**Parowan City Council Meeting Minutes**

**October 26, 2023 – 6:00 p.m.**

**Parowan City Council Chambers**

**35 E 100 N, Parowan, UT 84761**

**Elected Officials Present:** Mayor Mollie Halterman, Councilmember Sharon Downey, Councilmember Matthew Gale, Councilmember Jim Shurtleff, Councilmember Rochell Topham

**City Staff Present:** Dan Jessen, City Manager; Scott Burns, City Attorney; Callie Bassett, City Recorder; Judy Schiers, City Treasurer; Heather Shurtleff, Deputy Recorder; Stacy Gale, Deputy Treasurer

**Excused:** Councilmember David Burton

**Public Present**: See attached sign in sheet.

1. **Welcome and Call to Order**: Mayor Halterman called the meeting to order at 6:01 p.m.
2. **Opening Ceremonies:** Joely Sudweeks offered the invocation. Councilmember Topham then led the council and the public in the pledge of allegiance.
3. **Declaration of Conflicts With or Personal Interest In Any Agenda Item:** Councilmember Shurtleff declared that he has a personal interest in agenda item #10 (National Veterans Small Business Week Proclamation).
4. **Approval of Meeting’s Agenda:**

**MOTION:** Councilmember Shurtleff moved to amend the agenda by moving agenda item #15 between items 7-8, after the consent meeting.

**SECOND:** Councilmember Gale seconded the motion.

**VOTE:** All councilmembers voted in favor of the motion (4-0). The motion carried.

1. **Public Comment:**

Councilmember Topham asked the Parowan High School Lady Rams Soccer Team to come before the council and be recognized for being undefeated in region this year. They are a team of 15 outstanding young women, coached by Becca Evans. They made it to the semi-finals in the championship tournament, but lost 2-0 to St. Joseph. Parowan held St. Joseph to 0-0 at the half, which has never happened in a semi-final game for Parowan. St. Joseph did not score until the 60th minute. Becca said that the Parowan High School coaches met last year to determine how to create a winning culture at PHS, which means the community showing up for the kids, and the kids showing up for the community. They came up with the #ramfam, and she said that these girls were the epitome of #ramfan. They represented Parowan very well. They are good competitors, but more importantly they are nice and they are kind human beings. Deanna Gale and Matilee Sudweeks were also Academic All-State, which means they had a GPA of 4.0 as athletes.

Mayor Halterman said she went through the city’s goals and was excited to see what has been accomplished in the past two years. She also went through the council’s goals and was able to check off a lot of those as well. She said she loves being the mayor and working for the city. She asked that public comments not be political opinions.

Diana Petersen said she is concerned that the Freemont Monument on Main Street is in disrepair. She gave a photo of the monument to the council. Councilmember Shurtleff reported that the Sons of the Utah Pioneers (SUP) have met with the Historical Preservation committee. They are working on getting this monument repaired. They have set aside the money to make the repairs. The problem is they are looking for a stone mason who can do the work the way it needs to be done. Dan said they are currently trying to keep water from getting into the monument. He said it will most likely be a full rebuild.

Heather Peet asked if the voting ballots had been printed because we only have five candidates since sixth Matt Gale withdrew. She asked if a sixth candidate could be added to the ballot. Callie Bassett said that the ballots were printed after Matt withdrew, but we were not able to add another candidate. Heather asked about a write in candidate. Mrs. Bassett said the deadline for a write in candidate had already passed.

Councilmember Gale explained that he did withdraw from the election race due to new responsibilities he has been given in his church congregation. He said it was a difficult decision to make, but it was one that would be best for him and his family. He apologized for any inconvenience or conflict this may have a caused.

Jessica Smith asked about the refurbishment of the library. She asked if the same tiles that had the asbestos in the front entryway were also the same tiles that have been carpeted over. Dan said it is possible. She suggested that if they are looking into a remodel, they make sure that all the tile in the building that has asbestos be removed before remodeling.

**PUBLIC HEARING** **TO HEAR COMMENTS REGARDING AN ORDINANCE THAT AMENDS THE PROCESS BY WHICH ZONING ORDINANCES ARE AMENDED BY CHANGING THE NUMBER OF DAYS NOTICE THAT MUST BE GIVEN FOR A PUBLIC HEARING FROM 14 DAYS TO 10 DAYS, AND BY CHANGING THE LANGUAGE FROM “SHALL” TO “MAY.”**

Dan said they received a favorable recommendation from the planning and zoning committee to amend the ordinance. He said state code changed the number of days required to notice for a public hearing on land use changes, so this amendment will allow the city’s ordinance to be in line with state code. The state code also allows the city council to hold public hearings regarding land use, but does not require them to. Parowan’s current code requires both the planning and zoning committee AND the council to hold a public hearing. This amendment will be in line with state code.

**MOTION:** Councilmember Topham moved to go into the public hearing to hear comments regarding an ordinance that amends the process by which zoning ordinances are amended by changing the number of days’ notice that must be given for a public hearing from 14 days to 10 days; and by changing the language from “shall” to “may” in reference to the city council holding a public hearing or not.

**SECOND:** Councilmember Shurtleff seconded the motion.

**VOTE:** All councilmembers voted in favor of the motion (4-0). The motion carried.

**Comments:** There were no comments from the public.

**MOTION:** Councilmember Gale moved to close the public hearing.

**SECOND:** Councilmember Downey seconded the motion.

**VOTE:** All councilmembers voted in favor of the motion (4-0). The motion carried.

**CONSENT MEETING:**

1. **Approval of City Council Meeting Minutes from October 12, 2023**
2. **Approval of Warrant Register for October 26, 2023**

**MOTION:** Councilmember Downey moved to approve the consent meeting items 6 and 7.

**SECOND:** Councilmember Topham seconded the motion.

**VOTE:** All councilmembers voted in favor of the motion (4-0). The motion carried.

**WORK MEETING:**

**MOTION:** Councilmember Downey moved to go into the work meeting for agenda item #15 (item 8 in the minutes.)

**SECOND:** Councilmember Topham seconded the motion.

**VOTE:** All councilmembers voted in favor of the motion (4-0). The motion carried.

1. **Presentation and Discussion on Proposed Jail Bond and How it Affects Local Law Enforcement: Chief Addison Adams, Sheriff Ken Carpenter, Lt. Shalon Shaver, and County Commissioner Mike Bleak**

Chief Adams said the jail is undersized for Iron County. There are no jail cells in the Parowan Police Department or at the Iron County Court House building. Since 2012, the overcrowding has caused the jail to refuse class B and C misdemeanor offenders. Judges are also releasing certain prisoners on their own recognizance or with a signed “letter to appear” to make room for the more violent or serious offences. He said it is getting worse every year.

Chief Adams said his officers are not able to make arrests when necessary because the jail is full and they already have people sleeping on mattresses on the floor in pre-booking. Repeat offenders are becoming more emboldened because they know the situation at the jail and they know there are certain things they can get away with. Chief Adams said his officers are in more danger every time they are called out because of this. He is worried about his officers going out on calls alone because there are exponentially more chances for people to fight, throw punches, or to run because there are no consequences. He said this jail is necessary, and the bond on the ballot is the best choice. He reiterated that iron county must have a jail. He said the town hall meetings they have had have been poorly attended, and they need the council to get the correct information out to their constituents.

Sheriff Ken Carpenter discussed what the proposed jail facility will look like and the reasons for that design. He said it makes sense to build for the future and do it right the first time and have the extra bed space available to them. They can rent that extra bed space out to the state and federal inmate placement program. This will bring other tax dollars into the county to help infuse the economy, help pay off the bond and help remove the tax burden from the tax payer. He said the federal government is abolishing their contracts with private prisons, so they are going to need places to put those inmates. They will have to go to state and local prisons.

Sheriff Carpenter said if they “kick this can down the road,” it will be a bad decision, because all that will do is cost the county more money. He said if this bond fails and they must wait another year, it is estimated that the cost will go up $6-10 million dollars. It will not get any cheaper. He said this bond must pass. He said at some point, building a new facility will be forced upon the county by the Utah Supreme Court if that is what it comes down to. He said if they keep going the way they are now, there will be civil law suits brought against them because of the living conditions. The tax payers will have to pay for those law suits.

Sheriff Carpenter said the county needs to move forward on this because in the long term, even though right now is not a very good time, it is not going to get better any time soon. It is something that they must do. He said they do not have a choice; they must move forward. He said this is a necessity that by state law and constitutional mandate it is placed upon the shoulders of the sheriff. He said he is obligated to provide a jail for all the law enforcement agencies in the county. He also said that he is not allowed to pass that cost on to any of them. He said the county is growing and crime rates are going up. Right now, they must put criminals back out on the street because they do not have room for them. He said that is a horrible way to do business. He said they want to keep our communities safe, but they cannot do it without the residents’ help. That is the bottom line.

Sheriff Carpenter answered questions from the audience. Commissioner Mike Bleak said the county’s general fund subsidizes $3.726 million dollars a year to the jail. He said with both prison pods full, they are looking at $8 million dollar a year surplus. This will free up the $3.726 million dollars that can be used in the county. It will also help to pay off the bond as soon as possible, and help with the operation and maintenance.

Representative Rex Shipp said he has a bill being drafted that would allow counties of the 3rd through 6th class to increase sales tax in these counties by up to 1% for the purpose of building a county jail. It would be an earmarked item that could only be used for remodeling or building a new county jail. This would also have to be a voter approved process by putting it on the election ballot. He said he is against raising taxes, but this is a situation that he would rather see sales taxes being paid by outside people rather than putting the entire burden on the residents. They county could take the money and use it to pay down the bond more quickly. He said his first item of business is to get his constituents at the legislature on board with this. He talked with the state tax commission about what amount this could generate, and a .25% increase would bring in approximately $3.6 – 4 million dollars. Commissioner Bleak added that it would help reduce the amount of money that is required from the tax payers to pay down the bond. The assessment would drop from $153/year to $65/year to the average tax payer. He said that the bond must be in place for this to happen.

**MOTION:** Councilmember Downey moved to go back into the action meeting.

**SECOND:** Councilmember Gale seconded the motion.

**VOTE:** All councilmembers voted in favor of the motion. The motion carried.

**ACTION MEETING:**

1. **Financial Partner Agreement with UDOT for Utah’s Patchwork Parkway’s FHWA Byway Grant for Interpretive Kiosks and Signage: Nancy Dalton, Byway Coordinator for Utah’s Patchwork Parkway**

Nancy reported that they got the contract signed between UDOT and Federal Highways. Parowan City will be the financial sponsors for this grant. This does not require any work on Parowan’s part, nor any additional costs. Parowan will contribute $2,500 each year for two years, plus $10,000 in kind donation from three communities combined (Parowan, Panguitch, and Brian Head.)

**MOTION:** Councilmember Gale moved that Parowan be the financial partner with UDOT for Utah’s Patchwork Parkway’s FHWA Byway Grant.

**SECOND:** Councilmember Downey seconded the motion.

**VOTE:** All councilmembers voted in favor of the motion (4-0). The motion carried.

1. **National Veterans Small Business Week Proclamation: Mayor Halterman**

Mayor Halterman said she received an email from Jackie Hobson who works for the U.S. Small Business Administration in St. George and is a veteran entrepreneur herself. She said this year is the 10th year the nation has done this. She said she would like to display signed proclamations by southern Utah mayors showing support for southern Utah veteran entrepreneurs at the registration table at their 3rd annual “Veterans Unite” conference.

**MOTION:** Councilmember Downey moved to approve the National Veterans Small Business Week Proclamation.

**SECOND:** Councilmember Gale seconded the motion.

**VOTE:** All councilmembers voted in favor of the motion (4-0). The motion carried.

1. **Certification of Authorized Individuals to Access and/or Transact with PTIF Accounts – Resolution 2023-10-02.**

**MOTION:** Councilmember Downey moved to approve the Certification of Authorized Individuals to Access and/or Transact with PTIF Accounts, Resolution 2023-10-02.

**SECOND:** Councilmember Topham seconded the motion.

**VOTE:** A roll call vote was taken as follows:

 **AYE NAY ABSENT**

Councilmember Shurtleff X

Councilmember Gale X

Councilmember Downey X

Councilmember Topham X

Councilmember Burton X

All councilmembers present voted in favor of the motion (4-0). The motion carried and Resolution 2023-10-02 was adopted.

1. **Amendments to the Process of Amending Zoning Ordinances – Ordinance 2023-10-01:**

**MOTION:** Councilmember Downey moved to approve the amendments to the process of amending zoning ordinances, Ordinance 2023-10-01.

**SECOND:** Councilmember Gale seconded the motion.

**VOTE:** A roll call vote was taken as follows:

 **AYE NAY ABSENT**

Councilmember Topham X

Councilmember Downey X

Councilmember Gale X

Councilmember Shurtleff X

Councilmember Burton X

The vote was 4-0 in favor of the motion. The motion carried and Ordinance 2023-10-01 was adopted.

1. **Amend General Plan – Master Transportation Plan Map Regarding 1200 West: Dan Jessen**

Dan explained the planning commission and staff have spent a lot of time on this regarding a future road. The road that goes up to the land fill is 1200 West off Old Highway 91. 1200 West also comes off 200 S into Maple Springs subdivision, however the road dead ends at the flood channel. It is on the general plan’s master transportation plan to continue through to connect with Old Highway 91. It is designated as a major collector with a 75-foot right of way. The road is currently a private driveway. The property owners in the area would like to potentially abandon that crossing and down size that road on the future general plan’s map to a 60 -foot right of way. They also want to abandon the future bridge. The planning commission heard this, and decided to keep the discussion to downsizing the road and to have a larger discussion about the number of crossings later. The planning commission sent a favorable recommendation to the city council to go ahead and amend the general plan’s master transportation map. No public hearing is necessary in city council, but one was held in planning and zoning.

**MOTION:** Councilmember Gale moved to amend the general plan’s master transportation plan map regarding 1200 West.

**SECOND:** Councilmember Downey seconded the motion.

**VOTE:** All councilmembers voted in favor of the motion (4-0). The motion carried.

For the record, Dan said they are not having a new map drawn immediately because there are several other amendments that need to be made.

1. **Disposition of Real Estate – South Central Communications: Dan Jessen**

Terrence Mitchell of South Central addressed the council. He said South Central is Parowan’s official internet company. They would like to purchase the land that their building is on. They have been leasing this from the city. By purchasing the land, they would be able to secure their facility. They will clean up the property and build a fence around and it.

Dan said the city’s code allows them to sale directly to South Central because it does not make sense to auction this real property off to anyone else. The property was appraised and the established value was $24,000. South Central will put in gates that both the city and they can use for their properties. The city will accept $20K, because South Central will be building the fences and gates.

The city has a water line across the property and will have access to that. Dan said this sale of property has been discussed with public works and they are supportive of it.

**MOTION:** Councilmember Gale moved to sell the land to South Central for $20,000.

**SECOND:** Councilmember Downey seconded the motion.

**VOTE:** All councilmembers voted in favor of the motion (4-0). The motion carried.

1. **Approval to Purchase Chip Spreader on State Contract: Dan Jessen**

Dan said this has been discussed internally. The city has had an informal cooperative agreement to use the county’s equipment and use their crew to pave the city’s roads. It has worked out well. If we contracted it out, the cost would be much higher. The county works with other cities as well. The county is now so busy that they cannot help the city any longer. Dan said roads are the city’s biggest asset, however it is currently almost impossible to get someone to do chip seal.

Dan said they have been working with Enoch and would like to go in together to co-purchase a chip spreader. The proposed plan is to buy a spreader on state contract. The city would split this 50/50 with Enoch on a $357,050.00 piece of equipment. Dan said they set aside more money for roads this year than they have before. $178,000 of this year’s $250,000 allocated for road maintenance would go to the purchase of this machine. They will rent the needed oil truck, an operator, and the rollers. With remaining budget, the city would buy materials. The county has committed to help train the city’s workers. Dan said this is the best solution they have been able to come up with. They need to let the state know as soon as possible so they can order the machine. There will be an MOU between Parowan and Enoch.

Councilmember Gale asked if Enoch has voted on this. Dan said they have not, but they are supportive and ready to move forward.

Councilmember Shurtleff asked about borrowing from an enterprise fund to help fund this. Dan said that the city has this in their budget, and they will have all next year’s budget to help with the project.

**MOTION:** Councilmember Gale moved to approve the purchase of a chip spreader on state contract.

**SECOND:** Councilmember Downey seconded the motion.

**VOTE:** All councilmembers voted in favor of the motion (4-0). The motion carried.

Attorney Burns was excused from the meeting at 8:03 p.m.

**WORK MEETING:**

1. **Discussion of Updates to Parowan City Code from Water Board Recommendation Regarding New Source Sizing Requirements’ Effect on Water Rights Exactions and Related changes: Dan Jessen**

Dan said there is some time before this item will come before the council in ordinance form. Bowen Collins did a proposal of the Water Master plan. Dan said due to a new state law that effects our classification of city, we have until the end of October 2023 to update our code and policies regarding a source-sizing model of water rights exactions. He said what this means is right now, when someone does a development in the city or subdivides a lot, or does an annexation, they must bring the city water rights. He said the city’s current code uses a formula. The rule of thumb is an acre ft. per home. The actual water right exaction is the result of a formula, which is .45-acre foot for the indoor use, and 4-acre feet per irrigated acre for outside use. He said there is a whole different approach for commercial and industrial use. He said the city has been following the state’s old recommendations on this. The state has now moved to source sizing, and the city must now do research and provide data on what the city’s citizens use based on their meter size. He said the city is not able to demand from developers or anyone who wants to annex into the city any more than a five-year average. The city is not legally able to require more than that for development starting in October for their classification of city.

Dan said they have been working through the water master plan. The city’s engineer has done all the calculations and the data and they are now moving forward with a new methodology. Instead of going through the calculations, it will be based on an Equivalent Residential Connection (ERC). The amount of water that can be used by an average, single family residential household with a ¾ inch meter is defined as an ERC. He said everything will be converted to ERC’s. The city is being forced to do this by new state code.

Dan said, because of this, it has changed the foundation for impact fees and connection fees. The city needs a new methodology. They looked at several different methods. They decided that sometimes the simplest is most elegant. They will be going to a meter size-based model for not only water rights exaction, but for connection fees (which is currently the case), but also impact fees. He said as the city drills wells and finds other sources of water, as they put in transmission lines and water tanks, these are all based on what the city is capable of drawing from that system. From a fairness standpoint, the size of water meter a consumer receives will determine their impact on the water system. He said this can be calculated to the gallon. They are using numbers from the American Water Works Association, who is very well vetted and are conservative in favor of the customer. The city will base its percentage increases for connection fee, impact fee, and water rights dedication on the relative percentage increase that that size of meter is able to deliver to the customer.

Dan said that right now, the city’s code is pretty good. One of the effects of it is it restricts growth to the actual number of water rights that are in the aquifer, and they restrict it by priority date. He said this is a very, very good idea. However, he said there are some administrative challenges with the current code. It is very rigid. He said there needs to be a “carve out” to allow for the upgrade of a ¾ inch meter to a 1-inch meter. The impact would still be required to be born by the property owner who wants that additional upgrade, but they would not be required to go out on the market and by a fraction of a water right. The amount of the difference in fees would go into a dedicated fund that the city would buy water rights with. The city can then buy water rights in bulk. He said they do not want to do this for developers or large subdivisions, but for someone who wants to build a house, it seems very reasonable to have this exclusion in the code.

Dan said the other exclusion that the water board discussed was for the single parcel owner who wants to divide their acre lot into two lots, they would allow them to pay a water development fee rather than have them go out on the market to buy a half-acre water right to bring to the city for their single division. They would include in the language of the code that this could only be done once in five years.

This is what the water board is proposing. Dan said they are still working on the language for the adjustments.

Dan said that by discussing this in city council, they can put any development on hold until they are finished with the changes. The state will have to approved this. They have been working with the state on this. Councilmember Shurtleff said this method will be much more defensible because it is all data based. He said this will make the developer pay for the impact on the system. Dan added that one of the elegant aspects of this is they will not have to distinguish between residential, commercial, or industrial anymore because it is all meter-based system.

1. **Reports, Updates, Old Business Follow Up: Elected Officials and Staff**

**Councilmember** **Topham** reported on the theater board. They are excited that McKenzie Nims will be directing the play Bright Star. The Parowan Interact Club is putting on the nightmare theater, which opened October 26th. It is open from 5:00-9:00 p.m., and run through October 31. Admission is $2 with a can of food, $5 without. All proceeds will be donated to the Sub for Santa program in Parowan. Councilmember Topham said everyone should have received a flyer in the mail on the RAP Tax.

**Councilmember Downey –** no report.

**Councilmember Gale –** no report.

**Councilmember Shurtleff** reported thatPAALcame to the historic preservation meeting with an application to install dog waste stations around town. They will be coming to the city with a more detailed plan of where to put these. The historic preservation committee recommends approval for this.

**Dan Jessen** gave an update on the library mold mitigation. They did a final test, and found that there were more mold spores in the air. The one room still had some. There were some that they had not seen and so did not clean up. They removed those, and rescheduled another test at Serve Pro’s expense. City staff are working to put the dry wall up this winter. They are working to restore the ceiling in the archive room. They are looking into what they can do with the library funding wise for a remodel. They had a local seasoned builder walk through the site. They need to decide what they want to do on a remodel so they can get estimates to try and get funding.

Pickleball site: Dan said they met with Todd Robinson. Dan said they went to the county commission meeting and said that the city wants to be collaborative, but he told the county that they are going to have to modify their parking lot that is on city property. There is a lot of site work that needs to be done. The county is supportive.

Bike Park: Dan said they have started work on prepping for the bike park. They have scaled it to the correct scale. It will take up most of the property that was designated. They are looking into acquiring materials. The project is moving forward. We have dedicated employees who are passionate about this project.

Airport: Dan said they are getting close to the deadline. They are laying down asphalt every day. The cold weather is concerning. There are two different inspectors from two different entities that are on-site inspecting and testing the compaction. They do not mess around. The federal government ensures that we get a good runway laid down. They will use two full crews to finish the job.

**Mayor Halterman** added that the bike park is exciting. She said the dirt work has started. They have started talking to local suppliers about providing the city with the product they need to build the “cap,” or the smooth surface. They started talking to the BLM about helping with fencing for this project, but they will not be able to assist because it is strictly a city project. They are interested in continuing conversation because, as they move toward the dry canyon pond, there is a trail design around that as well.

Mayor Halterman said they continue to work on the master active transportation plan. The goal is to have a master active transportation plan as part of the general plan. The goals will be prioritized. These goals can be adjusted, but they will have the foundational documentation to provide a mature application for any funding that might come available.

Mayor Halterman said there was a meeting on the Old Rock Church. They talked with the engineers, and went through the entire project. They have direction now on what they can start and what they can continue to pursue as Phase I. She said Judy Schiers, Karen Miller, and Ava Chamberlain finalized all the proofing on the brick orders and recognized them for the efforts.

Dan addressed the voting conundrum at the last meeting. Parowan has code that gives the answer to the problem – three affirmative votes are needed from the council to act on any item. He said they may want to look at this and see if it needs to be changed. He said Attorney Scott Burns feels that having a simple majority would allow an abstention to be a true non-vote.

**Council Discussion:** The council worked through a difficult discussion regarding discussions of the last meeting. Councilmember Shurtleff said he was willing to move forward together for the good of the city.

**Staff:** There were no staff reports.

1. **Closed Session: The Council may consider a motion to enter a closed session for specific purposes allowed under the Open and Public Meetings Act (Utah Code § 52-4-205), including to discuss the purchase, exchange, lease, or sale of real property; litigation; the character, professional competence, or physical or mental health of an individual; for attorney-client communications (Utah Code § 78B-1-137); or any other lawful purpose.**

**MOTION:** Councilmember Topham moved to go into closed session to discuss the purchase or sale of real property.

**SECOND:** Councilmember Downey seconded the motion.

**VOTE:** A roll call vote was taken as follows:

 AYE NAY ABSENT

Councilmember Shurtleff X

Councilmember Gale X

Councilmember Downey X

Councilmember Topham X

Councilmember Burton X

All councilmembers voted in favor of the motion (4-0). The motion carried.

The council moved into closed session at 9:21 p.m. Those present included: Mayor Halterman, Dan Jessen, Rochell Topham, Sharon Downey, Jim Shurtleff, Matt Gale, and Callie Bassett.

The council moved out of closed session at 10:14 p.m.

1. **Adjournment**

**MOTION:** Councilmember Gale moved to adjourn the meeting.

**SECOND:** Councilmember Downey seconded the motion.

**VOTE:** All councilmembers voted in favor of the motion. The motion carried. The meeting adjourned at 10:14 p.m.

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 Mollie Halterman, Mayor

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 Callie Bassett, City Recorder

 Date Approved: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_