

**WOODS CROSS CITY COUNCIL MEETING
MAY 5, 2009**

The minutes of the Woods Cross City Council Meeting held May 5, 2009, 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:

Kent Parry, Mayor
Tamra Dayley
Rick Earnshaw

Jill Evans
Jon Hadlow
David C. Hill

STAFF PRESENT:

Gary Uresk, City Administrator
Alan Low, City recorder
Scott Anderson, Public Works Director
Wade Hugoe, Public Works Employee
Wally St. Jeor, Public Works Employee
Sparky Taylor, Public Works Employee

VISITORS:

Ruth Malan
Lois Schrader
Al Jewell
Cody Evans
Pat Blackley
Vicki Hinckley
Maria Villasenor

Leendert Van Hulten
Jennifer Palmer
Chris Merrill
Wade Hugoe
LeGrande Blackley
Wayne Hinckley

Don Schrader
Kyla Sheperd
Chad Salisbury
Melinda Williams
Mark Anderson
Matthew Rasmussen

INVOCATION:

Jon Hadlow

PLEDGE OF ALLEGAANCE:

Rick Earnshaw

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

APPROVAL OF MINUTES

The Council reviewed the minutes of the City Council Meeting held April 21, 2009. After the review, Council Member Evans motioned the minutes be approved as written with Council Member Hill seconding the motion and all voted for the motion through a roll call vote.

APPROVAL OF CASH DISBURSEMENTS

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The floor was given to the City Recorder who reviewed the Cash Disbursements listing for tonight's meeting with the City Council. After the Council's review, Council Member Earnshaw made a motion to approve the Cash Disbursements listing as presented with Council Member Dayley 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 from those present that were brief in nature. This would be items that would take less than two or three minutes.

There were no items for the brief open session.

REPORT FROM THE WOODS CROSS COMMUNITY OF PROMISE COMMITTEE

The floor was given to Mr. Leendert Van Hulten who reported to the City Council on the activities of the Community of Promise as follows:

- There will be a Garden Club meeting May 12th at 7:00 P.M. A landscape designer from the Salt Lake Temple will be speaking about planning layouts for display gardening using annuals and bulbs.
- May 14th will be the Senior Lunch Bunch at noon. The program is called "All About You" and everyone is to bring their own lunch and a white elephant gift.
- May 28th is Woods Cross Community of Promise meeting.

A special thank you and plaque will be given to the Bountiful Life Care Center for the support of our Senior Citizens group, "The Lunch Bunch". The award will be presented, May 6th at an open house at their facility located at 200 West 2600 South.

REPORT FROM THE SOUTH DAVIS SEWER DISTRICT

The Mayor noted Mr. Charles L. Payne, the City's representative on the Board of Directors on the South Davis Sewer District, had asked to be excused from the meeting tonight and will give his report at a future City Council meeting.

REPORT FROM THE WOODS CROSS YOUTH CITY COUNCIL

The floor was given to the Youth City Council Mayor, Jennifer Palmer. She reported to the City Council on the activities of the Youth City Council as follows:

1. "The Easter Egg-stravaganza" was very successful. The kids enjoyed the Easter Bunny and the activities. We asked for a \$1.00 donation to be entered into a drawing for filled Easter Baskets. We collected \$230.00 in cash which will be used for Sub-for-Santa Family Fun Kits in December."

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2. "Tonight at 7:00 P.M. is the Elks Youth Week Pizza and Pop Dinner. The 2009 Woods Cross Youth Citizen of the Year will be announced as well as any "Most Valuable Student" scholarship winners.
3. "We are excited to help with the Memorial Day celebration and plan to have the fishpond for the children. We will also have applications available for next year's Youth Council.
4. "We will not have regular YCC meetings in June, July, and August. In June we will be decorating the float for the parades and hosting the Senior Lunch Bunch as well as helping with the school carnival."

Following the report by Mayor Palmer, the Council expressed appreciation to the Youth City Council for their many hours of public service to the community and the citizens of Woods Cross.

RECOGNITION OF PUBLIC WORKS DIRECTOR-SCOTT ANDERSON AND PUBLIC WORKS EMPLOYEE—WALLY ST. JEOR FOR 15 YEARS OF SERVICE AS CERTIFIED WATER OPERATORS

The Mayor read to the public present the following letter from the Department of Environmental Quality Division of Drinking Water for the State of Utah.

"The Operator Certification Commission is recognizing the operators that have been certified for 15 years or longer by awarding a service pin to those operators that have met the criteria. The Commission would like to thank the Community and your water system for providing the training and resources to keep your operators certified. The members of your community have benefited from your efforts by being supplied with a safe and adequate supply of drinking water. Many times the efforts and countless hours that have gone into ensuring the water served to your community is safe, goes unnoticed. The Operator Certification Commission would like to commend you and let you know that your efforts are highly appreciated in supplying your community with the most precious resource of life, safe drinking water. We sent this letter in the event you may want to recognize those operators that work for your water that have been certified for more than 15 years. Their names are: Scott S. Anderson, Wallace E. St. Jeor."

Following the reading of the award to Mr. Anderson and Mr. St. Jeor they were called forward by the Mayor and the City Council and presented pins of recognition and extended a hand of congratulations for their service to the citizens of Woods Cross City.

REPORT FROM WEBER BASIN WATER ON AN UPDATE CONCERNING THEIR CONSTRUCTION WITHIN THE ROADWAYS WITHIN WOODS CROSS CITY IN THE INSTALLATION OF NEW WATER LINES FOR THEIR SECONDARY WATER

The Mayor gave the floor to the City Administrator who reviewed the following with the City Council:

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“Mr. Matt Rasmussen is here from Weber Basin to give an update on the Weber Basin Waterline project. I have requested he address the following problems.

1. “The length of the project and when the project will be completed.
2. “Keeping the streets clean and clear of debris.
3. “Repair of the roadway surface.
4. “Restoration of Towne Center Park.
5. “The inconvenience of the traveling public and the residents of the City.

“Since the date that I sent this e-mail a week ago, considerable progress has been made. However, if you have any specific concerns to address with Matt, he is available to answer any questions or concerns you may have.”

Following the opening remarks by the City Administrator the floor was given to Mr. Rasmussen who then reviewed with the City Council the status of the project. He noted the project is near completion and the contractor for Weber Basin has run into nine major problems as they introduced water pressure into the new lines and had to dig up the roadways to repair those problems.

He said they will again pressurize the system to its maximum in the fall before closing down to make sure they have gotten all the problems taken care of but there could be additional problems found in October when that is done.

He extended the apologies on behalf of Weber Basin to the residents of Wood Cross City for the interference and for the length of time that was taken to interrupt traffic flow to the City. He also expressed appreciation to the City Council and City Staff for working closely with them as this major project is coming to a completion.

The City Council then asked several questions which were answered and they thanked Weber Basin for coming before the City Council and explaining the situation.

A PUBLIC HEARING TO CONSIDER ENTERING INTO AN INTERLOCAL AGREEMENT WITH LAYTON CITY IN APPLICATION FOR A JUSTICE ASSISTANCE GRANT

The Mayor gave the floor to the City Administrator who introduced the following to the City Council:

“The Chief of Police has applied for \$11,587 through the JAG program (Justice Assistance Grant) to upgrade our file server for the Police Department, buy a computer to upload and archive our in car videos and to purchase a handheld laser system unit for traffic enforcement. Given to the Council is the narrative that the Chief of Police has written for the grant for your review. Since this is a Federal Grant, we are required to take public input on the proposed use of the grant. I have advertised as required to take public input on the proposed use of the grant. I

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have advertised this hearing in the newspaper and time needs to be given for any individuals that may desire to comment on the grant. I recommend approval of the Interlocal Agreement with Layton City for application for the JAG grant.”

The following is the narrative read by the Mayor and the City Council:

Woods Cross City – Narrative for the Justice Assistance JAG”
\$11,597.00-\$579.85 admin fee, adjusted award (\$11,017.15)

One of our police officers was deployed to Kuwait in September 2008 for a period of one year. The City was aware we would have to provide a job for him upon his return, but rather than leave the department shorthanded we were authorized to hire a replacement for him. It was anticipated at the time the newly hired officer would be retained after the deployment ended and the officer returned. The FY 2009 budget did not allow for purchasing equipment for the new officer. However, he would be able to use the current equipment until the officer returned and the additional equipment would be purchased in the FY 2010 budget.

In February 2008 a large sales tax producer (new/used car dealership) in the City moved to another city for one year to completely remodel and rebuild its facility. This move cost the City approximately \$450,000 in sales tax revenue. In adjusting for this loss the City used some of its fund balance, anticipating revenues to return when the car dealership moved back into the City. The current economic downturn has left the City with declining revenues and a limited fund balance. It was necessary to reduce the City’s and in particular the police department’s budget by 10%. By carefully examining the budget and reducing costs we were able to retain the police officer position in FY 2009.

In preparing the City’s FY 2010 budget it will be necessary to lay off a police officer to maintain a balanced budget unless a revenue source can be found. We have applied for a COPS grant to allow us to retain this officer and if received, part of the funds will be used to purchase the necessary equipment that he needs. If we do not receive the grant for the officer, the JAG will be revised to purchase other equipment that was not approved in next year’s budget.

We had planned to upgrade our records system to allow for remote reporting and sharing of our records with other law enforcement agencies. However, our current file server is not adequate to accomplish this task and the project has been put on hold until that time. We will use part of the funds to purchase a new file server. In addition, a computer would be purchased that would allow us to upload, archive and prepare DVD’s from our in-car digital video recorders for long term storage and court purposes. At the present time this is a very time consuming project and many times we have had to hire an outside technical person to prepare them.

The remaining funds will be used to purchase a much needed handheld laser system unit that can be used for traffic enforcement by the patrol division. Any costs that exceed the grant total will be picked up by Woods Cross City.

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Following the introduction by the City Administrator and the review of the narrative by the Mayor and the Council, the Mayor then opened the public hearing for comments from the public concerning the application for this grant.

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

The floor was then given to Council Member Dayley who motioned the City of Woods Cross enter into an Interlocal Agreement with the City of Layton to make application for the Justice Assistance Grant. Council Member Evans seconded the motion and all voted for the motion through a roll call vote.

CONSIDERATION TO ADOPT THE FISCAL YEAR 2010 TENTATIVE BUDGET FOR ALL CITY FUNDS

The Mayor gave the floor to the City's Budget Officer, who is the City Administrator, who presented the following information to the City Council concerning the Fiscal Year 2010 tentative budget:

"As you have reviewed the tentative budget, I am sure you can see the recession is definitely having an influence on the City's budget. Because of the decline in revenues there has been a necessity to look at cutbacks in the budget. In regards to employees, no salary increases either COLA or merits are reflected in the budget. The medical insurance increase of 9% has been covered in the budget. However, if there is any increase in the retirement costs, I may have to go back and have the employees pay for part of their medical insurance premiums.

GENERAL FUNDS

"The difference between the General Fund budget last year and this year is \$300,083 which represents a 10% increase from the previous year's budget. This needs to take in account that the previous year's budget was decreased because of the Menlove move. This year's decrease is a very significant decrease in the City's budget. You will notice a number of the departments have a fairly significant change within their budget. The only department showing a significant increase in its budget is City Hall, where we are budgeting for an air conditioning unit that needs to be replaced within the next year. There is a 1% increase in the Police department which reflects the hiring of the additional officer which is largely offset by a decrease in capital expenditures for vehicles within the department. This hiring of the additional officer is contingent upon receiving the COPS grant. If we do not receive this grant, the Council will have to further review the budget for funding to keep the officer on staff. The other departments have a significant decrease in expenditures. In particular, I have moved all of the street department expenditures to the Class C fund. In the past, the City has utilized the General Fund revenues to take care of the street maintenance and employee costs for maintaining the streets, which has allowed us to put all of the Class funding actually on the streets through either street projects or major repair projects. Because of the decline in revenues it was necessary to move all of the street expenditures to the Class C fund. By doing this there will not be any funds necessary to

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move all of the street expenditures to the Class C fund. By doing this there will not be any funds available for projects this year. I do not recommend taking this approach into the future. I would like to move back to that which we have done in the past, but because of the lack of revenues this year, I found it was the only thing I could do to avoid cutting back on personnel. "The General Fund budget does not show the construction of the City shops. The Council will need to come up with a new revenue source to pay for the shop construction and we can budget that in when the Council feels it appropriate to do such.

WATER FUND

"The anticipated revenues in the water fund did not materialize as anticipated from the revenue increase adopted to pay for the water tank, well and distribution lines. The falling short in revenues can be attributed to less growth due to less building as well as funds from overage charges was considerably less than anticipated due to conservation efforts. We will need to increase our water rates to cover the bond. However, I recommend we wait another 6 to 8 months to do so, to get a better feel for where our revenues are, as well as hopefully we will be moving out of the recession and increasing our water rates will not place a hardship on our residents and businesses. I anticipate we will need to increase our rates up to another \$2.00 per month per household.

THE WATER IMPACT FEE FUND

"The revenues in this fund are way down due to the slow down in building. This may pick up in the spring of 2010 and if this does, then we can budget some capital projects if possible. The proceeds from the bond are paying for the completion of the well and the reservoir which should both be completed in FY 2010.

GARBAGE FUND

"This fund shows a deficit of \$27,300 as planned. This deficit may be less depending upon if we need to purchase new cans during the year. We still have a fund balance of \$83,000 within the fund, so there should be no need to increase fees for a couple of years.

STORM WATER FUND

"The storm water impact fees are down due to lack of building within the City. No new capital projects are planned. We will need to pay off the loan to the Capital Improvement Fund for the 500 South project of around \$700,000. Our storm water fee is only at \$1.00 and we will need to increase it upwards to pay off the loan and the required projects as the City grows. I recommend we take a look at this at the start of the next budget year.

"This is a very lean budget and I recommend it be adopted as presented. We need to set a time for a work meeting to go into details of the budget. I recommend June 2nd at 7:00 P.M. be set as the date and time for a public hearing prior to adoption of the final budget."

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Following the presentation by the City's Budget Officer, the Mayor and the City Council expressed appreciation to him for the excellent presentation of the Fiscal Year 2010 tentative budget.

The Council then discussed holding a work session to further look into the details of the tentative budget before adopting the final budget on June 2nd. The date of May 20th, 2009 at 6:30 P.M. at the City Hall was set to discuss the tentative budget in detail.

The floor was then given to Council Member Hill who motioned the City Council adopt the tentative budget as presented at tonight's City Council Meeting and that a work session on the tentative budget be set for May 20th, 2009 at 6:30 P.M. at the City Hall to discuss the details of the tentative budget and prepare it for final review by the citizens of Woods Cross City. Council Member Hadlow seconded the motion and all voted for the motion through a roll call vote.

CONSIDERATION TO APPROVE A BETTERMENT AGREEMENT WITH UDOT FOR STORM WATER IMPROVEMENTS IN CONJUNCTION WITH THE 500 SOUTH STREET PROJECT

The Mayor asked the City Administrator to go over the following with the City Council:

"Given to the Council is a copy of the proposed agreement with UDOT in which we will pay UDOT \$719,449.41 for the storm drain betterments in the 500 South project. They in turn will pay us \$18,750 for the long term maintenance of the retention basin. The retention basin will be deeded to the City and will become part of our storm water project, while UDOT will retain ownership and maintain the storm drain lines in their right of way. Scott and Greg Seegmiller, from JUB, have spent considerable time working with UDOT in coming up with this agreement. The original agreement had us paying \$809,000. Scott pointed out to them there was some of our existing pipe that is being utilized which reduced our payment by \$30,000 plus an additional \$60,000 reduction in the retention basin cost. Greg and Scott feel the agreement is acceptable for the City and will provide long term benefits for the City by providing storm water removal in the area around 500 south.

"As noted on page 2 of the agreement the \$719,449 is only an estimate and the actual amount will be billed to us when the project is completed. The actual amount could be more or less than the stated amount of \$719,449.

"The funding for this will be provided through a loan from the Capital Improvement Fund to the Storm Drain fund. I anticipate this payment will need to be made around December or January. With this loan coming from the Capital Improvement Fund, it will be necessary for us to review our storm water fee we charge the residents and business within the City. The Staff originally recommended \$3.00 per household which was trimmed by the Council to \$1.00. I feel with this project as well as other projects within the City, this fee will need to be raised to at least \$3.00 as recommended by Staff. This does not need to be done immediately, but I anticipate sometime

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after the first of the year the Council will need to take a serious look at this fee. I recommend approval of the agreement as drafted.”

Following the information provided by the City Administrator the floor was given to Council Member Hadlow who motioned the City Council approve the betterment agreement with UDOT for storm water improvement in conjunction with the widening of 500 South Street. Council Member Hill seconded the motion and all voted for the motion through a roll call vote.

CONSIDERATION TO ADOPT RESOLUTION 2009-473 A RESOLUTION TO AMEND THE PERSONNEL POLICY AND PROCEDURES MANUAL IN REGARDS TO ADA POLICY

Continuing with the floor the City Administrator went over the following information with the Council concerning the amendment to the City’s Personnel Policy and Procedures Manual:

“Given to the Council is a memorandum from the City Attorney addressing the ADA Amendments Act of 2008. Congress, in response to some issues concerning the Americans with Disabilities Act passed the amendment in September of 2008. These amendments are intended to provide a broader coverage and protection of individuals with a disability and changes some of the definitions of who is covered under the act.

“The City Attorney drafted the resolution and amendment to the personnel manual that addresses these changes made by Congress. I recommend adoption of the resolution as drafted.”

Following the recommendation by the City Administrator the floor was given to Council Member Earnshaw who motioned the City Council adopt Resolution 2009-473, a resolution amending Woods Cross City Personnel Policies and Procedures Manual to enact section XXI regarding the Americans with Disabilities Policy. Council Member Evans seconded the motion and all voted for the motion through a roll call vote.

CONSIDERATION TO DECLARE 42 BICYCLES HELD BY THE POLICE DEPARTMENT AS SURPLUS PROPERTY TO BE AUCTIONED OFF TO THE HIGHEST BIDDERS

The City Administrator then presented to the City Council a list of 42 bicycles which had been picked up by the Police Department and unclaimed by the citizens of the City or surrounding communities and recommended these bicycles be declared surplus property. In addition, he recommended a silent auction be held on Memorial Day at the City’s Memorial Day Celebration to sell the bicycles to anyone in the community that would like to purchase one.

The floor was given to Council Member Earnshaw who motioned the City Council declare the list of bicycles as presented as surplus property and they be auctioned off at the Memorial Day Celebration to the highest bidder. Council Member Hadlow seconded the motion and all voted for the motion through a roll call vote.

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DISCUSSION SIVLER EALGE JANUARY FIRE INCIDENT

The City Administrator explained the following to the City Council:

“The Mayor has had a discussion with Dave McSwain, owner of Silver Eagle Refinery, and Dave has proposed he meet with the Council on May 19th at 5:30 in a work session. He indicated to the Mayor that the documents given to me were a work in progress which is why Gil Higham, plan superintendent, was not aware of the documents.

“The documents that were given to me were presented to me in a meeting with their publicity consultants two weeks after the refinery fire. I was under the impression they were finalized documents. The Council can discuss how they wish to proceed with this matter.”

Following the explanation by the City Administrator, the floor was given to Council Member Hadlow who said he was opposed to holding a work session and the matter should be discussed in open City Council Meeting where the public could attend if they desired.

The floor was then given to Council Member Hill who said he was most concerned about the delays that Silver Eagle has had and that they have shown little interest in meeting with the City officials concerning the potential hazard that they have at their refinery. He went on to explain to the Council he had reviewed OSHA citations that had been issued against Silver Eagle Refinery for unsafe practices at their plant. The owners of this refinery need to come before the City Council and explain their position to the Council especially as it pertains to safety to surrounding residents that live near the refinery.

The Mayor then explained the work session was to give adequate time to the discuss the matter with Mr. McSwain from the refinery and if the Council desires, time can be allotted in regular City Council meeting to discuss this matter.

Council Member Earnshaw said he would be willing to meet in either a work session or in the regular City Council meeting.

Council Member Dayley expressed her opinion that she felt like a work session would be best so they can stay focused on the matter of the Silver Eagle Refinery.

After the discussion was completed as to the scheduling of the meeting, it was decided by the Council to hold the meeting with Mr. McSwain in regular City Council meeting.

The floor was given back to Council Member Hill and he said he hoped the focus of the meeting would be on safety programs, for the safety of the personnel that work at the refinery as well as the surrounding residents.

It was decided then that Mr. McSwain would come to the regularly held City Council meeting on May 19th.

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REPORT ON THE MEMORIAL DAY CELEBRATION

The floor was given to Council Member Earnshaw who reported to the City Council that all plans are in place for the annual Memorial Day Celebration. He noted Life Flight will be bringing one of their helicopters and landing in the City Park and the helicopter would be stationed there during the time of the celebration for residents to view.

OPEN SESSION

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

There were no items for the open session.

MAYOR'S REPORT

The Mayor reported he had nothing further to report to the City Council.

PLANNING COMMISSION REPORT

The floor was given to Council Member Evans who reported on the Planning Commission meeting held April 28th, 2009. Please see the minutes of that meeting for the details of her report.

CITY ADMINISTRATOR'S REPORT

The City Administrator reported to the City Council on the following two items:

1. Ivory Home Discussion

“Mr. Chris Gamvroulas would like to discuss the development of the 1500 South Intersection with the Council. He says he has approached a number of grocery stores and they are not interested in the site. They would rather be on 500 South and Redwood Road. I am not sure how diligent Chris has been in approaching commercial users, since he is proposing that they develop the area as townhomes, which he is geared up to build. He would like to meet with you in a work session and discuss the corner and see if we can come to any agreement on what should be done there. I am still not convinced that commercial will not work there. I suggested to him that you will be holding a budget work session in a couple of weeks and that we could meet with him a half hour before.”

The City Council said they would like to pursue commercial development along Redwood Road.

2. Damage to concession building in Mills Park

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“It was brought to my attention that damage had been done to the concession/storage building at Mills Park. Council Member Evans has asked that I review the damage because she was of the opinion that \$1,500 worth of damage has been done to the doors and the fascia around the top of the building and needs to be replaced. The Public Works Director and I inspected the building and saw the doors had a few dings in them, but nothing extraordinary requiring replacement. The fascia has been dinged considerably, but not to the point of requiring replacement at this point in time.

“Some of the damage was done by lacrosse players but I am sure not all of it was done by them. I have discussed this with Mayor Parry and he has asked his players to keep their play away from the building. We will also ask all the other users of the area around the building to be mindful of the building.

“If you have the time and can take a look at the building and give me your opinion on the damage done to the building it would be appreciated. If you think the damage is severe enough we can ask for appropriate restitution from those involved.”

The Council then discussed the damage that was done to the building and determined that signage should be placed on the building telling those who use the park facilities not to use the building as a backstop for the various games that are played there.

Also the Police Department was asked to patrol the area when occasion would permit.

ADJOURNMENT

At 8:35 P.M. Council Member Earnshaw motioned the City Council adjourn the City Council Meeting. Council Member Hadlow seconded the motion and all voted for the motion through a roll call vote.

Kent Parry, Mayor

Alan T. Low, City Recorder