



**MINUTES OF THE REGULAR MEETING OF THE
RIDGECREST CITY COUNCIL AND
RIDGECREST REDEVELOPMENT AGENCY AND**

**City Council Chambers
100 West California Avenue
Ridgecrest, California 93555**

**October 20, 2010
5:30 p.m.**

This meeting was recorded and will be on file in the Office of the City Clerk for a certain period of time from date of approval by City Council/Redevelopment Agency. Meetings are recorded for the purpose of preparation of minutes.

Pursuant to GC54953(b) Council Member Jerry Taylor Will Be Attending The Meeting By Teleconference At The Country Inn & Suites Room No. 429, 44941 Worth Lane, California, Maryland

CALL TO ORDER at 5:30pm

ROLL CALL

Council Present: Mayor Morgan, Council Members Ronald Carter, Thomas Wiknich, Marshall 'Chip' Holloway

Council Appearing Remotely: Council Member Jerry Taylor

Council Absent: None

Staff Present: City Manager Kurt Wilson, City Clerk Rachel J. Ford, City Attorney Wayne Lemieux, and other staff

APPROVAL OF AGENDA

Motion To Approve Agenda As Amended Was Made By Council Member Wiknich, Second By Council Member Carter, Motion Carried By Roll Call Vote Of 5 Ayes, 0 Nays, 0 Absent, 0 Abstain.

CLOSED SESSION – 5:30 p.m.

GC54956.8 Redevelopment Agency Real Property Negotiations - Strip Of Vacant Land Adjacent To Civic Center, APN 478-010-05, Agency Negotiators Kurt Wilson And James McRea

GC54956.9(b) Conference With Legal Counsel – Anticipated Litigation – Benz Sanitation, Inc. v City Of Ridgecrest

GC54957.6 Labor Negotiations – Police Employee Association Of Ridgecrest (P.E.A.R.) – Agency Negotiator Kurt Wilson, City Manager

PUBLIC COMMENT FOR CLOSED SESSION

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- No Comments Presented by members of the public.

REGULAR SESSION – 6:11 p.m.

- Pledge of Allegiance – Led by Mayor Morgan
- Invocation – Led by Rev. Warren Campbell

CITY ATTORNEY REPORTS

- Closed Session
 - Instructed real property negotiator
 - Attorney provided report regarding Benz Sanitation
 - City Manager provided report of item 3 and action to be taken later in this session
- Other
 - Keith is taking deposition

PUBLIC COMMENT

Opened at 6:13pm

- Christina Witt – with everything going on regarding trash issue, people have brought concerns especially in recent article in News Review regarding attorney claim that contract will terminate at end of year. Mentioned highlights of article. December 31, are we going by city's interpretation or Benz interpretation of the agreement? Read municipal code section. Since Benz cannot initiate their own franchise will they be allowed to operate against municipal code? Process for franchise. Report could go longer than 30 days, is city going to abide interpretation that no waste hauler by December 31 or by Benz interpretation. Lastly, in court who is winning? Only person I see winning are the attorneys involved.
- Robert Eierman – a lot of research relative to municipal code. Was asked by council candidate Walt Maurer because of what he found to give a heads up to both City and Benz because he doesn't want to blindside anybody. In process I called Benz first and informed them about the research and they said yes, I know because the city has already used against. Did not need to call city. City council by resolution awarded Benz a recycling franchise in 09-57. Problem is municipal code requires any franchise granted by the city shall be done by ordinance not resolution and explains process to do that. My unprofessional interpretation is city does not have recycling agreement with Benz because granted in violation to code. When Benz says city has already used against them, concerns as this is third city manager and council members had to have known this also. How can city have confidence in honesty of council when they know these things and don't present it? Also in closed session while discussing didn't bother to announce city was served with lawsuit. Concerned that council is not open to citizens. We aren't going to win this, terrible course to go down. advantage to not having recycling franchise, maybe now could go back and honestly negotiate, something

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according to Benz haven't done in the past. Another point of non-openness. Benz has been told several times by council not to speak to the press. Unfortunate, you are kind-of their boss

- Dave Burdick – representing friends of the Ridgecrest library. You are having presentation on olde towne topic that is related to redevelopment agency. Couple of weeks ago CDC met with list of 22 projects possible for redevelopment agency. At that time I asked for possibility of redevelopment agency 'shoot-out' so everybody could see nuts and bolts of projects proposed for RRA funding and weigh each against the other. Select criteria of projects published beforehand for preparation. Concerned this process is not including collective public input. Example of Chip Holloway advertisement stating bond funds to be used for street improvements and parks and recreation. Not one of the projects relates to roads or ball park. Think city would be better served if process was systemized before the election so all candidates would have opportunity to hear and participate before vote for council and give citizens to hear their opinions before they vote. Don't have people on council now making decision without the community and candidate input. Let's plan project shootout with 15-20 minutes for each project to hear pros and cons. Would be best way to spend the 25 million dollars.
 - Mayor Morgan – not possible for that to happen prior to election.
- Joe Conway – appreciate the max headroom going here, are the containers up at the dump for self-haul?
 - Mayor Morgan – no because Benz would not support it.
- Jack Noyer – Mr. Burdick, I sat in meeting discussing the library, there are problems but is Mr. McQuiston problem and mayor has been kind enough to take this up with them. Raining this morning and wanted to go to library to read book but couldn't. need to get library situation resolved. Street sweeper on 178 was it ours or Caltrans, doing good job and had water in it. Dump fees, getting confused, and letter from county that dump fees are being increased thru a tax, everyone is beating us to death but quality of service is declining. No offense to Mr. Lemieux but he will be a real wealthy man before this is over. Water bill going up. Didn't get raise in social security so don't know what we use for cost of living increases. Need to increase sales tax base and get revenue coming in, can only cut so far.
- Randy Jenkins – good evening Mayor and council. Last night lightning struck Ridgecrest on Haloid. About five blocks from water district and city hall, but missed. Address council on need for more police, saw resolution giving back furloughs. Saw cash flow in budget, with police department things are happening where we need more police officers, high priority for city's safety, example of lady in la mirage and gang members totaling her car with knives. 8-9 vacancies in officers due to retirements and people leaving. Gang activities are happening, gunshots and drive-by shootings in other parts of town. Talk to the people, things being stolen, and precursor to worse things coming. We are in bad way with reduced police officers. No glossing over, these are facts. Need to focus on

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police department for safety. Conversation with Jerry Taylor. Main reason for coming up, thank you.

- Jim Rachels – guess bit frustrated, confused. Contradictions by city government. City attorney report that if we terminate contract with Benz would be liable for 64 million then later changed. Not long ago at council several members of public told council were making payments to Benz that were not contractually required, I was told was technically correct. Later in paper was stated wrong, wrong, stupid, and wrong. Additional payments to Benz people were right. Seems decision is made one day and next is opposite. Latest one has me befuddled. Attorney statement in paper is city believes contract expires on December 31 however intend to allow contractor continue performance under contract when you believe no contract exists and is in violation of your own laws. Doesn't make sense, insults my intelligence. Why aren't being honest or at least smart. Ms Witt brings up valid point; December 31 is short distance away. Are we going to make the contract expire December 31 and if so who is going to be our trash hauler? That question needs to be answered, frustrated and amazed is not on the agenda.
 - Mayor Morgan – comments made were in relation to Benz, not as stated.
- Tepetitlan Sister City Representatives – presenting gift from Tepetitlan, a plaque to council. Commemoration of bicentennial for independence. Strengthening bonds between our cities.
 - Bobby Brower – announced delegation to Tepetitlan will be here tomorrow afternoon and Sunday evening a special dedication at the fairgrounds at 6:30pm and 8:00pm. Invites all council and public to come out and attend.
 - Mayor Morgan – on behalf of city of Ridgecrest we welcome the delegation, have received itinerary of group and is available to anyone who wants it. Hope you have pleasant stay and hope we make your trip memorable.

Closed Public Comment at 6:44pm

PRESENTATIONS

1. Southern California Edison Downs Substation Expansion Project
PowerPoint Dan Brady
- Dan Brady of Southern California Edison gave PowerPoint presentation to council. Handouts available at back table for audience. Powering Ridgecrest for the 21st century.
 - Mayor Morgan – please give public information on downs street undergrounding?
 - Dan Brady – trying to get that job, rule 20A, city receives 77 allocation used to underground overhead lines that meet rule 20a criteria, information received today on formal pricing of 2010 project from Ridgecrest blvd. to Upjohn on west side of street. Essentially would move lines underground and give city capacity to do street lighting. Hope to have earlier next week.

- Mayor Morgan – would you agree there would be cost saving if could get additional funds and complete that project during your project.
- Dan Brady – absolutely
- Council Member Holloway – prior to your purchase of expanded area, access road still in conversation?
 - Dan Brady – having internal discussion with Mr. Ponek on what they would like to see in regards to access, dream and minimum requirements. Will make sure to bring up to the team.
- Council Member Taylor – project will be short by 2010 but won't be completed until 2014. What is interim capability for in-between?
 - Dan Brady – a concern and have contingency plan to change to 12 kb distribution. Currently installing in 2011 to mitigate brown outs.
- Mayor Morgan – We appreciate the presentation to council and look forward to collaborating on other project.

2. Downtown Ridgcrest 3-D Visualization Presentation

McRea

- Jim McRea gave presentation relative to things of the future, visualization only not scheduled or planned. Visual simulation application submitted to Kern Cog and was awarded both a 2-d and 3-d visualization. Purpose is to strengthen public participation in process. Video showing way things could be in the future. Gave outline of location shown. Possibilities of extensions and Birdseye view of refurbished Olde Towne. Project was funded by Kern Cog.
- Mayor Morgan – Olde Towne committee will continue to gain public input on third Tuesday of November 16 at 6:30 in upstairs council conference room. if interested in participating, please contact Matthew Alexander

3. Energy Saving Vehicles and Donated Police Service Vehicles

A. Taylor

- Ann Taylor gave PowerPoint presentation of vehicles received by the city by energy efficient grants and donations of police vehicles at no or minimal cost to the city.
- Mayor Morgan – thank you for your continued work in lowering costs to the city.

4. Traffic Light Update

Speer

- Dennis Speer gave presentation of current traffic light projects and progress on street lights. First was update of four traffic signal projects on China Lake at the intersections of Church Ave., Ward Ave., Rader Ave., and Upjohn Ave. Second was update of street light cost resolution.

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- Mayor Morgan – thanked for presentation, assume this will be taken up at infrastructure committee since now vetted to public. Assume will be safe to assume will not be turning off lights at this time.
 - Kurt Wilson – Currently asking for direction from council
- Council Member Taylor – would like presentation electronically, read ahead in future, looking forward to analysis in future.

5. Street Pavement Management Survey and Project Update Speer

- Dennis Speer – gave update of street pavement management system. Mandated by USC Section 116 of Title 23.
- Mayor Morgan – thank you. Presentation shows a lot of hard work and what is going on especially thru kern cog and fight to keep money in our Ridgecrest blvd. project.
- Council Member Wiknich – matrix diagram, problem on infrastructure is average daily traffic flow, some traffic counts the flow is determined by poor condition of road and people are moving onto arterial routes, future council will have to take into consideration. Finally have flyer from cal recycle offering program for resurfacing roads with recycled rubber.
 - Dennis Speer – recycled rubber is non repairable surface, have to regrind and completely repave surface for future.
- Council Member Taylor – relative to fuelization and comparison of heavy traffic trucks. Do we have capability to detect heavy trucks?
 - Dennis Speer – based on how you lay your counter. Ours does not take into account trucks.
 - Council Member Taylor – appreciate mayor comment on CMAC.

Five minute recess.

DISCUSSION AND OTHER ACTION ITEMS

6. Approve A Resolution Of The Ridgecrest City Council Rejecting All Bids For The TDA Article 3 Bike Projects On Bowman Avenue From Gateway Boulevard To Richmond Road And Upjohn Avenue From Helena Street To Downs Street Speer

- Dennis Speer gave report to council. Purpose to reject all bids, revise plans, re-advertise project. Bids were opened, reviewed and determined lowest bid was bowman asphalt however project is over budget. Staff recommend council reject bids, direct staff to revise plans and re-advertise

Motion To Approve A Resolution Of The Ridgecrest City Council Rejecting All Bids For The TDA Article 3 Bike Projects On Bowman Avenue From Gateway Boulevard To Richmond Road And Upjohn Avenue From Helena Street To Downs Street Was Made

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By Council Member carter , Second By Council Member Wiknich . Motion Carried By Roll Call Vote Of 5 Ayes, 0 Nays, 0 Abstain, 0 Absent.

CONSENT CALENDAR

7. Approve A Joint Resolution Of The City Council And Ridgecrest Redevelopment Agency Authorizing A Memorandum Of Understanding Between The City Of Ridgecrest And The Historical Society Of The Upper Mojave Desert Pertaining To The Relocation Of Building Known As 'Old Schoolhouse' As Surplus Property Of The City Bradley
8. Approval Of The Notice of Completion For The Church Traffic Signal Project STPLGH-5385 (023) At The Intersection Of Church Avenue And South China Lake Boulevard Speer
9. Approve A Resolution Amending The Memorandum Of Understanding Between The City Of Ridgecrest And The Police Employee Association Of Ridgecrest Strand
10. Investment Reports For Quarter Ending June 30, 2010 Staheli
11. Approve Minutes Of The Special City Council/Redevelopment Agency Meeting Of September 28, 2010 Ford
12. Approve Minutes Of The Regular City Council/Redevelopment Agency Meeting Of October 6, 2010 Ford
13. Approve Council Expenditure List (DWR) Dated October 5, 2010 In The Amount Of \$175.00 Staheli
14. Approve Council Expenditure List (DWR) Dated October 8, 2010 In The Amount Of \$133,228.21 Staheli
15. Approve Agency Expenditure List (DWR) Dated October 8, 2010 In The Amount Of \$8,208.53 Staheli

- Mayor Morgan read items and corrected amount of Item 8 to \$10,758.63
- Item 10 pulled
- Item 7 pulled by Council Member Taylor
- Item 9 pulled by Dave Matthews

Motion To Approve Consent Calendar as amended Made By Council Member Wiknich, Second By Council Member Holloway. Motion Carried By Roll Call Vote Of 5 Ayes, 0 Nays, 0 Abstain, 0 Absent.

Item 7 discussion

- Council Member Taylor – concern about city's responsibility during transport. Read section of contract. No discussion of liability, will we be reimbursed.

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- Wayne Lemieux – unless agreement immunizes them then they are responsible.
- Council Member Holloway – does not specify how much time to get building off the property
 - Craig Bradley – moving forward with assumption MOU is agreeable with both parties. Movers are on site Monday and plan to move by end of week.
- Council Member Taylor – suggest modify section 7.
 - Wayne Lemieux – add sentence “Move shall be completed by November 1.”
 - Craig Bradley – don’t think that should be a problem
 - Wayne Lemieux – “structure will be off property by November 1.”
 - Council Member Taylor – when do you need moved to keep our project going?
 - Craig Bradley – as soon as possible, Mr. Nevins is here to speak about timeline
 - Bill Nevins – see no reason why can’t be moved by November 1, will be moving it next week.

Motion To Approve Item 7 As Amended Was Made By Council Member Taylor, Second By Council Member Holloway.

- Randy Jenkins – does giving building to historical society include stipulation would they be willing to make it a teen center? Please with USO and think since is extra building, would be appropriate since was once a schoolhouse. Private funding with historical society. No place for teens to have activities.
 - Mayor Morgan – intent of historical society to use for historical purposes, city has no authority to put contingencies on that building.
- Dale Howard – I have moved buildings before; think another 7 days (November 7) would not hurt anything.
 - Kurt Wilson – November 1 more comfortable for staff due to impact of project under construction on site.
- Council Member Taylor – what is happening to stuff inside
 - Mayor Morgan – already empty, and ready to be moved.

Motion To Approve Item 7 As Amended Was Made By Council Member Taylor, Second By Council Member Holloway. Motion Carried By Roll Call Vote 5 Ayes, 0 Nays, 0 Abstain, 0 Absent.

Item 9 discussion

- Dave Matthews – explanation of agreement
 - Kurt Wilson – simple agreement, current agreement imposes furloughs and recent reductions would drive up overtime costs. This agreement

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removes furloughs and still maintains or even improves the budget.
Cheaper this route

Motion To Approve Item 9 Was Made By Council Member Wiknich, Second By Council Member Holloway. Motion Carried By Roll Call Vote, 5 Ayes, 0 Nays, 0 Abstain, 0 Absent

Item 10 Discussion

- Jack Noyer – June 30 report of investment, now report 120 days later. Need in more timely fashion, who audits. Movement of money should be reported in more timely fashion.
 - Tyrell Staheli – typically end of year takes longer to close. As we speak just finished closing September. Several adjustments that have to take place before can close and try to get this done before auditors who were here last week.
 - Jack Noyer – familiar with procedure. Property taxes, how do we get a number by June 30?
 - Tyrell Staheli – property transfers and statements from county, late payments that trickle in.
 - Jack Noyer – police and AC, what is that?
 - Tyrell Staheli – animal control
 - Jack Noyer – sales tax question
 - Tyrell Staheli – this reflects monthly.
 - Jack Noyer – income and outgo shows overdrawn
 - Tyrell Staheli – just for month of June
 - Jack Noyer – positive cash flow of 1 million
 - Tyrell Staheli – 700k

Motion To Accept Quarterly Investment Report Was Made By Council Member Wiknich, Second Council Member Taylor. Motion Carried By Roll Call Vote 5 Ayes, 0 Nays, 0 Abstain, And 0 Absent

COMMITTEES, BOARDS AND COMMISSIONS

Infrastructure Committee

Members: Tom Wiknich, Jerry Taylor, Lois Beres, Craig Porter

Meetings: 2nd Wednesday of the month at 5:00 p.m., Council Conference Room

Next meeting November 10, 2010

- Council Member Wiknich – discussed number of projects, at top of council approved list. Projects will come to council for approval. Engineering update. Balsam storm drain project discussion. Future public hearing of Ridgecrest blvd. project coming. Next meeting November 10 at 5:00pm

City Organization and Services Committee

Members: Jerry Taylor, Tom Wiknich, Nellavan Jeglum, Lois Beres

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Meetings: 2nd Monday of the month at 5:00 p.m.; Council Conference Room

Next meeting November 8, 2010

- Council Member Taylor – covered nuisance abatement, potential hiring thru college of intern planning aid
- Council Member Wiknich – add comment of abating and maintaining abated property fee.
- Council Member Taylor – next meeting November 8 at 5pm

Activate Community Talents and Interventions For Optimal Neighborhoods Task Force (ACTION)

Members: Co-Chairs Ron Carter, Chip Holloway, Ron Strand

Meetings: 2nd Monday of odd numbered months at 6:00 p.m., Kerr-McGee Center

Next meeting November 8, 2010

- Council Member Carter – next meeting police department update

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

- Mayor Morgan – CDC meeting November 4 in council conference room
- Mayor Morgan – kern cog legislative agenda platform, transportation issues, planning, local and regional planning senate bill 375. Desert mountain division did not get resolution but on SB375 noticed discrepancies in target imposed on kern region. Advocate Kern cog has hired will be going to legislatures with this. Trying to put control in our hands on the restrictions in SB375
- Council Member Taylor – McRea, Patin and I are meeting with water board on October 28 at 5pm. May be rescheduled.
- Mayor Morgan – desert mountain division meeting in Hesperia on Friday. City Manager and I are attending.

PUBLIC COMMENT

Opened at 8:28pm

- Dale Howard – Presented copies of letter to council pertaining to possible charges. Read letter to council. Referenced Municipal Code prohibiting sea vans as storage. Asked Mayor Morgan if he would testify under oath to various meeting attendances and municipal code knowledge. Referred to Bob Smith, code enforcement. Written history as he recalls pertaining to the containers. Ask city put in writing what they expect as a citizen to do.

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- Dave Matthews – first would like to congratulate city, chamber and sub-committee who put on Maturango Junction this weekend. Have not seen or heard official report but in what have seen and heard was a success. Saw what seemed to be a good turnout. Would suggest only thing missing might have been a sight layout available to public because looked all afternoon for granddaughter and thought they were near Pow-Wow and had to go home to find out they were near the pool. Earlier this evening opened this meeting with pledge of allegiance; I always stress the word ‘to the republic’. Not a democracy, but a republic. This country was founded from the people up, over the last century the pyramid has become inverted, unstable and very close to reach that point. Mr. Speer earlier presentation on streets and mentioned that federally funded projects had certain stipulations. What’s happening is government is taking our money via taxes and hoards it and acts like it’s theirs, and then put demands on us if we want them. Has to stop, voting for prop 22 because it is one small step in trying to turn process around. Even there, only bringing back what they have already taken from us to start with. Need government to start giving back to cities and ask for money rather than take the money. Would like to see this start turning around before I’m gone. Also about Maturango Junction, even though was warm, Lord provided shade.

CITY MANAGER/EXECUTIVE DIRECTOR REPORTS

- Kurt Wilson – one item, invite public to State of city reception with is state of city address combined with sister city reception. Update on what’s going on with the city. October 27 at 5:00pm in council chambers.

MAYOR AND COUNCIL COMMENTS

- Council Member Taylor – apologize for times popping out of view, also to staff, don’t need picture that big, and appreciate being able to be connected. Would appreciate all materials with packet, if material isn’t prepared, item should be pulled. Second Dave Matthews’s comments on Maturango Junction. I want to thank Peggy Breeden for their hard work and assistance with military banner program. Moving forward and hope to have additional information available and first banner no later than January. Many misstatements and innuendos.
- Council Member Holloway – hope Jerry is here, hard to look around your head on the screen. Touch on comment of ad in RDA. When paying for ads, tend to generalize. All projects of RDA Bonds have been reviewed in multiple committees, those projects mentioned in ad we just a couple of general, there are others that I would support. Maturango junction, thank everyone who helped and were involved, got lucky with weather, saw a turtle running around on a leash. Last council meeting before election, thank all candidates, very professional election. Officially ask for votes, forums Friday at Victoria's and the 28th here in chambers.
- Council Member Wiknich – echo comments made by Chip, recognize candidates who stayed Lewis, Noyer, and Jenkins. These have also been attending

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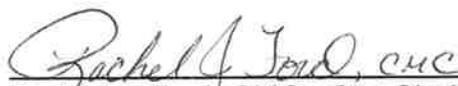
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committee meetings. Publicly recognize and thank you for that. Echo concerns regarding vacancies in police department, need to fill them. I am PACT volunteer, PACT volunteers can help police department, looking for more, doesn't take a lot of time; you can help make a difference. We get assignments from police department that release sworn officers to go do the real work. Can make a difference in our police department. Been participating in internet discussions, did answer personal opinion is Benz will be our trash hauler in January, optimistic and hope Benz is our hauler and hold no ill will. Finally, street lights are not getting turned off, trying to figure out something else to do about it. Encourage everybody to attend the forums and would appreciate your vote.

- Council Member Carter – thank Peggy Breeden, Jim Ponek, Gary parson. Spoke with vendors who said was a success. Signature event and want to expand, next year possibly a band or carnival. City booth with information. Please vote in election coming up. Ridgecrest has always had high voter participation, attend forums and get to know candidates.
- Mayor Morgan – a lot has been said, misconstrued, twisted, turned and obviously in election season. Compliment fellow council member's for taking the high road when people representing certain candidates by twisting the words of the council. Thanked candidates and named those who showed up to first forum. No excuse for missing candidate forums, this is what council members have to do, sometimes miss family events. Mr. Lewis wants to use TOT, council agrees, government wanted to steal it, council made calls thru league and kept money local. Don't talk about these because it shouldn't be necessary, but since council is being beat to death. Have to speak out before election. Encourage public to come out and meet the candidates and ask questions about their participation. Three people have, Holloway, Wiknich, and Patin. Most qualified to deserve your vote. Hope that you really take the time to find out the good things like the work done with brace and million dollar grant for business parks, work trying to assist local businesses, things done day in and day out. State started trash; nobody considered doing anything different with trash until state came down on us. Listened to public before when they said doesn't do anything. Can't have it both ways, council did listen, is working with you and being responsive. When you have 'reasonably well' response from a group? Please remember Judge said council was right. Have a pleasant evening.

ADJOURNMENT at 8:54pm



Rachel J. Ford, CMC - City Clerk