

**WOODS CROSS CITY COUNCIL MEETING
AUGUST 21, 2007**

The minutes of the Woods Cross City Council meeting held August 21, 2007 at 6:30 P.M. in the Woods Cross City Hall located at 1555 South 800 West, Woods Cross, Utah.

CONDUCTING:

Mayor Kent Parry

COUNCIL MEMBERS PRESENT:

Mayor Kent Parry
Jennifer Decker
Tamra Dayley

Rick Earnshaw
Jon Hadlow
Donald D. Moore, Jr.

STAFF PRESENT:

Alan Low, City Recorder
Gary Uresk, City Administrator

VISITORS:

LeGrande Blackley
Stan Dolinar
Athena Dayley
Greg Bailey
Beverly Ward
Sue Phillips
Stacey Hoopes
Judy Greene
Russel Schrader
Kathleen Larson
Ruth Payne
Anne Blankenship
Melinda Williams

Pat Blackley
Blaine Rawson
Tyler Van Ry
Craig Kleinman
Jill Evans
Nancy Comins
Michelle Somers
David Greene
Don Schrader
Al Jewell
Ronda Hills
Leola Mikkelsen

Dan Molinsky
Andy Rawson
Thad Van Ry
Brittany Bowers
Marc Evans
Gary Comins
Mike Somers
Norme Jensen
Lois Schrader
Charles Payne
Karen Painter
Luden Van Hulten

INVOCATION:

Rick Earnshaw

PLEDGE OF ALLEGIANCE:

Jon Hadlow

The Mayor welcomed those in attendance and stated this is a regularly scheduled meeting that notice of time, place and agenda was sent to local newspapers and provided to each of the City Council members prior to the meeting.

The Mayor advised those present that the City Council had held an open house concerning curbside refuse recycling for the City of Woods Cross at 5:30 P.M this evening. Those attending the recycling open house were able to visit with the manager of the Wasatch Integrated Waste District as well as a representative from Waste Management Systems of Utah who explained the proposed recycling program for the City.

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APPROVAL OF MINUTES

The City Council reviewed the minutes of the City Council meeting held August 7, 2007. After the review, Council Member Earnshaw motioned the minutes be approved as written with Council Member Moore seconding the motion and all voted for the motion.

RECOGNITION OF BRENT ARGYLE FOR HIS 36 YEARS OF SERVICE AT THE SOUTH DAVIS FIRE DISTRICT AND THE SOUTH DAVIS METRO FIRE AGENCY

The Mayor called forward Brent Argyle, a City resident, who had served as the Fire Chief for the South Davis Fire District and Deputy Chief of the South Davis Metro Fire Agency and had compiled 36 years of service to the citizens of South Davis County in fire and paramedic protection.

The Mayor then acknowledged Mr. Argyle's years of service and presented to him a plaque on behalf of the citizens of Woods Cross, the Mayor and the City Council thanking him for his years of dedicated service to the City of Woods Cross.

Mr. Argyle in turn thanked the Council for their recognition and said it was a pleasure to serve the citizens of Davis County and noted how much he loved living in Woods Cross City where he had lived all of his life.

Following the presentation, those present offered a round of applause for Mr. Argyle and his dedicated service.

PRESENTATION OF 2007 WOODS CROSS CITY BEAUTIFICATION AWARDS

The Mayor gave the floor to Ms. Ruth Payne, the chairperson for the Beautification Committee. Ms. Payne explained to the citizens present that her committee had divided the City into six areas and had gone into those areas and determined those who had beautiful yards and then had selected winners of the 2007 Woods Cross City Beautification Awards. She said in addition to the awards that were to be presented this evening, letters would go out to many others who had nice yards congratulating them on their beatification of the City.

She then presented a plaque that was inscribed with the Woods Cross City Beautification Award 2007 to the following:

Peter and Kimberly Gordon 1282 W. 1200 S.	Tony and Shari Christensen 934 W. 900 S.	Roger and Pat Bredsgard 723 W. 925 S.
Bret and Christine Moore 1292 W. 1200 S.	Carol Staker 977 W. 1000 S.	Loren and Carolyn Lanward 739 W. 925 S.

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Dennis and Linda Maw
1364 W. 2400 S.

Kenneth and Shalayne Schooley
2231 S. 1500 W.

David and Judy Greene
786 W. 2000 S.

Jolie and Sean Morris
1353 W. 2050 S.

Gary & Nancy Comins
1691 S. 550 W.

Following the presentation by Ms. Payne, the Mayor and Council then extended their congratulations to the Beautification winners and thanked all the citizens of Woods Cross in beautifying their surroundings to make our City a pleasant place to live

APPROVAL OF FINANCIAL REPORT

The floor was given to the City Recorder who reviewed with the City Council, the City's financial report for the period ending June 30, 2007. The Council reviewed the City's cash position, sales and use and tax report, the transient room tax report, report of the impact fees collected for South Davis Metro Fire Agency and an executive summary of the City's funds comparing revenues and expenditures to the budget.

After the Council's review, Council Member Moore made a motion to approve the City's financial report as presented, with Council Member Decker seconding the motion and all voted for the motion.

APPROVAL OF CASH DISBURSEMENTS

The City Recorder reviewed the cash disbursements listing for tonight's meeting with the City Council. After the Council's review, Council Member Decker made a motion to approve the cash disbursements as presented, with Council Member Earnshaw seconding the motion and all voted for the motion through a roll call vote.

OPEN SESSION (BRIEF ITEMS)

The Mayor then opened the meeting to items to those present that were brief in nature. This would be items that would take less than two or three minutes.

The floor was given to Mr. Craig Kleinman, who introduced himself as the attorney for Mr. Greg Bailey. Mr. Kleinman explained that Mr. Bailey had received Notice of Intent from Woods Cross City to sue Mr. Bailey for the property which he owns at 1250 West 2350 South, which property is deemed a protection strip and will not allow access to the development of the area to the north of his property.

Mr. Kleinman asked if the Council would give Mr. Bailey a few minutes to address them.

The Mayor agreed and the floor was given to Mr. Bailey who explained that he had purchased the property in 2003 as one of the owners in Amulek Industrial Park. He said he purchased the

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property with the intent of purchasing the property to the north but never could secure the property to the north. Now the property to the north is sold, Mr. Bailey owns this protection strip and will not sell it at a reasonable price to the new owner. As the suit stated, it is illegal to own a protection strip in Woods Cross City and he noted that the City had erred in allowing this protection strip to be set up. He said that he was willing to negotiate with the owner to the north and asked the City Council to reconsider their suing him for the property.

The Mayor advised Mr. Bailey that the City Council would be meeting with the City Attorney in a Closed Session later this evening to discuss this matter and they would inform him of their intentions.

Mr. Kleinman then went on to outline several reasons why he felt that the lawsuit should not go forward.

They then thanked the Council for their time.

There were no other items for the brief open session.

A PUBLIC HEARING ON IMPLEMENTING A PURPOSED CURBSIDE RECYCLING PROGRAM IN WOODS CROSS CITY

The Mayor gave the floor to Council Member Decker who explained to those in attendance the City Council's desire to investigate the possibility of setting up a curbside recycling service for all citizens of Woods Cross City. She noted that the recycling program would be under the direction of the current garbage pick-up company, Waste Management Systems of Utah and they would provide a can for recyclable items that would be placed out on the same day as garbage day only every other week rather than weekly. The cost of the program to each resident would be between \$3.00 and \$3.50 per month.

Council Member Decker then turned the time over to Mr. Nathan Rich, the manager of the Wasatch Integrated Waste District. This District is the location where the refuse from Woods Cross City is taken and is burned to create steam that is sold at Hill Air Force Base.

Mr. Rich explained to those present that currently, 50% of the refuse currently taken from Woods Cross is recycled by converting it into energy at the Wasatch Integrated Plant. He said that the curbside recycling would compliment the current recycling program that is going on by the member cities that belong to the Wasatch Integrated District.

The floor was then given to Mr. Greg Walkenhorst, who is the manger for the Waste Management Systems of Utah, who is the garbage pick-up provider for the City. He then explained the recycling program as was outlined by Council Member Decker and said that the recyclables that are picked up are taken to a plant in West Jordan where they are separated into the various recyclable items such as metal and plastic and paper.

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After these introductory comments, the Mayor then opened the public hearing for comments from the public present.

The floor was given to Mr. Grant Blackley. He noted that he attended the open house prior to tonight's City Council meeting and that the written information that he had received at the open house had noted the citizens of Woods Cross are very efficient in the recycling of their refuse by using the Wasatch Integrated Waste District burn plant and he wondered why the City Council would want to increase the cost to the citizens to do further recycling. He wondered if it would really be effective.

The floor was given to Mr. Rich who said the recycling program proposed by the City Council would supplement the work that is done at the Waste District.

Mr. Clark Burbidge, a City resident, explained to the City Council that he had experience all over the United States in helping to build solid waste energy plants and that he had helped build the one in Davis County used by the City. He said that these systems are very efficient in recycling the solid waste from the cities that participate in the program. He went on to explain to the City Council that there is no guarantee that the recyclable items picked up by the garbage hauler for sorting and shipping to a recycle company, will be recycled and that the City Council, if they adopt a program, should make sure that the user of the recyclables is contracted by Waste Management of Utah and not a loader which takes it to another location. He noted that there is a potential that the recyclables could end up in another landfill somewhere.

Mr. Thad Van Ry, a City resident, said he is favor of recycling and he currently recycles his refuse by taking it in bins to Bountiful City. He said his objection to the recycling program is the 33% increase in the garbage pick-up fees that the City would have to charge. He noted that his parents that live in the City are on a fixed income and this would be a burden to them to have their fees increased by this amount.

Ms. Rosemary Parnel, a City resident, advised the Council that she participates in the recycling program and takes her recyclables to Bountiful City. She has been discouraged because she finds the bins there full and she refuses to leave the items on the ground around the bins and she has to make two or three trips. She said that is why she would favor curbside recycling here in Woods Cross.

Council Member Decker was given the floor. She explained they would try and put in place some sort of measure that would allow the City to help those that are on fixed incomes meet the costs.

There were no other comments and the Mayor closed the public hearing.

The floor was then given to Council Member Decker who motioned that the City Council go forward with writing up a proposal for the program including the costs of the program and more details on the pick-up of the recyclables as well as an outline of who the recyclables would be

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sold to as part of the contract and the preparation of the contract would be assisted by the Wasatch Integrated Waste District to see that the contract is prepared for the most efficient use. Also that this contract would be provided to the City Council by the second meeting in September. Council Member Earnshaw seconded the motion. The Mayor then called for discussion on the motion and the floor was given to Council Member Dayley.

She expressed concern of the cost to the City of being the first City in the program and would incur the initial start up costs that would be more costly to our City if they joined the program later. In addition, she expressed concern for mandating this increase in refuse cost to all of the citizens of Woods Cross City.

The floor was given to Mr. Nathan Rich who said that he hoped that they could minimize the start up costs by working closely with Waste Management Systems of Utah in preparing the contract for the service in the City.

There was no other discussion on the motion and Mayor called for the vote. Council Members Moore, Earnshaw and Decker voted for the motion and Council Members Dayley and Hadlow voted opposed. The motion carried by a vote of three to two.

CONSIDERATION TO ADOPT AN AGREEMENT AUTHORIZING THE MAYOR TO SIGN A FRANCHISE AGREEMENT WITH ROCKY MOUNTAIN PIPELINE L.L.C. ALLOWING THEM TO CONSTRUCT A 16" PIPELINE ON 1100 WEST FROM 500 SOUTH TO 2100 SOUTH

The floor was given to the City Administrator who explained the following to the Council:

“Given to the Council is a copy of the revised franchise agreement which would allow Rocky Pipeline to put a proposed 16” crude oil pipeline in 1100 West. They will be directionally boring the majority of the pipeline so most of 1100 west will not be affected by the construction since it will be bored 30 feet under the road, however, we felt we needed a franchise agreement with them to make it clear that they are putting their pipeline in our street and they are responsible for taking care of any leaks or relocations of the line as well as being responsible to any problems that may occur.

“We have had some problems in the past with the Amoco pipeline where they essentially dictated to us what we can and can’t do in our street over their pipeline. We wanted to make it clear with this franchise agreement that they are in our street and if any adjustments need to be made, they will make them.

“The City Attorney has reviewed the agreement and finds it satisfactory for the Council’s adoption if they see fit to approve it.”

Following the explanation by the City Administrator the floor was given to Mr. Blaine Rawson, who is legal counsel representing Rocky Mountain Pipeline Systems. He explained to the

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Council that this pipeline originates in Evanston, Wyoming and travels all the way through the State of Utah to Woods Cross City and then comes down 1100 West from 500 South to 2100 South in Woods Cross City. The purpose of the pipeline is to carry crude oil to the refineries in South Davis County.

He explained that the line would be 30 to 50 feet underground so that it would not interfere with any current underground utilities. He said that there would be no valves located in the Woods Cross area. These valves are located above ground but there would be none in Woods Cross. He then answered some questions the City Council had.

Following the question and answer period, the floor was given to Council Member Moore who motioned the City Council approves the agreement authorizing the Mayor the sign a Franchise Agreement with Rocky Pipeline Systems allowing them to construct a 16" pipeline along 1100 West from 500 South to 2100 South. Council Member Earnshaw seconded the motion and all voted for the motion.

CONSIDERATION TO ENTER INTO AN INTERLOCAL COOPERATIVE AGREEMENT WITH DAVIS COUNTY TO SHARE THE 2007 MUNICIPAL ELECTION COSTS

The City Administrator continued with the floor and advised the Council of the following:

“Given to the Council is a copy of a proposed Interlocal Cooperation Agreement with Davis County wherein we share the costs for the November Municipal Election since the school voucher question will also be on the ballot. The Agreement states that Davis County will provide the electronic ballots, equipment and poll workers, and the City will pay them the amount we had budgeted for the November election which is \$2,400.

“I recommend approval of the agreement as drafted.”

Following the review by the City Administrator the floor was given to Council Member Decker who motioned that the City enter into an Interlocal Cooperative Agreement with Davis County to share the 2007 Municipal Election costs as outlined above. Council Member Hadlow seconded the motion and all voted for the motion.

OPEN SESSION

The Mayor then opened the meeting to items from those present that they would like to bring before the City Council.

The floor was given to Mr. Don Schrader, a City resident. He asked if the City Council could place on the November ballot, the recycling program that had been discussed at tonight's meeting to see how the citizens of the Woods Cross would vote on it.

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The Mayor said that he and the staff would look into the matter to see if it could be placed on the ballot.

The floor was then given to Mr. Eric Tucker, a city resident. He advised the City Council that he had been approached on his property by a police officer asking Mr. Tucker not to use his compound bow for bow and arrow target practice on his property. The Ordinance within the City's Ordinances pertaining to this is 13-06-110. Mr. Tucker reviewed this Ordinance with the City Council and felt like it would be ok for him to use the bow and arrow in his yard as long as he was with an adult that could supervise the program. He asked the Council to look into the matter to see if the ordinance could be amended or if it does or does not allow the use of a bow and arrow on private property.

The City Administrator was asked to look into this matter and report back to the City Council.

The floor was then given to Council Member Earnshaw who advised the City Council that two City residents that had been serving in the military in Afghanistan were returning home and the families of these returning soldiers have asked to have flags put out along 800 West and 1500 South as they are during the holidays such as the Fourth of July. The Council was very agreeable to seeing this is done to honor these returning men from the armed services.

It was noted the City would use a scout troop or other organization to place the flags out in a timely manner.

The Mayor then took the floor and advised the City Council that the Utah Telecommunications Open Infrastructure Agency (UTOIA) was starting to build their system of fiber optics in some of the South Davis County communities. The Mayor wondered if Woods Cross City would be interested in having this service provided within the boundaries of the City and wondered at what cost it would be to the City to do this.

The City Council recalled having discussed this several years ago but had decided not to participate in the program but thought it was worth investigating. The Mayor said that he would try to get more information and report back to the Council.

REPORT FROM THE SOUTH DAVIS MOSQUITO ABATEMENT DISTRICT

The floor was given to Council Member Moore who is the City's representative on the South Davis Mosquito Abatement District. He reported to the Council that there had been human case of the West Nile Virus reported in the County and that he would apprise them as more information becomes available.

REPORT FROM THE SOUTH DAVIS METRO FIRE AGENCY

The Mayor who represents the City on the board of directors of the South Davis Metro Fire Agency reported to the Council on the agencies activities.

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1. He advised the Council that there would be a ribbon cutting ceremony at 10:00 am on Saturday, August 25th for the opening of the new fire station located at 2600 South and Redwood Road and invited all the Council and those present to come.
2. He reported that the board had agreed to give Bountiful City a credit against construction costs of the station of \$726,000 which was the revenues received from the sale of the old station at the corner of 400 North and 500 West.
3. He reported that a firm price had been received for the construction of the new station #82 which will be built on Eaglewood Drive near Davis Boulevard.

This concluded his report.

MAYOR'S REPORT

The Mayor reported to the City Council that he had met with Mayors of the surrounding Cities along with the State Legislators to discuss what could be done with the intersection of 800 West and 500 South and the railroad that intersects with the road there. He noted State Legislator Roger Barrus who represents the South Davis County area had agreed to help the Mayors meet with UDOT to see if they could determine what would be best for the intersection in this area. He said as progress is made he would relay further information to the Council.

PLANNING COMMISSION REPORT

The floor was given to Council Member Decker who reported on the Planning Commission meeting held August 14, 2007. Please see the minutes of that meeting for the details of her report.

CITY ADMINISTRATOR'S REPORT

The City Administrator reported on the following to the Council but because of the lateness of the hour the items were not discussed:

1. "North Salt Lake Wall Issue

"As you recall, a number of months ago we had North Salt Lake raise concerns about the need to build a 10' wall adjacent to the existing 10' wall installed by J.C. Wheelright and Frank Branch. At that time the Council instructed staff to meet with the parties involved and come to some solution to the problem. I have met with Sally Wheelright and North Salt Lake City concerning the issue. I have not yet had the opportunity to meet with Frank Branch. Sally is mainly concerned about security of their property with the ball fields going in next to her property as well as protection from the new residential neighbors putting pressure on them to relocate.

"The existing agreement between Woods Cross and North Salt Lake requires the new owners to sign disclosures that they are aware they are locating next to an industrial

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business that has operations that they may at time be somewhat disruptive. I think we have adequately addressed this concern in the existing agreement. We still need to make sure the disclosures are signed by all new residents in the area.

“Concerning the wall, after discussing with the parties involved, I have come to the following conclusions:

1. “A double 10’ wall along the property boundary would serve no purpose and the money expended on it would be better spent by North Salt Lake in improving the park.
2. “North Salt Lake should not be responsible for paying part of the cost of the existing walls. Requiring such would set a very dangerous precedent which we do not want to set.
3. “North Salt Lake needs to be responsible for maintaining the existing walls installed by Wheelright and Branch and should be responsible for repairing any damages done to the North side of the wall.
4. “Any tree plantings need to be sufficiently far enough away from the wall to ensure that it does not allow individuals to use the trees to scale the wall.
5. “If there are any additional measures that can be done by North Salt Lake to more adequately provide security for the Branch and Wheelright property, Woods Cross City should entertain those proposals and discuss them with North Salt Lake. If the proposals are reasonable the agreement should be amended to remove the request for the redundant 10’ wall in this area and incorporate the proposal requirements in its stead.

“I would like to discuss these concepts with you briefly and if the Council is in concurrence I will meet with the parties involved and see if we can come to some type of resolution of this issue.

2. “Foreland Industry Odor and Noise Complaint

“Given to the Council is an e-mail that was received from Randy Farnsworth who has complained about the noise and odor of Foreland Refinery. In response to this e-mail, the Mayor and I have met with both Jesse and Jake McSwain, managers of this facility as well as Randy Farnsworth. It appears that Randy’s e-mail was sparked by an early morning incident of noise coming from this facility that woke him up. After reviewing the situation with Jesse and Jake, we are of the conclusion an employee from Foreland most likely left the door to the blower open which greatly increased the noise from the facility to the adjacent neighborhood. We had them run the blower and spot checked areas of the adjacent neighborhood in which the sound was not as loud as Randy suggested in his e-mail. In fact, with the door closed, the noise in Randy’s immediate neighborhood is hardly discernable. With this in mind, the solution to the noise issue is that Foreland needs to insure the blower door is closed at all times during operation.

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“The odor issues is a function of having the metal roll-up doors open when they are in operation, allowing the odor to escape into the neighborhood. I propose we monitor Foreland when they do their blowing operation and if the doors are open, then monitor the neighborhood to see if the odor is coming into the neighborhood. If it is, Foreland needs to be asked to change their operation by closing the doors and eliminating the odors escaping into the neighborhood.

“Foreland has a conditional use permit to operate on that site; however, their attorney has argued they actually are not required to have a conditional use permit and that the conditions that we have upon them are unreasonable. That has not been contested in court but surely would be if we pushed the issue. The second argument they have made is that we are unable to scientifically pin down where the odor is actually coming from. They have actually hired an expert in this area to address any of the complaints that we have made against the facility. I believe we can fairly accurately pinpoint the cause of the odor to their facility and will work toward that end. However, I would like to pursue cooperation with Foreland to see if we can resolve the majority of these concerns amicable and non-threatening way. If the Council feels we need to move further with Foreland, then I will proceed as directed.

3. “Water Bond

“We have submitted an application to the Utah Drinking Water Board for a \$5 million dollar bond to build the water storage tank on 1500 South, construct the new will in the western part of the City and to upgrade the distribution lines on 500 South prior to the starting of the UDOT 500 South project. The annual payment the City makes on the current outstanding bond is \$120,000 annually with the bond being retired 2010. I anticipate the annual payment of the \$5 million dollar bond, at a 4% interest rate, at \$368,000 annually. We may get a lower interest rate, so the numbers I am using should represent a worst case scenario. I am anticipating \$80,000 of impact fees will be used annually to help retire this debt and we will structure the bond so that the payments on the \$5 million dollar bond will not start until after 2010 so we can apply the current \$120,000 for debt reduction on this bond. That will leave us with \$168,000 that will need to be raised through an increase in user fees. This is a 31% increase in our user fee revenue which will be a \$2.80 monthly increase for residential users. This will raise our minimum water fee from \$9.00 to \$11.80. I will, over the next few months, refine this more, but I anticipate around a \$3.00 increase in water rates to cover this bond. There is a possibility of Drinking Water Board may request us to raise our rates above \$12.00 a month, closer to the \$14.00 range. In comparison, Centerville City charges \$12.75 a month, North Salt Lake charges \$14.40 a month, and West Bountiful charges \$14.68 a month for their water. Bountiful is the lowest at \$7.15 a month. However, Bountiful is an older City with lower fixed costs. Even with the increase of the rate to \$12.00 a month, we are still a lower rate than Centerville, North Salt Lake or West Bountiful. This water rate increase needs to be factored in with the other issues that are being discussed;

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the recycling program, the RAP tax and the sales tax increase for transportation. I will keep you updated where we are in the process”.

MEET THE CANDIDATE NIGHT

The City Recorder reported to the Council that the candidates who had placed their names in nomination for the upcoming City elections on November 7th have picked the date of October 18th as Meet the Candidate Night in Woods Cross. The City Council discussed this date and found it to be acceptable and instructed the Staff to go forward with planning the evening.

CLOSED SESSION FOR LITIGATION

At 8:45 P.M. Council Member Decker motioned that the Council go into closed session to discuss litigation matters. Council Member Earnshaw seconded the motion and all voted for the motion.

ADJOURNMENT

There being no further business before the City Council, Council Member Moore motioned that the Council adjourn the meeting at 9:30 P.M. with Council Member Earnshaw seconding the motion.

Kent Parry, Mayor

Alan T. Low, City Recorder