

## ZONING BOARD OF APPEALS MINUTES OF JULY 8, 2008

Meeting called to order by Vice Chairman Reek at 4:45 p.m. in the 1<sup>st</sup> Floor Conference Room, Suite 108, City Hall Plaza.

**PRESENT:** Wallace Reek, Don Schnitzler, Don Wink, 1<sup>st</sup> Alternate Ed Gerl and 2<sup>nd</sup> Alternate Todd Zieglmeier

**EXCUSED:** Dean Markwardt and Karl Zimmermann

**ALSO PRESENT:** Planner/Zoning Administrator Curtiss, Director of Planning and Economic Development Angell (arrived at 5:45 p.m.), Deputy Clerk Panzer, Cheryl Imhoff, Mary Hovde, Dan Helwig, Todd Leffel, Daniel Leffel, Dorothy Olsen, Tina Leffel, Willis Leffel, Brian Leffel, Duane Schutz, Wendy Duerr, Allen Duerr and Gary Imhoff

Vice Chairman Reek moved the item to approve the minutes of June 10, 2008 to the bottom of agenda to give the Zoning Board of Appeals members time to review them since they just received them.

Deputy Clerk read the variance request from Wendy & Allen Duerr to construct a breezeway between the detached garage and single-family residence at 412 E. Forest Street, zoned "R-3" Standard Single-Family Residential. Section 18-04 (2) (b) of the Municipal Code requires a minimum 6-ft separation distance between a residential dwelling and a detached accessory building. Applicants request a 5-ft 11-inch variance to attach the breezeway structure to the garage and build the structure up to the house, with only 1-inch distance separation between the two structures.

### Background

The property owners desire to add a breezeway between their new detached garage and the residence. The breezeway structure will be attached to the garage, but not the home, leaving approximately 1-inch of space between the structures. The proposed construction will not meet the minimum 6-ft separation distance and a permit cannot be administratively approved. The applicants are requesting a variance to this section of the code.

Planner/Zoning Administrator's statement of facts regarding the variance request:

1. The property is 18,630-sq. ft. in lot size; 135-ft in width, 138-ft in depth.
2. The property is Lot 1, Block 2 of Leo E. Nikolai Subdivision and is considered a conforming lot in the R-3 Standard Single-Family Residential District.
3. The R-3 District requires a minimum lot size of 10,000 sq. ft. and a minimum lot width of 60 ft. for single family dwellings.
4. The property is developed with a single-family residence and a detached garage. The residential structure was built in 1970. The detached garage was built in May-June 2008.
5. The detached garage is located east of the residence with an 8-ft setback between the two structures, consistent with Section 18-04(2)(b).
6. Section 18-04 (2) (b) requires a minimum 6-ft separation distance between the residential dwelling and a detached accessory building.
7. A concrete walkway was installed between the garage and the house. The owners wish to build a covered breezeway over the sidewalk.
8. The breezeway structure will be attached to the garage, but not the house. The garage does not have a foundation and attaching the breezeway to both structures could cause problems due to frost heave; therefore, this leaves 1-inch or less of space between the two structures.
9. The general purpose of the separation requirement is to provide adequate distance for fire separation between the two structures. The Uniform Dwelling Code requires fire-rated construction for structures separated by less than 6-feet. This means ¾-hour wall and 1/3-hour door or window. The garage currently does not meet the fire-rated construction requirement.

10. The garage will appear structurally attached to the dwelling and exceeds the minimum setbacks required for accessory structures attached to principal buildings.
11. There is questionable compliance with all six conditions necessary to obtain a variance as specified in Section 18-35(2) of the Municipal Code. The variance request is substantial, almost the entire setback. A hardship unique to the property does not exist. However, with the owner's intention to construct a fire-rated wall, the general purpose of the distance separation regulation would not be impaired.

Vice Chairman Reek asked if the breezeway was going to be open or enclosed.

Planner/Zoning Administrator Curtiss said it would be enclosed.

Vice Chairman Reek wondered if enclosing the breezeway would be considered as attaching a building.

Planner/Zoning Administrator Curtiss explained that for all purposes it is not structurally attached.

Gerl referred to item #7 of the Planner/Zoning Administrator's statement of facts and said that it says that it is a covered breezeway it is not telling me that it is an enclosed breezeway. We have a distance of 8' and you have a minimum of 6' are you including the overhang?

Planner/Zoning Administrator Curtiss explained that the 8' that currently separates the foundation wall of the garage to the foundation wall of the home is 8'. The separation distance requirement is a 6' minimum.

Gerl felt that you would still have that separation

Planner/Zoning Administrator Curtiss responded that you do not by the structure being attached and built within that 8' distance. She explained that you don't have 6' you have 1 inch, because of the breezeway structure taking up 7' 11".

Wendy Duerr said that they want to build an enclosed structure between the garage and the house to connect the two buildings. The reason we couldn't attach our garage to begin with is because existing windows were on that wall. It is small, 5' x 8'. Our intention is to build it off of the garage which is the floating slab and the concrete poured was top of the line with a plastic mixture also and styrofoam around it, so that helps with the frost. The wall that would meet up to the house we would make a fire-wall. We would but it to the house, but we wouldn't attach it. So any movement would be that the structure would be moved with the garage. The reason that we are looking for this is the weather elements, going door to door.

Gerl .....

Wendy Duerr said if that would be the recommendation they certainly could.

Zieglmeier asked what building material would actually make that structure attached. Does it meet code it is just a foam ceiling?

Curtiss didn't have that section of the building code with her. She did look at the issue of the technicality of attached and detached and she wished that Roland Donath would have been able to come down to address this question, because he had referred to a definition of attached and detached within the building code that technically because of this it was considered a detached structure and subject to that

requirement. It is unfortunate in going through this process; variance necessary or not necessary, but still dealing with that section of the code and maybe trying to apply a purpose of that regulation in with granting a variance, all be it. It may be a technical matter. Would it impair that general purpose?

Schnitzler asked if the wall would be fire proof.

Wendy Duerr said the edge wall that meets the house would be a fire wall. We will take all precautions that are recommended.

Reek asked how wide of an *area* do you want to put in there.

Wendy Duerr responded 5' x 7'.

Planner/Zoning Administrator Curtiss pointed out that even if this was an attached garage they still would have the fire rating requirements. There are still fire rating requirements if it is attached or detached.

Schnitzler felt this would be a nice addition to their house and you won't have to walk out in bad weather to get to your garage.

**ZB08-014** Motion by Schnitzler, second by Wink to grant the variance request from Wendy and Allen Duerr.

Reek felt that we are pushing it a little bit. A neighbor right down the road may want to do the same. Build a garage and then later on want to attach it.

Vote on Motion **ZB08-014**; Reek and Gerl voted Naye, rest Aye.

**Motion carried**

Planner/Zoning Administrator Curtiss said that there may be current requirements within the zoning ordinance that you feel needs to be studied, or looked at. What is the purpose? Do we even need it in there? Does it need to be eliminated? It is certainly within this board's role to recommend to the Plan Commission to look at that particular section of the code and where there might be some discrepancies or an application of it, etc. It is certainly appropriate and you could make a recommendation to carry forward to the Plan Commission to look at that particular requirement within the code.

**ZB08-015** Motion by Gerl, second by Zieglmeier to refer Section 18-04 (2)(b) of the Municipal Code to the Plan Commission for review. All Ayes.

**Motion carried**

**Motion: To refer the matter to the Plan Commission to review Section 18-04 (2)(b) of the Municipal Code in related definitions of attached application of that requirement. *Purpose to verify something in the future.***

Deputy Clerk read the variance request from United FCS to construct a new 5,656-sq. ft. office building at 1100 N. Central Avenue, zoned "B-2" Shopping Center District. Municipal Code Section 18-04 (6) (a) requires a minimum 50-ft major street setback from N. Central Avenue and W. Ives Street. Municipal Code Section 18-63 (3) (f) requires a minimum 20-ft rear yard setback. Applicant requests 10-ft major

street and 20-ft rear yard setback variances to construct the new office building with a “zero” rear yard and 40-ft setback from the road rights-of-way.

### Background

Over the past several months, United FCS has reviewed options to update and expand their Marshfield location. Design Unlimited has worked with the business in the site assessment and prepared this development plan for their current site. The existing building would be demolished and a new 5,656-sq. ft. building constructed on the site. The building layout extends into the major street and rear yard setbacks. I’ve advised the owners and architect that the development cannot be administratively approved based on this non-compliance. Thus, the owners have filed this variance request to the specific requirements of the Municipal Zoning Code.

Planner/Zoning Administrator’s statement of facts regarding the variance request:

1. The property consists of 2 parcels of land, zoned “B-2” Shopping Center District.
2. The property is a non-conforming lot in the “B-2” District, totaling 26,919-sq. ft. in size. The minimum lot area in the “B-2” District is 43,560-sq. ft.
3. The property is a corner lot with frontages on two major streets.
4. Section 18-04 (6) requires a special 50’ setback from major streets; Central Avenue and Ives Streets are both classified as arterial streets in the Comprehensive Plan.
5. The property is irregular-shaped. The irregular-shape combined with major street setbacks results in a smaller irregular-shaped building envelope area.
6. The site designer has submitted a site plan detailing setback lines, building envelope area and the proposed layout of the site.
7. The building extends 10-ft into the 50-ft major street setback.
8. The 50-ft setback on Central Avenue cannot be averaged; there is only one other building in the block front.
9. The general purpose for the 50-ft major street setback is to provide adequate r-o-w to allow for future street widening.
10. The Department of Public Works reviewed the variance request and indicated given the existing width of North Central Ave and the 4-lane configuration already in place, maintaining the 50’ setback is not as critical as on other streets like McMillan Street.
11. The building footprint also extends 20-ft into the rear yard setback. The minimum rear yard setback in the B-2 District is 20-ft.
12. The rear yard setback variance request is substantial, for entire 20-ft depth of the setback area. The building would be at a “zero setback” to the lot line abutting the rear yard of the residential neighbor to the north.
13. In commercial districts, the general purpose of the rear setback requirement is to allow adequate space for “servicing” and accessibility around the building for such purpose. This commercial district abuts the rear yard of an “R-6” Medium High Density Residential District. Rear yards in residential areas usually provide open space, accessory or recreational use.
14. No servicing or accessibility is proposed around the back or side of the commercial building.
15. The irregular-shape is a physical hardship of the property, but there is still questionable compliance with all six conditions necessary to obtain a variance as specified in Section 18-35(2) of the Municipal Code.

Planner/Zoning Administrator Curtiss

***The parcel on West Ives Street was purchased by FCS in 1999 and rezoned to the commercial zoning as their parcel on the corner.***

*The site is currently developed with an approximate 2,400 sq ft commercial building. It was built in 1966 and a small addition later in 1991.*

*FCS acquired the property for a parking lot extension, a new driveway on the west side as a result of the North Central Avenue Reconstruction Project, 1999-2000 time frame the right-of-way was redesigned at the intersection with an approximate 100' corner radius and additional right-of-way was acquired along the north central frontage. As a result of this, the lot was reduced in size, front setbacks were reduced on existing structure, parking spaces were lost in the south drive on North Central and secondary drive on West Ives were closed off. The exhibit that she handed out on site A shows the configuration on the parcel prior to 1999. The flip side the current parcel shape after the reconstruction project. The radius within the right-of-way and the curbs.*

Planner/Zoning Administrator Curtiss mentioned that the petitioner did note a sign setback on their variance request form, but that falls under Chapter 24 of the Municipal Code which is not a zoning ordinance matter.

Dan Helwig explained that this has been an elongated process in trying to define whether or not United FCS could rebuild on their site or whether they should look elsewhere and try to find an alternate site and sell the parcel that they are on at this point. It became a little more difficult when the City did the widening of the street which took some property away from the petitioner making it a little more difficult to position a building on the particular site that we are requesting. The 5,656 sq. ft. building is the size of the building that they would need to fulfill their needs with the growth that they have had. One of the first issues that we have had is to be able to position the building in such a way that they could retain use of the existing building during the construction, so the thought process was to go either directly north of their present building in the parking lot or go to the west of the existing building. After a number of discussions with the owners of the properties directly to the north, it was decided that we would pursue the option directly west of the existing building in respect to the owners that have lived in their home for almost 60 years. In respect to their wishes we have abandoned the concept of building to the north and taking their view away. After discussion with the property owners and Todd Belter, Manager of United FCS they came to an agreement that they can build to the property line. They are in the midst of entering into an agreement that would allow us to build to the property line. There would also need to be an agreement that the neighboring property could be utilized for maintenance. We would certainly want to have access to be able to maintain the building that is on the property line. We also would probably disrupt the lawn up to the garage area for construction purposes, but United FCS in good faith would restore the lawn and whatever the owners felt would be necessary. With their agreement, we would be allowed to build to the property line, United FCS decided that they would like to apply for the variances on the setbacks. It may not be a full 10' that we would need on the very south end of the building. We are unfortunately pushed to the max on the site of trying to get the program to work and the parking to work on this kind of unusual shape site. It was quite the challenge, but I think we are at a point where if the board approves it the petitioner would be very happy to build here. It is a win, win situation, because right now you have an existing building that is very close to the street. If Dan Knoeck were sitting here he would probably say this is a good thing. Anytime we can move buildings away from intersections and gain better visibility around a corner is a positive thing. The building would stay as it is until the new building is built and then the existing building would be torn down. The present driveways are actually very close to the drives that are there now. The one on the south side of the property is being recommended to be widened slightly to the west. Directly west there is a 10' setback. We would keep the building away from that 10' setback. We may very well need to put an area well in for Fire Department access openings. If we do have a basement the state code requires that we need to have some way to get firemen down to that level to fight fire. We either need to put exterior stairways in or we need to put area wells or you need to sprinkler the basement of the building. We at this point are considering

sprinkling the lower level, so we may be able to eliminate some of those, but the other issue we would like to consider the area well for is natural lighting for some potential lower level windows. We can see that the growth of United FCS will increase as the economy grows and as their business continues to grow they may expand some of their services to the lower level. There is going to be an elevator put in and they will have a fair amount of room. In fact that whole lower level will be usable for them in time.

Gary and Cheryl Imhoff, owners of the property to the west spoke in opposition of the variance request. They wondered if the area well would have a cover because their property is a rental unit and there could be children living there.

Dan Helwig said that it could have a cover or it could have a fence around it, because it could be fairly deep if it is an area well with a window at the base.

Planner/Zoning Administrator Curtiss explained that the side yard and required setback is 10'; however because it is abutting residential they will be required to provide a screening by either landscaping, evergreen and/or fencing for privacy and visual purposes.

Gerl referred to the proposed site plan and asked what the 2,000 sq. ft addition would be.

Dan Helwig said that was put on the site plan in hopes of a future purchase.

Brian Leffel, owner of 110 West Jefferson Street wondered if these variances would devalue his property. Angles?

Planner/Zoning Administrator Curtiss could not address his question, because she is not an assessor, appraiser or a real estate professional.

Daniel Leffel, represented his mother Isabelle Leffel who is the owner of 114 West Jefferson Street and spoke in opposition of the variance request. Right now we have a great view of Central Avenue. With this new building we will lose that view and our privacy. He also expressed concerns about the property value. He said that they were never contacted about any of these future plans at all. The first he heard of this was the meeting notice. He then came in to get the plans.

Gerl asked how big United FCS' sign would be and if it would interfere with the stoplights and the intersection.

Dan Helwig said at this point they aren't giving an indication of the sign. The sign that is there right now is relatively tall, 16' to 20' range height wise and 4' x 8' and they certainly would like to retain that size of sign, but it really isn't part of this request or variance, but we understand that it is something that we will have to come back and address. They want to work with the City and engineering to make sure that we don't create a visual hazard.

Zieglmeier asked about the 0' setback and screening requirement.

Dan Helwig said that with the neighbors directly to the north understood that there wasn't going to be any screening, because we would be building to the property line. If the neighbors to the north would ask FCS to consider a screen on their property, because we are on the property line we would be more than willing and also around the corner and potentially on the west line if we were allowed with their permission to do some screening with landscaping material.

Zieglmeier wondered if the City's ordinance says that the screening has to be on the business owner's property.

Planner/Zoning Administrator Curtiss said that the basic intent of the ordinance is that the screening would be on the property owner's property and not the abutting property owner's property.

Planner/Zoning Administrator Curtiss said that this is a larger building, the foot print area or the building envelope area which is everything outside of those graphic yard areas in looking at developable area for structures. As far as reasonable use of the property, adhering to the regulations would that eliminate all reasonable use meaning being able to develop a commercial building within that footprint area. Yes, it is possible.

Gerl asked if the building was going to be one story or two.

Dan Helwig responded one story with a basement.

Gerl asked if he would be using facet or soffits.

Dan Helwig said initially the intent is not to utilize it. I don't think it is looking to be developed in the immediate future. The hope would be that United FCS would come to terms in an agreement with the Leffels down the road and be able to purchase that property which would really give them good access to the street to the north for maybe a future drive up although it is not a part of the program now. If that agreement would enter into it they would look at expanding. Or if the property to the west would become available they would look then at expanding probably the some of the facility in the lower level and use those adjoining lots for additional parking. No plans are developed other than to make sure that we have a shaft for the elevator in tact, because once we have the shaft and sprinkling in that lower level then the potential use to develop it would be there.

ZB08-000 Motion by Zieglmeier to deny the variance request from United FCS. No second. Motion fails.

Gerl asked if there was a possibility of going two stories and shortening it up and give the people to the west a little bit more site line.

Planner/Zoning Administrator Curtiss pointed out that if they would go two story commercial abutting residential you have extra distance requirements, so instead of 10' you would be 50' to that west property line abutting single family residential. That is because you have a more massive of a structure, out of scale and size wise that would be abutting a single family.

Dan Helwig did say that they looked at that option, but it really doesn't work with their functionality and if they were forced to consider that they would look at moving their structure for efficiency.

Reek said since this is a commercial property and it was studied out very well.

Director of Planning and Economic Development Angell arrived at 5:45 p.m.

**ZB08-016** Motion by Reek, second by Schnitzler to grant the variance request from United FCS with the condition that there is a non-construction easement from Brian Leffel at 110 West Jefferson Street. Zieglmeier voted Naye, rest Aye.

**Motion carried**

Cheryl Imhoff, Mary Hovde, Dan Helwig, Todd Leffel, Daniel Leffel, Dorothy Olsen, Tina Leffel, Willis Leffel, Brian Leffel, Wendy Duerr, Allen Duerr and Gary Imhoff left the meeting.

Deputy Clerk read the variance request from Duane M. Schutz to construct a screened-in porch on the south side of the commercial building at 801 S. Central Avenue, zoned “B-4” General Commercial District. Section 18-33 (4) (b) of the Municipal Code prohibits enlargement or alteration of a non-conforming structure in any way which increases its nonconformity, except as permitted by the Zoning Board of Appeals. Section 18-63 (5) (f) of the Municipal Code requires a minimum 10-ft side yard setback. The existing building is non-conforming with a 7-ft south side yard setback. Applicant requests permission to alter the non-conforming structure, increase the degree of non-conformity in the south side yard, and requests a 10-ft variance to construct the new addition with a “zero” side yard.

### Background

The owner proposes to construct a screened-in covered porch on the south side of the commercial building. However, this proposed development would alter and enlarge a non-conforming structure and increase the extent of non-conformity in the south side yard area. The non-conforming structure provisions of the zoning ordinance limit enlargement/alteration of non-conforming structures, except as permitted by the Board.

Applicant requests that the Board permit the alteration of the non-conforming structure and grant a 10-ft variance to the 10 ft. side yard setback requirement on the south side of the building.

Planner/Zoning Administrator’s statement of facts regarding the variance request:

1. The property is 10,833 sq. ft. in area, 157 ft. in depth and 69 ft. in width.
2. The property consists of 25’ of Lot 6 and all of Lot 7, Block 249 of the City of Marshfield Plat.
3. The B-4 district requires a minimum lot size of 12,000 sq. ft. and a minimum lot width of 80 ft.
4. The property is a non-conforming lot in the B-4 District due to lot width.
5. The property is developed commercially with a bar/tavern and second-floor apartments. The Assessor’s records indicate the structure was built in 1900.
6. The existing structure is considered a “non-conforming structure”; not developed according to the current setback restrictions of the B-4 district.
7. Section 18-63(5)(f)(4) now requires a minimum 10 ft. side yard setback in the B-4 District.
8. The attached plan indicates that the existing structure is located 7-ft. from the south lot line. The proposed addition would extend the structure southward, adding more structure and mass in the south side yard area.
9. Section 18-33 of the Zoning Ordinance provides that no nonconforming structure may be enlarged or altered in any way which increases its nonconformity, except as permitted by the Zoning Board of Appeals.
10. The variance request is substantial, the entire setback.
11. A general purpose of establishing minimum side yards is to provide adequate areas for access to and around buildings, to provide a distance and visual buffer between different uses and buildings, and fire separation distances between structures.
12. The owner considered other options at rear of the building; but a structural addition might impact the on-site parking or exiting from the upstairs apartments.
13. There is questionable compliance with the six conditions necessary to obtain a variance as specified in Section 18-35(2) of the Municipal Code.

Planner/Zoning Administrator Curtiss added that the parking is already short of the on-street parking requirements, so any further reduction of that might add to the already on street congestion at certain times and periods.

Schnitzler asked what kind of roofing would be used and which way it would slope.

Duane Schutz said that Roland Donath said it should be a steel metal roof. It will slope towards Central Avenue and also the alley.

Gerl asked about the smoking ordinance

Duane Schutz said that this is different because of his gas and electric in the back.

Planner/Zoning Administrator Curtiss introduced the Planning and Economic Development Director, Jason Angell.

Planner/Zoning Administrator Curtiss said that Mr. Schutz would like to have a walk-in cooler and freezer in this area, but it won't extend any closer than this structure within his yard area. It can't come any closer to this structure within his yard area

Reek felt that this was an unusual code. Part of Main Street is bumper to bumper.

Planner/Zoning Administrator Curtiss pointed out that there is a B-5 District, which is your central business district, your downtown district also same boundary as the BID District (Business Improvement District) that doesn't include this property. This property and some others found in the block exhibit the same characteristics. Zero lot line, built with zero setbacks. At some point when the zoning ordinances are updated the downtown plan recommends that a downtown mixed use district be created with a little more flexibility and setbacks of flexibility to mixed uses, so hopefully that will alleviate some of these requests for variances.

Reek asked if you would be able to get in and out of that from the outside.

Duane Schutz said yes. There would be a door on the east side going towards the alley. From the bar area there will be an entrance door into the smoking area and also a door going out to the parking area.

Gerl asked how it would be ventilated if it is heated in the winter.

Duane Schutz said that he plans to put in radiant heat above like what the ski hills have outside on their decks. According to our code we have to be screened so that natural air goes through it, but it still has to be heated somehow.

Schnitzler asked if he would maintain the floor that is there.

Duane Schutz said that the floor would have to be level. It would be about an inch. The floor would be wood. Right now it is blacktop.

Gerl asked what kind of fire protection is this? What would happen if there is a fire in there from a cigarette?

Planner/Zoning Administrator Curtiss asked Mr. Gerl to clarify what he was asking. Are you talking construction materials or exiting?

Gerl responded both.

Duane Schutz said that you would have an exit into the building or outside to the back of the parking lot. He did talk with Mr. Donath and the building has to have a metal roof with metal sides against the building. It has to be a fire wall, but just on the applicant's side of the building, because the building on the other side is a block building.

Planner/Zoning Administrator Curtiss stated the accessory building to principal building in a distance separation doesn't apply here, but you certainly have commercial building requirements.

Zieglmeier asked if this was considered a structure or if it should fall under the deck ordinances.

Planner/Zoning Administrator Curtiss said that it is still a structure or attachment and considered a part of the structure because of roofing mechanism attached and over. Within the smoking definition of a structure and an enclosed structure there is some reference to three walls with natural air flow whether it would be determined as structure or enclosed. This is definitely a structure and a structure is defined in the ordinance and attached to that principle dwelling. It becomes subject to those same yard setbacks for zoning purposes.

Planner/Zoning Administrator Curtiss asked Mr. Schutz about the freezer unit issue. Will there be accessibility to maintenance and taking care of that from the Central Avenue.

Mr. Schutz said no.

Gerl asked how far the freezer would be sticking out.

Mr. Schutz said that the doors would be in the frame of the building. There will be two 6' x 6' coolers.

Gerl said that there would only be a 1' walkway through there.

Mr. Schutz said that maintenance would be done from the Street.

Gerl wondered how far the screened porch would be from the other building where the block starts.

**ZB08-017** Motion by Gerl, second by Wink to grant the variance request from Duane Schutz. All Ayes.  
**Motion carried**

**ZB08-018** Motion by Zieglmeier, second by Gerl to approve the minutes of June 10, 2008 as submitted.  
All Ayes.  
**Motion carried**

Motion by Zieglmeier, second by Gerl to adjourn at 6:04 p.m.  
**Motion carried**

Lori A. Panzer  
Deputy City Clerk