



Roll Call Number

23-1199

Agenda Item Number

36

Date August 21, 2023

RESOLUTION HOLDING HEARING ON APPEAL OF LARRY KUEL (OWNER) ON A DENIAL OF TYPE 2 DESIGN ALTERNATIVES FOR A PUBLIC HEARING SITE PLAN FOR PROPERTY LOCATED AT 4424 SOUTHEAST 14TH STREET

WHEREAS, at a public hearing held on July 20, 2023, the City Plan and Zoning Commission considered a request from Larry Kuel (owner), for approval of the Site Plan for Type 2 Design Alternatives waiving the requirements to allow for retention of two (2) access drives on a primary street, when an access drive off of a non-primary street is available set forth in Municipal Code Sections 135-2.6.3.A.9 and 135-6.12.2.B, and landscaping requirements related to street trees, parking lot buffering, and interior parking lot landscaping, as outlined in City Code Sections 135-7.5.3, 135-7.7.2, and 135-7.9 as shown in the Site Plan submitted for the property located at 4424 Southeast 14th Street; and

WHEREAS, pursuant to Sections 135-2.6.3.A.9 and 135-6.12.2.B of the Municipal Code, a commercial cottage is permitted driveway access through the following hierarchy: they are permitted driveway access through an improved alley; if no improved alley exists or is planned, they are allowed one driveway off each non-primary street; if no alley or nonprimary street exists, they are allowed one driveway off a primary street with approval of city engineer; and

WHEREAS, in the Site Plan, Larry Kuel proposed for retention of two (2) access drives on a primary street, when an access drive off a non-primary street is available; and

WHEREAS, pursuant to Section 135-7.5.3 of the Municipal Code, street trees shall be planted as follows:

- A. Clear Branch Height. The clear branch height of a street tree is the distance between the ground plane and the lowest branch of the street tree at maturity. Minimum clear branch height is eight feet for the portion of street trees overhanging sidewalks and 15 feet for the portions of street trees overhanging streets.
- B. Street Tree Type. All street tree types shall conform to the city's approved tree species list and shall be single trunk.
- C. Street Tree Locations and Spacing. Street trees shall be planted as follows:
 1. Minimum per Street Frontage. Each lot is required to have one tree for every 30 feet of street frontage, with a minimum of one street tree per street frontage.
 2. Location. Street trees shall be located within the parkway of the street type pursuant to the city's most recent transportation master plan.
 3. Intersections; Street Lights. Street trees shall be located a minimum distance from the intersection of two streets per the vision clearance triangle and clear zone requirements of the city engineer, and shall be located a minimum of 15 feet, or other distance required by the city engineer, from street lights.



Date August 21, 2023

4. Proximity to Paving. Street trees shall be located a minimum of two feet from any permanently paved edge or surface, unless otherwise regulated by Iowa Department of Transportation regulations for arterial streets.
5. Limited Space. The requirement to provide street trees may be waived by the development services director for existing streets, as follows:
 - a. In the DX districts, where there is no combination of public or private land sufficient to provide a minimum six-foot sidewalk with a minimum four-foot parkway.
 - b. In all districts except the DX districts, where there is no combination of public or private land sufficient to provide a minimum five-foot sidewalk with a minimum four-foot parkway.
 - c. In areas deemed not appropriate by city engineer based upon typology and function of street per the city's transportation master plan.; and

WHEREAS, pursuant to Section 135-7.7.2 of the Municipal Code, a fence frontage buffer has the following requirements:

- A. Buffer Depth. The required buffer area shall be a minimum seven feet in depth, measured from the street-facing lot line. When a building is located on the lot adjacent to the vehicular area, the buffer depth shall be measured seven feet from the street facade of the rear building wall.
- B. Fence. The following apply within the buffer:
 1. Fence Location. A continuous fence is required, located two feet from the back of curb or edge of the vehicular area into the buffer. One pedestrian opening, maximum four feet in width, is permitted for every 30 linear feet of fence.
 2. Fence Materials. The fence shall be black, gray, or dark green steel. Masonry columns up to a maximum 2.5 feet in width and base up to a maximum 18 inches in height are permitted. Other fence materials may be submitted for a Type 1 design alternative.
 3. Fence Height. The fence shall be three feet in height. A Type 1 design alternative may be approved for a fence height up to six feet.
 4. Fence Opacity. The fence shall have a minimum opacity of 30%.
- C. Buffer Landscape. The following landscape is required within the buffer:
 1. Shade Trees. Shade trees are required at one shade tree for every 40 linear feet of frontage buffer. Where feasible, spacing of the buffer trees shall alternate with street trees.
 2. Shrubs. A continuous shrub planting is required on the street side of the fence. Ornamental grasses may be used when screening is not a required effect. The shrub planting shall consist of a single row of shrubs with a minimum mature width of 24 inches each, spaced no more than 36 inches on center, and height maintained no more than 48 inches within one year of installation.
 3. Existing Vegetation. Existing vegetation may be credited toward buffer requirements as approved by the development services director.; and

WHEREAS, pursuant to Section 135-7.9 of the Municipal Code, interior parking lots have the following requirements:



Date August 21, 2023

7.9.1 INTENT AND APPLICABILITY

- A. Intent. To provide shading and screening, and to improve the appearance of parking lots.
- B. Applicability. This section applies to all off-street surface parking lots in all districts with more than 10 spaces or more than one drive aisle.
- C. Existing Vegetation. Existing vegetation may be credited toward these requirements when, and to the extent, approved by the development services director.

7.9.2 REQUIREMENTS

A. Required Landscape Islands

- 1. Terminal End Islands. Landscape islands are required at the terminal ends of freestanding rows or bays of parking. Freestanding rows or bays of parking are those not abutting the parking lot perimeter or building face, and may have a single or double row of parking.
- 2. Row Islands. For rows of parking with more than eight spaces, a landscape island is required for every ninth parking space with result of no more than eight continuous parking spaces in a row without a landscape island.
- 3. Island Size. The minimum width for an island is five feet and minimum length is 17 feet.
 - a) Islands shall accommodate the minimum tree requirements of Table 135-7.4-5 of this article.
 - b) Islands that do not meet the requirements of Table 135-7.4-5 of this article may be required to install an aeration system and utilize permeable paving as approved by the city forester.
- 4. Required Island Trees. A minimum of one single trunk, shade tree is required within each island.

B. Tree Requirements

- 1. Fifty-foot Rule. Each parking space shall be located within 50 feet of a tree planted within the parking lot interior.
- 2. Five-Space Rule. For parking lots with more than 40 spaces, a minimum of one shade tree for every five parking spaces shall be planted within the parking lot interior or within four feet of the parking lot's edge.
- 3. Buffer Trees. Trees within any required buffer area may not be utilized to meet these requirements.
- 4. Shading Requirement. At maturity, tree canopies shall shade a minimum of 30% of the interior of the parking lot. Refer to Table 135-7.4-2 of this article for mature canopy sizes.

C. Sidewalk Requirements

- 1. A minimum five-foot wide, continuous sidewalk shall connect the public sidewalk along all street frontage to all public doors of the building.
- 2. Crossings at vehicular areas may count as continuing the sidewalk as long as the sidewalk material shall continue through the vehicular area to signal pedestrian priority.; and

WHEREAS, in the Site Plan, Larry Kuel proposed for the waiver of landscaping requirements related to street trees, parking lot buffering, and interior parking lot landscaping; and



Roll Call Number

23-1199

Agenda Item Number

36

Date August 21, 2023

WHEREAS, the Plan and Zoning Commission voted 8-0-1 for **DENIAL** of the requested Type 2 Design Alternatives to waive or modify said ordinance requirements to allow for retention of two (2) access drives on a primary street and landscaping requirements related to street trees, parking lot buffering, and interior parking lot landscaping; and

WHEREAS, Larry Kuel has timely appealed to the City Council pursuant to Municipal Code Section 135-9.3.9(B), and is seeking further review of the Plan and Zoning Commission decision and denial of the above-described Type 2 design alternatives to the Site Plan including requirement to remove two (2) access drives from a primary street, when an access drive off of a non-primary street is available set forth in Municipal Code Sections 135-2.6.3.A.9 and 135-6.12.2.B, and landscaping requirements related to street trees, parking lot buffering, and interior parking lot landscaping, as outlined in Municipal Code Sections 135-7.5.3, 135-7.7.2, and 135-7.9; and

WHEREAS, on August 7, 2023, by Roll Call No. 23-1085, it was duly resolved by the City Council that the appeal be set down for hearing on August 21, 2023 at 5:00 P.M. in the Council Chambers; and

WHEREAS, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place of hearing on said appeal; and

WHEREAS, in accordance with said notice, those interested in said appeal and the proposed Type 2 Design Alternatives, both for and against, have been given the opportunity to be heard with respect thereto and have presented their views to the City Council.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts and any statements of interested persons and arguments of counsel, any and all arguments and objections to the Plan and Zoning Commission denial of the Type 2 Design Alternatives in form requested by Larry Kuel for property located at 4424 Southeast 14th Street, as described above, are hereby received and filed.
2. The communications from the Plan and Zoning Commission and 4424 Southeast 14th Street, respectively, are hereby received and filed.

Alternative A

MOVED BY _____ to **DENY** the proposed Site Plan and Type 2 Design Alternatives in form requested by Larry Kuel described above and to make the following findings of fact and objections regarding the Type 2 Design Alternatives as proposed by Larry Kuel:

- a. Appeal concerning Municipal Code Sections 135-2.6.3.A.9 and 135-6.12.2.B:



Roll Call Number

23-1199

Agenda Item Number

36

Date August 21, 2023

- i. Under Municipal Code Sections 135-2.6.3.A.9 and 135-6.12.2.B, a commercial cottage is permitted driveway access through the following hierarchy: they are permitted driveway access through an improved alley; if no improved alley exists or is planned, they are allowed one driveway off each non-primary street; if no alley or nonprimary street exists, they are allowed one driveway off a primary street with approval of city engineer.
 - ii. The subject property is located on a corner lot (intersection of Emma Avenue and Southeast 14th Street). Southeast 14th Street is the primary street for this site. Emma Avenue is the non-primary street.
 - iii. Southeast 14th Street is a state highway, major arterial street, and carries approximately 33,200 vehicles per day in this portion of the corridor and this road has one of the highest crash rates in the City of Des Moines and the state of Iowa. It has been identified as a High-Injury Network in the City of Des Moines Vision Zero Transportation Safety Action Plan.
 - iv. Closure of the 2 driveway accesses off Southeast 14th Street and their restoration to a traditional curb-and-gutter configuration would significantly increase visibility and safety by reducing conflict points for all users (drivers, pedestrians, transit riders, and cyclists).
 - v. Larry Kuel's proposal for the Type 2 Design Alternative to the requirements of Sections 135-2.6.3.A.9 and 135-6.12.2.B are for full waiver, resulting in preservation of the two (2) accesses off of Southeast 14th Street and an one (1) access off of Emma Avenue for a total of 3 access drives into the site, and it is based on preference, rather than need.
- b. Appeal concerning Municipal Code Sections 135-7.5.3, 135-7.7.2, and 135-7.9:
 - i. Municipal Code Sections 135-7.5.3, 135-7.7.2, and 135-7.9 defines various landscaping requirements for all proposed site plans as defined above. These requirements include a mix of street trees (trees placed within the right-of-way), landscaped buffering of parking lots from public rights of way, and landscaping within the interior of parking lots.
 - ii. Larry Kuel's proposal for the Type 2 Design Alternative to the requirements of Sections 135-7.5.3, 135-7.7.2, and 135-7.9 are for full waiver, resulting in preservation of the existing paved parking lot with no street trees, no interior parking lot trees/islands, and no establishment of a pavement setback on the site, and it is based on preference, rather than need.
 - c. City Planning staff recommended denial of said Type 2 design alternatives for full waiver of 135-2.6.3.A.9, 135-6.12.2.B, 135-7.5.3, 135-7.7.2, and 135-7.9 as requested by Larry Kuel.
 - d. Larry Kuel has not met the burden required to demonstrate that its requested design alternatives meet the criteria for approval or that the result of the design alternatives would equal or exceed the result of compliance with the Planning and Design Ordinance.
 - e. Larry Kuel has not shown that its requested design alternatives are consistent with all relevant purpose and intent statements of the Planning and Design Ordinance and with the general purpose and intent of the comprehensive plan.
 - f. Larry Kuel has not shown that its requested design alternatives will not have a substantial or undue adverse effect on the public health, safety, and general welfare.
 - g. The Type 2 Design Alternatives as proposed by Larry Kuel should not be approved for the reasons stated above.



Roll Call Number

23-1199

Agenda Item Number

36

Date August 21, 2023

Alternative B

MOVED BY _____ to **APPROVE** the proposed Site Plan and Type 2 Design Alternatives in form requested by Larry Kuel and described above, and to make the following findings of fact in support of approval of the proposed Type 2 Design Alternatives:

- a. Appeal concerning Municipal Code Sections 135-2.6.3.A.9 and 135-6.12.2.B:
 - i. Under Municipal Code Sections 135-2.6.3.A.9 and 135-6.12.2.B, a commercial cottage is permitted driveway access through the following hierarchy: they are permitted driveway access through an improved alley; if no improved alley exists or is planned, they are allowed one driveway off each non-primary street; if no alley or nonprimary street exists, they are allowed one driveway off a primary street with approval of city engineer.
 - ii. The subject property is located on a corner lot (intersection of Emma Avenue and Southeast 14th Street). Southeast 14th Street is the primary street for this site. Emma Avenue is the non-primary street.
 - iii. Larry Kuel provides the reason for maintaining the three (3) existing access driveways is to prevent accessibility concerns to and from the site.
 - iv. Larry Kuel's proposal for the Type 2 Design Alternative to the requirements of Sections 135-2.6.3.A.9 and 135-6.12.2.B are for full waiver, resulting in preservation of the two (2) accesses off of Southeast 14th Street and an one (1) access off of Emma Avenue for a total of 3 access drives into the site, and it is based on a preference to address accessibility needs.
- b. Appeal concerning Municipal Code Sections 135-7.5.3, 135-7.7.2, and 135-7.9:
 - i. Municipal Code Sections 135-7.5.3, 135-7.7.2, and 135-7.9 defines various landscaping requirements for all proposed site plans as defined above. These requirements include a mix of street trees (trees placed within the right-of-way), landscaped buffering of parking lots from public rights of way, and landscaping within the interior of parking lots.
 - ii. Larry Kuel's proposal for the Type 2 Design Alternative to the requirements of Sections 135-7.5.3, 135-7.7.2, and 135-7.9 are for full waiver, resulting in preservation of the existing paved parking lot with no street trees, no interior parking lot islands, and no establishment of a pavement setback on the site, and based on needs to keep existing parking lot and provide adequate parking without impacting street parking around site.
- c. Larry Kuel has met the burden required to demonstrate that the requested design alternatives meet the criteria for approval and that the result of the design alternatives would equal or exceed the result of strict compliance with Sections 135-2.6.3.A.9, 135-6.12.2.B, 135-7.5.3, 135-7.7.2, and 135-7.9 of the Planning and Design Ordinance.
- d. Larry Kuel has shown that the requested design alternatives are consistent with all relevant purpose and intent statements of the Planning and Design Ordinance and with the general purpose and intent of the comprehensive plan.
- e. Larry Kuel has shown that the requested design alternatives will not have a substantial or undue adverse effect on the public health, safety, and general welfare.



Roll Call Number

23-1199

Agenda Item Number

36

Date August 21, 2023

- f. Said Type 2 Design Alternatives, in form requested by Larry Kuel, should be, and hereby, approved for the above-stated reasons and incorporated into the approved Site Plan for the Property.

Alternative C-
Approving Driveway Access Appeal and Denying Landscape Appeal

MOVED BY Datto to **APPROVE in part** the Type 2 Design Alternative in form requested by Larry Kuel and described above concerning driveway access and **DENY in part** the Type 2 Design Alternative concerning landscape requirements and to make the following findings of fact in support of approval in part and denial in part of the proposed Type 2 Design Alternatives:

- a. Appeal concerning Municipal Code Sections 135-2.6.3.A.9 and 135-6.12.2.B:
- i. Under Municipal Code Sections 135-2.6.3.A.9 and 135-6.12.2.B, a commercial cottage is permitted driveway access through the following hierarchy: they are permitted driveway access through an improved alley; if no improved alley exists or is planned, they are allowed one driveway off each non-primary street; if no alley or nonprimary street exists, they are allowed one driveway off a primary street with approval of city engineer.
 - ii. The subject property is located on a corner lot (intersection of Emma Avenue and Southeast 14th Street). Southeast 14th Street is the primary street for this site. Emma Avenue is the non-primary street.
 - iii. Larry Kuel provides the reason for maintaining the three (3) existing access driveways is to prevent accessibility concerns to and from the site.
 - iv. Larry Kuel's proposal for the Type 2 Design Alternative to the requirements of Sections 135-2.6.3.A.9 and 135-6.12.2.B are for full waiver, resulting in preservation of the two (2) accesses off of Southeast 14th Street and an one (1) access off of Emma Avenue for a total of 3 access drives into the site, and it is based on a preference to address accessibility needs.
 - v. Larry Kuel has met the burden required to demonstrate that the requested design alternative meets the criteria for approval and that the result of the design alternative would equal or exceed the result of strict compliance with Sections 135-2.6.3.A.9 and 135-6.12.2.B of the Planning and Design Ordinance.
 - vi. Larry Kuel has shown that the requested design alternative is consistent with all relevant purpose and intent statements of the Planning and Design Ordinance and with the general purpose and intent of the comprehensive plan.
 - vii. Larry Kuel has shown that the requested design alternative will not have a substantial or undue adverse effect on the public health, safety, and general welfare.
- b. Appeal concerning Municipal Code Sections 135-7.5.3, 135-7.7.2, and 135-7.9:
- i. Municipal Code Sections 135-7.5.3, 135-7.7.2, and 135-7.9 defines various landscaping requirements for all proposed site plans as defined above. These requirements include a mix of street trees (trees placed within the right-of-way), landscaped buffering of parking lots from public rights of way, and landscaping within the interior of parking lots.



Roll Call Number

23-1199

Agenda Item Number

36

Date August 21, 2023

- ii. Larry Kuel's proposal for the Type 2 Design Alternative to the requirements of Sections 135-7.5.3, 135-7.7.2, and 135-7.9 are for full waiver, resulting in preservation of the existing paved parking lot with no street trees, no interior parking lot islands, and no establishment of a pavement setback on the site, and based on needs to keep existing parking lot and provide adequate parking without impacting street parking around site.
- iii. City Planning staff recommended denial of said Type 2 design alternatives for full waiver of 135-7.5.3, 135-7.7.2, and 135-7.9 as requested by Larry Kuel.
- iv. Larry Kuel has not met the burden required to demonstrate that its requested design alternatives meet the criteria for approval or that the result of the design alternatives would equal or exceed the result of compliance with the Planning and Design Ordinance.
- v. Larry Kuel has not shown that its requested design alternatives are consistent with all relevant purpose and intent statements of the Planning and Design Ordinance and with the general purpose and intent of the comprehensive plan.
- vi. Larry Kuel has not shown that its requested design alternatives will not have a substantial or undue adverse effect on the public health, safety, and general welfare.
- c. The Type 2 Design Alternative concerning the driveway access, in form requested by Larry Kuel, should be, and hereby, approved for the above-stated reasons and incorporated into the approved Site Plan for the Property.
- d. The Type 2 Design Alternative concerning the landscaping requirements, as proposed by Larry Kuel should not be approved for the reasons stated above.

Landscaping requirements for the Site Plan shall be so approved in form as presented Landscaping ~~Alternative D-~~ Plan, per City Staff comment and review Denying Driveway Access Appeal and Approving Landscape Appeal

MOVED BY _____ to **DENY in part** the Type 2 Design Alternative concerning driveway access and **APPROVE in part** the Type 2 Design Alternative in form requested by Larry Kuel and described above concerning landscape requirements and to make the following findings of fact in support of denial in part and approval in part of the proposed Type 2 Design Alternatives:

- a. Appeal concerning Municipal Code Sections 135-2.6.3.A.9 and 135-6.12.2.B:
 - i. Under Municipal Code Sections 135-2.6.3.A.9 and 135-6.12.2.B, a commercial cottage is permitted driveway access through the following hierarchy: they are permitted driveway access through an improved alley; if no improved alley exists or is planned, they are allowed one driveway off each non-primary street; if no alley or nonprimary street exists, they are allowed one driveway off a primary street with approval of city engineer.
 - ii. The subject property is located on a corner lot (intersection of Emma Avenue and Southeast 14th Street). Southeast 14th Street is the primary street for this site. Emma Avenue is the non-primary street.
 - iii. Southeast 14th Street is a state highway, major arterial street, and carries approximately 33,200 vehicles per day in this portion of the corridor and this road has one of the highest crash rates in the City of Des Moines and the state of Iowa. It has been identified as a High-Injury Network in the City of Des Moines Vision Zero Transportation Safety Action Plan.



Roll Call Number

23-1199

Agenda Item Number

36

Date August 21, 2023

- iv. Closure of the 2 driveway accesses off Southeast 14th Street and their restoration to a traditional curb-and-gutter configuration would significantly increase visibility and safety by reducing conflict points for all users (drivers, pedestrians, transit riders, and cyclists).
- v. Larry Kuel's proposal for the Type 2 Design Alternative to the requirements of Sections 135-2.6.3.A.9 and 135-6.12.2.B are for full waiver, resulting in preservation of the two (2) accesses off of Southeast 14th Street and an one (1) access off of Emma Avenue for a total of 3 access drives into the site, and it is based on preference, rather than need.
- vi. City Planning staff recommended denial of said Type 2 design alternative for full waiver of 135-2.6.3.A.9 and 135-6.12.2.B as requested by Larry Kuel.
- vii. Larry Kuel has not met the burden required to demonstrate that its requested design alternative meet the criteria for approval or that the result of the design alternative would equal or exceed the result of compliance with the Planning and Design Ordinance.
- viii. Larry Kuel has not shown that its requested design alternative is consistent with all relevant purpose and intent statements of the Planning and Design Ordinance and with the general purpose and intent of the comprehensive plan.
- ix. Larry Kuel has not shown that its requested design alternative will not have a substantial or undue adverse effect on the public health, safety, and general welfare.
- b. Appeal concerning Municipal Code Sections 135-7.5.3, 135-7.7.2, and 135-7.9:
 - i. Municipal Code Sections 135-7.5.3, 135-7.7.2, and 135-7.9 defines various landscaping requirements for all proposed site plans as defined above. These requirements include a mix of street trees (trees placed within the right-of-way), landscaped buffering of parking lots from public rights of way, and landscaping within the interior of parking lots.
 - ii. Larry Kuel's proposal for the Type 2 Design Alternative to the requirements of Sections 135-7.5.3, 135-7.7.2, and 135-7.9 are for full waiver, resulting in preservation of the existing paved parking lot with no street trees, no interior parking lot islands, and no establishment of a pavement setback on the site, and based on needs to keep existing parking lot and provide adequate parking without impacting street parking around site.
 - iii. Larry Kuel has met the burden required to demonstrate that the requested design alternatives meet the criteria for approval and that the result of the design alternatives would equal or exceed the result of strict compliance with Sections 135-7.5.3, 135-7.7.2, and 135-7.9 of the Planning and Design Ordinance.
 - iv. Larry Kuel has shown that the requested design alternatives are consistent with all relevant purpose and intent statements of the Planning and Design Ordinance and with the general purpose and intent of the comprehensive plan.
 - v. Larry Kuel has shown that the requested design alternatives will not have a substantial or undue adverse effect on the public health, safety, and general welfare.
- c. The Type 2 Design Alternative concerning the driveway access, as proposed by Larry Kuel should not be approved for the reasons stated above.
- d. The Type 2 Design Alternative concerning the landscaping requirements, in form requested by Larry Kuel, should be, and hereby, approved for the above-stated reasons and incorporated into the approved Site Plan for the Property.



Roll Call Number

23-1199

Agenda Item Number

36

Date August 21, 2023

Second by Westergaard

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill, Assistant City Attorney

(SITE-2023-000059)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
SHEUMAKER				✓
MANDELBAUM		✓		
VOSS	✓			
WESTERGAARD	✓			
TOTAL	5	1		1

CERTIFICATE

I, LAURA BAUMGARTNER, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED

APPROVED

J. M. Franklin Cownie Mayor

Laura Baumgartner

City Clerk