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# CITY OF DEER LODGE

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# COUNCIL AGENDA

Monday, September 20, 2021 | 6:00 PM | PC Community Center

**1. Call Meeting to Order | Pledge of Allegiance**

**2. Public Comment:** Members of the audience may comment on any non-agenda item. State Statute prohibits the City Council from discussing any introduced item. The Council limits each person to three minutes to ensure there is sufficient time for all comments. The Council respects all comments and will have staff follow up any questions.

**3. Approval of Minutes**

Regular Meeting: September 7, 2021

**4. Public Hearing:**

a. None

**5. Department Reports:**

a. CAO | b. Public Works | c. Police | d. Code Enforcement | e. Fire

**6. Mayor and Council Concerns:**

**7. New Business Items:** The Council will act on each item after accepting public comments.

- a. Title Review—CAO Green and Council President Kersch
- b. Clerk CBA – CAO Green
- c. 233 5th St buy/sell agreement – CAO Green

**8. Continued Business Items:** The Council will act on each item after accepting public comments.

a. None

**9. Next Meeting Announcement(s)**

a. Regular Meeting – Monday October 4, 2021

**10. Adjournment**

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Deer Lodge City Council meets in the PC Community Center | 416 Cottonwood Ave | Deer Lodge, MT 59722

For Further Information, Contact | Cyndi Thompson | City Clerk | [cthompson@cityofdeerlodgemt.gov](mailto:cthompson@cityofdeerlodgemt.gov) | 406.846.2238

# CITY COUNCIL

## MINUTES

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The City Council met on Tuesday, September 7, 2021, at 6 PM | City Hall Council Chambers

<b>Members Present:</b>	Dick Bauman, Amanda Bohrer, Mary Hathaway (arrived late), Robert Kersch, Anthony Savalla, John Skibsrud, John Henderson & John Molendyke
<b>Members Absent:</b>	None
<b>Mayor:</b>	Diana Solle
<b>CAO:</b>	Jordan Green
<b>Staff:</b>	Police Chief Smith, Trent Freeman, Gary Effers, Judi Whitney, Cyndi Thompson
<b>Consultants</b>	None
<b>Guests:</b>	See sign in sheet

**1. Call Meeting to Order | Pledge of Allegiance**

Mayor Solle called the meeting to order at 6 PM. All present recited the Pledge of Allegiance.

**2. Public Comment.**

Guest Kerr asked about zone 5 landowners being notified appropriately about an annexation. CAO Green stated there was a notice in the newspaper prior to the public hearing for R-5 zoning and will send letter out to the effect residents. Kerr asked about the Cottonwood Villas appearance and if there was a CUP. Mayor Solle stated we have a copy of the contract, and the City was used in this project as a pass through of funds and we had no control over the building. CAO stated we will look to see if there is a CUP. Kerr asked about Johnson Creek Connector Trail, who owns that road County or City and is it a trail or not.

**3. Public Hearing.**

a. FY 2020-21 Budget Amendment - Action Item: Vote on Resolution 2021-R-16 – Judi Whitney  
CAO Green, this is both amendments to revenues and expenditures for last fiscal year's budget. Treasure Judi Whitney broke down the amendments and there are 5 funds we are amending. Total revenue amount to be amended for FY20-21 Budget: \$37,564.79, and the Total expenditure amount to be amended for FY20-21 Budget: \$38,070.79.

Public Hearing opened at 6:12PM, no public comments. Public Hearing closed at 6:13pm.

**Member Bauman titled Resolution 2021-R-16: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER LODGE, MONTANA PROVIDING FOR THE AMENDMENT OF THE FISCAL YEAR 2021 BUDGET**

Member Bauman motioned to approve Resolution 2021-R-16. Member Henderson seconded the motion. 6 Ayes, 1 No's, 1 Absent. Motion Passed.

**4. Approval of Minutes.**

a. August 16 & August 23, 2021

Council President Kersch motioned to approve the minutes as presented. Member Bohrer seconded the motion. 7 Ayes, 0 No's, 1 Absent. Motion Passed.

**5. Committee Reports – Accepted as presented.**

a. Council Ops – Rob Kersch (Chairperson)

August 9<sup>th</sup> meeting cancelled.

b. Finance – Dick Bauman (Chairperson)

August 2<sup>nd</sup>- No August report from Finance. Member Bauman recited his report from the meeting September 7, 2021. Minutes were approved. Review contract payments for Gilman Construction, MJD (Brookside Sewer Project) and DL Asphalt (JC Park Trail) and recommended to Council these payments be made. iWorQ software for Code Enforcement and Building Inspector was discussed and a demonstration of how effective this program is. Finance Committee recommends this purchase. Collective Bargaining Agreement for City Clerks was tabled. Police Department replacement is recommended. This amount is included in the City's 21-22 budget. Drug Free grant writer to be funded by ARPA funds was discussed and Finance Committee recommends expenditure of \$4,000. Reviewed and signed August claims.

c. Economic Growth & Development – Mary Hathaway (Chairperson)

August 4<sup>th</sup> – Business Items - North Gateway Sign: will be installed by the end of August; Committee will hold a Ribbon Cutting ceremony. Tourism Grant: Questions from Prison Museum regarding funding and locations; suggestions to have a kiosk at N. side of city park or Arrowstone Park with discussion about grant locations specifics. ARPA Discussion: CAO Green will continue to accept suggestions from council, the public, and businesses; suggestion from one local business owner to use funds for an employee position. Charter Government: tabled until September's meeting. Committee concerns: clarification of an email send to potential candidates and on ARPA funds.

d. Parks & Recreation - Amanda Bohrer (Chairperson)

August 10<sup>th</sup> meeting cancelled.

e. Public Health & Safety – Anthony Savalla (Chairperson)

August 12<sup>th</sup> - All departments made their monthly reports. The board addressed Title 7 noxious weed ordinance and approved its revisions. There was further discussion on Title 7 fireworks ordinance which was reviewed and then approved. Title 15 building permit violations were reviewed and approved after the appropriate changes were made. The final topic was traffic control concerns during emergency call outs. The board, police chief, and fire chief discussed the matter with emphasis on protocols to maintain maximum safety for emergency responders and the public.

- f. Public Works – Anthony Savalla (Vice Chairperson)  
August 24<sup>th</sup> - Committee had no public comment or old business, only new business items. New business consisted of ROW occupancy permit, city property abandonment application, low-income home water assistance program, and project payment approvals. All votes were 2 Aye -0 Nae -1 Absent.
- g. Planning Board -Amber Brown (Chairperson) Dick Bauman (Council)  
August 16<sup>th</sup> – Received monthly report from Economic Growth & Development. No report for Historic Preservation or Chamber of Commerce. Discussed THC Stores and reviewed Ordinance 144, Dated November 5, 2011. Discussed R-5 Zoning update from CAO and a motion to move to Public Health & Safety to look at Section 2: Permitted Uses” of R-5.

**6. Board Reports**

- a. Airport Board – John Skibsrud  
No meeting till later part of September
- b. Powell County Parks Board – John Molendyke  
No meeting, no report.
- c. Chamber of Commerce – John Henderson  
Member Henderson was not in attendance of Chamber meeting – no report.
- d. Headwaters RC&D – Amanda Bohrer  
No meeting no report.
- e. Historic Preservation – Mary Hathaway  
Absent, no report.
- f. Landfill – Anthony Savalla  
Meeting currently in session no report yet.
- g. LEPC – Rob Kersch  
No meeting, no report
- h. Library – Amanda Bohrer  
No meeting, no report
- i. Youth Board – Amanda Bohrer  
Planning fall schedule for homecoming dance and winter ball, updated the dress code and the chaperone policies, adopt the child abuse prevention policy. Discussed pizza ovens. Sent out solicitation letters and donations are coming in.

**7. Continued Business (old/continued Business or Items Tabled)**

- a. Emergency Ordinance 2021-6 – CAO Green  
  
CAO green stated, this vote will be to resend the emergency ordinance to restrict burning in outdoor fire pits, fireplaces, and chimneys.

Member Bauman motioned to approve resending Emergency Ordinance 2021-6. Member Bohrer seconded the motion. 7 Ayes, 0 No's, 1 Absent. Motion Passed.

b. Ordinance 2021-7, Building District Uses 2<sup>nd</sup> Reading – CAO Green

Member Henderson titled Ordinance 2021-7: **AN ORDINANCE BY THE DEER LODGE CITY COUNCIL AMENDING CHAPTER 19, SECTION 2(F); CHAPTER 20, SECTION 2; AND CHAPTER 21, SECTIONS 2 AND 9 OF THE CITY OF DEER LODGE ZONING ORDINANCE TO SPECIFY THE PERMITTED AND CONDITIONAL LOCATIONS OF LIQUOR STORES AND DRIVE-THRU SERVICES**

CAO Green updated the committee on the Ordinance as it being the 2<sup>nd</sup> reading with an effective date of October 8, 2021.

Member Savalla motioned to approve the 2<sup>nd</sup> reading of Ordinance 2021-7, Building District Uses. Council President Kersch seconded the motion. 7 Ayes, 0 No's, 1 Absent. Motion Passed.

**8. Business Items - The Council will act on each item after accepting public comments.**

a. Treasurer's Report | August Claims - Judi Whitney. Receive the informational report. Accept the recommendation from the Finance Committee and approve the claims.

Member Bauman motioned to approve August Claims as presented. Council President Kersch seconded the motion. 7 Ayes, 0 Nos, 1 Absent.

b. Drug Free Communities Grant Writer ARPA Expenditure – CAO Green/Councilmember Bohrer

CAO Green, Member Bohrer requested to use \$4,000 of ARPA funds towards grant writing for the Drug Free Communities Grant. Member Bohrer gave an overview of the grant and the cost of \$125,000 per year for 5-years consecutively. The cost to use a grant writer for these grants would cost a one-time fee of \$4,000. The grant writer stated to Mrs. Bohrer he guarantees his work and has written and received approval for many grants. He cannot submit the grant, only write it. The submission needs to come from the Coalition.

This was approved by the Finance Committee with recommendation to Council.

Member Bauman motioned to approve the \$4,000 ARPA funds for grant writing. Council President Kersch seconded the motion. 8 Ayes, 0 No's, 0 Absent. Motion Passed.

c. iWorQ Software – CAO Green

CAO Green gave a quick presentation and provided the iWorQ Service Agreement. There was a 15min presentation to the Finance Committee of the iWorQ Software data base program for the City's Code Enforcement Officer and the City's Building Inspector. This was approved by the Finance Committee with recommendation to Council for final approval.

Member Savalla motioned to approve the iWorQ Service Agreement. Member Bauman seconded the motion. 8 Ayes, 0 No's, 0 Absent. Motion Passed.

d. Peggy White Alley Abandonment Request – CAO Green

Peggy White, of 413 Park Street, submitted a Request for Abandonment of City Owned Property to me on August 13, 2021. White requests that the city abandon and deed to herself the portion of the West

Missouri Avenue right-of-way directly north of her property at 413 Park St (see exhibit below). The purpose of said abandonment is to create a usable backyard for the property, as the current northern boundary line for 413 Park St is only about 5 feet removed from the structure. White submitted for a right-of-way encroachment permit previous to this abandonment request for the placement of a fence on City right-of-way, which was denied at City Council on August 2, 2021, with a vote of six for denial, one against denial, and one absent. Due to the unique characteristics of the site which would limit use of the backyard should a fence be placed on the property line, I met with White on August 13, 2021, to discuss the possibility of abandoning and deeding the land as a better alternative to simply encroaching on the City right-of-way. Staff recommends the abandonment of the City owned property described as the approximately 25' by 50' section of the West Missouri Avenue right-of-way directly north of 413 Park Street to the applicant **for the taxable value sale price of \$4,000.**

This was approved and forwarded by the Public Works Committee to Council for the taxable value sales price of \$4,000.

Member Bauman motioned to approve the Request for Abandonment for the sale price of \$4,000. Member Savalla seconded the motion. 8 Ayes, 0 No's. Motion passed.

e. Angel Lampert Alley Abandonment Request – CAO Green

Angel Lampert, acting on behalf of Brad's Storage LLC, submitted a Request for Abandonment of City Owned Property to me on June 18, 2021. Lampert requests that the city abandon and deed to Brad's Storage the portion of Cottonwood Avenue between Washington Street and 511 West Missouri Avenue. The purpose of said abandonment is to aggregate the lots to the north and south of Cottonwood Avenue, along with the abandoned portion, as one lot to provide contiguous property for the expansion of Brad's Storage units. The lots to the north and south of Cottonwood Avenue are currently owned by Bradley Ford, owner of Brad's Storage LLC. Staff recommends the abandonment of the City owned property described as the Cottonwood Avenue right of way bounded by Washington Street and 511 West Missouri Avenue to the applicant **for the taxable value sale price of \$10,000.**

This was approved and forwarded by the Public Works Committee to Council for the sales price of \$6,500.

Member Savalla motioned to approve the Abandonment Request in the amount of \$6,500.00. Member Henderson seconded the motion. 7 Ayes, 1 No's. Motion passed.

f. Blakely ROW Encroachment Application 718 4<sup>th</sup> Street – CAO Green

CAO Green, the resident wants to add 3 concrete pads off the existing garage. There will be no impediment to movement of vehicles through the alley as the concrete pads will simply extend to the alley and not enter the actual thoroughfare portion of the City right-of-way. There are City utility lines running underneath the alleyway. Staff recommendation is to approve on the condition that the property owner is made aware that the concrete pads can be removed or altered at the property owner's expense should the City have a valid reason to do so, such as the placement of new utility lines, repair or maintenance of existing lines, or the creation of new facilities or infrastructure. For this reason, staff recommends the applicant also consider the driveway approaches be constructed out of gravel instead of concrete, but that the ultimate decision be that of the property owner who would assume all risks associated with the placement of permanent concrete pads above on City property.

This was approved and forwarded by the Public Works Committee to Council.



Member Bauman motioned to approve ROW Encroachment Application 718 4<sup>th</sup> Street. Member Savalla seconded the motion. 8 Ayes, 0 No's. Motion passed.

~~g. City Clerks CBA – CAO Green~~

CAO Green, I ask that this item be tabled as Mayor, and I would like to make a couple correction before we present this to the Committee.

Member Bohrer motioned to table the City Clerks CBA. Council President Kersch seconded the motion. 8 Ayes, 0 No's. Motion passed.

h. Police Department Computers – CAO Green

Update the Police Department with 4 new computers with a quote of \$5,045.70. In the Finance meeting it was discussed and approved to increase the gigabytes from 8GB RAM to 16GB RAM and the new quote not to exceed \$6,000.

Member Bohrer motioned to approve the purchase of the Police Department computers not to exceed the amount of \$6,000. Member Savalla seconded the motion. 7 Ayes, 1 No's. Motion passed.

i. 2021 Street Maintenance Project final Pay Estimate Approval – Trent Freeman

Public Works Supervisor, Trent Freeman, This is the first and final pay estimate for the street project in the amount of \$279,764.13 to Gilman Construction.

This was approved by the Finance Committee with recommendation to Council.

Member Skibsrud motioned to approve the 2021 Street Maintenance final pay estimate as presented. Council President Kersch seconded the motion. 8 Ayes, 0 No's. Motion passed.

j. Brookside Sewer Project Pay Estimate Approval– Trent Freeman

This is the second pay estimate for Brookside Sewer Project in the amount of \$ 109,657.60. This project came in under budget.

This was approved by the Finance Committee with recommendation to Council.

Member Bauman motioned to approve the Brookside Sewer Project pay estimate as presented. Member Savalla seconded the motion. 8 Ayes, 0 No's. Motion passed.

k. JC Park Trails Project Final Pay Estimate Approval – Trent Freeman

This is the first and final pay estimate for the JC Trails project in the amount of \$35,233.11. This project came in under budget. This is a grant funded project.

This was approved by the Finance Committee with recommendation to Council.

Member Bohrer motioned to approve the JC Park Trails Project pay estimate as presented. Member Savalla seconded the motion. 8 Ayes, 0 No's. Motion passed.

l. Resolution 2021-R-15, Gas Tax – CAO Green and Trent Freeman

Mayor Solle tiled the resolution: **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF DEER LODGE REQUESTING DISTRIBUTION OF LOCAL GOVERNMENT ROAD CONSTRUCTION AND MAINTENANCE MATCH PROGRAM FUNDS.**

Trent Freeman, This is a Resolution the City need to follow to request the gas tax funds that is allocated by the State.

Council President Kersch motioned to approve Resolution 2021-R-15; Gas Tax as presented. Member Bohrer seconded the motion. 8 Ayes, 0 No's. Motion passed.

- 9. Mayor & Council Concerns:** (ONLY Concerns that are not on Business Items). This is a time when Council Members or Mayor can bring a concern before the Council that is not otherwise listed on the Agenda. NO action can be taken at this time. If action is necessary, the item is put on the next meeting agenda.
- a. Trent Freeman introduced Gary Effers as the new Wastewater Treatment Plant Operator.
  - b. CAO asked the committee if they had any City's webcams if they could return them if they weren't using them. No committee members received any webcams in the past.
  - c. Member Bohrer mentioned following through with any citizen concerns.

**10. Next Meeting Announcements**

- a. Regular Meeting: September 20, 2021, at 6pm.

**11. Adjournment**

Mayor Solle adjourned the meeting at 7:46PM.

Prepared By: Cyndi Thompson, City Clerk

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Diana Solle, Mayor

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Date



# CITY OF DEER LODGE

## CAO REPORT

### September 2021

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#### PROJECT SUMMARIES

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##### **2021-2022 Budget**

- Rural Fire District contract still in renegotiation process.

##### **City Planning**

- Titles 1-15 have been amended at Committee level and ready for review.
- Submitted Department of Labor and Industry 2021 building code program required jurisdiction report.
- Planning Board processing one Conditional Use Permit Application as well as a zoning amendment.
- Successful Deer Lodge: still meeting with Randy Carpenter, who is working with housing expert on preparing document. Had scope of work call in August.
- Had Certified Arborist Brent Sarchet to Deer Lodge to profile Main Street trees for MMIA claim. Waiting to hear back from MMIA agent but will need to schedule a stump removal estimate and contract for work.
- Researching City involvement in Cottonwood Villas project.
- Working with Hospital and Morrison-Maierle on maintaining City ROW through Hospital land. Getting survey exhibits drafted.

##### **Grants**

- Awaiting feedback on LWCF grant pre-application but FWP is a little behind schedule on reviewing pre-applications. Expecting feedback by end of fall.
- DES Homeland Security grant will be opening later this year for upgrades to City security camera system. Received feedback from security camera company on possibility of using ARPA funds and am continuing research to this matter.
- FEMA PDM grant for flood-prone property acquisition has changed scope of work to include repairs to Cottonwood Creek diversion channel and the purchase of one property. Had meeting with Stahly and DES regarding change of scope of work on August 11. Have drafted buy/sell and continuing to work with current owners of property.
- Have been in communication with Museum Foundation for funding and locations for new wayfinding kiosks funded via Tourism Grant. Modified a template survey to analyze impact with Michele Cushman, state Tourism Grant coordinator per grant requirements.
- Economic Growth & Development Committee discussing ARPA use goals.

##### **City Hall & Employees**

- City Staff have started training with iWorQ Code Enforcement and Building Permitting programs. Sending over City data as well. Shooting for October 1 Go Live date.

- Hired Gary Effers as Wastewater Treatment Plant Operator. Interviewed several candidates.

### **Floodplain Administration**

- Keeping up with CECs as I learn about them.
- Received first draft of new floodplain boundaries from DNRC. So far, very minor changes to floodplain boundaries in Deer Lodge.
- Processing Floodplain Development Permit for Northwestern Energy, who are applying to bore a power line under the Clark Fork.

### **Economic Development**

- Applied for Reimagined Rural with County Planner and Extension Agent and was accepted into the program. Have done marketing and coordinating with Extension Agent. Next Reimagined Rural seminar September 27<sup>th</sup> at 6PM in courthouse conference room.
- Coordinating with Michael Clasby, manager of AOK Campground, on potential improvements to the campground. Had a very successful season.
- Processed a few contractors' business licenses this month.

### **INTEREST ITEMS FOR CITY COUNCIL**

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- See Report

### **COVID-19 RESPONSE**

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*Currently the Administrative Office is moving forward on anticipated projects while working safely, practicing enhanced hygiene, and using personal protective equipment as directed.*

# CITY OF DEER LODGE

## Public Works Report

### August/September 2021

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#### PROJECT SUMMARIES

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##### **Street Maintenance**

- Sweeping.
- Pothole Patching.
- Updated PASER map with Stahly Engineering

##### **Sewer Utility**

- Sewer Jetting some problematic sewers
- Brookside Sewer Project Sewer Main completed and property at 320 Stark off Septic and tied into the new sewer infrastructure. Brookside gravel placement and asphalt patching on Center St. remaining.

##### **Parks and Rec**

- Nothing to Report

##### **Water**

- Replace broken valves and boxes
- Repair leaking main on W. Peterson

##### **Solid Waste**

- Jason is back to full duty

##### **Mosquito Abatement**

- Nothing to report.

#### INTEREST ITEMS FOR CITY COUNCIL

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- Fire Danger Sign Frames constructed and Signs are in frames. MDOT ROW Encroachment permits have been completed and sent to MDOT. Awaiting encroachment permit approval before signs can be installed.
- Deer Lodge welcome sign is completed and at City Shop. Will install sign as soon as time permits.
- Hired a WWTP Operator
- Submitted and Received quarterly reimbursement for the Passenger Refueling Area Project. Total received for reimbursement is \$34,893.69
- Submitted the annual BARSAA Report for reimbursement in the amount of \$77,444.99

#### COVID-19 RESPONSE

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*Currently the Public Works Crew is moving forward on anticipated projects while working safely, practicing enhanced hygiene, and using personal protective equipment as directed.*



CHIEF OF POLICE  
KEVIN PERRAULT

## CITY OF DEER LODGE

### Police Department

300 Main St. Deer Lodge, MT. 59722  
Phone: (406) 846-9585  
Fax: (406) 846-2500

Council Report

August, 2021

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### **Total Calls for Service August 2021: 156**

Traffic Stop: 44

Welfare Check: 9

Unwanted Person(s): 7

Medical Assists: 5

Request Officer: 5

Alarms: 5

Custodial Inference: 3

Reckless Driving: 3

Theft: 3

Assist Other Agency: 3

VIN Inspection: 3

Domestics: 3

Civil Standby: 2

Criminal Mischief: 2

Disturbance: 2

Parking Complaint: 2

Courtesy Ride: 2

Suspicious Activity: 2

Traffic Accident: 2

911 Open Line: 1





# CODE COMPLIANCE REPORT

August 2021

## HIGHLIGHTS

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- Red tagged two cars, one needs the vehicle program to help with removable and second will be moved by Saturday.
- 13 calls of dogs at large. 5 taken to shelter as owners were not home, all returned by 7pm.
- 42 dog licenses issued
- 5 stop work orders out, all recipients purchased building permits.
- Started talking to Community about fire danger with weeds, trash and glass.

## PROJECT SUMMARIES

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- Familiarized myself with the neighborhoods, city ordinances, and city codes.
- Finished Junk Vehicle program with working samples for city council to review. Once in place I will follow-up with citizens that are already willing to get rid of vehicle but can't afford it.
- Started process of weeds, trash, and citizen compliant follow-ups (32).
- 61 verbal warnings with copies of city code given or posted at residence, 23 closed. Expected decrease in postings due to word getting out and receptive to warning.
- Only 3 red warnings posted with copies of city code violations. 2 complied, one is in Hospital follow-up when released.

## INTEREST ITEMS FOR CITY COUNCIL

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- Sledding Hill request complete the next day, however the rest of the hill needs attention, and it is city owned. Working with Trent Freeman on issue.
- Waiting on a call back from the state DOT, hill in front of the Travel Lodge Hotel needs to be mowed. Also, Property adjacent to it will be addressed. (huge empty lot). Email sent to travel lodge and their corporate office to inform them of code violations weeds, trash, make-shift fence around trash cans out of pallets and one abandoned car. They are working on it, car removed by owner same day.
- I will be working with the VA rep get assistance for the community. And the Elks Lodge for people willing to help those elderly that are not Veterans.

## STAFFING CONCERNS

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- None



# FIRE DEPARTMENT REPORT

AUGUST 2021

## HIGHLIGHTS

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- 4 total calls
  - Small structure fire at R&C Home improvement.
  - 1 Grass fire by the north exit into town
  - 1 call back to same grass fire for a smoldering stump.
  - 1 extrication call at Montana State Prison for person trapped in a piece of machinery.
  
- Had a joint extraction training with Powell EMS on August 13 that went very well. Was conducted by a trainer from MSU Fire Education.
- We completed all hose testing. Good to go for another year.

## INTEREST ITEMS FOR CITY COUNCIL

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