



CONOVER

North Carolina

Conover City Council

Regular Meeting Minutes

Monday, July 8, 2024 at 6:00 PM

Conover City Hall Council Chambers

101 1st Street E, Conover

A Regular Meeting of the Conover City Council was held on Monday, July 8, 2024 at 6:00 PM in the Council Chambers of Conover City Hall.

I. CALL TO ORDER

Kyle J. Hayman, Mayor

Council Members Present:

Mayor Kyle Hayman
Mayor Pro Tem / Council Member Bruce Eckard
Council Member Mark Canrobert
Council Member Joie Fulbright
Council Member Jim Green
Council Member Brenda Powell

Council Members Absent:

None

Staff Present:

City Manager Tom Hart, City Clerk Stephanie Watson,
City Attorney Susan Matthews, Human Resources
Madeleine Epley, Finance Director Kurt L. Beal,
Planning Director Erik Schlichting, Public Works
Director Terry R. Jones, Public Utilities Director Brian
Bradshaw, Fire Chief Mark Stafford, Interim Police
Chief Robert Houston, Information Technology
Director Chris Niver, Police Lieutenant Jeff Barkley,
Assistant Public Utilities Director Eric Williams, and
Intern Melanie Jordan.

II. INVOCATION

Rev. Johnnie R. McIver, Covenant Christian Church

III. PLEDGE OF ALLEGIANCE

Kyle J. Hayman, Mayor

IV. APPROVAL OF AGENDA

Motion was duly made by Council Member Fulbright, seconded by Council Member Green, to adopt the Monday, July 8, 2024 Agenda.

MINUTES FROM THE JULY 8, 2024 CONOVER CITY COUNCIL REGULAR MEETING

AYES:	Mayor Hayman, Mayor Pro Tem / Council Member Eckard, Council Member Canrobert, Council Member Fulbright, Council Member Green, Council Member Powell
NOES:	None
ABSTAIN:	None

V. **APPROVAL OF CONSENT AGENDA**

All items below are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a council member so requests. In which event, the item will be removed from the Consent Agenda and considered under the Business Agenda section.

Item 1: Approval of Minutes

a. June 3, 2024 Regular Meeting Minutes

Mayor Kyle J. Hayman presented the June 3, 2024 Regular Meeting Minutes.

(June 3, 2024 Regular Meeting Minutes contained in Minute Book 20.)

Item 2: Resolution 25-24: Tourism Development Authority Appointment to Fill an Un-expired Term

Mayor Kyle J. Hayman presented Resolution 25-24: Tourism Development Authority Appointment to Fill an Un-expired Term.

(Resolution 25-24: Tourism Development Authority Appointment to Fill an Un-expired Term contained in the exhibit file called 2024 Proclamations.)

CITY OF CONOVER RESOLUTION 25-24

TOURISM DEVELOPMENT AUTHORITY APPOINTMENT TO FILL AN UN-EXPIRED TERM

WHEREAS, the Conover City Council has the authority to make the following appointments to the Tourism Development Authority:

- *One (1) individual who has demonstrated an interest in Tourism & Conventions and does not own or operate hotels, motels, etc.*

MINUTES FROM THE JULY 8, 2024 CONOVER CITY COUNCIL REGULAR MEETING

***WHEREAS**, during the regular June 3, 2024 Conover Council Meeting, Mayor Kyle Hayman was appointed by the Conover City Council to the Tourism Development Authority; and*

***WHEREAS**, Mayor Kyle Hayman resigned from the Tourism Development Authority effective July 3, 2024.*

***NOW, THEREFORE BE IT RESOLVED**, that the Conover City Council shall make the following appointment to the Tourism Development Authority to complete the unexpired term:*

- *Mayor Pro Tem / Council Member Bruce Eckard for a three-year term that will expire on June 30, 2027.*

Adopted this the 8th day of July, 2024.

Item 3: Resolution 26-24: Certificate of Appreciation for Terry Lail

Mayor Kyle J. Hayman presented Resolution 26-24: Certificate of Appreciation for Terry Lail.

(Resolution 26-24: Certificate of Appreciation for Terry Lail contained in the exhibit file called 2024 Resolutions.)

CITY OF CONOVER RESOLUTION 26-24

CERTIFICATE OF APPRECIATION TERRY LAIL

20 YEARS OF SERVICE

***WHEREAS**, Terry Lail began working for the City of Conover on July 3, 2004 as a Lab Technician in the Public Utilities Department; and*

***WHEREAS**, in 2006, Terry Lail was promoted to Pretreatment Coordinator/Lab Technician; and*

***WHEREAS**, in 2008, he was appointed as the Environmental Coordinator for the City of Conover. In 2017, his duties grew, adding Construction Manager to his title; a position that requires working closely with other city employees, as well as external companies on city projects; and*

***WHEREAS**, during his time with the City of Conover, Terry Lail has been an instrumental asset in many notable projects that has increased the favorability of the City of Conover's*

MINUTES FROM THE JULY 8, 2024 CONOVER CITY COUNCIL REGULAR MEETING

brand within the State of North Carolina and beyond. These notable projects include but are not limited to the Manufacturing Solutions Center Phase I and II projects. He also worked diligently on projects in the City Park area. This included the rehabilitation of the old Warlong Glove building into what is now known as Conover Station which houses the Conover library, a community room, N.C. Works, and a future passenger rail stop. He was also instrumental in managing construction projects for the Conover City Park and wetlands area; and

***WHEREAS**, other sizable city projects that Terry Lail worked diligently on include the 1st Avenue Streetscape Project and the Arhaus project; and*

***WHEREAS**, under his title of Environmental Coordinator, Terry has worked in coordination with the Western Piedmont Council of Governments to manage the City’s Stormwater Program in order to support National Pollutant Discharge Elimination System (NPDES) Phase II State Requirements, which includes stormwater public education and outreach, public involvement and participation, illicit discharge detection and elimination, construction site stormwater runoff control, post-construction stormwater management in new development and redevelopment, and pollution prevention/good housekeeping for municipal operations.*

***NOW, THEREFORE, BE IT RESOLVED**, that the Conover City Council, on behalf of the citizens of Conover, publicly commends Terry Lail for his outstanding service to the City of Conover.*

Adopted, this the 8th day of July, 2024.

Item 4: Proclamation: System Administrator Appreciation Day - July 26, 2024

Mayor Kyle J. Hayman presented Proclamation: System Administrator Appreciation Day - July 26, 2024.

(Proclamation: System Administrator Appreciation Day - July 26, 2024 contained in the exhibit file called 2024 Proclamations.)

Motion was duly made by Council Member Green, seconded by Council Member Powell, to adopt the Consent Agenda.

AYES:	Mayor Hayman, Mayor Pro Tem / Council Member Eckard, Council Member Canrobert, Council Member Fulbright, Council Member Green, Council Member Powell
NOES:	None
ABSTAIN:	None

VI. BUSINESS AGENDA

Item 5: Comments from Visitors and Guests

Mayor Hayman opened the public comment period.

Chase Heien of 604 2nd Ave Pl NE, Conover expressed his concern about the current 35 mph speed limit in his neighborhood. Currently there are areas where there are no sidewalks and if you want to walk to a park, you are forced to walk in the street. He requested that the speed limit be reduced from 35 mph to 25 mph as 35 mph is too fast.

Motion was duly made by Mayor Hayman, seconded by Mayor Pro Tem / Council Member Eckard and Council Member Canrobert, to close the public comment period for visitors and guests.

AYES:	Mayor Hayman, Mayor Pro Tem / Council Member Eckard, Council Member Canrobert, Council Member Fulbright, Council Member Green, Council Member Powell
NOES:	None
ABSTAIN:	None

Item 6: Amendment to Appendix A: Zoning of the Conover City Code (Code Amendment 24-03 Zoning)

a. Continue Public Hearing to Receive Public Comments for an Amendment to Appendix A: Zoning of the Conover City Code Until the August 5, 2024 Council Meeting

Erik Schlichting, Planning Director requested that Council continue the public hearing until the Monday, August 5, 2024 Council Meeting to take place at 6:00 p.m. in the Council Chambers of Conover City Hall. The reason for the request was due to an error by the local newspaper. The newspaper ad for the public hearing was not properly published for two consecutive weeks as is required by general statutes.

Motion was duly made by Mayor Pro Tem / Council Member Eckard, seconded by Mayor Hayman, Council Member Canrobert, Council Member Fulbright, Council Member Green, and Council Member Powell, to continue item called "Amendment to Appendix A: Zoning of the Conover City Code (Code Amendment 24-03 Zoning)" until the August 5, 2024 Council Meeting to take place at 6:00 p.m. in the Council Chambers of Conover City Hall.

MINUTES FROM THE JULY 8, 2024 CONOVER CITY COUNCIL REGULAR MEETING

AYES:	Mayor Hayman, Mayor Pro Tem / Council Member Eckard, Council Member Canrobert, Council Member Fulbright, Council Member Green, Council Member Powell
NOES:	None
ABSTAIN:	None

Item 7: Resolution 27-24: A Resolution Authorizing Exemptions to the Mini-Brooks Act's Procurement Requirements as Allowed by North Carolina G.S. 143-64.32

Eric Williams, Assistant Public Utilities Director presented Resolution 27-24: A Resolution Authorizing Exemptions to the Mini-Brooks Act's Procurement Requirements as Allowed by North Carolina G.S. 143-64.32. This resolution would give the City Manager authority to contract for architectural, engineering, and surveying services for certain small projects under a \$50,000 threshold. For projects over \$50,000, an RFQ would need to be done.

Motion was duly made by Council Member Green, seconded by Council Member Canrobert, to adopt Resolution 27-24: A Resolution Authorizing Exemptions to the Mini-Brooks Act's Procurement Requirements as Allowed by North Carolina G.S. 143-64.32.

AYES:	Mayor Hayman, Mayor Pro Tem / Council Member Eckard, Council Member Canrobert, Council Member Fulbright, Council Member Green, Council Member Powell
NOES:	None
ABSTAIN:	None

(Resolution 27-24: A Resolution Authorizing Exemptions to the Mini-Brooks Act's Procurement Requirements as Allowed by North Carolina G.S. 143-64.32 contained in the exhibit file called 2024 Resolutions.)

***CITY OF CONOVER
RESOLUTION 27-24***

A Resolution Authorizing Exemptions to the Mini-Brooks Act's Procurement Requirements as Allowed by North Carolina G.S. §143-64.32

WHEREAS, G.S. §143-64.31 (commonly known as the "Mini-Brooks Act") requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, construction management-at-risk services, and design-build services (collectively "design services") to be based on qualifications and without regard to fee; and

WHEREAS, the City, at times, has a need for design services estimated to cost below \$50,000;

MINUTES FROM THE JULY 8, 2024 CONOVER CITY COUNCIL REGULAR MEETING

and

***WHEREAS**, G.S. §143-64.32 authorizes units of local government to exempt contracts for design services from the qualifications-based selection requirements of G.S. §143-64.31 if the estimated fee is less than \$50,000; and*

***WHEREAS**, Council also finds that it is more efficient and in the public's interest to exempt such proposed projects from the Mini-Brooks Act's procurement requirements.*

***NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Conover grants authority to the City Manager to authorize exceptions following the provisions of G.S. §143-64.32.*

Adopted this the 8th day of July, 2024.

Item 8: Resolution 28-24: A Resolution Amending the City of Conover Personnel Policy Adopted January 5, 1998

Madeleine Epley, Human Resources Director presented Resolution 28-24: A Resolution Amending the City of Conover Personnel Policy Adopted January 5, 1998. Amending City of Conover Personnel Policy. Per the recommendation of the city's workers compensation carrier, the North Carolina League of Municipalities, this resolution would amend the personnel policy to remove outdated workers compensation practices. In the future, the city would be administering worker's compensation through an administrative policy.

Motion was duly made by Council Member Canrobert, seconded by Council Members Fulbright and Green, to adopt Resolution 28-24: A Resolution Amending the City of Conover Personnel Policy Adopted January 5, 1998.

AYES:	Mayor Hayman, Mayor Pro Tem / Council Member Eckard, Council Member Canrobert, Council Member Fulbright, Council Member Green, Council Member Powell
NOES:	None
ABSTAIN:	None

(Resolution 28-24: A Resolution Amending the City of Conover Personnel Policy Adopted January 5, 1998 contained in the exhibit file called 2024 Resolutions.)

***CITY OF CONOVER
RESOLUTION 28-24***

A RESOLUTION AMENDING THE CITY OF CONOVER

PERSONNEL POLICY ADOPTED JANUARY 5, 1998

WHEREAS, the City of Conover periodically updates this Personnel Policy by Resolution;
and

WHEREAS, the Personnel Policy was updated on the 4th day of September, 2007, the 2nd of February, 2009, the 9th of January, 2012, the 2nd of December, 2013, the 1st of July, 2015, the 2nd of January 2018, the 1st of April 2019, the 6th of January, 2020, September 13, 2021, October 4, 2021, December 4, 2023, January 2 2024, and June 3, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Conover City Council that the City of Conover Personnel Policy is hereby amended as follows:

ARTICLE VIII. LEAVES OF ABSENCE

Section 4. Sickness Or Disability Covered By Workers' Compensation

~~An employee absent from duty because of sickness or because of disability resulting from injury by accident arising out of and in the course of employment, with said terminology to have the same meaning as it has under the North Carolina Workers' Compensation Act and when such disability has been determined by the North Carolina Industrial Commission, may be eligible for workers' compensation.~~

~~Without limiting the foregoing subsection, the following diseases and conditions shall be deemed to be occupational diseases within the meaning of this section: infection with smallpox, infection with vaccinia, or any adverse medical reaction when the infection or adverse reaction is due to the employee receiving in employment vaccination against smallpox incident to the Administration of Smallpox Countermeasures by Health Professional, section 304 of the Homeland Security Act, Pub. I. No. 107-296 (Nov. 25, 2002) (to be codified at 42 U.S.C. § 223 (p)), or when the infection or adverse medical reaction is due to the employee being exposed to another employee vaccinated as described in this sentence (G. S. 97-53.)~~

~~In the event that federal regulatory or statutory provisions providing compensation and benefits to persons for infection with smallpox, infection with vaccinia, or any adverse medical reaction incident to the Administration of Smallpox Countermeasures by Health Professionals, section 304 of the Homeland Security Act, Pub. I. No. 107-296 (Nov. 25, 2002) (to be codified at 42 U.S.C. § 223 (p)) are adopted, a condition precedent to recovery under this resolution shall be that the person claiming compensation and benefits under this resolution shall first seek compensation and benefits under the federal provisions, with those provisions constituting primary coverage and the person then being entitled to compensation and benefits under this resolution not exceeding a total recovery under the federal provisions and this act equal to the amount available under the applicable provisions of this resolution.~~

~~During the required Workers' Compensation waiting period the City will allow any such employee to take administrative leave with pay as authorized by the treating physician, and not require that employee to use sick leave, annual leave, or Family Medical Leave. The maximum leave to the extent reasonably needed for any adverse reaction shall not to exceed 480 hours. The employee determined to be disabled may:~~

~~— (1) — Elect to receive only those payments made under workers'~~

MINUTES FROM THE JULY 8, 2024 CONOVER CITY COUNCIL REGULAR MEETING

~~compensation _____ laws without using accumulated vacation or sick leave,
OR~~

~~(2) _____ Elect to use accumulated vacation or sick leave to receive as a
supplemental _____ payment the difference or a portion of the difference between
regular net pay and the payments received under workers' compensation. Such employee shall
have deducted from their accumulated vacation or sick leave that fraction of a day which is the
same as the fraction that the supplemental payment for one day is of a regular day's net pay.
However, under no circumstances can Conover require the employee to endorse their workers'
compensation check over to the City.~~

~~No employee on approved workers' compensation leave will collect double holiday pay during
that leave. An employee will collect one day of pay at the workers' compensation rate for any
holiday which occurs during approved workers' compensation leave.~~

*The City participates in a workers' compensation program at no cost to employees. If an
employee is accidentally injured or contracts an occupational disease, as defined by the North
Carolina Workers' Compensation Act, in the course of their employment with the City, the
employee's authorized medical expenses related to the injury or disease will be paid through
the program. All claims are managed in accordance with the North Carolina Workers'
Compensation Statutes and the North Carolina Industrial Commission, as provided in the
General Statutes of North Carolina, Chapter 97.*

Adopted this the 8th day of July.

Item 9: Resolution 29-24: Resolution to Designate Official Banking Depositories

Kurt L. Beal, Finance Director presented Resolution 29-24: Resolution to Designate Official Banking Depositories. While the city has plans to stay with its current bank, Truist, this resolution would give the city permission to also invest funds with Peoples Bank in the future. North Carolina General Statutes 159-31 expressly delegates the task of determining where monies may be deposited to the Governing Board.

Motion was duly made by Council Member Canrobert, seconded by Mayor Pro Tem / Council Member Eckard and Council Member Powell, to adopt Resolution 29-24: Resolution to Designate Official Banking Depositories.

AYES:	Mayor Hayman, Mayor Pro Tem / Council Member Eckard, Council Member Canrobert, Council Member Fulbright, Council Member Green, Council Member Powell
NOES:	None
ABSTAIN:	None

(Resolution 29-24: Resolution to Designate Official Banking Depositories contained in the exhibit file called 2024 Resolutions.)

CITY OF CONOVER
Resolution 29-24

Resolution to designate official bank depositories

WHEREAS, the Conover City Council desires that all public funds of the City of Conover be deposited in a secure, efficient and effective manner; and

WHEREAS, in the course of the City of Conover’s business it establishes relationships with various banks for purposes including, but not limited to depository of City funds;

WHEREAS, pursuant to N.C. Gen. Stat. 159-31, the City of Conover City Council shall designate official depositories for City funds;

WHEREAS, Truist Financial Corporation and Peoples Bancorp, Inc. are qualified to be official depositories for the City of Conover pursuant to N.C. Gen. Stat. 159-31;

NOW, THEREFORE, it is hereby **RESOLVED** by the City Council of the City as follows:

- 1. Truist Financial Corporation and Peoples Bancorp, Inc. are hereby designated as official depositories in accordance with N.C. Gen. Stat. 159-31.*
- 2. Certified Copies of this resolution shall be provided to the Official Depository herein designated.*
- 3. This Resolution shall be effective immediately.*

Adopted this the 8th day of July, 2024 at Conover, North Carolina.

Item 10: Resolution 30-24: A Resolution Designating Signers on City Bank Accounts

Kurt L. Beal, Finance Director presented Resolution 30-24: A Resolution Designating Signers on City Bank Accounts. This resolution would formalize the process to designate official signers of checks for the city. It also would give permission for the City Manager or Finance Director to open accounts in designated official depositories.

Motion was duly made by Council Member Canrobert, seconded by Council Members Powell and Fulbright, to adopt Resolution 30-24: A Resolution Designating Signers on City Bank Accounts.

AYES:	Mayor Hayman, Mayor Pro Tem / Council Member Eckard, Council Member Canrobert, Council Member Fulbright, Council Member Green, Council Member Powell
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MINUTES FROM THE JULY 8, 2024 CONOVER CITY COUNCIL REGULAR MEETING

NOES:	None
ABSTAIN:	None

(Resolution 30-24: A Resolution Designating Signers on City Bank Accounts contained in the exhibit file called 2024 Resolutions.)

CITY OF CONOVER RESOLUTION 30-24

A RESOLUTION DESIGNATING SIGNERS ON CITY BANK ACCOUNTS

WHEREAS, in the course of the City of Conover's ("City") business it establishes relationships with various banks for purposes including, but not limited to depository of City funds, borrowing money, or making payments on bonds issued by the City; and

WHEREAS, banks with whom the City does business normally require a City resolution designating which City officials are authorized to open bank accounts and to execute checks and other orders for payment of City funds; and

NOW, THEREFORE, the City of Conover resolves as follows:

- 1. As used in this Resolution, the term "Bank" shall mean any financial institution with whom, pursuant to this Resolution or any other City resolution, the City establishes a banking relationship. At the time of execution of this Resolution, the City of Conover City Council has deemed Truist Financial Corporation and Peoples Bancorp, Inc. as the official depositories under N.C. Gen. Stat. 159-31.*
- 2. The City's Manager and Finance Officer are hereby authorized to open or cause to be opened one or more accounts with a Bank on such terms, conditions, and agreements as the Bank may now or hereafter require and to make any other agreements deemed advisable in regard to any of the foregoing.*
- 3. That checks, drafts, or other orders for the payment, transfer, or withdrawal of any of the funds or other property of the City on deposit with a Bank shall be binding on the City when signed, manually or by use of a facsimile or mechanical signature or otherwise authorized, by any one of the individuals listed below as Authorized Signers, and the Bank is hereby authorized to pay and charge to the account of the City any such checks, drafts or other orders so signed or otherwise authorized, including those payable to the individual order of the same person or persons signing or otherwise authorizing the same and including also those payable to the Bank or to any other person for application, or which are actually applied to the payment of any such indebtedness owing the Bank from the person or persons who signed such checks, drafts, or other withdrawal orders or otherwise authorized such withdrawals. In particular, and not in limitation of foregoing, such persons may authorize payment, transfer, or withdrawal by oral or telephonic directions to the Bank complying with*

MINUTES FROM THE JULY 8, 2024 CONOVER CITY COUNCIL REGULAR MEETING

- such rules and regulations relating to such authorization as the Bank may communicate to the City from time to time.*
- 4. That City's Manager will certify to a Bank the names and signatures (either actual or any form or forms of facsimile or mechanical signatures adopted by the person authorized to sign) of the Authorized Signers listed below and shall from time to time hereafter, upon a change in the facts so certified, immediately certify to the Bank the names and signatures (actual or facsimile) of the persons then authorized to sign or to act. The Bank shall be fully protected in relying on such certificates and on the obligation of the certifying officer (set forth above) to immediately certify to the Bank any change in any facts so certified, and the Bank shall be indemnified and saved harmless by the City from any claims, demands, expenses, loss or damage resulting from or growing out of honoring or relying on the signature of other authority (whether or not properly used and, in the case of any facsimile signature, regardless of when or by whom or by what means such signature may have been made or affixed) of any officer or person whose name and signature was so certified, or refusing to honor any signature or authority not so certified.*
 - 5. That the holders of the following positions with the City are authorized to sign or act on behalf of the City ("Authorized Signers"):*

*City Manager
Finance Officer a/k/a Finance Director
Finance Supervisor
City Clerk
Human Resources Director a/k/a Assistant City Clerk*

- 6. That this Resolution shall continue in force until express written notice of its rescission or modification has been furnished to and received by a Bank.*

Adopted this the 8th day of July, 2024 at Conover, North Carolina.

Item 11: Committee Reports

Members of Council gave their committee reports.

Item 12: City Manager's Report

BUILDING PERMITS: The City issued twenty-five (25) building permits during the month of June 2024, totaling \$4,050,000. Included were twenty (20) residential, four (4) commercial, and one (1) industrial.

UPCOMING EVENTS:

FARMERS MARKET (Continuing): Opening Day: May 4, 2024 from 8AM – 12Noon in the Conover Post Office Parking Lot.

MINUTES FROM THE JULY 8, 2024 CONOVER CITY COUNCIL REGULAR MEETING

RIBBON CUTTING: Ribbon cutting for Subway on 1217 NC-16 on Thursday, July 11, 2024 at 11AM.

Industry Growth Analysis Site Selection Group Meeting: On Wednesday, July 17th from 1:30 PM to 3:00 PM there will be a Industry Growth Analysis Site Selection Group Meeting held at the Hickory Metro Convention Center.

EDC ANNUAL MEETING & RIBBON CUTTING (Save the date!): On Wednesday, July 17th at 3:30PM there will be a ribbon cutting for the newly renovated space and addition to the Hickory Metro Convention Center. This will not be a ribbon cutting for the entire project. The Catawba County EDC 2024 Annual Meeting will be held after the ribbon cutting.

CALEA DINNER EVENT (Invitation from Interim Police Chief Robert Houston): Council has been invited by Interim Police Chief Robert Houston to a CALEA dinner event on Wednesday, July 17th at 6PM in the Oak Room of Rock Barn. The event will be held with Assessor Chief Steven Heaton.

WPCOG POLICY BOARD MEETING: The next WPCOG Policy Board meeting is scheduled for **Tuesday, July 23rd**, and will be hosted by **Burke County** at Morganton Community House (120 North King Street, Morganton). Dinner will begin at 6:00 pm followed by the 6:45 pm meeting.

EMPLOYEE APPRECIATION EVENT: This event will be held on Thursday, September 5th at 7PM at the Hickory Crawdads Stadium.

VII. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:24 p.m.

Kyle J. Hayman, Mayor

Stephanie C. Watson, City Clerk