and specifications for such project, and

WHEREAS, such public hearing was preceded by proper notice in the Tri-County Times, a newspaper of general circulation in the Township, and by first class mail notice to each property owner of record within said district and upon said assessment roll, and

WHEREAS, comments were received from those present at such public hearing concerning said special assessment roll and opportunity to all present to be heard in the matter, and

WHEREAS, a record of those present to protest, and of written protests submitted, if any, at or before the public hearing was made a part of the minutes of the hearing, and

WHEREAS, the township board has duly inspected the proposed special assessment roll and considered all comments and proposed amendments thereto and has found the proposed special assessment roll, as submitted, to be correct, just and reasonable;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. *The special assessment roll submitted by the supervisor and assessing officer of the township shall hereafter be designated as Fenton Township Special Assessment Roll No. 2019-09, and shall hereby be confirmed as the assessment roll for the Fenton Orchards III Street Lighting Special Assessment District.*

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2. *The assessments in said Fenton Township Special Assessment Roll No. 2019-09 shall in annual installments, with the first installment to be due on or before December 1, 2019 and the following installments to be due on or before the 1st day of the same month of each and every year thereafter.*
3. *Future due installments of an assessment against any parcel of land may be paid to the township treasurer at any time. If any installment of a special assessment is not paid when due, then the installment shall be considered to be delinquent and there shall be collected, in addition to interest as provided by this section, a penalty at the rate of 1% for each month, or fraction of a month, that the installment remains unpaid before being reported to the Township Board for reassessment upon the Township tax roll, also in accordance with said PA 188.*
4. *The assessments made in said special assessment roll are hereby ordered and directed to be collected by the township treasurer, and the township clerk shall deliver said special assessment roll to said treasurer with his warrant attached, commanding the treasurer to collect such assessments in accordance with the direction of the township board and said PA 188.*
5. *All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.*

Motion to adopt Resolution No. 2019-44 as presented

Motion by: Reid
Seconded: Goupil
Ayes: Krug, Tucker, Goupil, Lorraine, Reid
Nays: None
Absent: Mathis, Kesler

Motion carried. Resolution declared adopted.

REPORTS:

None

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

None

UNFINISHED BUSINESS:

Purchase Offer - Tax-Reverted Property

Chairman Krug reported that the Township has received an offer for one the remaining tax-reverted properties – a vacant lot on Dalhart Drive. Realtor Ed Constable explained that the offer is for \$10,000. The listing price was \$20,000, however any attempt to build on the lot will be met with several challenges, including a very steep grade/drop-off, limited building envelope and a rather dilapidated house on the adjacent property. He believes the offer is reasonable.

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Motion to accept the offer of \$10,000 from Wm Bye LLC for the purchase of vacant property on Dalhart Drive, parcel 06-11-529-018, subject to the buyer satisfying his contingencies within 60 days.

Motion by: Tucker
Seconded: Goupil
Ayes: Krug, Tucker, Goupil, Lorraine, Reid
Nays: None
Absent: Mathis, Kesler

Motion carried.

NEW BUSINESS:

Resolution No. 2019-45, Schedule Public Hearing on 2019 Fenton Township Fire Protection Special Assessment Roll

Chairman Krug stated that, based on prior actions of the Fenton Township Board, the board is obligated to conduct a public hearing on the proposed special assessment roll for the Fenton Township Fire Protection Special Assessment District each year at the second regular board meeting in September. The proposed roll, which has been certified and filed with the Township Clerk, maintains the assessment amount at \$65 per parcel. Resolution No. 2019-45 has been prepared to formally schedule the public hearing. There was no further discussion. Operations Manager Broecker presented the following resolution:

RESOLUTION NO. 2019-45

WHEREAS, the supervisor and assessing officer of the Charter Township of Fenton has, in accordance with PA 81 of 1989, as amended, prepared a special assessment roll in the total amount of \$537,875.00, covering all parcels of land within the Fenton Township Fire Protection Special Assessment District, and has affixed thereto her certificate as required by said PA 81;

NOW, THEREFORE, BE IT RESOLVED, that said special assessment roll shall be filed with the Township Clerk and shall be available for public examination during regular business hours of regular business days from the present date through the date of the public hearing upon the same and shall further be examined at such public hearing, and

BE IT FURTHER RESOLVED, that the Fenton Township Board shall meet at 7:30 p.m. on September 16, 2019 at the Fenton Township Civic Community Center located at 12060 Mantawauka Drive, within the Township, to review such special assessment roll and hear any objections thereto, and

BE IT FINALLY RESOLVED, that the Township Clerk shall cause notice of such hearing and the filing of such assessment roll to be published in a newspaper of general circulation in the township not less than five (5) days prior to the hearing, in accordance with the law and statute provided.

Motion to adopt Resolution No. 2019-45 as presented.

Motion by: Tucker
Seconded: Goupil
Ayes: Krug, Tucker, Goupil, Lorraine, Reid
Nays: None

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Absent: Mathis, Lorraine
Motion carried. Resolution declared adopted.

Resolution No. 2019-46, Accelerated Foreclosure on Abandoned Property

Chairman Krug noted that, for the past several years, based on a recommendation from the Genesee County Treasurer, the Township has adopted a resolution to allow accelerated foreclosure on abandoned tax delinquent properties. If a property is truly abandoned, faster foreclosure proceedings will help get the property back on the active tax roll sooner. This resolution must be adopted once each year. There was no further discussion.

Operations Manager Broecker presented the following resolution:

RESOLUTION NO. 2019-46

WHEREAS, Township Board of the Charter Township of Fenton determines that parcels of abandoned tax delinquent property exist, and

WHEREAS, abandoned tax delinquent property has the potential to contribute to crime, blight and decay within the Charter Township of Fenton, and

WHEREAS, the certification of tax delinquent abandoned property as certified abandoned property will result in the accelerated forfeiture and foreclosure of certified abandoned property under the General Property Tax Act and return abandoned property to productive use more rapidly, thereby potentially reducing crime, blight and decay within the Township.

*NOW, THEREFORE, BE IT RESOLVED, that the Charter Township of Fenton hereby notifies residents and owners of property within the Township that abandoned tax delinquent property will be identified and inspected, and may be certified as certified abandoned property under the **Certification of Abandoned Property for Accelerated Forfeiture Act** and subject to accelerated forfeiture and foreclosure under the General Property Tax Act.*

Motion to adopt Resolution No. 2019-46 as presented.

Motion by: Reid
Seconded: Tucker
Ayes: Krug, Tucker, Goupil, Lorraine, Reid
Nays: None
Absent: Mathis, Kesler

Motion carried. Resolution declared adopted.

Proposal to Purchase New Fire Truck

Fire Chief Volz reported that Engine 14 at the Bowles Street Fire Station, a 1999 Pierce Quantum pumper truck, is now 20 years old and in need of replacement within the next 12 months. Chief Volz requested a price quote for a new Pierce Enforcer pumper truck through Halt Fire, Inc. earlier this year. After receiving the price quote, he was advised that a pumper truck virtually identical to the one that was quoted was currently in stock and available for purchase. The board reviewed a comparison of the acquisition costs for the two trucks. Chief Volz recommended that the Township select the second option and

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purchase the in-stock vehicle for immediate delivery. The net purchase price is approximately \$4,400 less and the Township would take delivery of the truck a full year earlier, thus eliminating any further repair and maintenance costs for a 20-year old truck, and avoiding further erosion of its trade-in value. Chief Volz also explained that using a truck that is more than 20 years old as the primary response vehicle, lowers the fire department's ISO rating, which can result in higher homeowners insurance premiums for residents.

Motion to approve the purchase of the in-stock Pierce Enforcer pumper truck for the Fenton Township Fire Department, as presented, at a purchase price not to exceed \$591,000, and to approve the sale of the 1999 Pierce Quantum pumper truck to Brindlee Mountain Fire Apparatus, LLC for \$25,000.

Motion by: Lorraine
Seconded: Goupil
Ayes: Krug, Tucker, Goupil, Lorraine, Reid
Nays: None
Absent: Mathis, Kesler

Motion carried.

BOARD COMMENT:

Clerk Krug briefly discussed issues relating to dog park funding.

PUBLIC COMMENT – AGENDA OR NON-AGENDA ITEMS:

None

ADJOURN: Meeting adjourned at 9:04 p.m.

Robert Krug, Chairman Pro-Tem

Thomas Broecker, Deputy Clerk

Minutes Posted 09/04/19