



3200 WEST 300 NORTH
WEST POINT CITY, UT 84015

**WEST POINT CITY COUNCIL
MEETING MINUTES
ELECTRONIC MEETING
NO PHYSICAL MEETING LOCATION
April 7, 2020**

Mayor
Erik Craythorne
City Council
Gary Petersen, Mayor Pro Tem
Jerry Chatterton
Andy Dawson
R. Kent Henderson
Annette Judd
City Manager
Kyle Laws

Administrative Session

6:00 PM

Minutes for the West Point City Council Administrative Session held via electronic Zoom Meeting, accessible to attendees by entering Meeting ID #935657085 at <https://zoom.us/join> or by telephone at (669) 900-6833, on April 7, 2020 at 6:00 pm with Mayor Erik Craythorne presiding.

MAYOR AND COUNCIL MEMBERS PRESENT: Mayor Erik Craythorne, Council Member Gary Petersen, Council Member Annette Judd, Council Member Kent Henderson, Council Member Andy Dawson, and Council Member Jerry Chatterton

EXCUSED: None

CITY EMPLOYEES PRESENT: Kyle Laws, City Manager; Boyd Davis, Assistant City Manager; Ryan Harvey, Administrative Services Director; Paul Rochell, Public Works Director; and Casey Arnold, City Recorder

EXCUSED: None

VISITORS PRESENT: Visitors able to attend electronically, no sign-in required.

1. Discussion Regarding Amendments to the Animal Care Contract with Davis County – Mr. Kyle Laws

Mr. Laws stated that each year, an amendment to the Animal Control Contract with Davis County is adopted to update the fees to be paid. The fees are based on the previous year's calls/usage of animal control services by residents. The fee paid provides full, 24-hour animal care and control services, including the housing and processing of stray animals. In the 2019 calendar year, the City's costs for animal control services was as follows:

- \$37,415.32 for general animal control services
- \$1,339.00 for wild animal calls and services
- \$2,202.80 for the capital projects fund regarding the shelter

The cost for Calendar Year 2020, based on the usage in 2019, is as follows:

- \$44,746.86 for general animal control services
- \$1,519.25 for wild animal calls and services
- \$2,210.45 for the capital projects fund regarding the shelter

The total cost for 2020 is \$48,476.56, which is an increase from the total cost of \$40,957.12 in 2019. The City budgeted \$43,000 for 2020, and so the FY2020 will need to be amended to account for the shortfall.

Mr. Laws noted that the Council had attended an information session and tour of the Animal Shelter earlier in the year, and all were in agreement that the facility is in need of significant update and repair. The fee paid by the City to the capital projects fund will be used to fund this project. Council Member Petersen stated that in that information session, it was explained that they plan to expand their operations and services offered; he inquired as to whether Staff knew what the impact of this might in terms of fees. Mr. Laws stated that the County has not shared any of that information yet, but as the current Animal Control Contract expires at the end of 2020, those discussions will likely happen later this year. Mr. Laws did note that he recently heard that the current Director of Animal Care, Rhett Nick, is no longer with Davis County, so there is the added factor of a change in management as well.

Mr. Laws stated that consideration of approval of the Amendment is on tonight's agenda via resolution, and recommended that it be approved. The Council had no further discussion.

2. Discussion Regarding the Sunview Estates Subdivision – Mr. Boyd Davis

Mr. Davis stated that the Sunview Estates Subdivision was recently approved as a PRUD subdivision, located at 100 N 5000 W. It is a 20-acre parcel. They have recently received preliminary approval from the Planning Commission for the entire project, and have now submitted final plans for final approval on Phase I. This phase consists of six lots, with an existing home on Lot 105 that they plan to either remodel or rebuild and use the existing utilities that are already connected to 5000 W. Because of the close proximity of these lots to 5000 W, they are able to connect to the gravity sewer line in 5000 W, so there is no need for a lift station for this phase. All of these lots except for 102 and 103 will face 5000 W; those other two lots will face the new road into the subdivision. Both will have a landscape strip on 5000 W. The Planning Commission will be considering this phase for approval this coming Thursday night and if they receive approval, will come to the City Council for final approval at the next City Council meeting.

Council Member Chatterton inquired as to whether any of the lots directly behind this phase have a possibility of also connecting to the gravity sewer. Mr. Davis responded that the developer has indicated that these lots will have to connect to a lift station and will not be able to connect to the 5000 W line. Council Member Henderson asked for the depth of the second cul-de-sac and also how close to the detention pond the two lots on the south are. Mr. Davis stated that the cul-de-sac is less than the maximum depth of 600 ft., and he estimates that the two lots are between 20 ft. – 30 ft. from the detention pond. Mayor Craythorne inquired as to whether there is a fencing requirement on the lots adjoining the surrounding agricultural property. Mr. Davis stated that City Code requires all lots that are next to agricultural property have chain-link fencing installed. The plans do not show that a fence will be installed around the detention pond, but that it will likely be part of the next phase. Council Member Petersen asked how far back the new subdivision road off of 5000 W will need to be paved in order to qualify for final approval of this first phase, which Mr. Davis answered that it will have to be paved to the west end of the two lots in this phase that will face this road. Council Member Petersen also inquired as to where curb, gutter, and sidewalk will be installed in this part of the project. Mr. Davis stated that the entire phase, including the six lots on 5000 W and the two lots facing the new road will have it installed. Council Member Petersen also questioned how the irrigation system along 5000 W will be affected by this development. Mr. Davis stated that the open-ditch irrigation line runs along the east side, until it crosses over to the west side at the south end of this project. At that crossover point, a new head-gate will have to be installed. This is the only impact of this project on the irrigation water system, which is shown on the plat. Mr. Davis noted that the new lots will connect to the pressurized secondary water system and not the current irrigation ditch.

The Council had no further questions and will await the Planning Commission's recommendation.

3. Discussion Regarding the Emergency Paid Sick Leave Policy – Ms. Casey Arnold

Ms. Arnold explained that with the passing of the Families First Coronavirus Act on March 18, 2020, and Utah's Stay Safe, Stay Home directive, West Point City must add to our Personnel Policies & Procedures a policy regarding the availability and use of emergency sick leave. Ms. Arnold stated that due to the Act already in effect and the time-sensitivity of the situation, this proposed policy is on the Agenda in tonight's General Session for consideration of approval.

Ms. Arnold summarized the main points of the Act and the proposed Emergency Leave Policy for West Point City:

The FFCRA is effective April 1, 2020 through December 31, 2020, with two different parts that affect the City and its employees; emergency paid sick leave and expansion of FMLA benefits. Emergency paid sick time is paid either at 100% of employee rate or at 2/3 rate depending on why it is being used. Once hours are used, an employee's emergency sick leave will be terminated. No employee is entitled to these hours, nor do they roll over. These will not be added to accrued leave balance. This is for emergency COVID-19 only and employees have to meet the criteria to use it. Emergency sick leave hours may not be donated these hours. The FFCRA requires that sick leave or expanded family and medical leave must be provided to employees for specific reasons related to COVID-19. These reasons and entitled emergency leave rights are as follows:

- *Two weeks (up to 80 hours) of paid sick leave at the employee's regular rate of pay* where the employee is unable to work because the employee is quarantined (pursuant to Federal, State, or local government order or advice of a health care provider), and/or experiencing COVID-19 symptoms and seeking a medical diagnosis; or
- *Two weeks (up to 80 hours) of paid sick leave at two-thirds the employee's regular rate of pay* because the employee is unable to work because of a bona fide need to care for an individual subject to quarantine (pursuant to Federal, State, or local government order or advice of a health care provider), or to care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19, and/or the employee is experiencing a substantially similar condition as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of the Treasury and Labor; and
- *Up to an additional 10 weeks of paid expanded family and medical leave at two-thirds the employee's regular rate of pay* where an employee, who has been employed for at least 30 calendar days, is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.

Ms. Arnold noted that West Point City is a covered employer under the regular FMLA provisions, however, none of our employees are considered eligible or entitled to any FMLA rights due to the exemption that the City employs less than 50 people within a 75-mile radius. However, the FFCRA expands this particular FMLA provision to include ALL employees under covered employers, waiving the '50 within 75' requirement (as long as they have been employed for at 30 days). Ms. Arnold also clarified that the first 10 days in which leave is taken under the expanded FMLA provision is unpaid, although the employee may use the emergency sick leave provided in the FFCRA or their accrued vacation or sick leave. After those 10 days, the employee will be compensated at 2/3 of their hourly wage and can take up to 12 weeks if necessary. These 12 weeks are a total of how many hours an employee would have worked in a 12-week time period; they can 'spread out' that total until December 31st of this year.

Ms. Arnold reiterated to the Council the following takeaways:

- West Point City is open for business. The focus for the foreseeable future is on delivering essential services without interruption and supporting the nation, state, and county COVID-19 response. City employees are expected to continue to do their jobs and support these functions. Staff has taken steps to offer telecommuting (work from home) options for eligible positions.
- West point city is also committed to ensuring the safety and wellbeing of our employees and their families. Keeping employees safe and healthy enables the city to have the personnel and resources available to continue to deliver essential services and serve residents.
- The use of emergency paid sick leave will rely heavily on the honor system. We expect those that can work, will work and will follow the safety guidelines and agreements that have been put in place. We expect those that are ill to do what is necessary to get better and that this leave be used to reduce the risk for other employees.

The Council thanked Ms. Arnold and Staff for their work in reviewing the FFCRA and creating the proposed policy. There was no further discussion.

4. Other Items

Mr. Laws informed the Council on how the City is responding to COVID-19 and directives that have been put into place. The Public Works Department has been split into two separate crews to reduce the risk of exposure of the entire Department; the two groups meet in different areas, complete separate projects/duties, etc., while also practicing social distancing and cleanliness guidelines between group members. Telecommuting guidelines have also been put into place for those employees that have elected to or are required to work from home in an effort to reduce the number of people in the workplace. Currently, Ms. Arnold is telecommuting, as well as the City Planner and City Treasurer. The City Code Enforcement Officer and Recreation Coordinator have also been telecommuting in-part, and the Community Relations Specialist will also begin telecommuting this week. The company that is contracted to clean City Hall has also been trained on cleaning procedures specifically related to COVID-19, giving extra focus to specific areas and using special cleaning solutions. The Staff that is in the office also does regular sanitizing of work areas. Mr. Laws also noted that as many meetings as possible have been held electronically.

Mayor Craythorne stated that the decisions that have been made to close the park restrooms, playgrounds, basketball courts, etc., have been made through directives and suggestions given from the Davis County Health Department and done collectively with surrounding cities. Suggestions have also been given to avoid certain areas within the County who are seeing a high rate of cases. Mr. Laws shared with the Council the Davis County Health Department's online dashboard, which shows a map of the different zip codes within the County and the number of cases per 100,000. The Mayor stated that the Davis Landfill has also been closed to residential drop-off for the time being, though it may reopen with different restrictions/guidelines so that residents are able to complete their regular spring clean-up of their yards and homes; there is not a lot of redundancy in the landfill positions, and so time is needed to take steps to protect their essential employees.

The Council and Staff discussed the current COVID-19 situation and all the surrounding factors and information.

The Administrative Session adjourned.



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April 7, 2020

Mayor
Erik Craythorne
City Council
Gary Petersen, Mayor Pro Tem
Jerry Chatterton
Andy Dawson
R. Kent Henderson
Annette Judd
City Manager
Kyle Laws

General Session
7:00 PM

Minutes for the General Session of the West Point City Council held via electronic Zoom Meeting, accessible to attendees by entering Meeting ID #935657085 at <https://zoom.us/join> or by telephone at (669) 900-6833, on April 7, 2020 at 7:00 pm with Mayor Erik Craythorne presiding.

MAYOR AND COUNCIL MEMBERS PRESENT: Mayor Erik Craythorne, Council Member Gary Petersen, Council Member Annette Judd, Council Member Kent Henderson, Council Member Andy Dawson, and Council Member Jerry Chatterton

EXCUSED: None

CITY EMPLOYEES PRESENT: Kyle Laws, City Manager; Boyd Davis, Assistant City Manager; Ryan Harvey, Administrative Services Director; Paul Rochell, Public Workers Director; and Casey Arnold, City Recorder

EXCUSED: None

VISITORS PRESENT: Visitors able to attend electronically, no sign-in required.

1. **Call to Order** – Mayor Craythorne welcomed those attending the electronic meeting.
2. **Pledge of Allegiance** – excluded due to meeting being held electronically
3. **Prayer** – excluded due to meeting being held electronically
4. **Communications and Disclosures from City Council and Mayor**

Council Member Kent Henderson – The Mosquito Abatement District Davis will be holding an electronic meeting this coming Thursday.

Council Member Dawson – None

Council Member Chatterton – None

Council Member Petersen – The North Davis Fire District, as first responders, have done a great job in preparing themselves to be able to continue responding to emergencies and serving our community through the COVID-19 pandemic. He expressed his appreciation to them for being on the frontline. He also thanked Staff for their efforts in keeping City employees safe while still serving residents.

Council Member Judd – None

Mayor Craythorne – Expressed his appreciation to Council and Staff for their patience and willingness to conduct and participate in these electronic meetings, which will likely be the “new norm” for the foreseeable future. The Mayor also noted that both 300 N and 800 N are currently under construction and there are detours through the areas.

5. Communications from Staff

Mr. Laws stated that the City's Easter Egg Hunt was cancelled, leaving 23,000 eggs not being put to use. The City's Community Relations Specialist, Shelby Sargent, came up with the idea of using the eggs for "Easter Egg Hunt Kits" that families could pickup through a drive-thru to take home for their own egg hunt. The Davis County Health Department thought it was a great idea and approved the event. Using the supplies planned for the Easter Egg Hunt, Staff put together almost 250 individual kits. The drive-thru went through the Monticello Academy parking lot in order to keep the traffic off of 300 N and only one kit was allowed per vehicle. Mr. Laws stated that within 23 minutes, all 250 kits were distributed, and there were many "thank you's" and happy faces. The Council appreciated Staff for putting that together and thanked them for providing some happiness to West Point families.

Mr. Laws also noted that for now, the annual Spring Clean-Up has been postponed until sometime in May, and be held in conjunction with the "Take Pride in West Point Day" which will focus this year on residents taking pride in their individual yards and homes as a way of also taking pride in West Point. This is a tentative plan at this point and is dependent on the changing COVID-19 situation and restrictions.

6. Citizen Comment

None

7. Consideration of Approval of the Minutes from the January 10th – 11th West Point City Council Visioning Session

Council Member Judd motioned to approve the January 10th – 11th West Point City Council Visioning Session Minutes
Council Member Chatterton seconded the motion
The Council unanimously agreed

8. Consideration of Approval of the Minutes from the March 3rd, 2020 West Point City Council Meeting

Council Member Dawson motioned to approve the March 3rd West Point City Council Meeting Minutes
Council Member Petersen seconded the motion
The Council unanimously agreed

9. Proclamation of Sexual Assault Awareness Month – Mayor Erik Craythorne

Mayor Craythorne stated that he was approached by representatives from the Safe Harbor organization of Davis County, encouraging West Point to declare April 2020 as Sexual Assault Awareness Month in West Point City. The Mayor feels that this is an important issue in our community and recited the following Proclamation:

WHEREAS, Sexual Assault Awareness Month is intended to draw attention to the fact that sexual violence is widespread and has public health implications for every community member of West Point City; and

WHEREAS, Rape, sexual assault, and sexual harassment impact our community as seen by statistics indicating that one in five women will have experienced sexual assault by the time they complete college; and

WHEREAS, We must work together to educate our community about what can be done to prevent sexual assault and how to support survivors; and

WHEREAS, Staff and volunteers of anti-violence programs in our community encourage every person to speak out when witnessing acts of violence however small; and

WHEREAS, With leadership, dedication, and encouragement, there is compelling evidence that we can be successful in reducing sexual violence in West Point City through prevention, education, increased awareness, and holding perpetrators who commit acts of violence responsible for their actions; and

WHEREAS, West Point City strongly supports the efforts of national, state, and local partners, and of every citizen to actively engage in public and private efforts, including conversations about what sexual violence is, how to prevent it, how to help survivors connect with services, and how every segment of our society can work together to better address sexual violence.

NOW THEREFORE, BE IT RESOLVED, that I, Erik Craythorne, Mayor of West Point, Utah, along with the West Point City Council, do hereby proclaim April 2020 as West Point City Sexual Assault Awareness Month. In Witness Whereof: I have caused the Seal of West Point City, Utah to be affixed on this 7th day of April, 2020.

The Council supported the Mayor's Proclamation.

10. Consideration of Approval of Resolution No. 04-07-2020A, Adopting the Emergency Leave Paid Policy of West Point City's Personnel Policies and Procedures – Ms. Casey Arnold

Ms. Arnold stated that this item was discussed in the previous meeting, and this Resolution will adopt the Emergency Paid Leave Policy of West Point City's Personnel and Procedures, which policy is in accordance with the Families First Coronavirus Response Act passed by Congress. The Emergency Paid Leave Policy will only be in effect from April 1st to December 31st of this year. The Council had no further discussion.

Council Member Petersen motioned to approve Resolution No. 04-07-2020A

Council Member Henderson seconded the motion

The Council unanimously agreed

11. Consideration of Approval of Resolution No. 04-07-2020B, Amending the Interlocal Agreement with Davis County for Animal Control Services in West Point City – Mr. Kyle Laws

Mr. Laws stated that this amendment to the Interlocal Agreement was also discussed in the previous meeting, and sets the fees for animal control services for the new year. In accordance with the Interlocal Agreement, each year's charges are based on the previous year's usage of Animal Care & Control by our residents. The fee paid by the City provides full 24-hour animal care and control services, including the housing and processing of stray animals. The City's costs will either increase or decrease based on the number of calls received the previous year. The breakdown of the 2019 costs and the new costs for 2020 are as follows:

	<u>2019</u>	<u>2020</u>
General Animal Control Services:	\$37,415.32	\$44,746.86
Wild Animal Calls & Services:	\$1,339.00	\$1,519.25
Animal Shelter Capital Projects Fund:	\$2,202.80	\$2,210.45
Total:	\$40,957.12	\$48,476.56

The Council had no further discussion on this year's amendment to adopt the 2020 fees for animal service.

Council Member Henderson motioned to approve Resolution No. 04-07-2020B

Council Member Chatterton seconded the motion

The Council unanimously agreed

12. Consideration of Approval of Resolution No. 04-07-2020C, Approving a Postponement Agreement between Kaleb Galbraith and West Point City for the Installation of Street Improvements at 2691 W 300 N – Mr. Boyd Davis

Mr. Davis stated that both this and the following item are regarding the same property and will present both simultaneously. The property has already been rezoned to R-2 and consists of 1/3 acre. On the south side of 300 N, there is no curb, gutter, or sidewalk that currently exists. Because of this, Staff recommends that a Postponement Agreement be approved for these improvements until the surrounding properties are developed. If approved, the Postponement Agreement would be recorded

on the property by the Davis County Recorder's Office, allowing it to be in effect and enforceable regardless of a change in ownership. Mr. Davis noted that the two houses built to the west of this property also entered into a postponement agreement for curb, gutter, and sidewalk.

The Council had no further discussion. (Motion made after Item 15)

Council Member Petersen motioned to approve Resolution No. 04-07-2020C

Council Member Chatterton seconded the motion

The Council unanimously agreed

13. Consideration of Final Approval of the Red Fox Ranch Estates Subdivision – Mr. Boyd Davis

The Council had no other discussion than what was discussed with the previous item.

Council Member Chatterton motioned to approve the Red Fox Ranch Estates Subdivision

Council Member Petersen seconded the motion

The Council unanimously agreed

14. Consideration of Approval of Ordinance No. 04-07-2020A, Amending Section 15.15.120 of the WPCC Code Regarding Accessory Buildings – Mr. Boyd Davis

Mr. Davis stated that the proposed amendments to the Accessory Building Standards focus on five different items, which are listed below with their respective changes:

1. *Design standards for accessory buildings in side yards.*
 - Accessory buildings in the side yard must follow the same brick rule as the house
 - Exception for buildings that are under 200 sq. ft. and 10 ft. behind the front plane of the house.
 - No fence is required.
2. *An updated definition of "front yard"*
 - Accessory building must meet design standards unless it is 10' behind the "front yard depth", which is defined as 10 ft. behind the front of the house.
 - The "front yard" means an open, unoccupied area extending across the full width of the lot and measured perpendicularly from the front lot line and having, at no point, a depth of less than the minimum required setback distance
3. *Reduced setback between an accessory building and the principle structure.*
 - The house and the accessory building shall be separated by a minimum of 5 ft. rather than 10 ft.
4. *Regulations for temporary structures.*
 - Must adhere to the same rules as all other accessory buildings
 - Not allowed in the side yard unless they are 10 ft. behind the front plane of the house and meet all setback requirements.
 - Pergolas, arbors, trellises, or similar structures are exempt and setbacks do not apply.
 - Shipping containers, semitrailers, or similar structures are not allowed to be used as an accessory structure anywhere on the property.
5. *Modified rules for administrative approval.*
 - If less than 1,200 sq. ft. or if it occupies less than 15% of the lot, an accessory building can be approved by Staff. This was previously only if it was less than 1,000 sq. ft.

With these amendments, Staff recommends approval.

a. Public Hearing

Brad Lee – 644 N 2750 W: Mr. Lee stated that he agrees with the amendments as proposed.

Council Member Dawson motioned to close the Public Hearing

Council Member Chatterton seconded the motion
The Council unanimously agreed

The Council had no further discussion and thanked Staff and Planning Commission for their work on these amendments to the Accessory Building Standards.

b. Action

Council Member Petersen motioned to approve Ordinance No. 04-07-2020A
Council Member Henderson seconded the motion

Roll Call:

Council Member Chatterton – Aye
Council Member Dawson – Aye
Council Member Henderson – Aye
Council Member Judd – Aye
Council Member Petersen - Aye

The Council unanimously agreed

15. Consideration of Approval of Ordinance No. 04-07-2020B, Amending Section 17.35 of the WPCC Code Regarding the PRUD Overlay Zone – Mr. Boyd Davis

Mr. Davis stated that amendments to the PRUD Overlay Zone have been discussed in multiple meetings by the Planning Commission and the City Council. A draft ordinance reflecting those discussions has been created and contains the following amendments.

1. List of amenities for bonus density

- Density points will no longer be given for the following amenities:
 - o Entrance signs
 - o Landscaped front yards
 - o Drought tolerant plants
 - o Themed lighting
 - o Architectural theme
 - o Building materials
 - o Three-car garages

2. Open Space/Park Space Definition

- Open space areas shall not include areas that are occupied by buildings, lots, structures, parking areas or streets.
- Does not include area between buildings and outside of platted lots and building pads unless it is part of an approved pedestrian circulation plan and at least 18 ft. in width
- Does not include the front, rear, and sideward setbacks.
- Does not include paved areas such as driveways, streets, and private sidewalks.
- Open space has to be improved landscaping, including grass and sprinklers
- Park space has to include playground equipment, picnic tables, etc.

3. Open Space Qualification Calculation

- To qualify as open space:
 - o A minimum of 5% of the gross area of developments under 10 acres must be dedicated as open space.
 - o A minimum of 2% of the gross area of developments under 10 acres or larger must be dedicated as open space.

- Bonus density points awarded according to the following schedule (up to 10%):

<u>Developments < 10 acres</u>		<u>Developments > 10 acres</u>	
<i>% of Park Space</i>	<i>Bonus Density</i>	<i>% of Park Space</i>	<i>Bonus Density</i>
5%	5%	2%	5%
6%	6%	3%	6%
7%	7%	4%	7%
8%	8%	5%	8%
9%	9%	6%	9%
10%	10%	7%	10%

The Council discussed these amendments with Staff and the Mayor opened the item for public hearing.

a. Public Hearing

No comments

Council Member Petersen motioned to close the Public Hearing
Council Member Henderson seconded the motion
The Council unanimously agreed

b. Action

The Council had no further discussion.

Council Member Chatterton motioned to approve Ordinance No. 04-07-2020B
Council Member Dawson seconded the motion

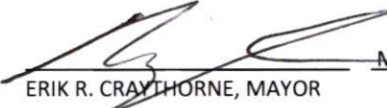
Roll Call:

Council Member Chatterton – Aye
Council Member Dawson – Aye
Council Member Henderson – Aye
Council Member Judd – Aye
Council Member Petersen – Aye

The Council unanimously agreed

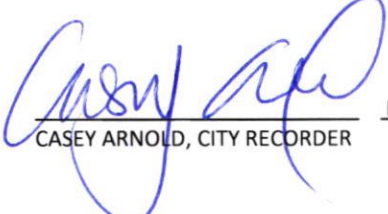
16. Motion to Adjourn the General Session

Council Member Dawson motioned to adjourn the General Session
Council Member Chatterton seconded the motion
The Council unanimously agreed



ERIK R. CRAYTHORNE, MAYOR

May 5th, 2020



CASEY ARNOLD, CITY RECORDER

May 5th, 2020

