

Mayor
Kenneth Romney

WEST BOUNTIFUL CITY

City Administrator
Duane Huffman

City Council

James Ahlstrom
James Bruhn
Kelly Enquist
Mark Preece
Rodney Wood

550 North 800 West
West Bountiful, Utah 84087

Phone (801) 292-4486
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City Recorder
Cathy Brightwell

City Engineer
Kris Nilsen

Public Works Director
Steve Maughan

**THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD A REGULAR MEETING AT
7:30 PM ON TUESDAY, OCTOBER 3, 2023, AT THE CITY OFFICES**

Invocation/Thought –Mark Preece; Pledge of Allegiance – James Ahlstrom

1. Approve Agenda.
2. Public Comment - Two minutes per person; five minutes if on behalf of a group.
3. I-15 EIS Update – Tiffany Pocock, UDOT Project Manager and Katie Williams, Public Involvement Specialist.
4. Public Hearing – Reduction of Public Utility and Drainage Easements – 1502 N 1000 W
5. Ordinance 477-23, An Ordinance Reducing Public Utility/Drainage Easements at 1502 N 1000 W – Ockey.
6. Request for Public Improvements Deferral – 261 N 800 W - Wuthrich.
7. Expenditure Approval – Piping Ditch at Golf Course.
8. Meeting Minutes from September 19, 2023.
9. Staff Reports–Police, Public Works, Engineering, Community Development, Administration.
10. Mayor/Council Reports.
11. Closed Session, if necessary, for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.
12. Adjourn.

The above agenda was posted on the State Public Notice website (Utah.gov/pmnl), the city website (WBCity.org), posted at city hall, emailed to the Mayor and City Council, and provided to the Davis Journal on September 29, 2023, by Cathy Brightwell, City Recorder.

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NOTICE OF PUBLIC HEARING

The West Bountiful City Council will hold a public hearing on Tuesday, October 3, 2023, at 7:30 pm, or as soon as agenda permits, at the city offices.

The purpose of the hearing is to receive public comment regarding a request by Jacob & Melisa Ockey to reduce the rear and side Public Utility and Drainage Easements on their property at 1502 N 1000 West so they can build an accessory structure.

The Ockey's are asking to reduce the side (west) easement from 7 feet to 3 feet, the side (east) easement from 10 feet to 3 feet and the rear (north) easement from 30 feet to 3 feet.

All interested parties are invited to participate in the hearing. Written comments or questions may be submitted to Recorder@wbcity.org prior to the meeting.

Cathy Brightwell
City Recorder

MEMORANDUM



TO: Mayor and City Council

DATE: September 29, 2023

FROM: Staff

RE: Request to Reduce the Public Utility/Drainage Easements at 1502 N 1000 West - Ockey

Background

Jacob and Melisa Ockey have requested a reduction of the public utility and drainage easements along their rear (north) property line and their side (west) property line so they can build a detached garage. The side easement is proposed to be reduced from 7 feet to 3 feet and the rear easement from 30 feet to 7 feet, as shown in the attached diagram.

Process

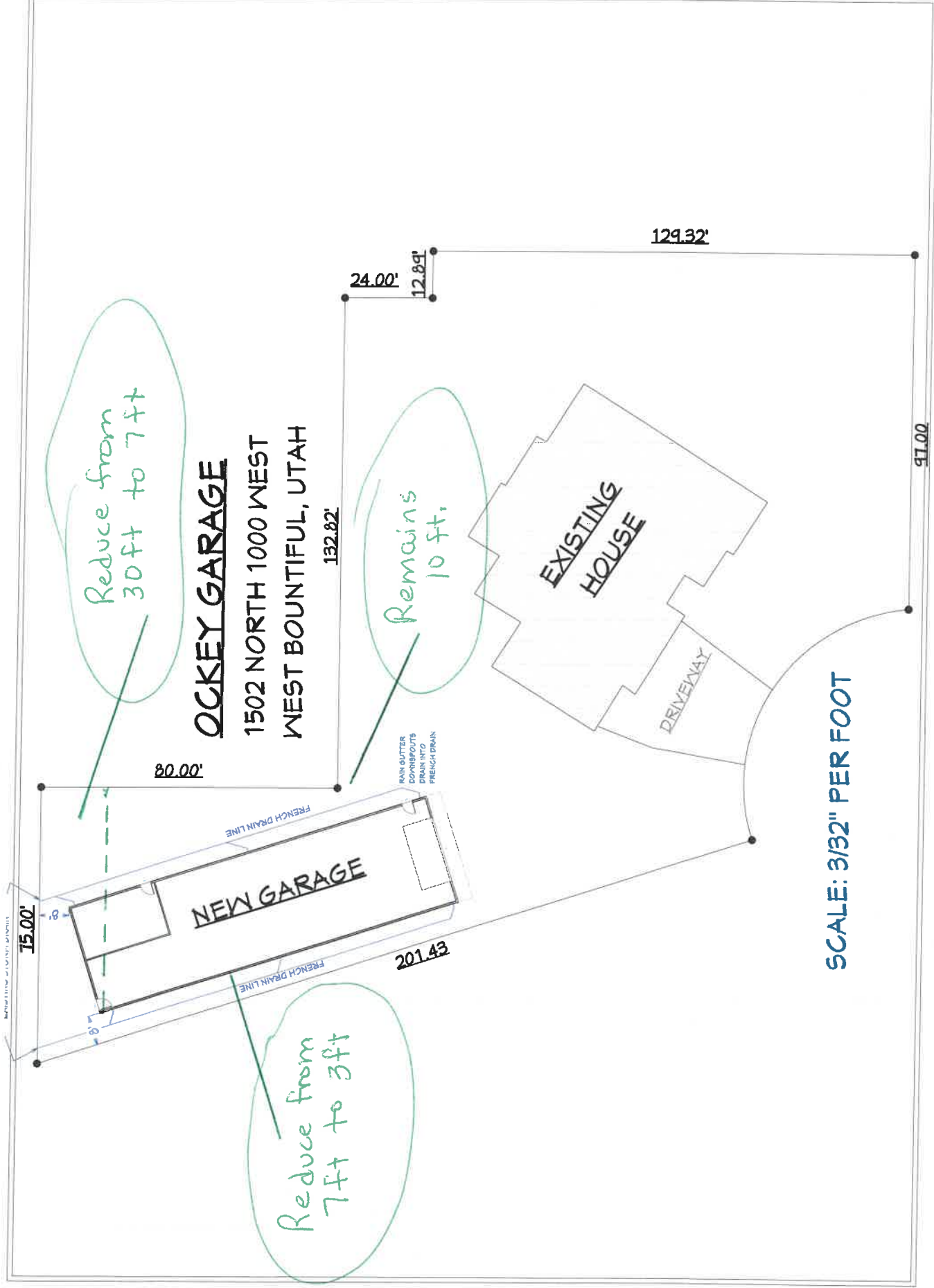
State code requires the city council to hold a public hearing and adopt an ordinance when granting changes to public utility easements.

Analysis

- The applicant has obtained the necessary approvals and clearances from affected utilities.
- The required public notice has been completed.
- Staff have reviewed the request and do not foresee any negative impacts to the city by reducing the requested easements.
- A public hearing is scheduled as part of tonight's meeting prior to adoption of the proposed Ordinance.

Recommendation

Staff recommends the Council approve Ordinance 477-23 for the requested changes to the above described public utility easements and authorize the mayor to sign the Change of Easement documents.



SCALE: 3/32" PER FOOT

WEST BOUNTIFUL CITY

ORDINANCE #477-23

AN ORDINANCE AUTHORIZING THE CITY MAYOR TO EXECUTE A CHANGE IN EASEMENT ALONG THE NORTH AND WEST PROPERTY LINES AT 1502 N 1000 WEST

WHEREAS, West Bountiful City has been petitioned by the owners of the above-mentioned property to reduce from seven (7) feet to three (3) feet the west (side) public utility and drainage easement, and reduce from thirty (30) feet to seven (7) feet the north (rear) public utility and drainage easement so that an accessory structure can be built on the property; and

WHEREAS, releases have been received from all major public utility agencies; and

WHEREAS, on or before September 23, 2023, proper notice was provided to affected entities and neighbors, posted on the property, and posted on state and city websites; and

WHEREAS, a public hearing was held by the city council on October 3, 2023 to receive public comment concerning the requested release of easements.

NOW THEREFORE, BE IT ORDAINED by the City Council of West Bountiful that the City Mayor is authorized to execute the CHANGE OF EASEMENTS for the property located at 1502 N 830 West, West Bountiful, Utah.

This ordinance shall become effective upon signing and posting.

ADOPTED October 3, 2023.

By:

Kenneth Romney, Mayor

<u>Voting by the City Council:</u>	<u>Aye</u>	<u>Nay</u>
Council member Ahlstrom	_____	_____
Council member Bruhn	_____	_____
Council member Enquist	_____	_____
Council member Preece	_____	_____
Council member Wood	_____	_____

ATTEST:

Cathy Brightwell, Recorder

MEMORANDUM



TO: Mayor and City Council

DATE: September 29, 2023

FROM: Kris Nilsen

RE: Request to Defer the Construction of Public Improvements on the Frontage of 261 N 800 West as a Condition of Building Permit #1684 - Wuthrich

This memo addresses a request for a deferral of required public street improvements for the property listed above as part of a building permit for expansion of the existing residence structure.

Background

Ben and Therese Wuthrich have submitted a building permit application to construct a new addition to the west side (rear) of the existing home. The total footprint of the new addition (1020 sf) compared to the existing home/footprint (1664 sf) calculates to a 61.3% increase in area. City staff made the determination that WBMC 15.08.50 is applicable in this instance, and specifically WBMC 15.08.050.A.2, which requires public improvements when the area of the new addition home/footprint is greater than 50%.

The Wuthrich's are aware of the requirement to construct public improvements as a condition of a building permit. Their request is that the City Council grant a deferment to install the required public improvements until such time as curb and sidewalk is extended on 800 West as part of a larger project extending farther south past their residence. The city's standard deferral agreement grants the city council the discretion to call improvements due.

Possible rationale in favor of granting the deferment request:

1. This area of 800 West should be designed as a larger project from the end of curb at the NE corner of 261 N (Wuthrich), extending south to the NE corner of the HF Sinclair refinery.
 - a. The west side of 800 West drops approximately 2.5' from the edge of the existing asphalt to existing ground near the property line of the fronting residences, starting at 261 N (Wuthrich) and extending south to the NE corner of the refinery, where the grade of the properties on the west side matches the grade of the asphalt road.
 - b. Project design would need to consider more than just the frontage of the Wuthrich property for existing and proposed curb, sidewalk, grade and utilities.

Possible rational to deny the deferment request:

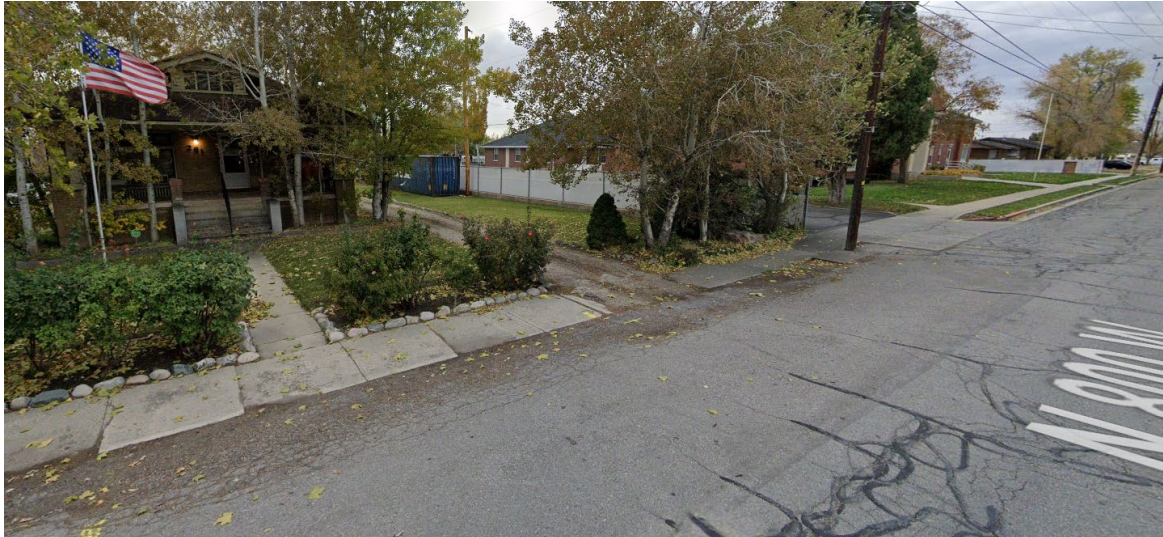
1. A deferment is an exception to the requirement.
2. Continuing to defer improvements possibly delays the completion of full improvements in this area.
3. Calling deferment agreements due is often challenging for municipalities.

Staff is supportive of granting the deferment. However, all parties should acknowledge that on-going infrastructure improvements and future connecting developments may warrant the construction of some or all of the deferred improvements in the not-so-distant future.

WUTHRICH - 261 N 800 West



1



2



3

MEMORANDUM



TO: Mayor and City Council

DATE: 9-29-23

FROM: Duane Huffman

RE: **Expenditure Approval – Piping Ditch at Golf Course**

The city's procurement code requires that certain expenditures of \$10,000 or more first be approved by the city council. Approval is requested for the following:

1. Piping Ditch - \$23,000.

For several years the city has explored options for piping a portion of the ditch near the #2 green and #3 tees. This ditch is adjacent to the side yard of homes at the end of 975 W and is difficult to maintain. Staff now propose using 12" high-density polyethylene (HDPE) pipe for approximately 406 feet to pipe the storm water within this ditch, covering it, and planting maintainable landscape (see attached estimate).

To help manage costs, a combination of public works and golf course maintenance staff will complete the project as proposed, and we would like to schedule the work for this November.

COST ESTIMATE					
PIPE OPEN DITCH AT GOLF COURSE AREA NEAR 975 WEST					
NORTH SIDE OF LOT 25 AND LOT 24					
DATE 9-11-2023					
STORM DRAIN FOR LOT 24 AND 25					
ITEM A		QTY	Unit of Measure	Unit Cost Materials Only (city perform work)	TOTAL (CITY PERFORM WORK)
1	MOB/DEMOB	1	LS		
2	Grub Ditch for pipe	120	CY		
3	Remove and Replace Golf Coarse Landscape / Sprinklers (15 FEET WIDTH BY 406 FEET LENGTH)	6,090	SF		
4	Remove and Replace netting along Lot 25	150	LF	\$28.00	\$4,200.00
5	Saw Cut asphalt or concrete	1	LS		
6	Remove and dispose Asphalt Surface	196	SF		
7	Protect Existing Double Swing Eight foot TALL (16 FT total OPENING)	1	LS		
8	Protect Guy Wire on Power Pole	1	LS		
9	Repair and Protect Sprinkler System At 812 North (couple Heads to relocate)	2	EA		
10	Protect and Repair 52" high fence Sadorus Lot24 812 N (206' existing)	150	SF		
11	Protect and Repair 52" high fence Thurgood Lot 25 807 N (213' existing ?)	200	SF		
12	Remove and Dispose of Trees (LARGE)	0	EA		
13	Remove and Dispose of Trees (MED)	1	EA		
14	Remove and Dispose of Trees (SMALL) and Bushes (LARGE)	6	LS		
15	Import Rock, place below gravel bedding 4" Minus	77	TONS	\$8.00	\$612.25
16	Import Pipe Zone Bedding	206	TONS	\$8.00	\$1,648.36
17	Import fill above pipe bedding	147	TONS	\$8.00	\$1,177.40
18	New 3'x2' SD Junction Box in concrete trail on existing 18" HDPE and new 12"HDPE	1	EA	\$1,750.00	\$1,750.00
19	New WATERWAY inlet box typical (Deck, connect 12" HDPE, etc.)	2	EA	\$2,500.00	\$5,000.00
20	30 inch concrete WATER WAY from existing curb to new inlet box	20	LF	\$8.00	\$160.00
21	12" HDPE pipe - DUAL WALL CORRUGATED - MATERIAL ONLY	406	LF	\$14.86	\$6,033.57
22	12" HDPE pipe - DUAL WALL CORRUGATED - INSTALLATION	406	LF		
23	Connect Existing Pump Line from 812 N to New 12" HDPE at East SD Box	1	LS		
24	De-water (pump)	1	LS		
25	Flared End Section	1	EA	\$250.00	\$250.00
26	8" minus " Rip Rap at Flared SD outlet	3	TON	\$20.00	\$60.00
27	SWPP BMPS	1	LS		
	SUBTOTAL STORM DRAIN FOR LOT 24 AND 25				\$20,891.57
	CONTINGENCY	10.00%			\$2,089.16
TOTAL PROJECT ESTIMATE					\$22,980.73

PENDING – NOT YET APPROVED

Minutes of the West Bountiful City Council meeting held on Tuesday, September 19, 2023, at West Bountiful City Hall, 550 N 800 West, West Bountiful, Davis County, Utah.

MEMBERS: Mayor Ken Romney, Council members James Ahlstrom (via zoom), James Bruhn (via zoom), Kelly Enquist, Mark Preece, and Rod Wood.

STAFF: Duane Huffman (City Administrator), Chief Brandon Erikson, Steve Maughan (Public Works Director), Kris Nilsen (City Engineer), and Cathy Brightwell (City Recorder).

PUBLIC: Dennis Vest, Dell Butterfield, Doug Coons, Belinda Barking, Rachel & Callie Phillips, Kendra & Rebecca Johnson, Karen Petro, Richmond Thornley, Vanesa & Ashlyn Burnett, Dan McConkie, Aimee Hinojosa, Brandee, Breanna & Gage Nadauld, Sally Tanner, Renate Allen, Judy Bailey, Bronwyn Evans, Makail Lunt, Melodi & Drew Farley, Ben Savage, Brooklyn, Jennifer & Johnny Yee, Noah & Kristin Peterson, Elsie Buck, Matt, Lanita & Ella Rodabough, Halling Family, Heather & Holly Day, Jenn Nielsen, Liz Hansen, Audrey Vest, Rebecca Wheelwright, Jocilyn & Peter May, Deby Marshall, Alan Malan, Richmond Thornley

Mayor Romney called the regular meeting to order at 7:34 pm. Rod Wood provided an invocation; Mark Preece led the Pledge of Allegiance.

1. Approve the Agenda.

MOTION: *Mark Preece made a Motion to approve the agenda as presented. Rod Wood seconded the Motion which PASSED unanimously.*

2. Proclamation Designating September 17-23, 2023, as Constitution Week in West Bountiful.

Christine Schultz, representing Daughters of the American Revolution, provided a brief history of Constitution Week and thanked the city for its ongoing support in recognizing this important event.

MOTION: *Mark Preece Made a Motion to Adopt the Proclamation as Presented. Kelly Enquist seconded the Motion, which passed as shown below.*

<i>James Ahlstrom – aye</i>	<i>James Bruhn – aye</i>
<i>Kelly Enquist – aye</i>	<i>Mark Preece – aye</i>
<i>Rod Wood - aye</i>	

3. Youth Council Swearing In – 2023-2024 Term

Mayor Romney introduced the members of the 2023-2024 Youth City Council. He gave the oath of Office to Youth Mayor, Callie Phillips. Mayor Phillips then conducted the Oath of Office for the remaining members of the Youth Council – Noah Peterson-Mayor Pro Tem, Holly Day-Recorder, Bo Bartholomew-Secretary/Communications, Drew Farley-Treasurer, Clair Halling-Historian, Brynlee Bartholomew, Ashlyn Burnett, Andrea Halling, Peter May, Gage Nadauld, Ella Rodabough, Brooklyn Yee.

3b. Public Comment

Dennis Vest, resident, stated that he appreciates the Council's interest in considering updates to 1200 North street, and would like to see some real construction done. Snowplows cannot currently pass on the narrow road, so there is a need to widen the asphalt. He suggested also adding a trail on the north side of the road which could be used by residents to access the Legacy Trail. As there is currently only one home on the north side, a trail would not be very intrusive. These changes will help handle future traffic expected from nearby development and more roads accessing 1200 North. He suggested RAP tax be used to help pay for the project.

Dan McConkie, resident, commended the planning commission for the time and detail they put into their review of the Home Occupation proposal. He believes it is a good balance to help residents while not impacting neighbors.

4. Ordinance 476-23, An Ordinance Amending WBMC 17.04, 5.04, and 5.28 for Home Occupation Business Licenses.

Cathy Brightwell provided a summary of the planning commission's recommended updates to the city's home occupation business license regulations. She explained that the commission attempted to eliminate conflicts between zoning and business license sections of the code by deleting the definition of home occupation in Title 17 (zoning code) and creating a new definition, more appropriately listed in the business license section. This definition allows home occupations to be operated in a dwelling or structure on a residential property by the resident of the property.

There was discussion about new sections for conditional and prohibited uses. Permitted conditional uses include businesses like daycare, pre-school, auto repair, welding/machine shops, contractors, personal services (e.g., salons, estheticians), group instructional services such as music, yoga, swimming, and sports, and other similar occupations.

Council members had questions about why certain occupations were included and there was discussion about different ways to write the regulations, such as form-based code that lists specifications rather than specific lists of occupations. In response to questions, Chairman Malan provided some explanations and reasoning behind the decisions they made.

It was recommended that a joint meeting between the planning commission and city council be scheduled as soon as possible so that more detailed discussion can be held on these issues. Council members thanked the planning commission for their thorough research and hard work on this issue.

MOTION: *Rod Wood moved to table Ordinance 476-23 so that a Joint Meeting with the Planning Commission Can Be Scheduled. James Ahlstrom seconded the Motion which passed as shown below.*

James Ahlstrom – aye

James Bruhn - aye

Kelly Enquist – aye

Mark Preece – aye

Rod Wood - aye

5. Doug's Corner Subdivision – Requested Changes to Final Plat.

Kris Nilsen summarized the request by Doug Coons for changes to his Doug's Corner subdivision final plat. The 0.694 acre three-lot subdivision located at the northwest corner of 550 West and 1000 South was approved by the city council on August 1, 2023, subject to completion of the outstanding items listed in the

staff memo. Following this approval, Mr. Coons requested a review by the city engineer of three items required by the Council on the final plat. Staff determined that these changes require city council approval.

1. Discharge Storm Water Line. The original design included a 1-inch diameter private discharge line that would take water from the development south across 1000 North into a city storm line. The developer now requests that the water be discharged into the curb on the north side of 1000 North.

Discussion – the storm drainpipe in the south side of 1000 North runs full during most storm events so new connections should be limited because the pipe is already at capacity. Placing a small discharge pipe to the south side of the street will require an additional asphalt cut for the trench across the full width of 1000 North street. Street cuts degrade the structural integrity of the street and should be avoided where possible. The frequency and amount of water from this pipe should not negatively affect the community by going directly into the curbside gutter.

There are some problems with pumps in the city that pump during freezing temperatures and cause problems with drainage from ice buildup in the gutter. This pump will only run during large storm events and/or melts and the drainage will not freeze at those times. The pump will only run in rare cases when the retention pond exceeds the designed top of water elevation. Notes on the final plat already require the owner of Lot 1 to maintain the pump and discharge line. Kris said we can add to the note on the plat that the pump and discharge line serve only the back yard surface drainage.

Mr. Coons added that another option to the discharge line being located in the face of the north curb is to install a pop-up drain on Lot 1 near the back of the sidewalk.

2. Driveway Approaches. The approved final plat included restricted access for driveway approaches to Lot 1 and Lot 3. The developer is requesting these restrictions be removed.

Discussion – the original restrictions were put in place based on the uniqueness of the lots to protect the safety of vehicles driving along the road and those exiting the properties. We now know where the clear view zone is, so these lots do not need additional restrictions and staff are comfortable with removal of driveway notes on the plat.

There was discussion about street parking, especially on Lot 2. Can we red curb it? It was determined that this is a parking and public safety issue, not a plat issue. The speed limit is 25mph and slows to 15 mph on the large bend. Mr. Coons provided pictures to show how the restrictions limit the size of houses that can be built. He is concerned about the shape of the lots and how it restricts 3 car garages and driveways. He stated that if zoning is put on the plat it is hard to change. Kris responded that it was intentionally put on the plat so it can't be changed. There was council consensus to remove plat language only for the driveway approach for Lot 3.

3. Corner Lot. The original final plat considered Lot 2 to not be a corner lot because of the bend between 1000 North and 550 West which would mean a 30-foot front yard setback along both 550 West and 1000 North. The developer is asking that Lot 2 be considered a corner lot and therefore be allowed to have a 20-foot side yard setback along 1000 North. Staff is comfortable with this proposed change.

Jenn Nielsen, resident, commented that this property is in her neighborhood, and she applauds keeping access to Lot 3 where it is. She noted that it is not realistic to expect drivers to maintain 15mph approaching

124 and around the corner. She added that the city should require restrictions on tree planting at the frontage of
125 these properties. Mr. Huffman responded that the city's clear view regulations will apply.

126 **MOTION:** *Rod Wood Moved to Reapprove Doug's Corner Subdivision with the following*
127 *changes: 1) Construction design to allow pipe to terminate to curb, 2) Remove Lot 3*
128 *driveway restriction from the Plat, and 3) Lot 2 will be Considered a Corner Lot with a*
129 *20-ft Side Yard Setback, and all outstanding staff conditions. Mark Preece seconded*
130 *the Motion, which passed as shown below.*

131 *James Ahlstrom – aye* *James Bruhn – nay*

132 *Kelly Enquist – aye* *Mark Preece – aye*

133 *Rod Wood - aye*

134

135 **6. Resolution 541-23, A Resolution Adopting an Emergency Operations Plan for West Bountiful**
136 **City and Appointing an Emergency Manager.**

137 Chief Erikson reviewed a new tentative Emergency Operations Plan (EOP). Utah Code requires each city to
138 have an EOP and it has been many years since West Bountiful's Plan has been updated. A regularly updated
139 EOP is required to maintain the police department's current accreditation process. State Code also requires
140 each city to designate an emergency manager for keeping the EOP up-to-date and coordinating with other
141 emergency managers.

142 Jason Meservy is recommended as the city's Emergency Manager. He has served the city in emergency
143 management over the years as EmPAC director and CERT manager. Officer Jory Moran will assist Jason by
144 handling the administrative aspects of the EOP.

145 Renate Allen - CERT manager, commented that having an updated EOP is important and is needed to get
146 grants, etc. She said it was discussed at an EmPAC meeting, but members have not had an opportunity to
147 review the plan prior to its presentation tonight. She said she just received a copy and upon a quick review,
148 has found mistakes, such as lists of businesses and radio frequencies. Ms. Allen asked that she and Jason
149 have an opportunity to finish their review of the Plan before the council approves the draft.

150 Duane Huffman suggested the Resolution be adopted tonight and that modifications and corrections can be
151 made as necessary. Mr. Doxey agreed that the Resolution can be adopted so that it does not need Council
152 approval for minor updates and corrections; but it would need Council approval for appointments.

153 **MOTION:** *Kelly Enquist moved to Approve Resolution 541-23 Adopting an Emergency*
154 *Operations Plan and Appointing Jason Meservy as an Emergency Manager. Mark*
155 *Preece Seconded the Motion Which Passed as Shown Below.*

156 *James Ahlstrom – aye* *James Bruhn – aye*

157 *Kelly Enquist – aye* *Mark Preece – aye*

158 *Rod Wood - aye*

159

160 **7. Mass Gathering Permit Discussion.**

161 Duane Huffman introduced a discussion based on draft language for a new permit related to large events
162 within the city. These events are a vital part of building community and city staff believe that well planned
163 events should be encouraged and facilitated, while also protecting public infrastructure and the health, safety,

164 and welfare of the public. The number of events on city and private property has increased causing a need for
165 some form of regulations.

166 Mr. Doxey prepared a draft proposal using the framework adopted by other cities to get the discussion going.
167 What should and should not be restricted or prohibited? Should races through the city need approval so we
168 know why roads are closed? Should requests be approved by the city council or staff?

169 There was discussion that the issue is public safety, not regulation. The intent is to protect the community not
170 to protect the city. If permits are required, they must apply equally to all; they cannot be content based.

171 Following discussion, Duane asked council members to send him their thoughts so a new draft can be
172 prepared for future review.
173

174 **8. Expenditure Approvals.**

175 Duane Huffman presented two budgeted expenditures over \$10,000 for requiring city council approval.

176 1. \$16,870 for 250 new garbage and recycle cans to be used for new homes, to replace broken cans, and
177 to provide additional household cans as requested. FY24 Budget amount = \$20,000.

178 2. \$90,868 for a Wheeler CAT Compact Track Loader (skid steer) to assist in many street, park, and
179 water projects, providing mobility and versatility in digging and moving materials in an efficient
180 manner. FY24 Budget includes \$90,900 split between the General Fund, RAP Fund, and Water
181 Fund.
182

183 **MOTION:** *Rod Wood Made a Motion to Approve the Expenditures as Presented. Mark Preece*
184 *Seconded the Motion which PASSED Unanimously.*
185

186 **9. Meeting Minutes from August 29, 2023.**

187 **MOTION:** *Mark Preece Made a Motion to Approve the Meeting Minutes from August 29, 2023,*
188 *as presented. Kelly Enquist Seconded the Motion which PASSED Unanimously.*
189

190 **10. Staff Reports**

191 Chief Erikson – The Spillman records system conversion is scheduled to happen on October 10. The new
192 radar trailer is working well; it is lighter and easier to move around.

193 Steve Maughan – the 1810 N/1890 N water project is nearing completion. Everything is hooked up, but there
194 is still a little paving and landscape to be completed. Fall clean-up will be held on October 12-14 at the new
195 PW facility.

196 Kris Nilsen – working on the preliminary design of 660 W for the 2024 road project.

197 Cathy Brightwell – Meet the Candidates night is scheduled for Monday, October 16 beginning at 7pm.

198 Duane Huffman – After two rounds of interviews for the Community Development Specialist, we made an
199 offer, which was accepted, to Addison Jenkins. He will begin next Tuesday, September 26.

200

Cathy Brightwell, City Recorder