

**ELK RIDGE
CITY COUNCIL MEETING
January 12, 2010**

TIME & PLACE
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, January 12, 2010, at 7:00 PM**; this was preceded by a **City Council Work Session at 6:00 PM**.

The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda of these Meetings were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on January 8, 2010.

6:00 PM –

FORMAL OATH OF OFFICE – NEWLY-ELECTED CITY OFFICIALS

ROLL

Mayor: Kenneth Lutes; *City Council:* Julie Haskell, Sean Roylance, Derrek Johnson, Weston Youd & Erin Clawson; *Building Official/Public Works:* Corbett Stephens; *Finance Director:* Curtis Roberts; *Jones Simkins (Auditors):* Mike Kidman; *Sheriff:* Lt. Shawn Chipman & Deputy Tindall; *Public:* (Salem High School Students) Drew Christensen, Suzanna & Sammi Magoffin, Emily Holcomb & Jordan Riley; *Public:* (*Deseret News*) Rodger Hardy; Jamie & Jim Towse, Christian, Will, Chody & Callan Towse, Lyndell Lutes, Robert Calcote, Robin Clawson & Jim Harvey; and the *City Recorder:* Janice H. Davis

The City Recorder administered the formal Oath of Office to each of the newly-elected City Officials: Mayor Kenneth Lutes and City Council Members Erin Clawson & Weston Youd.
(The Official Oath of Office was administered on January 4, 2010, at 8:30 AM; at the Elk Ridge City Hall.)

6:10 PM -

CITY COUNCIL WORK SESSION

AUDIT PRESENTATION
BY JONES SIMKINS,
2008/2009 FISCAL YEAR

Curtis Roberts (City Finance Director) introduced himself to the new Council. He apologized that this presentation was not conducted earlier in the current fiscal year; due to the unexpected death of his father, it was postponed. The audit report was completed earlier.
Mr. Roberts was present to explain the current finances to the Council; but first he introduced Mike Kidman, a partner of Jones Simkins...the City's auditors.

(Brief explanation of the auditing process that occurs annually.)

Mike Kidman: He began by handing out a folder to each of the Council and the Mayor that provides information about their CPA Firm. Jones Simkins is one of the 10 largest firms in Utah and they audit all over the State, Wyoming, Idaho and Washington. They value working with Elk Ridge and the staff, including Mr. Roberts. He commented that for a small city audit, Elk Ridge is one of the cleanest. General Accepted Accounting Standards are used to test the City's finances. All CPA firms are not qualified to audit government entities.

Conclusions:

- Independent Auditor's Report (Pgs 1 & 2):

1. The auditor expresses an opinion that the City's financial statements have been properly prepared and are correct, according to generally accepted accounting principles.
2. Their opinion also explains that the finances have been audited according to generally accepted auditing standards and government auditing standards.
3. Another aspect that is important is if there were any exceptions; there were no exceptions...the financial statements were all prepared correctly and can be relied upon.

00:12:50

- Internal Control over Financial Reporting (Pgs 69& 70):

Though the standards are set very high (higher than a business audit), no deficiencies were identified in internal controls over financial reporting that are considered "material" weaknesses.

Mr. Kidman commented that this is unusual for a small government. He explained that most smaller governments do not have a CPA employed to create all the reports and adjustments that are required; typically their firm does a great deal of audit adjustments to correct all the entries. Elk Ridge is very fortunate to have a good team that results in rare adjustments in the audit. It is important for the Council to know that the financial transactions are being handled with a high level of accuracy...they are not finding audit adjustments. Compliance with laws & regulations that affect financial statements is an issue: there were no "findings" in the area of compliance.

- Independent Auditor's Report on Compliance w/ State Legal Compliance Requirements (Pgs 73 & 74):

The State generates a list of compliance issues to measure finances against: In Jones Simkins' opinion, the City complied in all material respects for the year ending June 30, 2009.

- Management Letter (Included as an inserted letter with the audit report):

Jones Simkins has done Management Letters as a matter of policy; but certain "regulators" made this mandatory:

1. Qualitative Aspects of Accounting Practices:
Information provided to the City.
2. Difficulties Encountered in performing the Audit:
The Council should be aware of any difficulties. There were none.
3. Corrected & Uncorrected Misstatements:
The Council ("management") should know if there were audit adjustments. There were no "material" adjustments to the financial statements taken as a whole.

- 4. Disagreements with Management:
Have the auditors and staff or the Finance Director for the City had any disagreements, even if resolved?
There were no disagreements.
- 5. Management Representations:
The staff and management are required to verify that the information provided to the auditors is the truth.
- 6. Management Consultations w/ other Independent Accountants:
At times, during difficult situations, other Audit Firms will be consulted with; there were no issues of this nature.
- 7. Internal Controls: These are contained within the Government Auditing Standards Report (& they are).
- 8. Other Matters (*Jones Simkins' style*):
Other minor matters:
 - A. Budgetary Compliance: Sewer Fund exceeded expenditures in an account.
 - B. Note: Terminology for reporting *Fund Balance* is going to change: There are decisions to be made between Management and the City's Finance Director regarding who can make decisions regarding designations for fund balance. There are policies that will need to be tightened up to comply with the new reporting requirements (coming; not effective yet).

This concluded the audit report. Mr. Kidman added that many of their clients did not fare as well as Elk Ridge during these difficult economic times.

Curtis Roberts (Finance Director): Audits are technical in nature and include a great deal of information. He briefly reviewed some of the pages in the financial reports themselves:

00:26:44

Brief explanation of "Government Accounting: Government Accounting, Business Accounting & "Top Level" Accounting...including "*Fund Balance*" ("*savings*"). ((Page 13: See "Designated & Undesignated") Fund Balances (Governmental Accounting) represents "one-time" money. (Page 15) Shows "Excess (deficiency) of Revenues over Expenditures (*or "Net Income/Loss"*)". This is a "balancing act" between too much vs. not enough.

The point was made that balancing the General Fund last fiscal year required transfers into the General Fund from Capital Projects Funds. Previous Councils had the vision to put some money aside in these "savings" type Funds to be able to utilize in harder times. Think of Capital Projects Funds as "rainy day" funds...these keep the City solvent.

Transfers in (General Fund): \$226,100 (to balance the budget in 2008/2009) 2009/2010: The budget is more frugal and the anticipation is to not have to use these Funds to transfer money into the General Fund.

(Pages 17 & 18) Business type Funds (*Proprietary Funds*):

Explanation of assets and fees to recover to operate the systems. Planning ahead becomes very critical.

Example: Major Water Project in the City (About 2.4 million dollars)...planning ahead allowed this project to be funded through City funds and only bond for \$500,000.

Ten years ago, a water rate structure was put into place to allow these projects to be funded. The plan was adhered to and it paid off for the City. This was an effective plan and water rates have stayed constant.

He added that he sees no cause in the future to have to raise water rates; not many cities can make that claim.

He explained "operating Income" and the return on investment for the Water Fund: there is only a 1% return on fixed assets for the City; dropping from about a 6% return in years past. This was expected due to the major water project. This information indicates that the City recovered assets plus an additional 1%; while the rate of inflation was at about 2%...the City did not generate enough return to keep up with inflation. We need to keep track of this. There are also other factors that tell us not to alter water rates at this point.

He encouraged continued good planning for the future.

00:42:46

- Bond Proceeds:

The bond proceeds relate to the Sales Tax Revenue Bond that was issued in the amount of 1.5 million dollars for the main purpose of purchasing land for a future City Center. At the time it was a good opportunity to purchase a prime piece of land; the second part was a plan to extend the City building to better accommodate the Fire Dept. The original purchase of the land was at a cost of \$900,000; leaving \$600,000; which has been invested in the State Treasury's Investment Fund. At the time, the rate of return was between 5 & 6%. Now only about 1% or less is earned and it does not make a lot of sense to keep the money. Wells Fargo was contacted and they will work with the City to pay the money (\$about \$626,000) back onto the Bond.

The way the Bond document is written, the money can be paid back to the Bank and the debt payment schedule can be recalculated and reduce the Bond payments by about \$55,000 per year.

Proposal: Due to the status of the General Fund, it is recommended to give direction to Mayor Lutes to research the option of paying the money back and present these numbers from the Bank at the next City Council Meeting. (The savings in payment would not be recognized until next fiscal year.)

- Budget: As the current year continues, the budget plan is a solid one; the finances seem to be on track moving toward the mid-year amendment to the budget (perhaps at the end of February).

Concerns:

- 1. Utility Franchise Fees seem to be running a bit lower than anticipated (we are hoping for an increase in the next couple of months).
- 2. Interest Revenues: Are a lot lower than projected.

He is happy to report that the City appears to be on solid financial footing.

Typically there is a training session for the City Council on Government Accounting and budgeting in the spring. It would take place on a Saturday morning for all Council members and any of the interested staff.

Julie Haskell: Questioned the previous advice that turning the extra bond money back in would affect the end of the Bond, shortening the life of the Bond by 2 or 3 years.

Curtis Roberts: He looked into the way the Bond document was written, which was a bit different than the typical bond agreements; and discovered that the Bank actually can recalculate the payments.

- The Council was also encouraged to re-establish the 5-year Capital Improvement Plan; which lays out the City's planning five years into the future. It has been done in the past to benefit the current situation; it can be done again.

- He cautioned spending any Fund Balance at this point, until some of the taxes are submitted to the City.

City Recorder: She also reminded the Council that any "Fund Balance" in the General Fund is due to transfers in at the end of the last fiscal year; it is not "new money".

Weston Youd: He agreed that the money in Capital Projects should be left alone, if possible.

Sean Roylance: Any money saved could go back into the Capital Projects Fund to build that Fund up again.

17 1:00:36

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28 7:40 PM -

CITY COUNCIL MEETING – REGULAR SESSION AGENDA ITEMS

30 ROLL

Mayor: Kenneth Lutes; *City Council*: Julie Haskell, Sean Roylance, Derrek Johnson, Weston Youd & Erin Clawson; *City Planner*: Shawn Eliot; *Building Official/Public Works*: Corbett Stephens; *Finance Director*: Curtis Roberts; *Sheriff*: Lt. Shawn Chipman & Deputy Tindall; *Public*: (Salem High School Students) Drew Christensen, Suzanna & Sammi Magoffin, Emily Holcomb & Jordan Riley; *Public*: (*Deseret News*) Rodger Hardy, Robin Clawson & Jim Harvey; and the *City Recorder*: Janice H. Davis

36 OPENING REMARKS
37 & PLEDGE OF
38 ALLEGIANCE

An invocation was offered by Mayor Lutes and Erin Clawson led those present in the Pledge of Allegiance, for those willing to participate.

40 AGENDA TIME
41 FRAME

SEAN ROYLANCE MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE AGENDA TIME FRAME; MOVING APPROVAL OF THE AUDIT UP PRIOR TO AGENDA ITEM 2
VOTE: YES (5) NO (0)

44 ACCEPTANCE OF THE
45 2008/2009 FISCAL YEAR
46 AUDIT REPORT

Curtis Roberts: In the absence of Mr. Kidman, he wanted to comment that Jones Simkins is an excellent Firm with a great deal of experience with government audits; they are knowledgeable and fast, which is good for the City. They are highly qualified and thorough. He appreciates working with them and the quality of the work they do.

He will always give the Council his honest opinion.

City Recorder: She added that having Mr. Roberts services as the City's Finance Director has been very beneficial.

WESTON YOUD MOVED, SECONDED BY SEAN ROYLANCE, TO ACCEPT THE AUDIT REPORT FOR THE 2008/2009 FISCAL YEAR ENDING JUNE 30, 2009; WITH THE DIRECTIVE THAT MAYOR LUTES BE AUTHORIZED TO INVESTIGATE RESTRUCTURING THE SALES TAX REVENUE BOND DEBT WITH REGARD TO THE REMAINING \$626,000

VOTE: YES (5) NO (0)

56 1:07:20

57 CITY COUNCIL
58 MINUTES

A. *City Council Meeting 12-8-09*:

JULIE HASKELL MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE CITY COUNCIL MINUTES OF 12-8-09; WITH CORRECTIONS

VOTE: YES (5) NO (0)

62 NON-AGENDA ITEM

Deputy Tindall: He was present to introduce Lieutenant Chipman to the Council.

64 PUD DISCUSSION

Shawn Eliot: (Handout to the Council, including a memo from the Planner, dated 1-12-10)

Mr. Eliot conducted a power point presentation about the proposed Planned Unit Development Code (PUD): The handout to the Council followed the presentation regarding the existing problems, why the proposed changes and the proposed Code.

One of the main problems was the fact that there are two codes in existence dictating regulations for PUD's and this led to confusion and allowed the developers to choose which of the code would be applicable. After giving a brief background, Mr. Eliot explained the proposed Code.

Three major changes are proposed:

1. Re-write of the R-12,000 PUD Zone (Single Family dwelling)
2. Re-write of the PUD Code
3. Removal of the Large Scale Development Code

The Planner asked that the Council review the memo and the code changes in preparation for adoption at a future Council Meeting, considering the following:

(Memo from Planner)

“City Council Discussion:

1. *Is the new PUD code easier to use and does it clearly explain what is desired in a PUD development?*
2. *Is the mix of density for amenities the appropriate mix?*
3. *Is the proposed R-1-12,000 zone written as a normal zone in the appropriate fashion?*
4. *Is moving the special zones, including the new PUD code and the MHD code out of the Large Scale Development Zone a good fit?*
5. *Are the changes to the MHD code appropriate?”*

Handouts:

- Memo to Council from Planner
- Summary of Power Point Presentation of the Problems and possible solutions
- Proposed Code: R-1-12,000 Zone
- Proposed Code: PUD Code
- Large Scale Development: Rescind Code
- Proposed Planned Mountain Home Overlay Zone

Discussion:

Shawn Eliot: One area to focus on is the proposed areas for annexation, such as the Hansen property; what zoning would be allowed?

The General Plan does not propose that there will be anywhere except the current Elk Ridge Meadows area that would be zoned R-1-12,000 (single family dwellings). This could be decided otherwise in the future, but that is what the Planning Commission is proposing for the General Plan. The area north of Elk Ridge Meadows will be zoned to ½ acre.

There is an area within the Elk Ridge Meadows development that is zoned for twin homes or multi-unit townhomes. The current developer, Salisbury Homes, is not in favor of this any longer.

Weston Youd: The Planning Commission has “shut the door” on the types of problems incurred with the old code. The proposed code clarifies the code and gives the City the ability to require certain improvements according to the code.

Erin Clawson: Does the City still have to meet State requirements and quotas for “Affordable” housing?

Shawn Eliot: The City has enough affordable housing for now.

Sean Roylance: He is in favor of starting the zoning with larger ½ acre lots; the restrictions can always be reduced, but this is better than starting with smaller lots and going down from there.

Shawn Eliot: Only Phases 1 & 2 have been approved, with Phase 3 is the planned school...Phases 4, 5 & 6 are all subject to approvals. There is still a development agreement that stays with the land; and the City is bound to the terms contained within that agreement. One of the terms states that the City will go with the code on file in 2005 when the Elk Ridge Meadows Development began.

Discussion of the proposed “Overlay Zone” and where it could be applicable.

- Large Scale Development: There is not need for this zone; it is written into the PUD Code and other overlay zones. The Mountain Home Development code is less than adequate and should be re-written at some time; it is not part of the code coming forth at this time.

*Note: On the County parcel maps, the Recreation area is considered one parcel with cabins built on it; but it only has one tax ID number. The parcel is owned by Loafer Canyon Recreation Association.

Mr. Eliot felt the proposed PUD Code changes should be ready for adoption by the next Council Meeting, unless the Council’s review brings up any other issues (Councilmember Youd agreed that it is ready for adoption).

1:38:28

CITY WEB SITE PRESENTATION

Shawn Eliot: The City Web site is changing over to a new format. Councilmember Roylance and Shawn Eliot have been working on the web site. Councilmember Roylance demonstrated the proposed changes to the previous Council. The site has been refined and is nearly ready to be utilized. Mr. Eliot presented the site to the Council as it stands at this point. There is a bit more to address before it is ready for use. Mayor Lutes would like the site usable as soon as possible.

*It is to be decided who the “web Page Manager” will be.

**The Mayor will be the “Content Manager”.

***Weston Youd: GAP analysis by Thursday (It was not clear if it was 1/14 or 1/21).

2:00:59

ANNUAL SCHEDULE FOR CITY COUNCIL MEETINGS

ERIN CLAWSON MOVED, SECONDED BY SEAN ROYLANCE, TO APPROVE THE CITY COUNCIL MEETING SCHEDULE AS PRESENTED; WITH MEETINGS SCHEDULED FOR THE 2ND AND 4TH TUESDAYS OF EACH MONTH OF 2010; WITH THE EXCEPTION OF NOVEMBER AND DECEMBER WHEN THERE WILL BE ONLY ONE MEETING ON THE 2ND TUESDAYS, DUE TO HOLIDAYS
VOTE: YES (5) NO (0)

RE-APPOINT CITY RECORDER & TREASURER

Annual Appointment:

SEAN ROYLANCE MOVED, SECONDED BY WESTON YOUD, TO RE-APPONT JANICE DAVIS AS THE CITY RECORDER AND LINDA COOPER AS THE CITY TREASURER
VOTE: YES (5) NO (0)

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NON-AGENDA ITEM

**Appointment to SESD Board:*

Mayor Lutes: Mayor Lutes was informed that the position of the City Representative to the SESD Board is an appointment by the Mayor; he discovered that this is not the case, as stated in the SESD By Laws...it must be a City Council appointment. This will be by vote at the next Council Meeting. It is proposed to appoint Corbett Stephens as the representative.

2:06:50

EXPENDITURES:

General:

The purchasing policy was explained to the new Council. Initially, all expenditures will be approved by Mayor Lutes.

Sean Roylance: He would like to have long cords for laptops to be able to present information on the screen in the Council Chambers from the Council table. This was agreed to.

Councilmember Roylance wanted to know if having laptops at the Council table would be a problem. (No, they would not present a problem.)

Check Register for December, 2009:

SEAN ROYLANCE MOVED, SECONDED BY JULIE HASKELL, TO APPROVE THE CITY'S CHECK REGISTER AND PAYROLL REPORT FOR DECEMBER 2009

VOTE: YES (5) NO (0)

2:08:18

NON-AGENDA ITEM

Corbett Stephens:

1. Loafer Canyon Well: The City's plan is to make the Loafer Canyon Well the City's primary source of water. This is almost a reality at this point. Part of making this happen is to not use the Cloward Well or the Fairway Booster and not pay the demand charges or usage fees and still be able to exercise those pumps. If these lines are not used, the water grows stagnant and this is not good for residents. Exercising the pumps is a part of this. SESD agrees to allow the City to exercise pumps at off-peak times at no charge. This could result in a savings of about \$1,000/month for just the Cloward Well and about \$400/month on the Fairway Booster. An agreement will be drawn up.

2. Hydro-electric Plant: SESD is in the process of developing a hydro generation plant up in Spanish Fork Canyon. This does not mean a great deal to Elk Ridge as an entity; but as residents, it could mean savings on rates. This is in conjunction with the CUP Project.

3. Mountainland Supply: One of the things that will contribute to the power bill decreasing while still being able to exercise the pumps (keeping water lines fresh) has to do with the line that comes off the Booster Station. When the Booster Station is not used, there is a long section of pipe where the water does not move. There is a way to open valves and allow the water to flow back up the pipe and keep it moving and fresh without turning on the Booster Station. With a valve in that 4th position in the Booster Station, the Fairway tank can be kept full and the water in the line would be kept fresh. He has contacted Mountainland Supply to get a price on this valve. He will provide this information to the Council. Filling the Fairway Tank from the Hillside Tank; which is filled from the Upper Tank...all from the Loafer Canyon Well...saves the City on electric charges.

(Comparison of power billing for December) Actual Costs vs. what costs could have been had the system been fed by the Loafer Canyon Well:

Actual costs: Nearly \$3,200 Costs could have been: \$1,200

4. Dugway Well: It has been turned off for now; if we turn it back on, the casing would have to be flushed out.

2:22:53

VOLUNTEER PROJECTS

Mayor Lutes: There are many residents who want to assist the City through volunteerism. One focus is the City Office: The decor and carpeting, etc. need to be cleaned up and made presentable. Councilmember Clawson has offered to head-up the volunteer effort; to keep it organized. Ed Christensen came forward to volunteer time and equipment. Service lists will be utilized and donations accepted; and there will be recognition of those participating.

This will benefit the City and improve the atmosphere of City Hall.

City Recorder: Receipts for tax write-offs can be given in exchange for tangible items or cash donations (over \$200); but not time or labor. The tangible items can be receipted but no monetary value can be placed on the receipt.

Sean Roylance: He suggested the City web site be used for forms and advertising. (Councilmember Clawson responded that this had been discussed.)

2:31:39

NON-AGENDA ITEM

Mayor Lutes recognized Jim Harvey in the audience and allowed him a bit of time to address the Council with his on-going issues regarding the nuisance code:

Mr. Harvey was concerned that the new Council continues their consideration of the perspective of those citizens who came into the last City Council Meeting to have their comments heard regarding the nuisance "findings" and letters received. The issues are still on the people's minds and these families are hoping that the code will be reviewed and possibly changed. It is felt that the code was adopted without proper warning to the people, though it may have been considered "legal".

Will the code be changed or will certain citizens that are currently in violation of the current code be fined? He feels that there has been a division between these people and they way they view their City Government. People have done things a certain way for years, now it is not okay.

The Mayor commented that this is simply an issue of how the code is enforced.

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Sean Roylance: He feels the Nuisance law should allow proper enforcement when problems arise. People need to be educated; and perhaps a kinder, gentler approach could be used to approach those out of compliance. Nothing is done in a “sneaky” manner; perhaps enforcement could be done differently but there was nothing “subversive”.

City Recorder: Since a public hearing is not required to change a municipal code, why not change the code at least in the area of allowing one item in the front of a lot; as well as the issue with garbage cans being out all night prior to pick-up day? Why have code where these citizens are classified as being “out of compliance”? Why leave it to “opinion”?

Mayor Lutes: Perhaps the code could be re-written in time; but he felt issues could be handled through a simple lack of enforcement.

Weston Youd: He disagreed. He feels that laws should be enforced uniformly, not arbitrarily.

Mayor Lutes: He added that judgment should be exercised in enforcement, particularly on minor violations. Example: Police, when they ticket someone...that one officer cannot catch everyone; so he makes an example of one. Then the hope is that others will learn from that example.

Weston Youd: If there is code that is “unenforceable”; then change the code.

He understood from the last City Council Meeting, that there were two things to take action on:

- explore the option of an additional step in notification
- addressing the issue of having a trailer on an interior lot

Erin Clawson: There has been a code for some time; as she understands, this has been an enforcement issue and clarifying the process of enforcement. She quoted, “A democratic republic needs patriotic citizens who are fulfilling their responsibilities as well as claiming their rights”. She made the point that the Council has a responsibility to *all* of the citizens.

Mayor Lutes: The Mayor asked that a list of concerns be submitted by Mr. Harvey for consideration; those issues will be considered, though he is not sure exactly when since he has a great deal to do as a new Mayor. He does understand that the issues need to be resolved; he asked that all be patient.

The Mayor plans on sorting through the code and re-writing parts, if necessary; then he will present it to the Council for review and suggestions.

ADJOURNMENT

At 8:55 PM, the Mayor adjourned the Meeting.

City Recorder