

April 26, 2018

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, April 26, 2018, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 7:30 p.m.

Call to Order:

There were present:

Mayor Rebecca L. Noah Casper
Councilmember John Radford
Councilmember Jim Freeman
Councilmember Shelly Smede
Councilmember Jim Francis
Councilmember Michelle Ziel-Dingman

Absent:

Councilmember Thomas Hally

Also present:

Randy Fife, City Attorney
Kathy Hampton, City Clerk
All available department directors

Pledge of Allegiance:

Mayor Casper invited Jackie Flowers, Idaho Falls Power Director, to lead those present in the Pledge of Allegiance.

Public Comment:

Mayor Casper requested any public comment not related to items on the agenda or noticed for a public hearing. No one appeared.

Presentation – Extreme Blue Thunder Airshow Board of Directors:

Russell Johnson, Chairman of the Board of the Idaho Falls Airshow Inc. who organized the Extreme Blue Thunder Airshow in 2017, appeared. Mr. Johnson expressed his appreciation to the members of the Council in 2016-2017, Public Works Director Chris Fredericksen and staff, Fire Chief Dave Hanneman and staff, and, Police Captain Royce Clements and staff. He recognized assistance from the Airport staff as well. Mr. Johnson then presented Mayor Casper with a crystal award recognizing the City of Idaho Falls as the Extreme Blue Thunder Airshow of the Year 2017. He also stated \$120,000 of proceeds from the airshow were given to local non-profit organizations. Mayor Casper stated the proceeds amount is comparable to the amount of in-kind services donated from the City which in turn, was a benefit to many others.

Consent Agenda:

It was moved by Councilmember Radford, seconded by Councilmember Smede, to remove item 5.A.2) from the Consent Agenda with the good faith reason that the project needs re-bid. Roll call as follows: Aye – Councilmembers Radford, Freeman, Smede, Francis, Dingman. Nay – none. Motion carried.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to remove the item, Bid IF-18-19, Water Inventory, from the Council Meeting agenda with the good faith reason that the project needs re-bid. Roll call as follows: Aye – Councilmembers Freeman, Radford, Smede, Francis, Dingman. Nay – none. Motion carried.

Municipal Services requested approval of Hydroelectric Property Insurance for Idaho Falls Power.

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Public Works requested approval of Bid Award – Water Line Replacements – 2018.

Idaho Falls Power requested approval of Facilities Removal and Indemnification Agreement with Rocky Mountain Power.

The City Clerk requested approval of minutes from the April 9, 2018 Council Work Session and Executive Sessions and, April 12, 2018 Council Meeting; and, license applications, including Beer Licenses to Black Bear Diner; City Bagels & Bakery; and, Sushi Time, all carrying the required approvals.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to accept the Consent Agenda according to the recommendations presented. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Radford, Smede. Nay – none. Motion carried.

Regular Agenda:

Public Works

Subject: Idaho Transportation Department State/Local Agreement for the Thermoplastic and ADA Improvement Project

For consideration is a State/Local Agreement with the Idaho Transportation Department and accompanying Resolution with respect to the Thermoplastic and ADA Improvement project. This agreement requires City financial contribution toward the entire project with a match rate of 7.34% for an estimated total of \$27,085.00. Project development will be performed by City staff and will be treated as in-kind services applied towards the City's match requirement. The agreement requires a \$1,000.00 up front contribution.

Councilmember Freeman stated this project will include John Adams Parkway, Garfield Street, and, 25th Street. He believes this is a great leverage of tax dollars.

It was moved by Councilmember Freeman, seconded by Councilmember Dingman, to approve the State/Local Agreement with the Idaho Transportation Department, and accompanying Resolution, for the Thermoplastic and ADA Improvement project, and authorize the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Freeman, Francis, Radford, Smede, Dingman. Nay – none. Motion carried.

RESOLUTION NO. 2018-07

WHEREAS, THE IDAHO TRANSPORTATION DEPARTMENT, HEREAFTER CALL THE STATE, HAS SUBMITTED AN AGREEMENT STATING OBLIGATIONS OF THE STATE AND THE CITY OF IDAHO FALLS, HEREAFTER CALLED THE CITY, FOR DEVELOPMENT OF A SAFETY PROJECT INCLUDING THERMOPLASTIC & ADA IMPROVEMENTS.

Subject: Idaho Transportation Department State/Local Agreement for the Lindsay Boulevard Curve Superelevation Project

For consideration is a State/Local Agreement with the Idaho Transportation Department and accompanying Resolution with respect to the Lindsay Boulevard Curve Superelevation project. This agreement requires City financial contribution toward the entire project with a match rate of 7.34% for an estimated total of \$34,865.00. Project development will be performed by City staff and will be treated as in-kind services applied towards the City's match requirement. The agreement requires a \$1,000.00 up front contribution.

Councilmember Freeman believes this is a dangerous curve. This curve is located near the elevated railroad tracks and the Snake River Animal Shelter.

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It was moved by Councilmember Freeman, seconded by Councilmember Francis, to approve the State/Local Agreement with the Idaho Transportation Department, and accompanying Resolution, for the Lindsay Boulevard Curve Superelevation project, and authorize the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Dingman, Radford, Francis, Smede, Freeman. Nay – none. Motion carried.

RESOLUTION NO. 2018-08

WHEREAS, THE IDAHO TRANSPORTATION DEPARTMENT, HEREAFTER CALL THE STATE, HAS SUBMITTED AN AGREEMENT STATING OBLIGATIONS OF THE STATE AND THE CITY OF IDAHO FALLS, HEREAFTER CALLED THE CITY, FOR DEVELOPMENT OF LINDSAY BOULEVARD CURVE SUPERELEVATION PROJECT.

Subject: Easement Vacation – Manual Solutions, aka MSRP, LLC

The City Attorney has prepared the documents to vacate a utility easement on Lot 8 Block 1 of the Channing Way Addition, Division No. 1 owned by Manual Solutions, aka MSRP, LLC. The owner is expanding its facility and the building will extend into the existing easement. The owner has agreed to pay to move the utilities that are in the current easement as well as relocate the storm line in the easement.

It was moved by Councilmember Freeman, seconded by Councilmember Francis, to approve the Ordinance vacating a utility easement on Lot 8 Block 1 of the Channing Way Addition, Division No. 1, under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers Smede, Dingman, Freeman, Francis, Radford. Nay – none. Motion carried.

At the request of Mayor Casper, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3182

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR THE VACATIONS OF EASEMENTS LOCATED WITHIN THE CITY OF IDAHO FALLS AND LEGALLY DESCRIBED IN SECTION 1 OF THIS ORDINANCE; PROVIDING THAT TITLE TO SAID VACATED EASEMENTS SHALL VEST AS SPECIFIED IN SECTION 3 OF THIS ORDINANCE; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

Subject: Easement Vacation – Sugarmill Substation

The City Attorney has prepared the documents to vacate a utility easement at the Sugarmill Substation owned by Rocky Mountain Power. The owner is expanding the present substation. Idaho Falls is not currently using the easement.

Councilmember Radford expressed his appreciation for the work with Rocky Mountain Power. It was noted this easement is twenty feet.

It was moved by Councilmember Freeman, seconded by Councilmember Francie, to approve the Ordinance vacating a utility easement at the Sugarmill Substation under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers Smede, Dingman, Freeman, Radford, Francis. Nay – none. Motion carried.

At the request of Mayor Casper, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3183

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AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR THE VACATION OF A PORTION OF AN EASEMENT LEGALLY DESCRIBED IN SECTION 1 OF THIS ORDINANCE; PROVIDING THAT TITLE TO SAID VACATED EASEMENT SHALL VEST AS SPECIFIED IN SECTION 3 OF THIS ORDINANCE; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

Municipal Services

Subject: Bid IF-18-17, Remodel of Fire Station #5

It is the recommendation of the Municipal Services and the Fire Department to accept the lowest responsive, responsible bid from Alan Clark Construction, Idaho Falls, Idaho for a total amount of \$116,000.

Councilmember Radford reviewed the proposed remodel project. Councilmember Francis stated office space is currently being used as a dorm room. He indicated this has been a planned expansion and has been needed for some time. It was noted the bid is for construction only.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to accept the lowest responsive, responsible bid from Alan Clark Construction for a total amount of \$116,000 for Fire Station #5 remodel. Roll call as follows: Aye – Councilmembers Dingman, Smede, Francis, Freeman, Radford. Nay – none. Motion carried.

Idaho Falls Power

Subject: Resolution authorizing and approving the Carbon Free Power Project Power Sales Contract with Utah Associated Municipal Power Systems; the initial Budget and Plan of Finance for the Project; and related matters

For consideration is a resolution authorizing and approving the Carbon Free Power Project Power Sales Contract with Utah Associated Municipal Power Systems (UAMPS); the initial Budget and Plan of Finance for the Project; and related matters. Idaho Falls Power staff recommends continuing participation in the project at the 10 megawatt subscription level. These items were covered in detail at a March 29 Special Meeting of the Idaho Falls City Council/Idaho Falls Power Board of Directors.

Mayor Casper acknowledged Doug Hunter, CEO of UAMPS; Chris Colbert, NuScale; and, Alan Gunn Department of Energy (DOE)-ID. Councilmember Radford stated this is a great milestone and expressed his appreciation to the gentlemen in attendance. Mayor Casper believes this is an opportunity to provide the City as a leader in the development of a new, safer application of current technology. She stated this project will take the City to 100% carbon free emissions. Councilmember Radford concurred, stating this is historic. Councilmember Francis stated this power is practical for a mid-size City, this is a big step. Councilmember Dingman stated this is an opportunity to educate the community, she is excited for the potential of carbon free power.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to approve the Resolution authorizing and approving the Carbon Free Power Project Power Sales Contract with Utah Associated Municipal Power Systems; the initial Budget and Plan of Finance for the Project; and related matters, and authorize the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Radford, Smede. Nay – none. Motion carried.

RESOLUTION NO. 2018-09

A RESOLUTION AUTHORIZING AND APPROVING THE CARBON FREE POWER PROJECT POWER SALES CONTRACT WITH UTAH ASSOCIATED MUNICIPAL POWER SYSTEMS; THE INITIAL BUDGET AND PLAN OF FINANCE FOR THE PROJECT; AND RELATED MATTERS.

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Community Development Services

Subject: Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Midwest Division No. 1

For consideration is the application for Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Midwest Division No. 1. The Planning and Zoning (P&Z) Commission considered this item at its February 6, 2018 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

Councilmember Smede stated this final plat is proposed to be platted into a single lot. Community Development Services Assistant Director Kerry Beutler stated the plat will line up with the existing street, which is appropriate for additional egress/access.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Development Agreement for Midwest Division No. 1, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Smede, Dingman, Radford, Freeman, Francis. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to accept the Final Plat for Midwest Division No. 1, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows: Aye – Councilmembers Francis, Radford, Dingman, Smede, Freeman. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Midwest Division No. 1, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Freeman, Radford, Smede, Francis, Dingman. Nay – none. Motion carried.

Subject: Final Plat and Reasoned Statement of Relevant Criteria and Standards for Action Sports Addition, Division No. 2

For consideration is the application for Final Plat and Reasoned Statement of Relevant Criteria and Standards for Action Sports Addition, Division No. 2. The Planning and Zoning Commission considered this item at its September 5, 2017 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

Councilmember Smede stated this property is currently undeveloped and is being used for storage. The proposed plat includes six (6) lots. There will be access to the property from Lincoln Road and Hollipark Drive, there is sufficient frontage along Lincoln Road to provide said access. The lots will be required to allow cross access between the lots. Assistant Director Beutler stated the canal trail will be protected.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to accept the Final Plat for Action Sports Addition, Division No. 2, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows: Aye – Councilmembers Radford, Francis, Dingman, Smede, Freeman. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Action Sports Addition, Division No. 2, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Radford, Smede. Nay – none. Motion carried.

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Subject: Public Hearing – Planned Unit Development and Reasoned Statement of Relevant Criteria and Standards for Midwest Townhomes

For consideration is the application for Planned Unit Development (PUD) and Reasoned Statement of Relevant Criteria and Standards for Midwest Townhomes. The Planning and Zoning Commission considered this item at its February 6, 2018 meeting and recommended approval by vote of 6-2. The Planning and Zoning Commission included the following conditions in their recommendation: A reduction in the side setback to six feet; tandem parking be allowed; a fence be provided along the south side of the development; the entrance to Skyline include three lanes for intake/left turn/right turn. It should be noted that since the Commission's recommendation the Zoning Ordinance has been amended and the six foot setback variance is not necessary. It should also be noted the developer has requested to reduce the rear setback for the internal units. The request is within the parameters of the PUD Ordinance. Staff concurs with the recommendation from the Planning and Zoning Commission and the requested varied items.

Mayor Casper opened the public hearing and ordered all items presented be entered into the record.

Assistant Director Beutler appeared with the following:

Slide 1 – Property under consideration in current zoning

Assistant Director Beutler stated although the zoning ordinance has recently changed, the current zoning for this property does not affect the proposed PUD.

Slide 2 – Aerial photo of property under consideration, currently vacant and undeveloped

Slide 3 – Additional aerial photo of property under consideration, includes approximately six (6) acres

Slide 4 – Proposed conceptual PUD

Assistant Director Beutler stated a PUD is approved through a Conditional Use Permit (CUP) process although the PUD acts as an overlay over the current underlining zone. He stated all rules and requirements would apply unless the applicant asks for the standards to be varied/adjusted. In this case, the applicant is also asking for private streets within the proposed property. Assistant Director Beutler stated this property includes 72 dwelling units with one (1) and two (2) bedroom units with attached garage. Standards requested include tandem parking – one (1) stall inside the single-car garage and one (1) space behind the stall in the driveway. The tandem parking would allow on-street parking for guests. Assistant Director Beutler indicated this will be the third PUD with tandem parking, he is not aware of any concerns or problems with previous tandem parking. Assistant Director Beutler stated there is a request to reduce the rear setbacks, this will not affect the perimeter setbacks. He noted the access to Skyline Drive will include three (3) lanes.

Slide 5 – Elevation drawings of the proposed PUD

Slide 6 – Photos of similar PUD developments

Slide 7 – Photo looking southwest from northeast corner

Slide 8 – Photo looking southeast from northwest corner

Assistant Director Beutler stated the development will include all improvements to the curb, gutter, and sidewalk.

Slide 9 – Photo looking northwest from southeast corner

Slide 10 – Photo looking west at south edge, noting the elevation change

Assistant Director Beutler stated the P&Z recommended a fence along the southern property line. He indicated the applicant expressed concerns with a fence at the southern location.

Assistant Director Beutler noted the P&Z commissioner's name was inadvertently omitted in the P&Z minutes, said minutes will be corrected.

To the response of Mayor Casper, Assistant Director Beutler stated the typical reason for a private street is to reduce the width of a street to save construction costs; to allow the development, as a whole, to have a similar appeal; and, to allow the developer to take on the ongoing maintenance. Councilmember Radford questioned the open space in middle of the development. Assistant Director Beutler stated the open space is a park space which is also part of the detention and drainage. He indicated the PUD must provide open space and some amenities. He noted the developer will provide picnic areas in the middle open space. Councilmember Francis questioned the elevation location. Assistant Director Beutler stated there would be a solid fence as a visual block.

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Mayor Casper requested public comment.

Blake Jolley, Connect Engineering, Idaho Falls, appeared. Mr. Jolley reiterated Assistant Director Beutler's presentation. He noted this will be the third project from the same developer. He briefly reviewed the previous similar projects stating all projects have been very successful. Mr. Jolley stated neighborhood meetings were held with neighbor interest and comments. He reiterated the request for no reductions in the outside setback, all setback reductions were in the center of the development. He also indicated the lease agreement will require the garage cannot be used for storage. He noted 20 guest parking spaces will be included. Mr. Jolley believes there is a balance of making a project feasible and functional. He reiterated the storm ponds will be located in the middle space. He noted the change in elevation was a main concern although he believes all concerns have been addressed, including the possibility of increased landscaping as an additional privacy buffer with the fence. Councilmember Francis questioned the three-lane request. Mr. Jolley stated there were no concerns.

Sue Hagrman, Carmel Drive, Idaho Falls, appeared. Ms. Hagrman expressed her concern with the traffic congestion at Carmel Drive and Skyline Drive. She believes a traffic survey was conducted. Assistant Director Beutler stated he was not aware of any results from a traffic survey. Ms. Hagrman also expressed her concern with the school children and the crosswalks at Broadway and Pancheri Drive. She questioned the capacity for the electrical grid, the stormwater requirements, and any potential sewage backup. Ms. Hagrman requested to decrease the number of townhouses and include a pedestrian crosswalk at Brentwood Drive for the school children living on the eastside of Skyline Drive. She prefers the property be rezoned to commercial.

Lisa Loret, Darah Street, Idaho Falls, appeared. Ms. Loret expressed her appreciation for the single level dwellings. She expressed concern for the fencing along the southern end of the property. She believes 72 units adds at least 144 cars into the area and this is a very busy area for the multiple schools. She is hopeful for sidewalks for the children. Ms. Loret believes this is too many units for the said acreage. She questioned the proposed parking area for the property.

Brad Cramer, Avalon Street, Idaho Falls, appeared. Mr. Cramer initially believed the houses on the north end of the property should be flipped to prevent the backyards from facing the street. He indicated one of the purposes of the PUD is to make sure the PUD is compatible with the adjacent neighborhood. However, following additional/further review of the design he believes this may be to the expense of the design for the rest of the PUD. Mr. Cramer referenced a small section of Castlerock Lane as an example of backyards facing the street. He indicated he is not opposed to the PUD and believes it adds value. He realizes more traffic comes with growth although this will also allow more opportunity for businesses. He indicated he is anxious to see the sidewalks constructed.

Mike Crowley, Carmel Drive, Idaho Falls, appeared. Mr. Crowley believes the backside of this housing facing Carmel Drive brings a distraction to the neighborhood. He also questioned the trash collection on the private street. Mr. Crowley believes the outside area needs to be appealing to those passerbys. He also believes this will be a very congested area, especially with the number of schools.

Mr. Jolley reappeared. Mr. Jolley stated the traffic congestion was addressed and will naturally come with growth and development. He indicated the multi-family/higher density developments are planned to be constructed along the arterial streets. He also indicated he has worked with City staff, noting the power grid and the Wastewater Treatment Plant have the capacity to service this area. Mr. Jolley stated the proposed units per acre are below the maximum allowance per acre, and all units are single-story. He believes in order to have a uniform project, it was better to have the units face inside the development. He is also anticipating additional landscaping to assist with the appearance. Mr. Jolley indicated the City will collect trash as with any other private street.

Councilmember Francis questioned the backside garbage. Mr. Jolley stated this issue, as well as the landscaping, will be maintained and governed by the Homeowners Association (HOA) to help alleviate any concerns. Mayor Casper closed the public hearing.

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Councilmember Smede stated PUD's began in the 1970's to allow developers to have more flexibility, along with the City's input. She indicated PUD's have extremely high standards for amenities, landscaping, and maintenance. She expressed her appreciation for the neighborhood meetings. She believes this PUD will allow infill, including gutters and sidewalks. Councilmember Freeman reviewed other locations with back-facing yards and he believes these neighborhoods are not a distraction. He also believes with the auto-load sanitation system, the garbage will not be an issue.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Planned Unit Development for Midwest Townhomes. Roll call as follows: Aye – Councilmembers Freeman, Francis, Radford, Smede, Dingman. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Reasoned Statement of Relevant Criteria and Standards for the Planned Unit Development for Midwest Townhomes. Roll call as follows: Aye – Councilmembers Dingman, Radford, Francis, Smede, Freeman. Nay – none. Motion carried.

Mayor Casper stated a recent report on general economic conditions indicated housing is in short supply, particularly in the west. She believes the addition of housing is a positive step for the workforce.

It was then moved by Councilmember Radford, seconded by Councilmember Smede, to adjourn the meeting at 8:55 p.m. and moved into Executive Session. The Executive Session is being called pursuant to the provisions of Idaho Code Section 74-206(1)(b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student. The Executive Session will be held in the City Annex Conference Room. The Council will not reconvene at the conclusion of the Executive Session. Roll call as follows: Aye – Councilmembers Smede, Dingman, Radford, Freeman, Francis. Nay – none. Motion carried.

The City Council of the City of Idaho Falls met in Special Meeting (Executive Session), Thursday, April 26, 2018, in the City Annex Conference Room in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 9:00 p.m.

There were present:

Mayor Rebecca L. Noah Casper
Councilmember Michelle Ziel-Dingman
Councilmember John B. Radford
Councilmember Jim Francis
Councilmember Shelly Smede
Councilmember Jim Freeman

Also present:

Randy Fife, City Attorney
Pamela Alexander, Municipal Services Director

The Executive Session was called pursuant to the provisions of Idaho Code Section 74-206(1)(b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.

There being no further business, the Executive Session adjourned at 9:20 p.m.

s/ Kathy Hampton

CITY CLERK

s/ Rebecca L. Noah Casper

MAYOR