

PLAIN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
NOVEMBER 2, 2017

The City Council of Plain City convened in a regular meeting on Thursday, November 2, 2017, in the Plain City Hall beginning at 7:00 p.m.

Present: Mayor Bruce Higley, Councilmembers Mike McKean, Buddy Sadler, Brett Ferrin, Natalie Hale and Brad Searle

Staff: Diane Hirschi, Mike Kerswell, Shane McFarland

Also in attendance: Tamie Moore, Brody Moore, John Leonardi, Garrett Seely, Jen Hubbard, Brayden Remy, Glen Remy, Ammon Remy, Emma Remy, Jon Beesley, Jacob Bradford, Brynn Gatherum

Call to Order: Mayor Bruce Higley

Pledge of Allegiance: Councilmember Sadler

Invocation/Moment of Silence: Councilmember Ferrin

Approval of Minutes from October 19, 2017

**Councilmember McKean moved to approve the minutes for the regular City Council meeting of October 19, 2017. Councilmember Searle seconded the motion. Councilmembers McKean, Sadler, Ferrin, Hale and Searle voted aye. The motion carried.**

Comments: Public

Brayden Remy reported on his Eagle Scout Service Project; renovation of the dugouts at the Plain City South Baseball Field.

Discussion/Motion: Final Approval of Brook Haven Subdivision – 18 lots – 2800 N 4050 W

Mayor Higley reviewed previously distributed, printed information on the development.

Councilmember Sadler asked for a report by the Planning Commission.

Planning Commission Vice-Chairman, John Leonardi confirmed, all is in order for final approval of the subdivision.

City Engineer, Shane McFarland validated the assessment of the Commission.

**Councilmember Searle moved to approve the Brook Haven Subdivision. Councilmember Ferrin seconded the motion. Councilmembers McKean, Sadler, Ferrin, Hale and Searle voted aye. The motion carried.**

Discussion/Motion: Final Approval of Hubbard Subdivision – 2 lots – 4370 W 1500 N

John Leonardi reported on the Planning Commission's evaluation of the plans for the Hubbard Subdivision. He noted, approval has been given for the development with contingencies regarding curb/gutter and future easement clearance.

Shane McFarland advised that providing a note describing the condition on the approved plan will be sufficient for the future easement clearance stipulation.

**Councilmember Ferrin moved to approve the Hubbard Subdivision with conditions imposed by the Planning Commission. Councilmember McKean seconded the motion. Councilmembers McKean, Sadler, Ferrin, Hale and Searle voted aye. The motion carried.**

Discussion/Motion: Amend Fremont Meadows Phase 1 – 1<sup>st</sup> Amendment Lot Line Adjustment – 1801 N 4400 W

Councilmember Searle sought clarification on the purpose of the requested adjustment.

Shane McFarland explained, more frontage is needed for the lots affected by the adjustment. He established, all current zoning requirements will be met irrespective of the proposed changes to the plan. He commented on the clarifying adaptations made to the lot numbering system.

**Councilmember McKean moved to approve the Lot Line Adjustment Amendment to Fremont Meadows Phase 1. Councilmember Sadler seconded the motion. Councilmembers McKean, Sadler, Ferrin, Hale and Searle voted aye. The motion carried.**

Discussion/Motion: Recycle Fees

Mayor Higley reviewed a previous discussion and motion on increasing city recycling fees to pay for added charges by the recycling service provider. He updated the Council on the County's transfer station negotiations with recycling service provider, Recycled Earth. He quoted recent statistics on volume of material sent to the recycler from Plain City. It was noted, rates are likely to continue to increase as population growth creates greater demand – rates are not likely to go down again.

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Councilmember Searle deliberated the option of sending all refuse to the general waste area of the transfer station and eliminating the recycling option from city services.

Councilmember Ferrin commented on the value of a recycling service. He noted, additional increases in recycling fees may tilt the cost effectiveness scale toward the elimination of the service through the City.

Mayor Higley announced, the county transfer station has formed a sub-committee to explore less expensive recycling options. As part of the committee, he expects to have noteworthy results by the end of December. He reminded the Council, budget provisions to cover the initial increase in recycling service fees have been approved and are available. He indicated, Plain City citizens must be involved in the decision to keep or eliminate city-provided recycling in the future.

Councilmember McKean clarified, though budgetary provisions for recycling service charges have been discussed, accepted, and reserved by the Council previously, charges for the service will not be seen until December.

Councilmember Ferrin rehashed Recycled Earth's billing schedule and acknowledged, invoicing will go to citizens with their water bill in December.

Discussion/Motion: Set Public Hearing for Capital Improvements Plan for CDBG grant application – December 7

Representing the ascent Public Works Director, Shane McFarland outlined the CDBG grant application process. He reported on current involvement and scheduling. He anticipated, application submittal will occur prior to the end of January, 2018 with notification of award to happen in February or March of 2018.

Councilmember Sadler inquired if the CDBG grant had "matching funds" options.

Shane McFarland answered affirmatively. He explained the requirements for consideration. He noted, engineering work will begin after grant money has been procured. He stated, grant money will need to be accepted by the Council, if awarded. He described the scope of one project that will qualify for the funding.

Mayor Higley spoke of a higher than expected volume of applicants for CDBG grant money, this season.

**Councilmember Ferrin moved to Set Public Hearing for Capital Improvements Plan for CDBG grant application – December 7, 2017. Councilmember McKean seconded the motion. Councilmembers McKean, Sadler, Ferrin, Hale and Searle voted aye. The motion carried.**

Discussion/Motion for Ordinance: Amendment to Purchasing Policy

Councilmember McKean reviewed aloud, the changes to the proposed Purchasing Policy, discussed in the previous City Council Meeting.

Councilmember Searle commented on purchasing/credit card programs that have been studied, yet to be discussed.

Mayor Higley advised, purchasing card policy can be discussed at this time but not voted on until officially scheduled on the City Council's agenda.

Councilmember Searle reported on meetings held with specialists from Zion's Bank and Bank of Utah. He announced, the members of the Council and City Staff in attendance at the meetings collectively prefer the purchasing card program offered from Bank of Utah. He concluded, having current client status with Bank of Utah will facilitate enrollment.

Councilmember Sadler contrasted "cash-back" programs, offered by both institutions. He touted the overall simplicity and accessibility of the Bank of Utah's purchasing card program.

Councilmember Searle described administrator access and expressly advocated a check and balance system for administrator authority to raise and lower spending limits.

Councilmember Sadler spoke to the possibility of departmentally customizing each card policy.

Councilmember McKean proposed, the matter of adopting a purchasing card program for city expenditures be set for discussion and motion on the agenda for the next City Council Meeting.

City Recorder, Diane Hirschi suggested that the selection of a program must precede the final drafting of policy because adopted purchasing card rules must follow the parameters of the preferred program.

Councilmember McKean emphasized the importance of including specific protections and limits in the Purchasing Card Policy.

Diane Hirschi reported on recent developments in drafting Purchasing Card Policy.

Councilmember McKean noted, the enrollment into a purchasing card program is an administrative action and will not require a vote by the City Council.

**Councilmember McKean moved to approve the Amendment to Purchasing Policy and approve Ordinance 2017-13. Councilmember Searle seconded the motion. Councilmembers McKean, Sadler, Ferrin, Hale and Searle voted aye. The motion carried.**

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Motion: Approval of Business Licenses

**Councilmember McKean moved to approve the Business License(s) presented. Councilmember Ferrin seconded the motion. Councilmembers McKean, Sadler, Ferrin, Hale and Searle voted aye. The motion carried.**

Motion: Approval of Warrant Register

See warrant register dated from 10/19/17 to 10/31/17. It was noted that the rental of the rollers was to compact the sides of the road. It was noted that the asphalt in front of the shop hasn't been completed yet. **Councilmember McKean moved to approve the warrant register as presented. Councilmember Hale seconded the motion. Councilmembers McKean, Sadler, Ferrin, Hale and Searle voted aye. The motion carried.**

Report from Planning Commission

John Leonardi reported, there were no comments from the public at a recent Public Hearing set by the Planning Commission. He detailed changes to the Minor Subdivision Application that are up for approval by the Commission. He told of an Planning Commission approved, amended Large Subdivision Application that will be brought to the City Council for endorsement. He announced a scheduled public hearing regarding food trucks and commercial sign ordinance. He explained, food truck businesses want to provide service to Fremont High School and there are not current statutes written for the category.

Report: Council

Councilmember Sadler asked for the status of sewer system parameters that did not meet State requirements at last testing and what measures have been taken to correct the condition.

Shane McFarland indicated, one of the compressors had broken down, resulting in poor system operation results at the time of testing. The compressor has been replaced and the system is functioning well. He reported, independent, subsequent samples meet State standards. He pointed to communication missteps as cause for the delay in system repair, hence deficient test results for the period in question.

Mayor Higley reviewed the sewer system functions and explained how/when sampling and testing is performed. He acknowledged, communication issues have been discussed with involved parties, and the mishandling resolved. He stated, the sewer system was in violation but the cause has been identified and corrected. If there are any questions regarding the current system status or the issues discussed in this meeting, the Mayor can be reached by phone or email and asked that he be contacted.

Councilmember Ferrin expressed confidence that all functions of the sewer system are operating as they should. He declared, sewer testing professional, Rich Mickelsen of R.J. Analytics will train Public Works staff members to take samples and test independently on a regular basis and before official State testing occurs.

Councilmember Sadler proposed, Rich Mickelsen present testing information at an upcoming City Council Meeting.

Councilmember Ferrin reported, he was unable to attend the last Mosquito Abatement Meeting, but has an outline and is current on all information discussed.

Councilmember Hale had no further comment.

Councilmember Searle deferred comment.

Mayor Higley reported on the Kent's Market Ribbon Cutting Ceremony. He commented positively on community support of the store and spoke to neighborhood concerns that are currently being addressed. He reminded all in attendance of the City Election and encouraged them to vote.

Councilmember McKean reported on the arrangement of a Plain City Christmas Tree Lighting Ceremony, currently being organized by a volunteer group of citizens. He noted, they are looking for City Council support and participation, proposing it be scheduled for discussion at the next City Council Meeting.

Diane Hirschi reported, official canvassing of the election results is not allowable (Utah State Law) before the 20<sup>th</sup> of November and ratification by the City Council. She proposed that the City Council meet Tuesday, November 21 at 12:00 Noon.

**At 7:56 p.m. Councilmember Ferrin moved to adjourn and was seconded by Councilmember McKean. The vote was unanimous.**

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City Recorder

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Mayor

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Date approved

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NOVEMBER 16, 2017

The City Council of Plain City convened in a regular meeting on Thursday, November 16, 2017, in the Plain City Hall beginning at 7:00 p.m.

Present: Mayor Bruce Higley, Councilmembers Buddy Sadler, Brett Ferrin, Natalie Hale (arrived at 7:20pm) and Brad Searle  
Excused: Councilmember Mike McKean  
Staff: Diane Hirschi, Mike Kerswell, Brandon Richards, Jeremy Crowton, Derek Moss  
Also in attendance: Blake Neil, Alex Brooks, Steve Smith, Jessica Smith, JC Aland, Don Weston, Brynn Gatherum, Colette Doxey, Carol Jean and Jim Beesley, Chad Allen, Kelly Weston, Colby Doxey, Sarah May, Kelson McConkie, Jon Beesley

Call to Order: Mayor Bruce Higley  
Pledge of Allegiance: Councilmember Ferrin  
Invocation/Moment of Silence: Councilmember Searle

Approval of Minutes from November 2, 2017

Councilmember Sadler noted a correction concerning his council report. He noted that it needed to say that it didn't meet state requirement for three months. **Councilmember Ferrin moved to approve the minutes for the regular City Council meeting of November 2, 2017 as amended. Councilmember Sadler seconded the motion. Councilmembers Sadler, Ferrin, and Searle voted aye. The motion carried.**

Comments: Public

Kelson McConkie reported on his Eagle Scout Project; Restoration of the "Welcome" signs at Plain City's main entrances. He presented a video display of the endeavor and results.

Discussion/Motion: Amendment to Stillcreek Phase 2

Developer, J.C. Aland gave amendment details. The rectangular block building footprint, represented on the original plat map (basic overall dimensions) will be revised to more accurately depict the variations in the exterior of the actual plan. He indicated, this will allow better assessment of property titled to owners and boundaries of common areas. Councilmember Searle asked if property lines will be changed with the amendment. Mr. Aland answered in the negative. Councilmember Sadler sought clarification on the purpose behind the proposed changes to the depiction of the building footprint(s). Mr. Aland explained the need for more detail when building and landscape maintenance is assigned to owners of the property. He spoke to the regulation of common property use. He introduced a second proposed change to the plan. Because of an ordinance oversight by project engineers and City planning authorities, space planned for roadside parking (both sides of the street) does not meet development agreement standards. He proposed allowing parking on one side of the street and posting "No Parking" signs on the other side. Councilmember Searle asked for zoning ordinance specifics. Planning Commission Chairman, Blake Neil explained, the Stillcreek development has its own agreement that has been approved by the Planning Commission and City Council. Public Works Director, Bren Edwards proposed, no parking zones on both sides of the street. Councilmember Searle asked City Attorney, Brandon Richards about Plain City's liability concerning the oversight. Brandon Richards suggested, as the erroneous result was not intentional and atypical. Councilmember Sadler sought clarification on locations of "No Parking" zones. He queried, who will enforce the parking regulations along the street. Mr. Aland delineated the anticipated traffic flow and expected roadside parking areas. He expressed commitment to comply with Public Works and Public Safety accessibility needs and agreed to personally ratify any approved change to the original development agreement. Councilmember Sadler proposed alternative benefits be provided by the developer to the community as reparation for the misstep. Mr. Aland reiterated, the variance was not intentional. Blake Neil stated, the Planning Commission will hold the developer to the original development agreement unless the City Council grants an exception. Councilmember Ferrin asked if space for regular traffic flow will be significantly affected by the elimination of one side of parking zone rather than two. Mr. Aland answered in the negative. He noted, the width of the road, not including the amended parking areas, will sufficiently handle traffic flow and is of a size generally considered standard or above standard. He admitted, study has not been done concerning accessibility for emergency vehicles. Fire Chief, Jeremy Crowton calculated, entrance and exit will not be a problem. Turnaround provisions will need to be available in a connected area. Councilmember Sadler spoke to the cost of demolition and reconstruction of the street to meet parameters of the original agreement. He suggested, a comparable amount be invested in an alternate manner if allowance is made by the Council for abstention of the revamp. Mr. Aland reviewed upgrades that are not part of the agreement, already provided by the developer. Councilmember Ferrin expressed gratitude for the

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willingness of the developer to work with the City Council on numerous matters in the past. He proposed the allowance be made in good faith - that both parties will deal with each other honestly and fairly as previously demonstrated. Councilmember Sadler stated accord with the notion. **Councilmember Searle moved to approve the Amendment to Stillcreek Phase 2. Councilmember Ferrin seconded the motion. Councilmembers Sadler, Ferrin, and Searle voted aye. The motion carried.**

Discussion/Motion: Christmas Tree Light Ceremony Proposal:

Mayor Higley opened the discussion, explaining, Councilmember McKean has worked with volunteers to organize this event but is not present (excused) at the City Council Meeting. Colette Doxey introduced herself and promoted Plain City's first annual Christmas Lighting Ceremony at Town Square. She set the date, December 16, 2017 and noted, the day will vary year to year. She requested funding support by the City. She indicated, Jeff Hales has volunteered to provide a tree or assist in obtaining one. She recognized multiple volunteers that have been preparing for the event. Councilmember Searle enquired about motor vehicle traffic and road closures. Bren Edwards asserted, City roads will be closed to vehicles for the ceremony and pledged to peruse the closure of a State road through the area. Colette Doxey informed the Council, donation centers will be set up at the event, to accept items for members of the community that are in need. She noted, a volunteer has already consented to play the role of Santa. She spoke to the acceptance of donated food, beverage, lights and other decoration articles. Councilmember Searle queried how the event will be advertised. Colette Doxey told of volunteer efforts to print and distribute flyers. She indicated, a large banner will be used in years to come. Councilmember Searle asked what the City can do to help. Colette Doxey stated, funding from the City will be appreciated and used to purchase lights and for the acquisition of a tree. She noted, an estimated budget allowance has been figured by Parks and Recreation Director, Tyson Garr. Bren Edwards emphasized, there are funds in the budget, specifically for Cultural Activities. He estimated the amount to be \$2,000.00. Colette Doxey suggested, the financial burden will be less in coming years as donated and purchased materials will be reused. Councilmember Ferrin requested of Tyson Garr, the estimated budget allowance needed for this First Annual Ceremony. Tyson Garr announced, \$2000.00 as the calculated sum. Councilmember Searle enquired of Brandon Richards, if associated legal issues can be foreseen. Brandon Richards answered in the negative. **Councilmember Sadler moved to approve the Christmas Tree Light Ceremony Proposal. Councilmember Ferrin seconded the motion. Councilmembers Sadler, Ferrin, and Searle voted aye. The motion carried.**

Discussion/Motion: Surplus Items

Bren Edwards reviewed a list of proposed surplus items to sell. Councilmember Sadler asked for the condition of the portable basketball standards that are on the surplus list. Bren Edwards indicated, the items are in good condition but not being used. Councilmember Sadler proposed, the other items on the list, i.e., work trucks, be discussed after action has been ratified on the sale of the surplus basketball standards. **Councilmember Sadler moved to deny the sale of surplus portable basketball standards. Councilmember Searle seconded the motion. Councilmembers Sadler, Ferrin, Hale and Searle voted aye. The motion carried.**

Discussion/Motion: Purchase of New Trucks

Bren Edwards identified two work vehicles as proposed surplus items to sell. He described the terms of a fleet buy-back program, previously presented to the Council. He contrasted the expense of owning vehicles through traditional means and ownership expense through a fleet buy-back system. Councilmember Ferrin asked if the two "surplus" vehicles will need to be sold in order to participate in the proposed fleet program. Bren Edwards answered in the affirmative. He detailed the process of entry into the fleet program. Councilmember Searle commented on the optics of procurement of new City vehicles on a regular basis. He noted, warranties are currently in place on the vehicles listed for sale. Councilmember Hale requested information on the mileage of the vehicles listed for sale. Bren Edwards gave an approximation. He expressed satisfaction with the current trucks and explained, the fleet program is for ownership cost savings, not needed upgrades. Councilmember Searle pointed out a mileage regulation in the fleet buy-back contract. He asked what the penalty will be if the parameter is exceeded. Bren Edwards conveyed, mileage stipulations are not strictly enforced. Councilmember Sadler expressed concern over the effect of modifications required for lights and other safety provisions on contract terms. Jeremy Crowton suggested, removable/exchangeable lightbars will not cause irrecoverable change to the original condition of the trucks. Councilmember Searle asked for depreciation figures related to continued use of the current trucks. Bren Edwards stated, \$2500.00 per year. He noted, the appraisal does not include maintenance and repair costs. Mayor Higley cited examples of neighboring municipalities that have benefitted from participation in a fleet program. He advised, perception issues should not be of consequence when verifiable budget savings are achieved. Bren Edwards spoke to the simplification of budget planning, provided by a fleet program. **Councilmember Sadler moved to deny the sale of surplus vehicles and the Purchase of New Trucks and participation in a Fleet Program.**

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**Councilmember Searle seconded the motion. Councilmembers Sadler, Ferrin, and Searle voted aye. Councilmember Hale voted nay. The motion carried.**

Discussion/Motion: Memorandum of Agreement – Recycle Fees

Mayor Higley reviewed current recycling fees. He presented budgetary obligations for recycling charges by the City's standing provider, Recycled Earth. He outlined a proposal by Recycled Earth, including a guarantee of no increase in cost for service over a one-year period. Councilmember Sadler noted, Plain City is not specifically named in the proposal. Mayor Higley highlighted the written terms stating, all participants are not specifically identified in the draft. Councilmember Sadler sought verification that all participating communities will have an equal vote on contract matters. Mayor Higley affirmed, all contracted parties will have the same prerogatives. **Councilmember Ferrin moved to Accept the Memorandum of Agreement – Recycling Fees. Councilmember Sadler seconded the motion. Councilmembers Sadler, Ferrin, Hale and Searle voted aye. The motion carried.**

Discussion/Motion: Purchasing Card Policy

Previous notes and recent changes to the proposed Plain City Purchasing Card Policy were reviewed. **Councilmember Ferrin moved to Adopt Resolution 2017-10 Purchasing Card Policy with amendments as discussed. Councilmember Searle seconded the motion. Councilmembers Sadler, Ferrin, Hale and Searle voted aye. The motion carried.**

Motion: Approval of Business Licenses

There were none.

Motion: Approval of Warrant Register

See warrant register dated from 11/01/17 to 11/15/17. **Councilmember Searle moved to approve the warrant register as presented. Councilmember Ferrin seconded the motion. Councilmembers Sadler, Ferrin, Hale and Searle voted aye. The motion carried.**

Report from Planning Commission

Blake Neil reported on the first General Plan Advisory Committee Meeting. He announced an anticipated schedule for the Plain City General Plan process with a goal to complete the plan by March, 2018. He noted, the combined City Council/Planning Commission work session was advantageous. He stated, a subdivision ordinance amendment will be on the agenda for City Council Meeting after the Planning Commission discusses associated legal matters at their next meeting. Councilmember Sadler proposed zoning restrictions be put in place, expressly regulating Halfway Houses and Addiction Rehabilitation and Recovery Institutions. He stressed the importance of location control. City Planner, Derek Moss indicated, State directives on this classification will be upheld in the amendment. Blake Neil spoke to conditional use and categorization of medical specialties. Councilmember Sadler contrasted Dental Practices and Dental Surgery Providers. Derek Moss sought clarification on the concern. Councilmember Sadler suggested, "Surgery" be distinctively pronounced in applicable definitions of the ordinance. Councilmember Hale commented on restriction of stand alone Surgical Centers. Derek Moss asserted, the Advisory Committee is actively constructing a list of use definitions and permissible enterprises within various commercial zones. Councilmember Searle asked if Planning Commission and Advisory Committee members will need financial assistance from the city budget for training. Blake Neil answered in the affirmative. He explained, funding will be necessary if members are to be American Planning Association (APA) certified. Councilmember Ferrin advised, details on APA training and certification will need to be presented to the City Council.

Report: Council

Mayor Higley gave time to Bren Edwards for presentation of sewer test results. Bren Edwards notified the Council, all sewer test results for October meet mandated constraints. He outlined the tests performed and articulated the figures for each test. He spoke to previous test lapses due to equipment breakdowns and repairs that have been done to correct the problem. Councilmember Searle asked if all tests have proven to be within acceptable ranges after the repairs. Bren Edwards answered in the affirmative. Councilmember Sadler expressed approval of a monthly sewer test report. Bren Edwards indicated, sewer maintenance and upgrade plans are being drafted. He noted, scheduling of upgrades will be subject to State timetables and Council approval.

Councilmember Hale had no further comment.

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Councilmember Searle suspended comment.

Councilmember Sadler remarked on the progress of the Stillcreek Development.

Councilmember Ferrin proposed, the current City Policy and Procedures Manual be reviewed and Plain City Policy be updated. He reported the deterioration of some street (speed limit) signs to Bren Edwards and volunteered to help with locating and replacing fading signs throughout the city.

Mayor Higley announced the Election Canvassing Meeting, to be held at Noon, November 21, 2017. He recognized Jon Beesley and Don Weston for their election success. He noted the swearing in of a new Mayor will occur at the first of January. The Mayor spoke positively of his twelve-year service in Plain City government. He publicly thanked City Council and City Staff members for invaluable support, recent and past. He expressed sorrow for the loss of colleague, Mitch Willson. He listed some advancements that he has seen while serving as Mayor, including Emergency Service staffing, infrastructure upgrades, Public Works Department efficiencies, and public communication improvements. He touted the distinguished reputation of the Plain City Volunteer Fire Department and Chief, Jeremy Crowton. He recognized City Recorder, Diane Hirschi for her dedication and ability to keep city affairs running smoothly. He stated that it has been a pleasure to serve the community.

**At 8:49 p.m. Councilmember Ferrin moved to adjourn and was seconded by Councilmember Searle. The vote was unanimous.**

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City Recorder

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Mayor

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Date approved