

# CITY OF TROUTDALE

AGENDA  
CITY COUNCIL MEETING - COUNCIL CHAMBERS  
TROUTDALE CITY HALL  
104 SE KIBLING AVENUE  
TROUTDALE, OR 97060

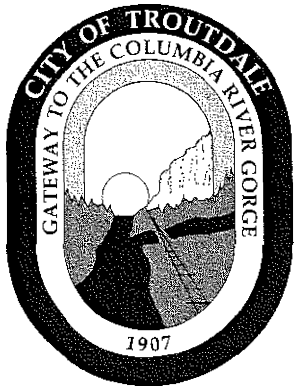
7:00 P.M. -- FEBRUARY 28, 1989

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
  - 2.1 Accept: Minutes of 2/14/88 - Regular Mtg.
- (A) 3. PUBLIC COMMENT:  
Please restrict comments to non-agenda items at this time.
- (A) 4. ORDINANCE: Amending Ordinance 352-0 Relating to Alarms  
First Reading
- (A) 5. UPDATE: Vacancies to Planning Commission/Budget Committee
- (A) 6. PUBLIC HEARING: Creation of North Harlow Waterline LID
  - o Public Hearing Opened
  - o Declarations or Challenges
  - o Summation by Staff
  - o Public Testimony: Proponents, Opponents
  - o Recommendation by Staff
  - o Council Questions or Comments
  - o Public Hearing Closed
- (A) 7. RESOLUTION: Accepting Community Services Report and Forming a North Harlow Waterline L.I.D. 89-001
- (A) 8. RESOLUTION: Accepting a Property Transfer from Multnomah County for Dedicated Public Right-of-Way (Jackson Park Road) and Accepting Maintenance Responsibility.
- (A) 9. CONSIDER: Request for Dredging (Sandy River)
- (A) 10. CONSIDER: Wastewater Management Lease Agreement
- (A) 11. COUNCIL CONCERNS AND INITIATIVES
- (A) 12. ADJOURNMENT.

*Sam K. Cox*

Dated: *February 23, 1989*

EX[7.9]  
2/21/89 Tue 13:07:09



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- (A) 11. DEPARTMENT REPORTS:
  - Public Safety
  - Finance
  - Community Services
  - City Attorney
  - Executive
- (A) 12. COUNCIL CONCERNS AND INITIATIVES
- (A) 13. ADJOURNMENT,

*Sam K. Cox*  
\_\_\_\_\_  
Sam K. Cox, Mayor

Dated: *February 15, 1989*

M I N U T E S  
TROUTDALE CITY COUNCIL MEETING  
COUNCIL CHAMBERS  
104 SE KIBLING AVENUE  
TROUTDALE, OR 97060

FEBRUARY 28, 1989

ITEM #1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

Mayor Cox called the February 28, 1989 regular City Council meeting to order at 7:00 p.m.

Mayor Cox called on Councillor Burgin to lead the Pledge of Allegiance.

City Recorder, Valerie J. Raglione, called the roll.

PRESENT: Bui, Burgin, Fowler, Jacobs, Schmunk, Thalsofer, Cox

STAFF: Christian, Collier, Gazewood, Raglione, Wilder  
Kubicki

PRESS: Webb Reubal, Oregonian

GUESTS: Fritz VanGent, Mr. Saylor, Easton Cross, Al Mauck

Agenda Update

Christian stated that items marked 10 Additional page regarding Wastewater Management Lease; Items 11A (Edgefield memo/letter regarding Grants); 11B (LID Request - newly annexed area); and 11C (Salary Schedule for 1989-90 Budget) were at each member's desk and had previously been discussed.

ITEM #2. CONSENT AGENDA

Mayor Cox read the Consent Agenda.

MOTION: Bui moved to accept the Consent Agenda (Item 2.1 Minutes of 2/14/89 meeting) as written. Burgin seconded the motion.

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

ITEM #3. PUBLIC COMMENT

Mayor Cox called for public comment. There was none.

Mayor Cox presented an award from the International Institute of Municipal Clerks to Valerie Raglione, City Recorder for achieving the designation of Certified Municipal Clerk. This was

acknowledged by all members of the Council.

ITEM #4. ORDINANCE - Amending Ordinance 352-0 Relating to Alarms  
(Side 1 4:11) Ordinance #521

Christian stated that there were two replacement pages which included the suggested changes from the City Attorney. Chief Collier introduced Lt. Piland, Multnomah County Sheriff's Office.

Lt. Piland stated that the purpose of the ordinance was to deal with and reduces false alarms. A consortium has been operated which included all the cities in the County with the designation of the Sheriff administering the ordinance. It had been supported by user fees of \$8.00/yr. permit and the fines assessed rather than tax dollars. Twelve years ago, when this started out, there were 4,000 users and now there are 30,000. 33,000 calls had been responded to by police in the past year.

Lt. Piland stated that the ordinance before Council was the same model, tightened up, that was previously adopted. This is an attempt to motivate persons to reduce false alarms even more than they currently are. The fifth false alarm, the user receives a fine of \$40.00/in a permit year; tenth false alarm \$100; fifteenth false alarm \$180. Under the proposed ordinance the fourth alarm would be \$50; 5th free - \$50 for each of 6th, 7th, 8th, 9th; #10 - \$100. + informed that the police will no longer respond to the alarm unless the approval of the Chief of Police of that specific jurisdiction.

Burgin asked if that approval is given for a specified amount of time...Piland, that is the Chief's discretion and would be \$100. for each additional false alarm during that period of time. Burgin stated that this would be for an indefinite period of time or until they were again shut off? Piland stated that was a good question and had not been addressed. He would assume that would be for the balance of the permit year and at the discretion of the Chief.

Piland stated a limit of 15 minutes or less that the alarm could ring then shut itself off. Instead of the County Commission being the body hearing the appeal, the Sheriff would hear them over the validity of a particular alarm and whether it was false.

Burgin asked if there was a change in the civil/criminal penalties? Piland stated that no, they remain the same. Burgin asked in the definition section (b) pg. 1...any equipment to which police are expected to respond...does that mean through a formal tie in to an alarm company? Piland responded stated that no alarm may terminate at the 911 dispatch center. Reason being that during an ice storm or some other period when a lot of alarms would go off, it would tie up the phone bank and they just wouldn't function. Either an alarm companies central station would receive a signal and telephone 911 or a neighbor would hear it and telephone 911. Burgin asked what about an alarm system that is

just a sound producer that is not designed to go through the police department. Piland stated that if it is not designed to be a signal to which police are expected to respond, indicating a burglary or robbery [perhaps an industrial application] would not apply.

Burgin asked about Section 10(b) 911 only? Piland, yes. Burgin asked what about connecting automatically to a private line at the Police Department, is there any provision to prevent someone from doing that? Piland, stated that he would have to look at it, it could be construed in that manner.

Burgin stated that he would like to see that included so that it can't be circumvented and dial directly to Portland. Piland stated that if in section (b) second line - it is unlawful to any person to program an automatic dialing device to select any telephone line assigned to the COUNTY (City)....Change County to City and that would cover it.

Mayor Cox called for further questions. There were none. Mayor Cox then read the ordinance by title for first reading. The change suggested would be made and be prepared for the next regular Council meeting.

Burgin asked if a supply of the application forms could be available at the Troutdale Police Department. Piland stated that was no problem. The collection of the fees, however, would be dealt with administratively at the County level.

Christian stated that the majority of the time the installer is responsible for gathering the necessary permit application and handling that end of things. In cases where individuals purchase their own systems -- their is not much of an 'educational program' as to the process. Christian stated that arrangements could be made prior to this issue for second reading.

Piland stated that their ordinance would be effective April 15, 1989. That would allow plenty of time for the awareness to individuals concerned.

ACTION FOR NEXT MEETING

ITEM #5. UPDATE: Vacancies to Planning Commission/Budget Committee

Christian spoke to this issue. The Planning Commission interviews were scheduled for Wednesday, Thursday (March 1 and March 2). Gene Bui, Sam Cox and Chuck Walsburn would be the selection committee for Planning Commission applications.

Christian stated that the recent newsletter had brought forth lots of interest in the Budget Committee. However, prior to that with all of the public notification in the Outlook and on Cable television...there had not been any interested persons applying. That was causing a delay in the selection for the five vacancies that the Budget Committee had.

Bui stated that he favored the same selection process used for this committee (interviewing all applicants for vacancies) had been successful in the past and he would like to see it continue. Schmunk was in favor of the process also.

Christian stated that the applications received by the date of the first Budget Committee meeting (March 7) could be interviewed that same evening just prior to the Budget Message. It was expected that there would be approximately seven applications to review. The applicants would be notified of the meeting date of March 7 and could be in attendance for the interview/selection process.

Council agreed to this process.

ITEM #6. PUBLIC HEARING: Creation of North Harlow Waterline LID  
(Tape 1 19:11)

Wilder stated that this had been discussed for a number of years. It was initiated by D & D Bennett, by "domestic and fire protection water service". There was a benefit to the City and adjoining property owners as well. The benefits and distribution of costs were outlined in the Report (attached) initiated and accepted by Council previously.

Public Hearing Opened: 7:11 p.m. Mayor Cox closed the Regular Council meeting and opened the Public Hearing.

Declarations/Challenges: Mayor Cox called for proponents. VanGent stated that Bennett had reconfirmed his desire of the LID specifically for fire protection. Harlow had been closed off. Fire trucks would have to go all the way around and this should be taken care of as soon as possible.

Mayor Cox called for opponents. There were none.

Summation by Staff: Wilder stated that staff was responding to a request. Wilder stated that there was no question that the construction of the facility would benefit both the requesting party's property, as well as City's property and others in the area. Only a 4" waterline currently is in to provide the fire service now. Staff would encourage formation of the district.

Council Questions or Comments: There were none.

Public Hearing Closed: 7:24 p.m. (Tape 1 21:43) Mayor Cox closed the public hearing.

Mayor Cox reconvened the regular City Council meeting 7:24 p.m.

ITEM #7. RESOLUTION: Accepting Community Services Report and  
Forming a North Harlow Waterline L.I.D. 89-001 (Tape 1 22:50)  
733-R

Mayor Cox read the resolution by title.

MOTION: Thalhofer moved to initiate L.I.D. No. 89-001. Schmunk seconded the motion.

YEAS: 6

NAYS: 0

ABSTAINED: 0

Bui - Yea; Burgin - Yea; Fowler - Yea; Jacobs - Yea; Schmunk - Yea; Thalhofer - Yea

ITEM #8. RESOLUTION: Accepting a Property Transfer from Multnomah County for Dedicated Public Right-of-Way (Jackson Park Road) and Accepting Maintenance Responsibility. (734-R) (Tape 1 22:58)

Mayor Cox read the resolution by title.

Wilder stated that this had been previously discussed. The property between the bridge was never dedicated to the City. There was a roadway that the public used on a regular basis. The long narrow strip of property was in default for taxes, the County picked it up and the City asked that the County dedicate it to the City. There would be a roadway and utilities and be in a right-of-way. He stated that staff encouraged acceptance of the two deeds.

Christian stated that the City had been maintaining it for some time, thinking it was City property. Schmunk thought so until there was a property change in the area.

MOTION: Bui moved approval of the resolution. Burgin seconded the motion.

YEAS: 6

NAYS: 0

ABSTAINED: 0

Bui - Yea; Burgin - Yea; Fowler - Yea; Jacobs - Yea; Schmunk - Yea; Thalhofer - Yea

ITEM #9. CONSIDER: Request for Dredging (Sandy River) (Tape 1 24:00)

Christian reviewed background material for information. VanGent had written a letter requesting the dredging. Christian hadn't received any response from the Forest Service or the Gorge Commission in her inquiry to them.

Fritz VanGent, 1030 SE 56th, Portland, Or. Indicated on an aerial photo that off of I-84 and the west bank of the Sandy River the property of D & D Bennett and the City. Over the years the erosion from the river continues to cut into the bank. The west bank of the I-84 overpass has the access road and the over 100 employees of D&D Bennett use that roadway. There is limited access to the site as well as the constant eroding that is taking place on the west bank by I-84, especially with the Harlow closure.

VanGent stated that the purpose was really to take 3' to 4' of sand out of the Sandy River to reduce the flow underneath the railroad bridge, as well as the I-84 overpass. By removing the sand and placing it in areas that need the fill prior to development it would accomplish the river being back in its original path, protect the bank without loose of more property, and create some fill for properties that can then be developed and provide jobs in the Troutdale community.

VanGent is asking for support in the application process. The U.S. Forest Service had sent an application that they wished to be filled out. He stated that he knew the Council was not the final say since it wasn't within the decision making parameters of the Council. He did wish to solicit Council support, however, in this project considering the City had property that would be affected and asked for permission of staff time with the application process.

Burgin asked about the letter from the Corps of Engineers stated that due to their workload being backed up...their recommendation was that an environmental engineer be engaged...What is the status of that? Van Gent stated that he had a proposal from both people who take soil tests and he had one person from the State Dept. on the site, as well as a staff person. In the process of possibly purchasing property, he expected to have a quote for that purpose.

Burgin, 'for the environmental study'? Van Gent, yes. Bui stated tht some excavation had been done early and was shut down, correct? Yes. Van Gent stated that the Gorge Commission will not allow commercial dredging, however, in his application it is not commercial dredging. It is to put the Sandy River in its original channel and protecting that.

Cox stated that Fish & Wildlife was also one of the agencies that would need to be contacted. Van Gent stated that he was aware of several agencies being involved and was aware of the timetables that dredging could and could not be done.

Cox stated that the City needed to hear from the other agencies before taking action.

MOTION: Burgin moved for a resolution of support of the project in concept, the dredging proposal, pending the approval of the appropriate authorities and a satisfactory environmental study. Thalhofer seconded the motion.

YEAS: 6

NAYS: 0

ABSTAINED: 0

Bui - Yea; Burgin - Yea; Fowler - Yea; Jacobs - Yea; Schmunk - Yea; Thalhofer - Yea

Christian asked for clarification on 'staff support'. To what



extent was staff involvement needed. Van Gent stated minimum. But, since City had property involved he needed to have the welcome mat out. Support in completing the application and through the resolution, he felt he had enough support.

ITEM #10. CONSIDER: Wastewater Management Lease Agreement

Christian stated that this issue had been before Council previous to this meeting. She stated that Council direction as to how to proceed was necessary.

Mr. Saylor was in attendance and had been under the impression that he would be before the Planning Commission to mitigate some of the issues addressed in the memorandum. The Planning Commission decision, however, does not impact the lease before Council.

Bui asked if Mr. Saylor had comments. He stated that the reasons behind the minor changes being requested were addressed and he was asking that Council approve the changes.

Bui stated that he would like the full Council to review the agreement as well as the City Attorney prior to making any decision on the requested changes. He felt that there could be potential ramifications for the City as it had in the past, which were negative. He recognized that Mr. Saylor was new, however, also recognized that some people involved in the negative ramifications were still working there. He felt the City should look into the matter closely and with the City Attorney.

Thalhofer asked what the relationship had been in the past year. Wilder responded with no problems. He then asked for a brief summary from Wilder on the issues.

Wilder stated that he would feel uncomfortable except for two items, in making a recommendation.

Cox asked if Thalhofer would like Wilder to review, or if he would prefer to convene Council and the City Attorney. Christian stated that the City Attorney had reviewed the lease but could not make recommendations until he knew more regarding the wishes of the Council.

Burgin asked if it would be better to have 2 or 3 Council members, as well as the City Attorney, review the lease agreement and then bring their recommendation back to Council.

Schmunk agreed with Burgin. She stated there were some things she wasn't clear on but didn't understand it well enough to make a decision. She liked the idea of a sub-committee being set up and then the problems could be discussed and clarified for each member.

Christian asked Mr. Saylor if he would be willing to meet with the City Attorney and the sub-committee prior to the Council meeting

scheduled for March 15, 1989 Planning Commission meeting. That would make the best use of the attorney's time.

Cox selected Gene Bui, Paul Thalsofer, and Ron Burgin. He stated that the meeting could take place at approximately 6:15 on March 15.

Saylor stated the he understood the liability insurance required could have ramifications and would need to be checked out with the City's carrier. He assumed staff would cover that. He didn't feel that it would take very long.

ITEM 11A COUNCIL CONCERNS AND INITIATIVES

Christian stated that there were two reports for Council information.

11A The first being a summary of the Grants/Non-City Funded Projects; the second part was a follow-up of the staff recommendation on Edgefield to the Commission.

Christian asked Council to adjourn and convene as the Contract Review Board. A proposal needs to be before Contract Review Board to be discussed. A follow-up can be done at a later meeting.

11B Call for Community Services Report for Formation of Water/Sewer LID -- Marine Drive - Sundial Road

Mr. Spencer, SRH Group had made public his intentions to open a recycling plant on the U.P. Property (map available) north of Marine Drive. Due to the newness of annexation there are no services currently. Due to timeframes involved Christian stated she would bring the proposal calling for the Community Services Report to Council to request formation of an LID due to the need to extend water/sewer to the property.

It has always been the intention of the City to extend service to the property once there was demand for it under an LID. It has happened sooner than expected. A report is prepared by Wilder with the affected property owners, estimated costs, who is affected and that is presented to Council. It is not a commitment to form one, however, a part of the process that is required and makes it possible to be 'ready to go'.

MOTION: Bui moved to call for the Director of Community Services to prepare a report for formation of a water/sewer LID -- Marine Drive/Sundial Road. Burgin seconded the motion.

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

Bui - Yea; Burgin - Yea; Fowler - Yea; Jacobs - Yea; Schmunk - Yea; Thalhofer - Yea.

11C Christian stated that the Cost of Living increase request needed to be addressed in order for the personal services portion of the 89-90 budget to be known. The request was for a 3% cost-of-living. The Portland area COL was 4.4 The request is less than that due to the increase in medical benefits which translated to 1.39% and together represented close to 4.4% overall increase.

MOTION: Thalhofer moved to accept the increase in the Salary Plan. Bui seconded the motion.  
YEAS: 6  
NAYS: 0  
ABSTAINED: 0

Bui- Yea; Burgin - Yea; Fowler - Yea; Jacobs - Yea; Schmunk - Yea; Thalhofer - Yea

Cox closed the regular City Council meeting and Convened as the Contract Review Board (Tape 2 13:17)

Christian stated that a proposal for purchasing an Elgin Pelican 3-Wheel Mechanical Sweeper had come to the attention of staff. Due to the magnitude of the offer, Contract Review Board needed to be convened. The circumstances would be of an emergency nature and would preclude the bidding process.

Ed Kubicki, Public Works Superintendent, City of Troutdale. Kubicki stated that the current model (1964 Wayne 3 wheel mechanical sweeper) has passed the expected life -- several times. It has had several major repairs. Due to operating expenses and operating expenses due, a new sweeper was budgeted. In that year, with the street lighting situations, Council decision was to repair the old sweeper again and the money was used on street lighting. As years went on, expenses to operate increased. We then costed contracting the sweeping service out to private contracting, as well as Multnomah County. The cost was prohibitive and it was decided to keep it in-house. In 1987, a fund was started for the purchase of a sweeper. \$80,000 was included in the CIP for 1988-89.

The street fund wouldn't support purchase of a sweeper in last year's budget. We have expended \$5,001. to maintain the sweeper, in the future it will continue to increase. Currently, \$1,500 needs to be put into it. There are a number of items that will need maintenance/repairs in addition to that. Throughout the last 3 years we have reduced the sweeping program to extend the life of the equipment. The left hand gutter broom has been removed and placed on the right hand side to extend the use and limit costs of maintenance. The engine has been rebuilt twice. We have searched for a used piece of equipment thinking that would do the job without the large capital outlay expenditure. Most of the sweepers found were in worse shape.

The new sweeper is normally over \$70,000. An offer for \$58,500 has been made due to the State of Massachusetts ordering and not being able to go ahead with the purchase due to budget problems they had. There are only available and they are subject to prior sale. This is the same sweeper we would have looked at to purchase. We have previously dealt with Ben-Ko-Matic. The cost is \$11,500 less than if we waited any longer. There is a savings of approximately \$3,000 for costs expected to go into the current equipment. The City of Portland has 12 of this model. We have discussed the equipment with the City of Portland and talked with their operators. They paid \$68,612 in August, 1988.

Photo's of the equipment including the specifications on the backside for review. Due to the street fund having enough for a 20% down payment, we would like to purchase it, put 20% down and the monthly payments would then be \$730. A listing of other municipalities using this equipment was available. From a safety standpoint, a particle mask has to be used to drive them due to the amount of dust coming in toward the driver. Parts from older equipment are purchased in order to make repairs because they are no longer available otherwise. Twenty-five years is past the expected life of one of these sweeper.

Thalhofer asked if Wood Village was a possibility for contracting this service if we had the equipment available. They had expressed an interest several years ago. Multnomah County's cost to do the service was over \$8,567 to do the streets one time. We have had a program of every other month, and as needed in the subdivisions; the downtown area twice a week. If that was added, it would make the contracting cost prohibitive.

Christian stated that two sections under the contracting review board. (1) Contract may be exempted from competitive bidding if the board by unanimous vote determines that emergency conditions require prompt execution of the contract. (2) A determination of such an emergency shall be entered into the record of the meeting at which the determination was made.

Bui asked if it had everything that was needed. Kubicki stated that optional equipment of a sprung rear wheel, (\$1,080) for the benefit of the operator of the equipment and, a better seat (\$270).

Fowler asked if it was air conditioned. Kubicki stated that was standard equipment.

Burgin asked if the State reimbursed the City for sweeping downtown since it is a state highway. If not, they should. Christian stated that they did not.

Ben-Ko-Matic had stated that they would find a home for it but, don't expect more than \$1,500.

MOTION: Thalhofer moved to purchase on contract the Elgin Pelican 3-Wheel Mechanical Sweeper at \$58,500 with additional equipment of a seat for \$270; and a sprung guide wheel for \$1,080 and that this is of an emergency nature and to move immediately. Fowler seconded the motion.

YEAS: 6

NAYS: 0

ABSTAINED: 0

Bui - Yea; Burgin - Yea; Fowler - Yea; Jacobs - Yea; Schmunk - Yea; Thalhofer - Yea

The Mayor then closed the Review Board. The regular City Council meeting was reconvened. (Tape 2 26:59)

ITEM #11 CONCERNS CONCERNS AND INITIATIVES

Schmunk stated that Barbara Sullivan Holme, currently the alternate, should fill the vacancy of Barbara Rutherford for the Solid Waste Advisory Board. There were no objections.

Burgin asked for information on the State and the street sweeping program. Christian stated that Ted Spence has called for a meeting with the City staff, and the Mayor. That meeting has been set for 10:30 a.m. on March 6, 1989 and would include the Mayor, Ted Spence, Jim McClure, Don Adams, Ms. Collier and Christian. Christian stated if anyone wanted to make their feelings known, feel free to attend.

Jacobs had nothing.

Thalhofer had nothing.

Bui stated that along with the increase in pay to employees, he wished to express Council appreciation of their efforts. He did feel that the City was understaffed.

Thalhofer asked if Council could get copies of the Planning Commission minutes. He found them very helpful.

Christian announced that on March 7, 1989 at 7:00 P.M. the first budget meeting would convene.

ITEM #12. ADJOURNMENT

MOTION: Burgin moved to adjourn. Bui seconded the motion.

YEAS: 6

NAYS: 0

ABSTAINED: 0

Bui - Yea; Burgin - Yea; Fowler - Yea; Jacobs - Yea; Schmunk - Yea; Thalhofer - Yea

The regular City Council meeting for February 28, 1989 was adjourned at 8:01 P.M.

Sam K Cox  
Sam K. Cox, Mayor  
Dated: March 15, 1989

ATTEST:

Valerie J. Raglione, CMC  
Valerie J. Raglione, CMC  
City Recorder

EX[5:11]