

**FOREST GROVE CITY COUNCIL REGULAR MEETING
OCTOBER 22, 2012 – 7:00 P.M.
COMMUNITY AUDITORIUM
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***Minutes are unofficial until approved by Council.
Council approved minutes as presented November 13, 2012.***

1. ROLL CALL:

Mayor Peter Truax called the regular City Council meeting to order at 7:06 p.m. and led the Pledge of Allegiance. **ROLL CALL: COUNCIL**

PRESENT: Thomas BeLusko, Jr., Thomas Johnston, Council President, Victoria Lowe, Camille Miller, Ronald Thompson, Elena Uhing, and Mayor Peter Truax. **STAFF PRESENT:** Michael Sykes, City Manager; Paul Elsner, City Attorney; Paul Downey, Administrative Services Director; Susan Cole, Administrative Services Assistant Director; Rob Foster, Public Works Director; Tom Gamble, Parks and Recreation Director; Jon Holan, Community Development Director; Derek Robbins, Engineer; Janie Schutz, Police Chief (in the audience); George Cress, Light and Power Director (in the audience); and Anna Ruggles, City Recorder.

1. A. INTRODUCTION OF NEW STAFF:

Mayor Truax formally introduced the City's new Police Chief Janie Schutz who was sworn-in on October 1, 2012. Police Chief Schutz was the former Police Chief of the Town of Wadesboro, NC.

1. B. PROCLAMATION:

Hands and Words Are Not For Hurting Week

Mayor Truax publicly proclaimed October 21 – October 27, 2012, as "Hands and Words Are Not For Hurting Week" in Forest Grove". Mayor Truax presented the proclamation to Police Chief Schutz who accepted the proclamation on behalf of Forest Grove Police Department.

2. CITIZEN COMMUNICATIONS:

Grace Radacellini and Francisco Campuzano, 2715 Juniper Street, addressed Council regarding concerns they had pertaining to Juniper Gardens Phase II Project and 26th Avenue Reimbursement District Project. Radacellini and Campuzano submitted written testimony and photographs illustrating their concerns.

Kristen Thomas, 2735 26th Avenue, addressed Council regarding Juniper Gardens Phase II Project and 26th Avenue Reimbursement District Project

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and protecting existing trees when new development occurs. Thomas submitted written testimony and photographs illustrating her concerns.

In response to above-noted testimony, City Manager Sykes asked Foster to respond to concerns, to which Foster provided an update on the status of the projects and addressed concerns and inquiries from the Council as well. Victoria Lowe declared a potential conflict of interest. In conclusion, Mayor Truax noted he appreciates the input and comments and asked City Manager Sykes to keep Council informed on the progress.

Victoria Johnson, Public Safety Advisory Commission (PSAC) Secretary, submitted written correspondence, dated October 22, 2012, indicating that the views expressed in her memo are as a private citizen not on behalf of the PSAC. Johnson's written correspondence outlined discrepancies between the draft PSAC minutes and staff's summarized interpretations found in Exhibit C of the staff report pertaining to the Downtown Traffic Analysis Work Session, which was postponed (refer below to Agenda Item 4). Johnson's written correspondence was forwarded to staff for review and consideration.

Pacific University, 2043 College Way, submitted written correspondence, dated October 22, 2012, pertaining to the Downtown Traffic Analysis Work Session, which was postponed (refer below to Agenda Item 4). Pacific University's written correspondence outlined concerns pertaining to proposed changes to the current alignment and traffic flow pattern on College Way. Pacific University's written correspondence was forwarded to staff for review and consideration.

3. **CONSENT AGENDA:** Items under the Consent Agenda are considered routine and will be adopted with a single motion, without separate discussion. Council members who wish to remove an item from the Consent Agenda may do so prior to the motion to approve the item(s). Any item(s) removed from the Consent Agenda will be discussed and acted upon following the approval of the Consent Agenda item(s).
 - A. Approve City Council Work Session (B&C Interviews) Meeting Minutes of September 24, 2012.
 - B. Approve City Council Executive Session (Labor Negotiations) of September 24, 2012.

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- C. Approve City Council Executive Session (Real Property) of September 24, 2012.
- D. Approve City Council Work Session (Urban Renewal) Meeting Minutes of September 24, 2012.
- E. Approve City Council Regular Meeting Minutes of September 24, 2012.
- F. Accept Historic Landmarks Board Meeting Minutes of August 28, 2012.
- G. Accept Library Commission Meeting Minutes of July 10 and August 14, 2012.
- H. Accept Parks and Recreation Commission Meeting Minutes of July 18, 2012.
- I. Accept Planning Commission Meeting Minutes of June 18 and September 17, 2012.
- J. Accept Public Arts Commission Meeting Minutes of September 13, 2012.
- K. Community Development Department Monthly Building Activity Informational Report for September 2012.
- L. Library Department Monthly Circulation Statistics Report for October 2012.
- M. Accept Resignation on Committee for Citizen Involvement (Deborah Greenfield, Term Expiring December 31, 2015).
- N. Accept Resignation on Parks and Recreation Commission (Anna Marie Lund, Term Expiring December 2014).

MOTION: Councilor Lowe moved, seconded by Councilor Uhing, to approve the Consent Agenda as presented. MOTION CARRIED 7-0 by voice vote.

- 4. **ADDITIONS/DELETIONS:** Item 1. B. was added to the Agenda as noted above. The Downtown Traffic Analysis Work Session, scheduled on the Agenda for 6:15 p.m., was postponed to the next meeting due to time restriction.
- 5. **PRESENTATIONS:**
 - 5. A. 2012 Watershed Timber Harvest Update
Foster introduced Scott Ferguson, Watershed Consultant, who presented a PowerPoint presentation outlining the 2012 Watershed Timber Harvest

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activities and accomplishment, noting the 2012 timber harvest produced a net revenue of \$529,309. Ferguson reported the 2012 timber harvest included 121 acres of ground thinning, 31 acres of cable thinning, 18 acres of variable retention, 5,700' of temporary road construction, and provided 86 "fish logs" for the Clear Creek restoration project. Ferguson explained the various methods that were used to market the 2012 timber harvest, noting Table I below outlines the mix of products and shows the harvest volume to date and Table II below outlines the 2012 timber harvest expenses to date.

Revenues - 2012 Timber Harvest			
Mill/ Species	Volume, Board Feet	Unit Price, per 1,000	Gross Revenue
Banks Lumber	1,541,120	\$523.78	\$807,146.05
Columbia Vista	75,140	\$591.12	\$44,416.45
RSG/ Olympic	27,370	\$498.41	\$13,641.50
Stimson	312,260	\$514.66	\$160,709.05
McCormick (poles)	90,510	\$940.34	\$85,110.00
Misc.	6,710	\$497.61	\$3,339.00
Totals	2,053,110	\$542.79	\$1,114,361.05
Expenses - 2012 Timber Harvest			
Method/ Item			Expense
Logging/ Hauling			\$507,046.67
Forester			\$78,005.27
Total			\$585,051.94
NET			\$529,309.11

5. B. Metro Quarterly Exchange Update

Kathryn Harrington, Metro Councilor District 4, presented a PowerPoint presentation outlining her District 4 Quarterly Exchange Report and provided updates on Metro's Convention Center Hotel Project; Planning and Development Grants; Metropolitan Transportation Improvement Plan; Climate Smart Communities; Glendoveer Golf Course; Orenco Woods Master Plan; Natural Areas Local Option Levy; Intertwine Summit; and

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reported on various upcoming events and distributed various handouts.

5. C. 2013 Annual Town Meeting Update

Kristy Kottkey, Committee for Citizen Involvement (CCI) Chair, reported to Council that CCI would like to request moving the Annual Town Meeting (ATM) date to spring instead of January, noting CCI is struggling as a committee to find its purpose and goals and is currently down three members. Council Miller affirmed that CCI does need more time to beef up its membership. Kottkey highlighted a possible ATM theme (Myth Busters), noting CCI wants to plan a quality, and awarding ATM with an emphasis to invite the Hispanic community. In response to Kottkey's inquiries and concerns, Mayor Truax and Miller advised that CCI was created pursuant to Statewide Planning Goal 1 to assist the Council with a citizen involvement program relating to land use issues. Mayor Truax indicated he does not want CCI to lose sight of the land use aspect; however, Mayor Truax encouraged CCI to relook at its bylaws and perhaps redraft its bylaws to expand more on citizen-related activities, noting the revised bylaws would need to be submitted to Council for formal approval. In conclusion, Mayor Truax advised Kottkey that he would get back to her on CCI's proposal to change the ATM date.

6. RESOLUTION NO. 2012-62 AUTHORIZING THE EXPENDITURE OF METRO GRANT FUNDS IN THE STREET FUND FOR THREE BIKE SHELTERS IN THE CITY OF FOREST GROVE

Declaration of Potential Conflict of Interest:

BeLusko declared a potential conflict of interest, citing he is a shareholder of the firm who is the City's insurance agent and there is a remote possibility that Resolution No. 2012-62 could affect the income received by the firm. Because there is only a potential conflict of interest, BeLusko declared it would not affect his contribution.

Staff Report:

Downey, Cole, and Foster presented the above-proposed resolution requesting authorization for the expenditure of Metro grant funds of \$45,000 for the purchase of three bike shelters. Foster reported the City has installed the three bike shelters and has invoiced Metro for the grant funds, noting the City's match is approximately \$16,000, which is allocated in the Street Fund. In conclusion, Downey advised an appropriation is

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needed before the City can expend the additional funds, noting a supplemental budget hearing is not required pursuant to budget law.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2012-62.

Elsner read Resolution No. 2012-62 by title.

MOTION: Councilor Lowe moved, seconded by Councilor Uhing, to adopt Resolution No. 2012-62 Authorizing the Expenditure of Metro Grant Funds in the Street Fund for Three Bike Shelters in the City of Forest Grove,

Council Discussion:

Hearing no discussion from the Council, Mayor Truax asked for a roll call vote on the above motion.

ROLL CALL VOTE: AYES: Councilors BeLusko, Jr., Johnston, Lowe, Miller, Thompson, Uhing, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

7. RESOLUTION NO. 2012-63 AUTHORIZING THE MAYOR AND CITY MANAGER TO ENDORSE THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF FOREST GROVE AND OREGON DEPARTMENT OF TRANSPORTATION FOR COUNCIL CREEK REGIONAL TRAIL MASTER PLAN PROJECT

Declaration of Potential Conflict of Interest:

BeLusko declared a potential conflict of interest, citing he is a shareholder of the firm who is the City's insurance agent and there is a remote possibility that Resolution No. 2012-63 could affect the income received by the firm. Because there is only a potential conflict of interest, BeLusko declared it would not affect his contribution.

Staff Report:

Foster and Robbins presented the above-proposed resolution authorizing the Mayor and City Manager to endorse an Intergovernmental Agreement between the City of Forest Grove and Oregon Department of

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Transportation for Council Creek Regional Trail Master Plan Project. Foster and Robbins reported Council adopted Resolution No. 2008-21 supporting implementing the Council Creek Regional Trail. In 2009, the City was awarded Regional Flexible Grant Funds for the Trail Master Plan Project, noting the goal of the project is to develop a Master Plan to determine a preferred trail alignment. In conclusion, Foster and Robbins advised once the Master Plan is completed, it is the intent of the parties involved to secure additional funding for engineering, design, and construction of the preferred trail alignment.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2012-63.

Elsner read Resolution No. 2012-63 by title.

MOTION: Councilor Lowe moved, seconded by Council President Johnston, to adopt Resolution No. 2012-63 Authorizing the Mayor and City Manager to Endorse the Intergovernmental Agreement between the City of Forest Grove and Oregon Department of Transportation for Council Creek Regional Trail Master Plan Project.

Council Discussion:

Lowe referenced the map attached to the staff report, which outlined the proposed trail, noting she would like to see the trail connect with Fernhill Wetlands, to which Robbins acknowledged as good feedback.

In response to Council President Johnston's concern pertaining to legal provisions in the IGA, Elsner explained the purpose of having third-party claim language in the IGA, noting it is required and good practice to have third-party claim provisions in an IGA.

Hearing no further discussion from the Council, Mayor Truax asked for a roll call vote on the above motion.

ROLL CALL VOTE: AYES: Councilors BeLusko, Jr., Johnston, Lowe, Miller, Thompson, Uhing, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

8. RESOLUTION NO. 2012-64 AUTHORIZING THE MAYOR AND CITY

**MANAGER TO ENDORSE AN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF FOREST GROVE AND CITIES OF
HILLSBORO AND CORNELIUS FOR DISBURSEMENT OF FUNDS FOR
THE COUNCIL CREEK REGIONAL TRAIL MASTER PLAN PROJECT**

Declaration of Potential Conflict of Interest:

BeLusko declared a potential conflict of interest, citing he is a shareholder of the firm who is the City's insurance agent and there is a remote possibility that Resolution No. 2012-64 could affect the income received by the firm. Because there is only a potential conflict of interest, BeLusko declared it would not affect his contribution.

Staff Report:

Foster and Robbins presented the above-proposed resolution authorizing the Mayor and City Manager to endorse an Intergovernmental Agreement between the City of Forest Grove and Cities of Hillsboro and Cornelius for disbursement of funds for the Council Creek Regional Trail Master Plan Project. Foster and Robbins reported the estimated project cost is \$243,446, of which the local match is \$25,002 (10.27%), noting Forest Grove is obligated to fund \$10,001, Cornelius is obligated to fund \$10,001, and Hillsboro is obligated to fund \$5,000. In addition, the federal grant requires overbid coverage of \$25,000 (10%), which will be split proportionally among the three cities. In conclusion, Foster and Robbins advised the City is the lead agency and will be overseeing the project.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2012-64.

Elsner read Resolution No. 2012-64 by title.

MOTION: Councilor Lowe moved, seconded by Council President Johnston, to adopt Resolution No. 2012-64 Authorizing the Mayor and City Manager to Endorse an Intergovernmental Agreement between the City of Forest Grove and Cities of Hillsboro and Cornelius for Disbursement of Funds for the Council Creek Regional Trail Master Plan Project.

Council Discussion:

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Uhing voiced concern of the IGA requiring funding for over bid, to which Robbins explained the use of federal funds often requires ten percent (10%) for over bid coverage for the project. In response to Uhing's inquiry pertaining to Hillsboro's share, Robbins explained the majority of the Master Plan would be occurring within Forest Grove and Cornelius.

Thompson voiced concern the County was not providing a portion of the funding, to which Robbins explained the County's role, noting the purpose of this IGA is to fund the Master Plan only. Robbins explained that when the time comes to design and construct the actual trail, it is the intent of the Project Advisory Committee to secure additional funding from all sources.

Hearing no further discussion from the Council, Mayor Truax asked for a roll call vote on the above motion.

ROLL CALL VOTE: AYES: Councilors BeLusko, Jr., Johnston, Lowe, Miller, Thompson, Uhing, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

9. RESOLUTION NO. 2012-65 AUTHORIZING THE MAYOR AND CITY MANAGER TO ENDORSE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF FOREST GROVE AND OREGON DEPARTMENT OF TRANSPORTATION FOR DISBURSEMENT OF FUNDS FOR THE HIGHWAY 8/HIGHWAY 47 INTERSECTION IMPROVEMENTS

Declaration of Potential Conflict of Interest:

BeLusko declared a potential conflict of interest, citing he is a shareholder of the firm who is the City's insurance agent and there is a remote possibility that Resolution No. 2012-65 could affect the income received by the firm. Because there is only a potential conflict of interest, BeLusko declared it would not affect his contribution.

Staff Report:

Foster and Robbins presented the above-proposed resolution authorizing the Mayor and City Manager to endorse an Intergovernmental Agreement between the City of Forest Grove and Oregon Department of

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Transportation for disbursement of funds for Highway 8/Highway 47 (Pacific Avenue and Quince Street) intersection improvements. Foster and Robbins reported in January 2012, the City was awarded Regional Flexible Grant Funds for the intersection improvements, noting the goal of the project is to complete preliminary planning and design. The estimated total project cost is \$175,000, of which the City's local match is \$17,972 (10.27%), which will be allocated in the Street Fund and appropriated in Fiscal Year 2013-14 budget. In conclusion, Foster and Robbins advised once the detailed design is completed, it is the intent of the City to secure additional funding for construction of the intersection improvements.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2012-65.

Elsner read Resolution No. 2012-65 by title.

MOTION: Council President Johnston moved, seconded by Council Lowe, to adopt Resolution No. 2012-65 Authorizing the Mayor and City Manager to Endorse an Intergovernmental Agreement between the City of Forest Grove and Oregon Department of Transportation for Disbursement of Funds for the Highway 8/Highway 47 Intersection Improvements.

Council Discussion:

Hearing no discussion from the Council, Mayor Truax asked for a roll call vote on the above motion.

ROLL CALL VOTE: AYES: Councilors BeLusko, Jr., Johnston, Lowe, Miller, Thompson, Uhing, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

10. CITY MANAGER'S REPORT:

City Manager Sykes reported on upcoming meetings and events as noted in the Council calendar and reported on dates of significant events of interest as noted in the City Manager's Report. Sykes pointed out that the next upcoming Council meeting will be scheduled for Tuesday, November 13, 2012, due to Monday is a holiday. Sykes reported the Council's next Western Washington County Cities Legislative Work Session has been scheduled for Thursday, November 29, 2012, 6:00 p.m. Community

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Auditorium. Sykes reported attending the Sustainability Summit, which was held Saturday, October 20, 2012, noting the event was well attended. In response to earlier testimony under Citizen Communications, Sykes provided a status update on 26th Avenue Reimbursement project, pointing out the importance of completing this project and noting a small portion of Juniper Street was reconstructed as part of the project. Uhing stressed the importance of the City finding some way to notify affected property owners immediately when projects are altered. In conclusion, Sykes distributed a copy of his written report, which outlined various meetings he attended and provided updates on various City department-related activities, projects, and other upcoming city/community-wide events.

11. COUNCIL COMMUNICATIONS:

BeLusko reported on the Public Arts Commission (PAC) meeting, noting PAC is exploring the possibility of forming a non-profit foundation to assist in fundraising. BeLusko reported on the Economic Development Broker Tour, which was held on Thursday, October 18, 2012. In addition, BeLusko advised this Council meeting would be his last meeting as his term on Council is ending and he is unable to attend his last official Council meeting scheduled for Tuesday, November 13, 2012. In conclusion, BeLusko expressed his sincere appreciation to Mayor Truax, Councilmembers, City Manager Sykes, Department Directors, and City staff, noting he appreciates his time on Council.

CITY COUNCIL DECLARING CERTAIN PROPERTY AS SURPLUS

Mayor Truax called for a motion to declare Councilor BeLusko's nameplate and professional photograph as surplus property.

MOTION AND VOICE VOTE: Councilor Lowe moved, seconded by Councilor Uhing, to approve the City Council to Declare Certain Property as Surplus. ABSTAINED: Councilor BeLusko. MOTION CARRIED 6-0 by voice vote.

In conclusion, Council collectively highly commended BeLusko's leadership and thanked BeLusko for his service and dedication on the Council.

Council President Johnston welcomed new Police Chief Schutz who was present in the audience. Johnston reported attending the Public Safety

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Open House, which was held Saturday, October 13, 2012, noting the event was well attended. Johnston reported on Public Safety Advisory Commission (PSAC)-related meeting, noting PSAC reviewed the Downtown Traffic Analysis. Johnston reported the Forest Grove Rural Fire Protection District also reviewed the Downtown Traffic Analysis at its meeting. In addition, Johnston reported on other matters of interest and upcoming meetings he was planning to attend.

Lowe reported attending the Fernhill Wetlands and Friends of Fernhill Wetlands event at McMenamins, which was held Saturday, October 6, 2012. Lowe reported attending the Sustainability Summit, which was held Saturday, October 20, 2012. Lowe reported attending the Mayor's Ball, which was held Saturday, October 20, 2012. Lowe also invited everyone to attend the Dairy Creek Community Food First Annual Fill Your Pantry Event which will be held Saturday, October 27, 2012, at Forest Grove Grange. In addition, Lowe reported on matters of interest and upcoming meetings she was planning to attend.

Miller briefly reported on Chamber-related activities and events. In addition, Miller reported on other matters of interest and upcoming community-related events and meetings she was planning to attend.

Thompson reported the Community Forestry Commission is hosting a Free Tree Pruning Workshop on Saturday, November 17, 2012, 9:00 a.m. at Talisman Park. Thompson reported on other CFC-related activities, noting the giant Sequoia tree on B Street received special recognition from the State. Thompson reported attending the Mayor's Ball, which was held Saturday, October 20, 2012. Thompson briefly reported on Ride Connection-related activities and Forest Grove Senior and Community Center-related activities, noting he and City Recorder Ruggles took a driving test to become certified to drive the Ride Connection 14-passenger van. In addition, Thompson reported on matters of interest and upcoming meetings he was planning to attend.

Uhing reported on Historic Landmarks Board (HLB)-related meeting and activities, noting HLB is drafting design guidelines to submit to the Planning Commission for consideration. Uhing reported attending the Sustainability Summit, which was held Saturday, October 20, 2012. Uhing reported on attending the Virginia Garcia Clinic Grand Opening Dedication

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in Cornelius. In addition, Uhing reported on matters of interest and upcoming meetings she was planning to attend.

Mayor Truax reported on various local, regional, Metro, and Washington County meetings he attended and reported on various upcoming meetings and community-related events he was planning to attend. Mayor Truax reported School Superintendent Yvonne Curtis made a presentation at the Chamber Luncheon. Mayor Truax reported attending the Virginia Garcia Clinic Grand Opening Dedication in Cornelius. Mayor Truax reported attending the Sustainability Summit, which was held Saturday, October 20, 2012. Mayor Truax thanked Councilors who attended the Mayor's Ball, which was held Saturday, October 20, 2012. In addition, Mayor Truax reported the Nyuzen Student Delegation is scheduled to visit Forest Grove, arriving Wednesday, October 31, and departing Sunday, November 4, 2012. In conclusion, Mayor Truax read a letter of interest from the *Washington Post*.

12. ADJOURNMENT:

Mayor Truax adjourned the meeting at 9:26 p.m.

Respectfully submitted,



Anna D. Ruggles, CMC, City Recorder