AGENDA TROUTDALE CITY COUNCIL 7:00 P.M. -- Council Chambers TROUTDALE CITY HALL 104 SE KIBLING ST.

APRIL 9, 1985

		HIKIE 5, 1500
(A)	1.	PLEDGE OF ALLEGIANCE Call to Order, Roll Call and Agenda Update: Mayor
(A)	2.	CONSENT AGENDA 2.1: Accept: Minutes of 3/26/85 - Regular Session 2.2: Accept: Business License Report 2.3: Accept: Bills for month of March, 1985 2.4: Ratify: Resolution Accepting Public Improvements Corbeth II
(A)	з.	PUBLIC COMMENT
(A)	4.	ORDINANCE: Water and Sewer Rate Increase Second Reading
(A)	5.	MOTION TO PROCEED: Wastewater Service Contract
(A)	6.	ORDINANCE: Street Trees Second Reading
(A)	7.	ORDINANCE: Sign Code Second Reading
(A)	8.	RESOLUTION: Authorizing Contribution from Sewer Fund to Water Fund
(A)	9.	RESOLUTION: Authorizing Interfund Loan from General Fund to Water Fund
(A)	10.	Adoption of 85-86 Goals
(A)	11.	DEPARTMENT REPORTS: 11.1: Public Safety 11.2: Finance & Records 11.3: Community Services 11.4: City Attorney

(A) 12. COUNCIL CONCERNS AND INITIATIVES

11.5: Executive

(A) 13. ADJOURNMENT.

Sam K Cax

SAM K. COX, MAYOR

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MINUTES TROUTDALE CITY COUNCIL MEETING APRIL 9, 1985 - 7:00 P.M.

The meeting was called to order at 7:05 p.m.

Mayor Cox asked Paul Thalhofer to lead the Pledge of Allegiance.

PRESENT: Ron Burgin, Marge Schmunk, Marty Gault, Mayor Sam Cox,

Sharlyn Jacobs, Paul Thalhofer and Gene Bui

STAFF: Pam Christian, Nancy Nixon, Greg Wilder, George

Haddock and Barbara Rossman. Brian Freeman arrived at

7:10 p.m.

PRESS: Steven Mayes of the Oregonian and Steve Hunter of the

0utlook

GUESTS: Andy Anderson, Pete Brubaker, Mr. Cereghino, Bill

McClain, Eric Summers and Dalton Williams

AGENDA ITEM #2 - CONSENT AGENDA

Mayor Cox read the resolution accepting dedicated streets, park and public improvements for use by the public. This resolution is in regard to Corbeth II. Gene Bui moved to approve the Consent Agenda. Marge Schmunk seconded the motion. Ayes 6 Nays 0.

AGENDA ITEM #3 - PUBLIC COMMENT

There was no public comment on items not listed on the agenda.

AGENDA ITEM #4 - ORDINANCE: WATER AND SEWER RATE INCREASE

Greg Wilder reviewed the information presented at the March 26, meeting regarding the need for an increase in water and sewer rates. He reiterated that in the current year there would be a loss of \$122,000 and Oregon law requires that this deficit be retired in the ensuing fiscal year. He said it was expected that the new rates would go effect April 1, 1985. Greg said there will be a rate reduction in the following year because the ordinance is written requiring that carry overs from excess revenue have to go for the reduction of fees the following year. Greg went over the schedules for Options 1 2. Option 2 allows the use of system development monies to retire principal portion of the Farmer's Home Administration loan. The option 2 rate results from contracting services at the Wasterwater Treatment facility. Gene Bui said if we were going to consider contracting services at the Wastewater Treatment Plant that we issue first and determine if we want to do that. Schmunk agreed. Greg suggested combining Agenda Item #5 - Motion to Proceed: Wastewater Service Contract with this discussion. Gene said he would like some more information because that should probably be bid out and give people an oppurtunity to bid on the operation at

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AGENDA ITEM #4 ORUINANCE: WATER AND SEMER RATE INCREASE

Greq Wilder reviewed the information presented at the March 25, 1985 meeting regarding the need for an increase in water and sever tates. He reiterated that in the current year there would be a loss of \$122,000 and Oregon law requires that this deficit be retired in the ensuing tiscal year. He said it was expected that the new rates would go into effect April 1, 1985. Greg said there will be a rate reduction in the . Ollowing year because the ordinance is written requiring that any darry overs from excess revenue have to do for the reduction of user fees the rottowing year. Greg went over the schedules for Options 1 $^{-2}$ Option 2 allows the use of system development monies to retire the principal portion of the Farmer's Home Administration loan. The sewer optron 2 rate results from contracting services at the Wasterwater Preatment facility. Gene Rui said if we were going to consider contracting services at the Wastewater Treatment Plant that we might look at that issue first and determine if we want to do that. Schmunk agreed, Greg staggested combining Agenda Item #5 Motion to Proceed: Wastewater Service Contract with this discussion. Gene haid be would like some more information because that should probably be bid out and give people in inpurtunity to bid on the operation at the

Pam Christian, City Administrator, treatment plant. said managing a number of plants in this area. Greg explained that we spend more money trying to put together requests for proposals, reviewing them and negotiating those contracts then we would in negotiating a contract with OMI. He said it was doubtful if any firm could compete with a firm that is entrenched with Gresham, Hood River, The Dalles and Cascade Locks. Greg said the matter has been discussed with both Envirotec and Professional Services Group and neither been able to give preliminary cost estimates that compare. Gene asked if we had to go the RFP route to be legal. Pam said that we are not required to go through the RFP process for engineering and management services. Brian Freeman said you have the option of doing them on a negotiated basis.

Mayor Cox asked if present personnel at the plant would be absorbed under a contract for services. Greg replied that they would be into the other company, however, we could not guarantee the longevity. Paul Thalhofer asked if it could be stipulated in the contract that after the contract is approved at a set dollar figure, OMI could not come back in and say they needed more money to do other things. said that, together with our City Attorney, we should be able to write a contract that would protect against that, have a good cancellation clause and be limited to a period of three years. Marge Schmunk how many employees this would affect. Greg responded it would affect three. Ron Burgin asked if, in a year or two, the City was to decide to take over the plant, could those three employees be rehired at the same pay level. Pam said we could probably go back and establish formula that we could hire them back into the City as though they was asking for Greg said staff always been there. Council's authorization to prepare a contract for Council's review and the discussion could certainly be carried on for specifics.

Greg said Option 2 in its total amounted to a rate increase of 56% and Option I's rate increase is 61%. Paul Thalhofer said any way that the rate increase could be reduced should be pursued and as it appears that services at the sewage treatment plant would contracting for between \$20,000 and \$25,000 per year, we owe it to the people of that. Greg said another advantage to contracting for Troutdale to do treatment plant services included sludge management. Marge asked what would be done with the truck that was bought to transport sludge. Greg said it would still be used to haul sludge either to Hood our existing sites. They would make a modification to truck that would allow disposal of sludge under all weather which we cannot do now. Ron asked if they would buy the truck and Greg said no it would remain a City vehicle.

Greg Wilder said the projected rates were based on population growth and that growth had been based on the average lowest period of growth so the figures were reasonably conservative.

Paul Thalhofer asked if there was any way to make provisions for senior citizens with the rate increase. Greg said in checking with other jurisdictions that have tried such provisions, the ability to monitor and the documentation required often proves not to be worth the effort.

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Gene Bui said there are options for these people in that the City of Troutdale is one of the targeted cities within the Multnomah County Community Action Agency and they have funds in their budget to offset utility bills if the family proves that they cannot afford to pay.

Marge Schmunk said she felt before Council went ahead the wastewater treatment plant contract should be discussed. Pam suggested adopting the higher option on the sewer rates and the lower option on the water rates and on Item 5, directing the staff to continue negotiations with OMI and if the contract is approved, it will automatically lower the rate. Pam said staff could go back in and make that revision. This would allow the budget process to proceed.

Ron Burgin moved to adopt the ordinance establishing and imposing water availability charges, user fees, commodity charges, standpipe charges, improvement charges, repealing Ordinance No. 383-0 and declaring an emergency. Paul Thalhofer seconded the motion pursuing Option #2.

Ron Burgin said that none of the Council members liked the rate increase but it appears that they have no choice but to bite the bullet in the first year and look forward to a reduction in subsequent years.

Mr. Cereghino asked about sewer charges on undeveloped land. Greg said that all undeveloped properties that have an availability of service (water line, fire hydrants or other facilities) in close proximity to their property would be assessed, zoned residential, \$4.45 a month for water. He said property under one tax lot would be assessed as one unit.

Andy Anderson said he was concerned for the elderly in the community. He asked if senior citizens could be advised that there are agencies that provide help for utility payments. Nancy Nixon, Finance Director/City Recorder, said she would see that the employees covering the phones made that information available.

Pete Brubaker, Sandee Palisades, said he had attended the last meeting and he was still against the residents paying for the shortcomings of the estimates of the water supply and the demand for money.

Bill McClain, Burns Bros. Truck Stop, asked if the same increase would apply to businesses. Greg said it was the same basic increase.

Paul Thalhofer said there was no one on the Council who wants to do this, but they had no choice. He said it was a painful experience and he understood there would be a \$3 drop in the next year. Ron Burgin said that as the \$122,000 deficit has to be made up within the fiscal year following the deficit and if it were possible to charge new residences, it would require some 305 residences at \$400 each to pay \$122,000. There is not enough building to cover this cost.

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Marge Schmunk called for the question.

Mayor Cox read the resolution by title.

Ayes <u>5</u> Nays <u>0</u> Abstentions <u>1</u> (Gene Bui).

Greg Wilder explained that in the Wastewater Availability Ordinance, Option #1 is for \$12.95 per month and Option 2 is for \$12.45 per month. Pam Christian suggested adopting the higher rates and directing staff to negotiate a contract and then amend the ordinance if contract services are negotiated at a savings. Paul Thalhofer said he would like the City Attorney to draft the proper motion or action that Council can take tonight to accomplish what we need to do. Mayor Cox suggested moving on to Item #6 while Brian Freeman works on a draft.

AGENDA ITEM #6 - ORDINANCE: STREET TREES

Greg said the concerns expressed at the previous Council meeting regarding maintenance had been addressed in the memo in the packet. Marty Gault asked if requirements regarding street tree branch clearance were listed somewhere. Greg said they were specified in previously established ordinances. Ron Burgin asked how common this type of ordinance was in other cities and Greg replied that of about seven cities contacted every one of them had a street tree ordinance. Ron asked how much this affected the residential owner. Greg said it affected the developer more than anyone else and the major effect it would have on the home owner is that it states that he is technically responsible to shovel sidewalks and maintain the parking strip even though it is in the City right-of-way.

Mayor Cox read the ordinance by title.

Gene Bui moved to pass the street tree ordinance. Sharlyn Jacobs seconded the motion. Ayes $\underline{}$ Nays $\underline{}$ 0.

Mayor Cox returned to Agenda Item #5. Brian Freeman, City Attorney, suggested passing the ordinance with the higher rate and when a contract is negotiated providing a savings because of the wastewater treatment plant you can always come back and change by amending the ordinance and lowering the rate.

Mayor Cox read the Wastewater Availability Ordinance by title, Option #1. Marge Schmunk moved to adopt the ordinance. Marty Gault seconded the motion. Ayes $_6$ Nays $_0$.

Greg Wilder said the contract for the wastewater treatment plant operation would hopefully be negotiated to begin July 1 at the beginning of the fiscal year. Gene Bui said he would like to see language included in the contract that would allow employees to come back to the City if the contract is terminated. Mayor Cox said the contract would hopefully be a three year agreement. Paul Thalhofer asked how much of a problem it would be to put it open to bidders. Greg said requests for proposals could not be accomplished by July 1. Pam

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Mayor Cox read the resolution by title.

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said OMI's preliminary discussion is based on what our budget is now and they are willing to work with the existing system so we would be able to almost pick up where we are now if the contract does not work out. She said the proposal process takes about three months to put the requirements together and another two months by the time all the evaluation is done and it goes through the public process. Marge Schmunk said that is a low scenario. Pam said some consulting services would have to be used as the City does not have staff or the time to do it all. Gene Bui said we may be able to escape out of it if it is not working; it is all in how the contract is written.

Marge Schmunk moved to proceed looking at a contract with OMI. Gene Bui seconded the motion. Ayes $\underline{}$ Nays $\underline{}$.

Pam said the amendment to the water regulation ordinance remained to be addressed. She said this amendment dealt with the utility billing and collection process. Mayor Cox read the Ordinance by title. Marge Schmunk moved to approve the amendment. Sharlyn Jacobs seconded the motion. Ayes __6_ Nays __0_.

Mayor Cox called a break at 8:27. The meeting was reconvened at 8:44 p.m.

AGENDA ITEM #7 - ORDINANCE: SIGN CODE

Greg Wilder said this ordinance had been changed to address concerns about banners and grand openings as outlined in the memo. Pam Christian said the sign code had been sent out businesses. Paul Thalhofer said there were quite a few changes by Planning Commission from the recommendations of the Sign Committee. Pam said it was understood when the Sign Code Committee formed the code that they submitted to the Council to be referred the Planning Commission for their review, would be their best case businesses. That is one side of the picture and there is another for those people who would like to see a more restrictive sign code. The Planning Commission serves as an equalizer. Paul said there four business people and three Council people on the Committee. Marge Schmunk said that when the Committee met there was no and there has since been input from staff through Planning Commission procedure and how it was done in ordinances other cities. Paul expressed concern over the number of signs allowed per business. He said the Sign Committee had recommended five signs per business and the Planning Commission had recommended three. Marty Gault said they had simply felt five signs would be too cluttered and size of signs had also been increased in the new ordinance. Ron said if the number of signs was increased to five, then the size should be decreased. Andy Anderson, Planning Commission Member, said the Planning Commission had felt strongly about the clutter from five signs and that three would be better. The C-2 and C-3 zones were restricted to four rather than three. Paul said the Sign Committee strongly supported five signs per business. Eric Summers, Burns Bros. manager, said they would like to keep all the signs they have. The Husky sign is one and the restaurant sign is another one. He said they would not put up additional signs, but would like to keep what they have. Greg Wilder said there are three signs for which no sign permits were issued and in

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total count they do exceed the total amount of square footage allowed. He said Section 11.079 (B) .01 General Provisions (D) - Nonconforming signs -- strike section D entirely and it diverts to the other the zoning ordinance specifically and it relates to signs as well other structures and it says a non-conforming use or structure may continued even though it is not in conformity with the use, type, area other regulation for the district in which it is located. Rebuilding of the sign -- When a building or structure is damaged any other cause beyond the control of the owner rebuilt so long as the cost of renewal of the damaged sign or strucutre exceed 100% of does not the current assessed valuation of the improvement. He said they would be able to keep their current be able to add any more. Ron Burgin expressed concern that a clear distinction be made between structual, portable readerboard signs in order to clarify the requirements for each. Another concern expressed was how many signs would one business multiple activities be allowed. Would they be allowed five signs activity or five signs per business? Pam said businesses along Sundial directional signs that could be seen from a thoroughfare. Dalton Williams pointed out that in Section 11.074.03 the phrase "as a source of illumination" should be removed. He also said Section 11.077 (2) the phrase "(150) feet of <u>all</u> other free-standing" should read "(150) feet of other free-standing". After further other free-standing". After discussion by the Council, it was decided to have Paul Thalhofer, Marty Gault and Gene Bui go over the recommended Sign Code Ordinance changes should be recommended and distributed to Council for their action.

AGENDA ITEM #8 - RESOLUTION: AUTHORIZING CONTRIBUTION FROM SEWER FUND TO WATER FUND

Mayor Cox read the resolution by title.

Gene Bui moved to approve the resolution. Marty Gault seconded the motion. Ayes $\underline{}$ Nays $\underline{}$.

AGENDA ITEM #9 - RESOLUTION: AUTHORIZING INTERFUND LOAN FROM GENERAL FUND TO WATER FUND

Mayor Cox read the resolution by title.

Pam said this resolution prevents the Water Fund from being in a deficit and that it has to be paid back within the ensuing fiscal year. Nancy said this has been included in the 1985-86 budget.

Gene Bui moved to pass the resolution. Ron Burgin seconded the motion. Ayes $\underline{}$ Nays $\underline{}$ 0.

AGENDA ITEM #10 - ADOPTION OF 1985-86 GOALS

Pam said she would like to leave the Council goals posted in Council Chambers for easy reference for Council. She said Department Heads

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AGENDA ITEM #8 - RESOLUTION: AUTHORIXING CONTRIBUTION FROM SEWER FUND TO MATER FUND

Mayor Cox read the resolution by title.

Gene But moved to approve the resolution. Marty Gault seconded the motion, Ayes $\frac{1}{2}$ Nays $\frac{1}{2}$.

ACENDA ITEM #3 - RESOLUTION: AUTHORIZING INTERFUND LOAN FROM GENERAL EUND TO WATER FUND

Mayor Cox read the resolution by title.

Pam said this resolution prevents the Water Fund from being in a deficit and that it has to be paid back within the ensuing fiscal year. Nancy said this has been included in the 1985-86 budget.

Gene But moved to pass the resolution. Ron Burgin seconded the motion. Ayes <u>6.</u> Nays <u>0</u>.

AGEMNA ITEM #10 - ADOPTION OF 1935-86 COALS

Pam said she would like to leave the Council quals posted in Council than said Department Honds Chambers for sasy reference for Council. She said Department Honds

would be getting together with her and coming back to Council with work programs to achieve these goals. Mayor Cox suggested that a goal sheet be placed in each packet.

Gene Bui moved to accept the goals set at the work session of March 16, 1985 and authorizes staff to develop implementation and work plans to achieve as many of those goals as possible. Marty Gault seconded the motion. Ron Burgin moved to amend the motion to delete goal #13 - Develop computer access policy for council. He said it would happen in the normal process of implementing our computer. Gene accepted the amendment. Ayes $\underline{}$ Nays $\underline{}$ Nays $\underline{}$

For the record, Mayor Cox read the first four goals of the Council which are as follows:

- 1. Complete Phase II of Downtown Street Plan
- 2. Complete Transition to Computer System
- 3. Adopt Implementation Plan for Downtown Plan
- 4. Develop a Marketing Program to Promote Troutdale to Include a Specific Focus on our Downtown Area

AGENDA ITEM #11 - DEPARTMENTAL REPORTS

11.1: PUBLIC SAFETY

Chief George Haddock said he had nothing to add to his report and would be happy to answer any questions. Marty Gault said the memo preceding the figures in the report was very helpful and he liked the format of the report.

11.2: FINANCE AND RECORDS

Nancy Nixon had nothing to add to her report and said she would be happy to respond to any questions. There were no questions from Council.

11.3: COMMUNITY SERVICES

Greg explained the change in the report format for his monthly report. He said we had received a letter from the County regarding our proposal for the intersection of Second Street with the future 257th. They were very emphatic in telling us that it so closely violated the federal standards that that is an impossible connection to make. They strongly suggested that Fourth Street would be allowed but if the connection is made the City would have to provide the right-of-way for that. Property owners were informed of that and they were not exactly exuberant about it. Marge said she was pleased to see the statement that work is starting on the City's five year capital improvements plan for the Troutdale Mini-Industrial Park and hopes to see it in here often. Gene Bui said he liked the new format summary.

would be getring together with her and coming back to Councal with works programs to achieve these goals. Mayor Cox suggested that a goal sheet be placed in each packet.

Gene Bui moved to accept the quals set at the work session of March lo, 1985 and authorizes staff to develop implementation and work plans to achieve as many of those quals as possible. Marty Gault seconded the motion. Pon Burgin moved to amend the motion to delete qual #13 - Develop computer access policy for council. He said it would happen in the normal process of implementing our computer. Gene accepted the amendment. Ayes 6 Nays 0.

For the record, Mayor Cox read the first four goals of the Council which are as follows:

- 1. Complete Phase II of Downtown Street Plan
 - 2. Complete Transition to Computer System
- 3. Adopt Implementation Plan for Downcovn Plan
- 4. Develop a Marketing Program to Promote Troutdale to Include a Specific Focus on our Downtown Area

ACEMDA ITEM #11 - DEPARTMENTAL REPORTS

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II. 2: FINANCE AND RECORDS

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11.4: City Attorney

Brian Freeman said there was no report tonight and there were no questions from Council.

11.5: Executive

Pam said she had been to a briefing by our Congressional people about Federal Revenue Sharing and we are probably safe with this coming year's allocation, but we can plan on not seeing it continue for more than two years, even at a reduced rate. Pam said when she received further information she would send it to Council members.

She said there are two meetings this week that Council needs to aware of. The first is a hearing Wednesday, April 10, 1985, at the County Courthouse on the budget. Pam said she is forwarding resolution passed by Council at the previous meeting with a letter from the Commissioners to refrain from reducing the the Mayor requesting Sheriff's budget. At the other meeting, Thursday night, the City Fairview goes before the Boundary Commission with two annexation proposals. They are asking to annex Blue Lake and the portion south the railroad track and north of their city limits. Pam asked Council if they wanted to support this annexation. Marge Schmunk said the City Wood Village has already supported Fairview.

Gene Bui moved that the Mayor write a letter on Council's behalf supporting the annexation by the City of Fairview. Marge Schmunk seconded the motion. Ayes $\underline{6}$ Nays $\underline{0}$.

AGENDA ITEM #12 - COUNCIL CONCERNS AND INITIATIVES

Gene Bui invited the Council to attend the Troutdale Lion's Spring Pancake Breakfast at Troutdale Plaza this Sunday.

Gene said that the Council and the City have supported the County's dog ordinance which calls for dogs to be on leashes when they are out about. He said there was recently a bad incident at the apartment complex where he lives of someone who did not live there and letting their dog out and the dog would get lost and go to the wrong door. The dog did do some damage scratching doors and so forth and the manager tried to arrange for the guest to take better care of the dog. It got to the point where the manager had to call the police and an officer came and investigated and issued a citation for the dog not being on a leash. The matter came before the court here last night and the judge interpreted our ordinance to say that the dog doesn't have to be on a leash and he dismissed the charges. The judge told that if he didn't like it to contact the City Council and Gene was contacted and asked the City attorney to give an interpretation of what the County dog ordinance means to the City and the court so there will be a clear idea of what it means next time it comes up.

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Paul Thalhofer said he had talked to some people about the water and sewer rate increase and the people said they did not know what the City of Troutdale did for the money they paid the City. Paul suggested that we have an open house and invite the citizens of Troutdale to come, maybe on a Saturday, have the Staff here to explain the functions of the departments and what City government does for them. Paul said perhaps there could be short tours of the treatment plant and shop areas.

Sharlyn Jacobs had no Council concerns.

Mayor Cox said he had recently sent a letter to the Portland City Council about the water diversion of the Sandy River. The Water Policy Board has already agreed to system testing. The Mayor said originally we had heard there was one well, but now there are six pumps involved, so it is a bigger project than originally thought. The concern of the people in the area is if they get a foot in the door it is just a start. They have 32 wells and they could reverse the flow and take everything we have. They maintain they would not do that, but they have come this far without permits to dig the wells. Probably in the next two weeks the City Council is going to make a decision on it. River Trails and others involved in the lawsuits are going to take the Portland City Council on a trip down the Sandy to show them what the effects could be. Mayor Cox suggested that our Council should go along and he said he would get back to Council members when the date was set.

Marty Gault had no concerns.

Marge Schmunk had no concerns.

Ron Burgin had no concerns.

AGENDA ITEM #13 - ADJOURNMENT

Ron Burgin moved to adjourn the meeting. Paul Thalhofer seconded the motion. Ayes <u>6</u> Nays <u>0</u>.

The meeting was adjourned at 10:10 p.m.

SAM K. COX, MAYOR

DATE SIGNED: April 10, 1985

ATTEST:

NANCY B. NIXON

FINANCE DIRECTOR/CITY RECORDER

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Marge Schmunk had no concerns.

Ron Burgin had no conserns.

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The meeting was adjourned at 10:10 p.m.

SAM K. COX, MAYOR

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ATTEST:

NAMOY 8. NIXOB:

FINANCE DIRROTOR/CTTV RECORDER