

Minutes

March 20th, 2025 @ 6:00 p.m.

Regular Council Meeting
Oran White Civic Center
701 N Tool Drive
Tool, TX 75143



1. Call to Order @ 6:03 p.m.
2. Roll Call: Bennett, Dumont, Figueroa, Fladmark, Sayre, Stykes. All Present. Quorum was established with Mayor Dumont Presiding.
3. Invocation and Pledge of Allegiance
4. Declare, if any, Council's Conflicts of Interest. Councilmember Figueroa stated that he would be recusing himself from Item Seven and Item Eight.
5. **Citizen Comments:** Citizens wishing to speak on an agenda item must sign up to do so (**3 Minute Maximum**) *The Council will not comment on items not on the agenda; however, the Council may refer the item to City Staff for research, resolution or referral of the matter to the Council as a future agenda item.*
 - A. Marsha Goforth discussed the importance of permits being pulled prior to the construction of projects and concluded by stating that she was required to have a permit and that everyone else should be required to have a permit as well.
 - B. Kathryn Pinnell spoke on Item 20 - Consider, Discuss and Take Action to allocate funds from the Capital Improvement Account for the construction of a Maintenance Barn, in the amount of \$447,778.08
 - C. Mylinda Serrioz spoke on Item 25 - Discuss and Take Action, to on first reading, to adopt Ordinance 2025-03B, Budget Amendment for FY 2024-2025. Mylinda Serrioz did not sign up to speak but Mayor Dumont allowed Serrioz to speak at the time Item 25 was discussed.

Appointments, Presentations, Proclamations and Recognitions

6. Discuss and Take Action on a Proclamation to make the City of Tool a Purple Heart City. City Administrator Julius Kizzee presented this item highlighting the need to recognize wounded veterans for their service. Mayor Dumont recited the Proclamation declaring the City of Tool a Purple Heart City. Councilmember Fladmark thanked all the veterans for their service to our country. Motion to Approve the Proclamation to make the City of Tool a Purple Heart City was made by Councilmember Sayre with second by Councilmember Bennett. Motion Passed 5/0.

Executive Session

7. Convene into executive session pursuant to Texas Government Code Chapter 551 (2) sections:
 - a. Section 551.071 (Consultation with City Attorney) to receive legal advice regarding annexation procedures
 - b. Section 551.087 (Economic Development) to discuss annexation parameters and economic incentives for 1204 N. Tool Dr., Tool, Texas 75143

Meeting convened into executive session @ 6:12 p.m.

8. Reconvene in open session and take any action necessary resulting from executive session @ 6:45 p.m. Motion to Take No Action was made by Councilmember Stykes with second by Councilmember Fladmark. Motion Passed 4/0.

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Public Hearings – *The Tool City Council shall open relevant public hearings to receive citizen testimony regarding the following items. The public comment period begins on the first date notice is published and extends to the close of the public hearing. Public comments may be submitted either in writing to the City of Tool City Council, Office of the City Secretary, 701 N. Tool Dr., Tool, TX 75143, or electronically via email at contact@tooltexas.org. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the city's public record.*

9. **Open, announce the time and conduct a public hearing to receive testimony on the following:** Public Hearing was opened @ 6:48 p.m.
10. Request by Jose Garcia to approve a Specific Use permit that would allow the opening of a business located at 918 S. Tool Drive, Tool, TX 75143, for use as a tire shop. Jose Garcia was present and presented his request for a Specific Use Permit. Councilmember Fladmark stated that there were two tire shops in Seven Points currently and inquired if he would be able to generate enough business with his shop. Jose Garcia replied by stating that he believed he could be successful with his tire shop. Mayor Dumont expressed concern for the building that would house the business. Mayor Dumont continued by inquiring what would be added to improve the building to make it a tire shop. Jose Garcia replied that he would be painting the building and paving the driveway. Jose Garcia concluded by stating that he was still in the funding stage of his project. Councilmember Stykes inquired regarding the opening date of the tire shop if the permit was approved to which Jose Garcia stated he would like for the shop to open in April 2025. Councilmember Figueroa inquired if this was Jose Garcia's first tire shop business to which Garcia stated that this would be his first business of his own, but that he had been in the trade for 15 years. Councilmember Bennett inquired where the tires would be stored to which Jose Garcia stated that the majority of the tires would be stored inside the shop but that there would be a few tires outside of the shop to advertise his business as a tire shop. Councilmember Sayre stated that the building currently is not adequate for a tire shop. Councilmember Stykes inquired how the old tires would be stored to which Jose Garcia stated that old tires would be stored in a trailer and then hauled from the location as needed. Councilmember Bennett inquired the footprint of the building to which Jose Garcia stated that the building was 1,300 square feet. Councilmember Figueroa inquired where tire work would be completed to which Jose Garcia stated that tire work would be completed outside in front of the tire shop. Councilmember Bennett inquired if Jose Garcia would offer mechanic work at his tire shop to which Jose Garcia stated that he would not offer mechanic work. Councilmember Figueroa inquired Jose Garcia estimated revenue to which Jose Garcia stated that he estimated \$300,000.00 to \$500,000.00.

11. **Close public hearing and announce the time.** Public hearing closed @ 7:00 p.m.

Consent Agenda - *Approval of Consent Agenda items authorize each to be implemented in accordance with staff recommendations provided. An item may be removed from the consent agenda and added to the Statutory Agenda for full discussion upon request by a member of the Council present at this meeting.*

12. Approve Minutes: February 10th, 2025 Special Meeting and February 20th, 2025 Regular Meeting. Motion to Approve Minutes: February 10th, 2025 Special Meeting and February 20th, 2025 Regular Meeting was made by Councilmember Sayre with second by Councilmember Bennett. Motion Passed 5/0.

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13. Approve Monthly Activity Reports for February as presented: (A) Executive Summary (B) Financial and Expenditure (C) Municipal Court; (D) Police (E) Maintenance; (F) Building (G) Code Enforcement and; (H) Animal Control. City Administrator Kizzee presented his Executive Summary and highlighted the following:

- The audit from YWRD, PC for the 2022-2023 fiscal year is currently being completed. This item is expected to be completed by April.
- The Texas Department of Transportation (TXDOT) had received an application from the City of Tool regarding a sidewalk grant that would go from the city park down to Tool Elementary. The Texas Department of Transportation (TXDOT) had reached out to the city and was scheduling next steps.
- In a meeting with Schaumburg & Polk, Inc. in December 2024, SPI said they would bring the city a proposal regarding a drainage study, but also the ability to help staff create drainage standards throughout the city. This is an ongoing project.

Mayor Dumont further discussed the potential sidewalk grant highlighting that it would be an 80/20 matching grant and it would connect Tool Elementary to the Eight at Tool Park. Councilmember Fladmark requested an update from City Administrator Kizzee in regard to the following items from the February 2025 Meetings:

- The Community Development Block Grant - Mitigation (CDBG-MIT) grant programs administered by the Texas General Land Office (GLO)
- The Municipal Materials Management Agreement with Allied Waste Systems, doing business as Republic Services of Corsicana
- The Municipal Maintenance Agreement with the Texas Department of Transportation to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through the corporate limits of the City of Tool

Councilmember Bennett requested additional information from City Controller Kimberly Kroha regarding the following:

- Franchise Fee Payment by Trinity Valley Electric Cooperative (TVEC)
- Budget vs Actuals for 1st Quarter 2025
- Legal Fees from City Attorney for services from Mayor/City Council

Motion to Approve Monthly Activity Reports for February as presented: (A) Executive Summary (B) Financial and Expenditure (C) Municipal Court; (D) Police (E) Maintenance; (F) Building (G) Code Enforcement and; (H) Animal Control was made by Councilmember Fladmark with second by Councilmember Sayre. Motion Passed 5/0.

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Statutory Agenda - *The purpose of this section is to have full discussion upon request by the Tool City Council. Ideas, thoughts and decisions are formulated by City Council and staff plans, operations, policies, and/or future projects, including the following:*

14. Discuss and Take Action on a request by Robert Williams and Eric Clough of 0 Cedar Crest Drive to replat lot 33, lot 34, and lot 35 to create a 0.302 acre lot, Lot 33R. Building and Code Official LaCosta Davis stated that this was a simple three lot to one lot replat and she had no issues with this replat request. Councilmember Fladmark stated that the legal description needed to be corrected since the plat description stated that the property was being dedicated to Henderson County when it should read that it was being dedicated to City of Tool. Motion to Approve request by Robert Williams and Eric Clough of 0 Cedar Crest Drive to replat lot 33, lot 34, and lot 35 to create a 0.302 acre lot, Lot 33R pending the amendment of the legal description being amended from Henderson County to City of Tool was made by Councilmember Fladmark with second by Councilmember Sayre. Motion Passed 5/0.
15. Consider and Discuss a request by Mark Piatkowski of 1318 Whispering Springs Drive to construct a bike/walking path along Highway 274. Mark Piatkowski was not present at the meeting, so the Mayor moved that this item not be discussed.
16. Consider, Discuss and Take Action on a request by Jose Garcia to approve a Specific Use permit that would allow the opening a business located at 918 S. Tool Drive, Tool, TX 75143, for use as a tire shop. Motion to Approve a request by Jose Garcia to approve a Specific Use permit that would allow the opening a business located at 918 S. Tool Drive, Tool, TX 75143, for use as a tire shop was made by Councilmember Sayre with second by Councilmember Figueroa. Motion Failed 1/4. Councilmember Fladmark opposed, Councilmember Sayre opposed, Councilmember Bennett opposed, and Councilmember Stykes opposed.
17. Consider, Discuss and Take Action on accepting a donation of a tract of land from Randall and Tawnya Austin described as follows: 98 AB 360 G HANCOCK SUR, CEDARCREST SHORES ESTS, LT 98, REPLAT G/164, identified as half of a lot, that can be used for a golf cart path connecting the Cedar Crest Shores Subdivision to the Eight at Tool city park. Councilmember Bennett presented this item highlighting that Randall and Tawnya Austin wanted to donate half of a lot, that could be used for a golf cart path connecting the Cedar Crest Shores Subdivision to the Eight at Tool city park. Councilmember Figueroa inquired if the property had been replatted to which Councilmember Bennett stated that the property had been replatted. Councilmember Fladmark inquired regarding the property deed to which City Administrator Kizzee stated that it would be deeded once the approval of the donation was made. Motion to Approve the acceptance of a donation of a tract of land from Randall and Tawnya Austin described as follows: 98 AB 360 G HANCOCK SUR, CEDARCREST SHORES ESTS, LT 98, REPLAT G/164, identified as half of a lot, that could be used for a golf cart path connecting the Cedar Crest Shores Subdivision to the Eight at Tool city park was made by Councilmember Fladmark with second by Councilmember Bennett. Motion Passed 5/0.
18. Consider and Take Action on allocation of funds for the ending of construction of the Eight at Tool park from the Capital Improvement Fund. Councilmember Bennett stated the purpose of this item highlighting the possible need of funds to continue the park build while waiting on reimbursements from Texas Parks and Wildlife Department. Councilmember Bennett concluded by stating that she did not believe she will need the funds but would like the allocation of funds in the event they are needed.

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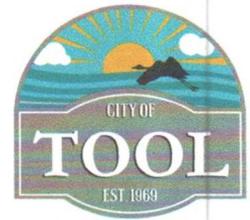
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Motion to Approve allocation of funds for the ending of construction of the Eight at Tool park from the Capital Improvement Fund in an amount not to exceed \$50,000.00 was made by Councilmember Bennett with second by Councilmember Sayre. Motion Passed 5/0.

19. Consider, Review bids and award the bid for Project #2025-01, Maintenance Barn. City Administrator Kizzee presented this item stating that the bid opening had taken place on March 11th, 2025 and that three bids had been received. City Administrator continued by presenting the following bids:

- Zack Construction, LLC \$510,285.21
- New Beginnings Custom Homes \$402,500.00
- Raymond's Concrete \$447,778.08

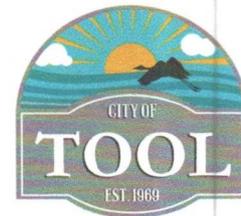
City Administrator Kizzee stated that the city received two bids from Zack Construction and Raymond's Concrete. City Administrator continued by stating that the best value to the city would be to select Raymond's Concrete for Project #2025-01, Maintenance Barn. Mayor Dumont inquired if it would be an advantage to the city if the city were to purchase the Mueller Construction building to which Councilmember Bennett stated that with a project that has a General Contractor, the General Contractor provides everything for the project. Councilmember Sayre inquired why the plans did not include flooring or cabinets to which Building and Code Official Davis stated that Director of Maintenance and Operations Frank Martin and his team wanted to purchase and install the cabinets for the building. Motion to award the bid for Project #2025-01, Maintenance Barn to Raymond's Concrete and Construction was made by Councilmember Bennett with second by Councilmember Sayre. Motion Passed 5/0.

20. Consider, Discuss and Take Action to allocate funds from the Capital Improvement Account for the construction of a Maintenance Barn, in the amount of \$447,778.08. City Administrator Kizzee stated that previously, funding of the Maintenance Barn project through a bond and or using the Capital Improvement Fund for this project had been discussed. City Administrator Kizzee continued by stating that he was requesting direction from the Council on how they would like to fund this project. Councilmember Figueroa stated that he would like for the City Council to go out for a bond to fund this project. Councilmember Figueroa continued by stating that most cities finance needs and that the city needed to use the Capital Improvement Account for other projects. Councilmember Bennett stated that the city had the money currently for this project and did not understand why the city would get a bond for this project. Councilmember Bennett continued by inquiring why would the city unnecessarily pay interest on a bond if we didn't have to. Councilmember Bennett concluded by stating that the Maintenance Barn was an immediate need and that there were several pieces of equipment in the elements that needed to be protected and that the Maintenance Department does not currently have facilities that are needed. Councilmember Sayre inquired regarding the maximum number of bonds you could have at a time to which City Administrator Kizzee discussed bonding power and bonding capacity. Councilmember Figueroa stated that using the Capital Improvement Account to build the Maintenance Barn was short-sided since the Maintenance Barn was a non-revenue producing asset. Councilmember Fladmark stated that in regard to the possibility of a bond, the bonding company is requesting the FY 2023-2024 audit which has not been started due to the fact FY 2022-2023 audit is still in process. Councilmember Fladmark continued by stating that the proposed interest rate of 3.75%

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for the bond is not guaranteed since the finalized rate would be determined when the notes are placed for bidding. Councilmember Fladmark concluded by stating that he would like to use existing funds already in the city's bank account to fund the Maintenance Barn construction. Motion to allocate funds from the Capital Improvement Account for the construction of a Maintenance Barn, in the amount of \$447,778.08 was made by Councilmember Bennett with second by Councilmember Stykes. Motion Passed 4/1. Councilmember Figueroa opposed.

21. Authorize the City Administrator to execute all necessary contract documents for Project #2025-01 for the construction of a Maintenance Barn. City Administrator Kizzee stated that per the City Attorney, it was best practice to have a separate vote for providing authorization to execute contract documents. Motion to Authorize the City Administrator Julius Kizzee to execute all necessary contract documents for Project #2025-01 for the construction of a Maintenance Barn was made by Councilmember Bennett with second by Councilmember Stykes. Motion Passed 5/0.

Ordinance Readings

22. Discuss and Take Action, on first reading, to amend the Planning and Zoning Ordinance, Appendix C: Area, Setback, Height and Coverage Regulations, Section 3: Yard, Height and Size Regulations; Accessory Buildings. Building and Code Official Davis presented her recommended changes to the ordinance requesting the minimum square footage for an accessory building to be increased from 600 square feet to 1000 square feet if the property owner was in a residential zoning with two lots or less. Councilmember Fladmark agreed with Building and Code Official with the change of 600 square feet to 1000 square feet if the property owner was in a residential zoning with two lots or less. Building and Code Official Davis stated that she would like to recommend an increase in the size of an accessory structure on residential combined lots of three or more, that would allow the homeowner to have one accessory with a maximum of 2,500 square feet but that the structure may not exceed the square footage of the principal structure. Building and Code Official Davis continued by stating that while it is a large increase in the accessory building sizes, almost monthly, citizens are requesting variances for these buildings. Building and Code Official Davis continued by stating that per the current fee schedule for accessory structures, the city is losing money for every variance request submitted. Councilmember Bennett stated that it was time to review the permit fee schedule and make necessary changes. Councilmember Sayre stated that he liked the idea of allowing accessory structures that would allow the containment of items so there are not items all across people's properties. Building and Code Official also made the following recommendations:
 - An accessory structure may not exceed one story. Councilmember Sayre stated that he would rather have people build up on their property as opposed to out for accessory structures. Councilmember Bennett stated that she would like to see accessory structures stay at one story. Councilmember Stykes made the recommendation that one story be changed to an actual height.
 - No accessory building may be placed so as to negatively impact drainage on any adjacent lot by diversion or impoundment of stormwater flows. Councilmember Bennett and Councilmember Fladmark both agreed that they liked the addition of this to the Ordinance.
 - An accessory structure must closely resemble the color and scheme of the principal structure

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- On residential combined lots of three or more, the homeowner may have one accessory structure with a maximum of 2,000 square feet but may not exceed the square footage of the principal structure. A minor accessory structure can be built, in addition, but may not exceed 150 square feet. Councilmember Figueroa inquired if someone could still apply for a variance if the structure were to exceed the ordinance to which Building and Code Official stated that yes, applying for a variance is always an option. Councilmember Fladmark inquired if in regard to minor accessory structures, if the 150 square feet could be changed to 200 square feet.

Motion to Amend the Planning and Zoning Ordinance, Appendix C: Area, Setback, Height and Coverage Regulations, Section 3: Yard, Height and Size Regulations; Accessory Buildings as presented with a change to the following sections:

Minimum square feet for an accessory be increased from 600 to 1000 if the property owner was in a residential zoning with two lots or less

On Residential combined lots of three or more, the homeowner may have one accessory structure with a maximum of 2,000 square feet but may not exceed the square footage of the principal structure.

A minor accessory structure can be built, in addition, but may not exceed 150 square feet was increased from 150 square feet to not to exceed 200 square feet was made by Councilmember Bennett with second by Councilmember Sayre. Motion Passed 5/0.

23. Discuss and Take Action, on second reading, to Adopt Ordinance 2025-01, Drainage Design Standards. Mayor Dumont inquired if the prevention of clear cutting of lots should be included in this ordinance since clear cutting of lots negatively effects drainage. Councilmember Fladmark requested additional information in regard to sanitary systems in Section 5 General Design Requirements of this Ordinance. Councilmember Fladmark concluded by requesting additional information regarding the numbering of ordinances. Motion to, on second reading, to Adopt Ordinance 2025-01, Drainage Design Standards as amended was made by Councilmember Sayre with second by Councilmember Stykes. Motion Passed 5/0.
24. Discuss and Take Action, on second reading, to Adopt Ordinance 2025-02, Elevation of Residential Structures. Councilmember Fladmark inquired regarding the definition of street grade and how street grade was defined to which Building and Code Official Davis stated that street grade was defined as the crown of the road. Councilmember Bennett stated that she did not agree with Section One General provisions in regard to: All inland (“Inland” as defined as homes that are not along the water or considered “waterfront homes” (as defined as a piece of land fronting on a water body) in the City of Tool”) structures within the city limits of the City of Tool shall hereafter have established a minimum first floor elevation of twelve (12) inches above the existing top of street grade. Elevation shall be determined at the center of the structure. Councilmember Bennett stated that twelve (12) inches above the existing top of street grade was too high and would put water on their neighbors if passed. Councilmember Fladmark expressed concern in regard to All inland (“Inland” as defined as homes that are not along the water or considered “waterfront homes” (as defined as a piece of land fronting on a water body) in the City of Tool”) structures within the city limits of the City of Tool shall hereafter have established a minimum first floor elevation of twelve (12) inches above the existing top of street grade as it applies to accessory buildings. Councilmember Fladmark stated that there would be a

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possibility that it would flood accessory buildings on the property if they were built below the proposed twelve (12) inches above the existing top of street grade. Motion to Table was made by Councilmember Sayre with second by Councilmember Bennett. Motion Tabled 5/0.

25. Discuss and Take Action, to on first reading, to adopt Ordinance 2025-03B, Budget Amendment for FY 2024-2025. City Controller Kimberley Kroha presented this item and highlighted the need for the budget amendment. City Controller Kroha continued by stating that the budget will remain balanced, but some items are over or under budgeted amounts, so they need to be adjusted. City Controller Kroha continued by stating that another budget amendment will need to be done closer to the end of the fiscal year to shore up any differences at that time as well. Councilmember Figueroa inquired regarding franchise fees and Councilmember Fladmark inquired regarding hotel occupancy tax funds. Motion to, on first reading, Adopt Ordinance 2025-03B, Budget Amendment for FY 2024-2025 was made by Councilmember Sayre with second by Councilmember Figueroa. Motion Passed 5/0.
26. **Staff Comments** - *Hear announcements concerning matters appearing on the agenda; items of community interest; Staff gives regards dealing with specific factual information or existing policy dealing within the City, that may have an impact on citizens, staff or the City Council of Tool. No formal action will be discussed or taken.*
 - A. City Secretary Kimberley Price discussed her recent training regarding Parliamentary Procedure
 - B. Director Of Maintenance and Operations Martin thanked the City Council for the approval of Project# 2025-01, Maintenance Barn
 - C. Building and Code Official Davis discussed Right of Way permits, liens on properties, and new permits in The Groves neighborhood
 - D. City Clerk Alicia Keith discussed the upcoming City Hall Grand Opening and the Eight at Tool Grand Opening
 - E. Court Clerk Stacy Hamaker discussed upcoming court closures
 - F. Chief of Police Walker discussed recent audits in the Police Department highlighting 100% compliance
 - G. City Controller Kroha provided an update on the Fiscal Year 2022-2023 audit
27. **Council Comments** - *Hear announcements concerning matters appearing on the agenda; items of community interest; and/or inquiries of staff regarding specific factual information or existing policy from the Mayor, Councilpersons, and City staff, for which no formal action will be discussed or taken.*
 - A. Councilmember Fladmark thanked everyone for coming to the meeting and thanked the city staff for all that they do for the city
 - B. Councilmember Sayre thanked everyone for coming to the meeting and thanked all the city staff for their hard work
 - C. Councilmember Bennett thanked everyone for coming to the meeting and stated that she felt that it was a productive meeting. Councilmember Bennett continued by providing an Eight at Tool Park update and concluded by discussing the upcoming Eight at Tool Park Grand Opening.
 - D. Councilmember Figueroa thanked everyone for coming to the meeting
 - E. Councilmember Stykes thanked everyone for coming to the meeting
 - F. Mayor Dumont thanked everyone for coming to the meeting and stated that City Hall would be closed the next day due to the move into the new City Hall

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28. Closing

- A. Next Meeting: April 17th, 2025
- B. Adjourn @ 9:06 p.m.

A meeting that is “open to the public”, pursuant to the Open Meetings Act, is one that the public is permitted to attend. The act does not entitle the public to choose the items to be discussed or to speak about items on the agenda. If the City Council, during the course of the meeting covered by this notice, should determine that an executive session is required, then such executive session, as authorized by the Texas Open Meetings Act, Texas Government Code, Section 551.001 et seq., will be held by the Council at the date, hour and place given in this notice, concerning but not limited to the following sections and purposes of the Act: 551.071 Private consultation with the city’s attorney; 551.072 Deliberations about Real Property; or, 551.074 Discussing personnel or to hear complaints against personnel. Should any final action, final decision or final vote be required in the opinion of the City Council regarding any matter considered in such executive session, then the final action, final decision or final vote shall be in the open meeting covered by this Notice upon the reconvening of the public meeting.

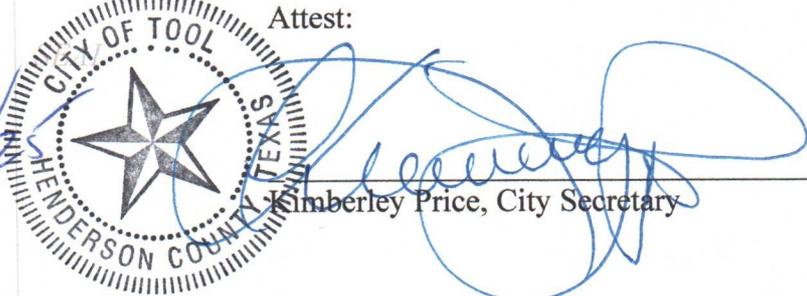
I certify that the above notice of meeting, a true and correct copy, was posted on the bulletin board in front of Tool City Hall prior to the required 72 hours and that the city’s official newspaper was notified.


Mike Dumont, Mayor

4/21/25



Attest:


Kimberley Price, City Secretary