

CITY OF DELAFIELD COMMON COUNCIL MINUTES

CALL MEETING TO ORDER

Mayor Schuman called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present

Absent

Mayor Phil Schuman
Jeff Krickhahn, Ald.
Beth Leonard, Ald.
Erv Sadowski, Ald.
Michele DeYoe, Ald.
Gerald MacDougall, Ald.
Lynn Morrison, Ald.
Matt Carlson, Administrator

Ron Miskelley, Ald.

Also Present

Mark Sewell, City Attorney
Jack Edwards, Fire Chief
Scott Taube, Police Chief
Tom Hafner, Public Works Director

Items listed under the Consent Agenda are considered in one motion unless a Common Council Member requests that an item be removed from the Consent Agenda.

- 1. APPROVE MINUTES OF JANUARY 15, 2007 COMMON COUNCIL MEETINGS.

E. SADOWSKI MOTIONED TO APPROVE THE MINUTES FROM THE JANUARY 15, 2007 MEETING. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- 2. CITIZEN'S COMMENTS FOR ITEMS NOT ON THE AGENDA

None.

CITIZEN'S COMMENTS FOR ITEMS ON THE AGENDA

Dave LaBott, 1306 Main Street – He was concerned that the current proposed tree screening would not be adequate by his property. The plan dated November 16 had more than ample tree placement so that the headlights would not shine into his property. The new plan has one-half less tree screening. He would like the original plan used.

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Charlotte Hall, 1024 Nagawicka – Encouraged the Council to unanimously approve a resolution for a referendum item encompassing all five buildings. She felt that this would be the most cost effective for the City.

Caryl McAllister, 1925 Moraine End – Discussed the referendum. She felt that there should be a single referendum for the combined needs of fire, police, library, and administration. She did not want the City to break up the referendum by department. The buildings should be large enough to serve the City for a long period of time. Departments should be located close together. The current building should not be fixed, but a new building should be built in an energy efficient manner.

Richard Dallen, 3434 Broken Bow Trail – Discussed the recommendation for amending municipal code #9.14 (regarding burning regulations). Handouts from other municipalities which have a wind speed restriction of 9 mph which were given to the alderpersons. Nine miles per hour is also the DNR's recommended wind speed. He felt increasing the miles per hour would adversely affect insurance premiums. He felt that there may have been an open meeting violation because of a comment made to him by the Fire Chief. The Council stated that they had not discussed this item with other alderpersons. He asked that the wind speed not be increased, that there be no open burning, and that the City encourage recycling. In addition, he distributed handouts regarding burning issues. He felt that this was a serious issue that needs to be addressed by the City. M. Carlson explained to the audience that the administration had also met with Mr. Dallen at a separate meeting.

Richard Simmons, 3482 Broken Bow Trail – Asked why the wind speed was being considered to be increased. M. Carlson stated that this would be discussed when the agenda item came up. R. Simmons explained that open fires have occurred very close to Mr. Dallen's property and that little assistance has been given in the enforcement of out-of-code fires.

Jennifer Rahn, 816 Back Bay Road – Spoke regarding the increased wind speed. Her daughter is asthmatic. For 18 years her daughter has had problems with smoke in the area. The ADA classifies this as a disability. From mid-October through Christmas, she and her daughter cannot go outside because people in their neighborhood are burning leaves. One year burning outside took place in her neighborhood 150 days. Composting is a viable solution. People in her neighborhood also burn trash. She suggested eliminating burning completely.

M. Carlson displayed the area that was discussed was in the City.

No other citizens wished to comment.

M. DE YOE MOTIONED TO CLOSE CITIZEN'S COMMENT. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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3. CONSENT AGENDA

M. DE YOE MOTIONED TO APPROVE THE CONSENT AGENDA. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

a. BUCKET TRUCK PURCHASE FOR DPW – MEMO FROM TOM HAFNER
Approved. See above.

b. PAY INCREASE FOR POLL WORKERS – MEMO FROM MATT CARLSON
Approved. See above.

4. COMMITTEE REPORTS

a. LICENSES - APPROVAL OF THE FOLLOWING LICENSES

1. TWO-YEAR BARTENDER LICENSES
Brian Binter, Saukville; PDQ
Demi Skowronski, Oconomowoc; Applebees
Adam Schlosser, Oconomowoc; Applebees

L. MORRISON MOTIONED TO APPROVE. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

2. CHANGE OF AGENT – RON A. STOKES, NEW BERLIN; QDOBA MEXICAN GRILL

It was clarified that a Change of Agent is usually due to a new manager.

L. MORRISON MOTIONED TO APPROVE. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

b. PLAN COMMISSION (MINUTES FROM JANUARY 31, 2007)

1. APPROVAL OF PLAN COMMISSION RECOMMENDATION REGARDING TAX KEY 797.979, DELAFIELD. APPLICANT: ROD CARTER FOR TRILLIUM DEVELOPMENT. APPLICANT SEEKS APPROVAL OF THE SIP, CONDOMINIUM PLAT, FINAL CSM, LANDSCAPE DEVELOPMENT PLANS AND ARCHITECTURE FOR THE SANCTUARY

In response to Mr. LaBott's concerns the representatives stated that they would be willing to increase the tree screening as originally proposed in the November 16, 2005 drawing or as staff directed.

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J. KRICKHAHN MOTIONED TO APPROVE THE PLAN AS PRESENTED TO THE PLAN COMMISSION ON JANUARY 31, 2007 WITH EXCEPTION THAT THE SCREENING TO GO BACK TO THAT SHOWN ON THE NOVEMBER 16, 2005 PLANS. M. DE YOE SECONDED THE MOTION. THIS WAS ACCEPTABLE TO TRILLIUM. IT WAS CLARIFIED THAT THE SIDEWALK FROM THE ENTRANCE ALONG MAIN TO THE EAST PROPERTY LINE WILL GO IN WITH THIS PHASE, BUT THE OTHER STRETCHES ALONG MAIN WOULD BE HELD OFF UNTIL THERE IS A MAIN STREET IMPROVEMENT PROJECT. ALONG THE EAST SIDE OF LAPHAM STREET, THE SIDEWALK WOULD GO IN AS PART OF THIS DEVELOPMENT AS PHASE ONE AS WELL. FIVE WERE IN FAVOR OF THE MOTION. E. SADOWSKI ABSTAINED. MOTION CARRIED.

2. RECOMMEND MINOR CHANGE FOR SIGN REPLACEMENT FOR ALL GOD'S CHILDREN PRE-SCHOOL

G. MAC DOUGALL MOVED TO ACCEPT THE PLAN COMMISSION'S RECOMMENDATION. E. SADOWSKI SECONDED THE MOTION. IT WAS CLARIFIED THAT THE SIGN WILL NOW BE PERPENDICULAR. ALL WERE IN FAVOR. MOTION CARRIED.

3. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS

B. Leonard requested that discussion on boathouses be put on the next agenda. Mayor Schuman stated that a public hearing would be held on the boathouse code when the weather is warmer (May, 2007). The boathouse that was approved meets current City codes. Attorney Sewell stated that there presently is an approval process. If a moratorium were to be put in place, it would have to be voted on. Unless this happened, boathouse permits need to be considered.

There will be a planning meeting for the Northeast Quadrant on February 15, 2007 at the Fish Hatchery at 7:30 p.m.

c. LAKE WELFARE COMMITTEE

1. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.

The next meeting will be held February 14, 2007.

d. PARK AND RECREATION COMMISSION (MINUTES FROM JANUARY 22, 2007)

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1. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.

The next meeting will be held February 26, 2007.

e. PUBLIC WORKS (MINUTES FROM JANUARY 3, 2007)

1. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.

No report.

f. DEL-HART COMMISSION (MINUTES FROM JANUARY 16, 2007)

1. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.

Attorney Sewell received an email with the final wording for the Sewer Use and User Charge Ordinance last Friday and did not have time to review it in time for this meeting. This item will be on the February 19, 2007 Council agenda. The next Del-Hart meeting is February 20, 2007.

g. POLICE AND FIRE COMMISSION

1. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.

No report.

h. LIBRARY BOARD

1. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.

A special meeting was held January 30, 2007 to discuss space needs. The Library Board strongly recommends a single referendum for all buildings on one referendum item.

It was reported that B. Rambadt has resigned from the board. A new library board member is needed. Applicants can fill out a "Volunteer Application" available on the City's website. The next meeting will be held February 13, 2007 at 7 p.m.

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i. FINANCE ADVISORY BOARD (MINUTES FROM JANUARY 31, 2007)

1. RECOMMENDATION REGARDING SPACE NEEDS FINANCING

The Finance Advisory Board indicated that if the City chooses to go forward with the space needs project, the financing plan presented by Ehlers & Associates was a sensible and intelligent way to finance it. It is sound financial planning.

2. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.

It was clarified that the last meeting was properly noticed. L. Morrison compared how the Finance Advisory Board works in contrast to other committees.

j. BOARD OF ZONING

1. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.

No report.

k. PROMOTIONAL AND TOURISM COMMITTEE

1. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.

A website review meeting was held January 30, 2007. Recommendations were made. Four potential vendors attended the meeting.

The RFPs for Executive Director are due February 14, 2007.

L. Morris discussed the funding of the Department of Tourism.

The next meeting will be held February 6, 2007.

5. OLD BUSINESS

a. DISCUSSION AND APPROVAL OF PUBLIC BUILDING REFERENDUM QUESTION(S) AND AUTHORIZING DEBT

John Sabinash of the Zimmerman Architectural Studios, Inc., and Dave Wagner, Ehlers & Associates, Inc. were in attendance at the meeting.

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J. Sabinash addressed the Council and discussed the basis for establishing the square footage of the project (means square foot data). The information was provided to the alderpersons prior to the meeting.

D. Wagner reviewed the financial plan and strategies that could be used to finance the project(s). Handouts entitled "2007 Referendum Analysis" were distributed to the alderpersons. The impact on the tax rates and basics on the City's financial health were discussed. This included existing debt, the basis for calculating tax rates, general obligation debt – base case analysis, the affect of adding debt, tax rate impact analysis for all of the options, and the City's bond rating (A-1). He concluded that the financing plan was a responsible plan for the project(s), but that they did not advocate for one project or another. He distributed a handout entitled, "Rating Factors of Comparable Communities".

Mayor Schuman thought that the City services presently housed in this City Hall should be in the referendum together. This would be do-able for the City of Delafield. Now is the time to do it.

Attorney Sewell stated that the Direct Legislation ordinance required any project over \$1 million to go to referendum. In addition, if borrowing was necessary, what is bonded for would need to be indicated. It was his opinion that the Resolutions were appropriate.

B. Leonard asked about the Zimmerman analysis and how the square footages relate to the resolutions; she did not see any square foot data for the Administration/Library departments and requested that this be provided. M. Carlson stated that the analysis was to determine the square footage cost. J. Krickhahn stated that after the referendum passed, public hearings would be held as to the size, colors, etc. Mayor Schuman stated that the referendum would be for the needs of the City. The citizens need to determine if the present City Hall should be used, and to authorize a certain amount of money to proceed. It is a process. B. Leonard was looking for square footage for the City Administration and Library section similar to that which the Zimmerman group did for the Police & Fire, etc. L. Morrison stated that in order to get decent designs, etc., the construction community must be told that the City of Delafield is serious about this. By having a referendum, the wording (part a), and the presentation (part b) must be determined. It is the Council's job to keep the costs in line. The Council cannot get hung up on the little details. E. Sadowski stated that the materials that were presented are what the Council requested. J. Krickhahn stated that when the City goes to the public, the information on square footage will be needed. B. Leonard would have liked the square footages and square footage costs for all of the departments.

E. Sadowski stated that after speaking to others in his district, he would support Resolutions 2 & 4 (Public Safety and DPW). He felt that most citizens felt that something needed to be done for public safety. This is the most important item for everyone. The City Hall would then be available for the Administration and Library.

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J. Krickhahn stated that spending money on the present City Hall would not be fiscally wise. Attorney Sewell was of the opinion that the City would most likely have to become ADA compliant if anything other than minimal maintenance was done on the building. J. Sabinash commented on the ADA issue. The problem with an existing building is that the building is maximized in terms of services now; it would make it extremely expensive. The present City Hall does not require a sprinkler system.

G. Mac Dougall stated that the whole package makes sense financially. If things were done piecemeal, it would cost the City of Delafield more money. Now is the time to take the whole package and get it done. He thought that the library was previously defeated because of the way it was handled. The biggest problem is communicating with the public. Once the plan is described, he thought that people would go along with it. Financially it makes sense. There is a not to exceed price on the referendum. This would not impact the taxes that much.

M. De Yoe stated that she attended the Finance Advisory Board (FAB) meeting last week. She asked if there were any other large financial projects on the horizon for the City. Mayor Schuman stated that there is the lake dredging restoration project and M. Carlson stated that there is the annual street maintenance program. There is nothing else. At the FAB meeting it was stated that the tax base was considered to be a reasonable amount. Her constituents that have contacted her recognized the need, but they are concerned about the time frame, and that perhaps including the library may bring the project down. She stated that she was the voice for her constituents.

L. Morrison commented on the verbiage on the four resolutions. Attorney Sewell stated that the entire populace would get to vote "yes/no" for each resolution.

B. Leonard stated that other than police and fire, the people she has talked to were not in favor of the other projects. She was concerned about taking on additional debt. She discussed the effect that new diverse development in the City has on public safety.

Mayor Schuman reviewed the process. He felt that there should be one referendum on everything in the present City Hall.

1. RESOLUTION 2007-__ INITIAL RESOLUTION AUTHORIZING A CAPITAL IMPROVEMENT PROJECT AND NOT EXCEEDING \$20,150,000 GENERAL OBLIGATION BONDS OF THE CITY OF DELAFIELD. (PUBLIC BUILDINGS AND CAPITALIZED INTEREST)

J. KRICKHAHN MOTIONED TO INCLUDE THE FIRST RESOLUTION ON THE REFERENDUM. G. MAC DOUGALL SECONDED THE MOTION. This is the sum total of all of the space needs including the DPW. J. Krickhahn stated that the longer it is put off, the more it will cost. E. Sadowski could not see adding another \$7.5 million to the tax rolls at the present time. He felt that

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the existing City Hall should be used for administration and library functions. Citizens should not be burdened with this amount of money. L. Morrison asked if the Council was voting to put this resolution on the ballot or if the vote was their opinion as to what might pass. She stated that this vote was to determine which resolutions should be on the ballot. It was stated that all of the alderpersons needed to be on board in order to show consensus. Mayor Schuman stated that this was a referendum to the citizens. Hopefully if this passes, all alderpersons would try to sell whatever resolution is passed to the public. He felt that the resolution for everything should be on the ballot by itself. E. Sadowski felt that public safety was the number one priority. **A ROLL CALL WAS TAKEN: J. KRICKHAHN, AYE; B. LEONARD, NAY; E. SADOWSKI, NAY; M. DE YOE, AYE; G. MAC DOUGALL, AYE; L. MORRISON, AYE. FOUR WERE IN FAVOR. TWO WERE OPPOSED. MOTION CARRIED.**

2. RESOLUTION 2007- __ INITIAL RESOLUTION AUTHORIZING A CAPITAL IMPROVEMENT PROJECT AND NOT EXCEEDING \$12,450,000 GENERAL OBLIGATION BONDS OF THE CITY OF DELAFIELD. (PUBLIC SAFETY BUILDING AND CAPITALIZED INTEREST)

E. SADOWSKI MOTIONED THAT THIS RESOLUTION BE INCLUDED IN THE REFERENDUM. B. LEONARD SECONDED THE MOTION. E. Sadowski did not think there should be just one referendum question. It was clarified that if one referendum was on the ballot and it did not pass, another referendum could be held on November 2007. E. Sadowski felt that the voters needed choices. Mayor Schuman did not think this item should be included. L. Morrison suggested holding the remaining three options until the next Common Council meeting. She felt that whatever was on the ballot, the alderpersons needed to be supportive of it. Attorney Sewell discussed the procedure that should be used to accomplish L. Morrison's suggestion. **E. SADOWSKI WITHDREW HIS MOTION. B. LEONARD AGREED.**

E. SADOWSKI MOTIONED TO TAKE THE FOUR RESOLUTIONS UP AT THE NEXT COUNCIL MEETING. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. RESOLUTION 2007- __ INITIAL RESOLUTION AUTHORIZING A CAPITAL IMPROVEMENT PROJECT AND NOT EXCEEDING \$7,050,000 GENERAL OBLIGATION BONDS OF THE CITY OF DELAFIELD. (LIBRARY/ADMINISTRATION BUILDING AND CAPITALIZED INTEREST)

See Item 2 above.

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4. RESOLUTION 2007- __ INITIAL RESOLUTION AUTHORIZING A CAPITAL IMPROVEMENT PROJECT AND NOT EXCEEDING \$2,925,000 GENERAL OBLIGATION BONDS OF THE CITY OF DELAFIELD. (PUBLIC WORKS BUILDING AND CAPITALIZED INTEREST)

See Item 2 above.

5. COMBINATION OF ANY OF THE ABOVE

See Item 2 above.

6. RESOLUTION 2007-__ TO PLACE REFERENDUM(S) ON THE APRIL ELECTION BALLOT.

Attorney Sewell explained that it needed to be directed that the one approved resolution go to the voters to conduct a referendum in the City for \$20,150,000.

L. MORRISON MOTIONED TO PLACE THE RESOLUTION TO CONDUCT A REFERENDUM IN THE CITY FOR \$20,150,000. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. A ROLL CALL VOTE TOOK PLACE: J. KRICKHAHN, AYE; B. LEONARD, NAY; E. SADOWSKI, AYE; M. DE YOE, AYE; G. MAC DOUGALL, AYE; L. MORRISON, AYE. FIVE WERE IN FAVOR. ONE OPPOSED. MOTION CARRIED.

- b. ORDINANCE 574 – AMENDING BURNING ORDINANCE

B. Leonard would like clarification from staff regarding surrounding communities regarding wind speed. The Federal holiday provision wording should be looked at. This will be discussed at the next meeting.

J. KRICKHAHN MOTIONED TO DEFER THIS ITEM UNTIL THE NEXT MEETING. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

6. MAYOR'S REPORT

- a. CLARIFICATION OF APPOINTMENT OF ALTERNATE MEMBER OF BOARD OF ZONING APPEALS (MARTY SAWALL)

This was for information only.

- b. OTHER

Mayor Schuman attended the following:

- Police meeting – administered oath at the meeting
- Waukesha County Cooperative Council
- Mayor Sullivan, Oconomowoc meeting regarding sister cities

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- Kettle Moraine Curling Club – delivered proclamation

7. NEW BUSINESS

- a. AGREEMENT BETWEEN THE CITY OF DELAFIELD, VILLAGE OF MERTON AND VILLAGE OF SUSSEX FOR PARAMEDIC INTERCEPT SERVICES.

Fire Chief Jack Edwards explained the agreement. A copy of the Agreement was included in the commissioner's packets.

B. LEONARD MOTIONED TO APPROVE. J. KRICKHAHN SECONDED THE MOTION. IT WAS CLARIFIED THAT THIS WAS NOT ADVERSLY AFFECTING RESPONSE TIMES IN THE CITY. ALL WERE IN FAVOR. MOTION CARRIED.

8. ADMINISTRATOR'S REPORT

- a. CABLE TELEVISION SPONSORSHIP PROJECT/FRANCHISE AGREEMENT UPDATE

The City intern will make a PowerPoint presentation on Thursday to the Chamber of Commerce to determine if they would be interested in participating in this.

The wireless system is still being worked on. Assistance will be given from the City to identify buildings within the City that could possibly be used.

9. CLERK'S REPORT

- a. PUBLIC HEARING, FEBRUARY 19, 2007 – TO CONSIDER CHANGES OR ADDITIONS TO OFFICIAL MAP

This deals with the roadway and transportation requirements and dovetails with Northeastern Quadrant Planning Study and the Hirschman Lane extension. B. Leonard thought it was premature to hold this hearing at this time.

10. FINANCIAL REPORT

- a. APPROVE VOUCHER LIST

L. MORRISION MOTIONED TO APPROVE. G. MAC DOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. TREASURER'S REPORT – DECEMBER 2006

L. MORRISION MOTIONED TO APPROVE THE TREASURER'S REPORT. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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11. CORRESPONDENCE

- a. SEWRPC Report No. 51 – A Wireless Antenna Siting and Related Infrastructure Plan for Southeastern Wisconsin - full report available in Clerk's Office

12. ADJOURNMENT

L. MORRISON MOTIONED TO ADJOURN FROM THE MEETING. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 11:05 P.M.

Minutes Prepared By:

Accurate Business Communications, Inc.