

DATE THURSDAY JUNE 6, 2024

THE WHITE CITY COUNCIL, STATE OF UTAH, MET ON THURSDAY, JUNE 6, 2024, PURSUANT TO ADJOURNMENT ON THURSDAY, MAY 2, 2024, AT THE HOUR OF 6:00 P.M. THE MEETING WAS HELD AT THE WHITE CITY WATER IMPROVEMENT DISTRICT AT 999 EAST GALENA DRIVE, WHITE CITY, 84094.

COUNCIL MEMBERS

PRESENT: LINDA PRICE
GREG SHELTON
TYLER HUI SH
PAULINA FLINT, Mayor

EXCUSED: PHILLIP CARDENAZ

OTHERS IN ATTENDANCE: PAUL ASHTON, LEGAL COUNSEL
RORI ANDREASON, ADMINISTRATOR
NICHOLE WATT, DEPUTY CLERK

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Mayor Paulina Flint, Chair, presided.

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Business Meeting

White City Financial Report

Dave Sanderson, Financial Manager, reviewed the financial report to date.

Council Member Price seconded by Council Member Shelton, moved to accept the financial report. The motion passed unanimously.

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Unified Fire Authority

Chief Torgersen stated Unified Fire Authority (UFA) was in its Budget Season. The Finance Committee met in May and approved the full budget, which will now go to the Board. UFA has started a camp for lateral hires, and was able to recruit six individuals from other departments. He reminded everyone that it is currently spring runoff season and the rivers are moving fast.

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Unified Police Department

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Chief Randy Thomas reviewed the calls for service for May. Many were domestic in nature which tend to be highly emotional. Call volume was average. Unified Police Department (UPD) would be supporting a 5K this Saturday.

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Public Comments

There was no public comment.

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Public Hearings

Public Hearing on Proposed Increases for Elected and Appointed/Statutory Officers of White City

Rori Andreason reviewed the proposed Ordinance No. 2024-O-03. The increase to the salaries of the Mayor and Council would be 25 percent. The increase to the City Administrator's salary would be 50 percent.

Council Member Price, seconded by Council Member Shelton, moved to open the public hearing. The motion passed unanimously.

There were no comments in favor of or in opposition to the proposed ordinance.

Council Member Huish , seconded by Council Member Shelton, moved to close the public hearing. The motion passed unanimously.

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Ordinance No. 2024-O-03 Adopting the Salaries for the White City Elected Officials and Appointed/Statutory Officers for Fiscal Year 2025

Council Member Shelton, seconded by Council Member Price, moved to approve Ordinance No. 2024-O-03, adopting salaries for the White City elected officials and appointed statutory officers for Fiscal Year 2025. The motion passed unanimously.

ORDINANCE NO. 2024-O-03

Date: June 6, 2024

AN ORDINANCE ADOPTING THE SALARIES FOR THE WHITE CITY ELECTED OFFICIALS AND APPOINTED/STATUTORY OFFICERS FOR FISCAL YEAR 2025

WHEREAS, White City is a Municipality pursuant to Utah Code §§ 10-2a-201 *et seq.*, and

WHEREAS, White City is governed by a five-member elected Council, which Council elects from its members a Mayor; and

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WHEREAS, the White City Council held a duly noticed public hearing on June 6, 2024, regarding the proposed changes to the compensation of White City's elected and appointive officers in accordance with Utah Code Ann. 10-3-818; and

WHEREAS, it is in the best interests of White City and the citizens thereof that the Elected and Appointed/Statutory Official's Salaries for FY2025 be formally adopted.

NOW THEREFORE BE IT ORDAINED by the City Council of White City, Utah as follows:

SECTION 1: The City Council desires to adopt the Fiscal Year 2025 Elected Officials salaries with a 25% increase and the Contract City Administrator's salary with a 50% increase.

SECTION 2: This ordinance is effective upon publication in accordance with Section 10-3-711 of the Utah Code. All salary adjustments shall be effective as of July 1, 2024.

PASSED AND APPROVED this 6th day of June, 2024.

By: /s/ PAULINA F. FLINT
Mayor

ATTEST

/s/ LANNIE CHPAMAN
Salt Lake County Clerk

Public Hearing on Proposed Fiscal Year 2025 White City Fee Schedule

Rori Andreason reviewed the proposed fee schedule.

Council Member Huish asked if the fee for sexually oriented business licenses excluding outcall services was intended to be \$500 instead of zero dollars. He also asked if it should be clarified that hourly billing rates would be billed for a minimum of one hour.

Rori Andreason stated she guessed the fee was intended to be \$500. She would look into the matter of hourly billing rates to see if clarification was necessary.

There was a discussion among the Council members regarding why certain types of businesses were in the fee schedule when those businesses were not allowed. Rori Andreason explained this fee schedule was for all the Greater Salt Lake Municipal Services District (MSD) and that the fees should be included in the case of a violation.

Council Member Price, seconded by Council Member Shelton, moved to open the public hearing. The motion passed unanimously.

There were no comments in favor of or in opposition to the proposed fee schedule.

Council Member Shelton, seconded by Council Member Price, moved to close the public hearing. The motion passed unanimously.

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WHITE CITY:

By: /s/ PAULINA F. FLINT
Mayor

ATTESTED

/s/ LANNIE CHPAMAN
Salt Lake County Clerk

Public Hearing on Proposed Municipal Energy Sales and Use Tax and Municipal Telecommunications License Tax

Paul Ashton reviewed the proposed taxes. He stated every other city in the County, with the exception of a few of the metro townships, has adopted these taxes. If adopted, White City will not start receiving revenue until October. It is difficult to know how much revenue these taxes would generate.

Council Member Shelton, seconded by Council Member Price, moved to open the public hearing. The motion passed unanimously.

There were no comments in favor of or in opposition to the proposed taxes.

Council Member Shelton, seconded by Council Member Price, moved to close the public hearing. The motion passed unanimously.

Ordinance No. 2024-O-04 Establishing a Municipal Energy Sales and Use Tax and Municipal Telecommunications License Tax

Council Member Price asked if the revenue from the taxes was earmarked for something specific or if it would go directly into the General Fund.

Paul Ashton stated the revenue will likely cover the increase in policing costs that cannot be covered by the Salt Lake Valley Law Enforcement Service Area (SLVLESA).

Council Member Huish stated he did not feel comfortable voting in favor of a 6 percent financial impact to the residents without knowing what everybody's average bills were.

Mayor Flint stated this was the quickest and earliest way for the City to obtaining funding to compensate for increased policing costs.

Council Member Shelton, seconded by Council Member Price, moved to approve Ordinance No. 2024-O-04, establishing a Municipal Energy Sales and Use Tax and a Municipal Telecommunication License Tax. The motion passed unanimously.

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ORDINANCE NO. 2024-O-04

Date: June 6, 2024

AN ORDINANCE OF THE WHITE CITY COUNCIL ESTABLISHING A MUNICIPAL ENERGY SALES AND USE TAX AND TELECOMMUNICATIONS LICENSE TAX

WHEREAS, the White City Council ("Council") met in a regular session on May 13, 2024, to consider, among other things, establishing a municipal energy sales and use tax ("MET") and a telecommunications license tax ("TLT"), and establishing the effective dates and rates for such taxes; and

WHEREAS, pursuant to the Municipal Energy Sales and Use Tax Act, Utah Code § 10-1-301 *et seq.*, White City ("White City") may levy a MET through ordinance; and

WHEREAS, pursuant to the Municipal Telecommunications License Act, Utah Code § 10-1-401 *et seq.*, White City may levy a TLT through ordinance; and

WHEREAS, the Council has determined to enact a MET and a TLT through this ordinance.

BE IT ORDAINED BY THE WHITE CITY COUNCIL as follows:

1. Enactment of MET. The following is enacted as Chapter 3.80 of the White City Municipal Code:

3.80.010 Purpose

It is the intent of White City to adopt a municipal energy sales and use tax pursuant to, and in conformance with, Utah Code § 10-1-301 et seq., the "Municipal Energy Sales and Use Tax Act."

3.80.020 Definitions

All words and phrases in this chapter shall have the same meaning given them in the MET Act, with the following additions:

A. "Consumer" means a person who acquires taxable energy for any use that is subject to the MET Act.

B. "MET" means municipal energy sales and use tax.

C. "MET Act" means Utah Code § 10-1-301 et seq., the "Municipal Energy Sales and Use Tax Act."

D. "Sale" shall mean any transfer of title, exchange, or barter, conditional or otherwise, in any manner, of taxable energy or fuel for consideration. It includes:

E. "Installment and credit sale" means

1. Any closed transaction constituting a sale; and

2. Any transaction under which right to acquire, use, or consume taxable energy is granted under a lease or contract and the transfer would be taxable if an outright sale were made.

i. "Storage" means any keeping or retention of taxable energy in White City for any purpose, except the sales in the regular course of business.

j. "Use" means the exercise of any right or power over taxable energy incident to the ownership or the leasing of the taxable energy, excluding the sale, display, demonstration, or trial of the taxable energy in the regular course of business and or taxable energy which is held for resale.

3.80.030 Municipal Energy Sales and Use Tax Levied

Pursuant to Utah Code §59-12-301 et seq., the Municipal Energy Sales and Use Tax Act, there is hereby levied, subject to the provisions of this Ordinance, a tax on every Sale or Use of taxable energy made within White City equaling 6% of the value of the taxable energy to the consumer and effective on and after October 1, 2024. This tax shall be known as the Municipal Energy Sales and Use Tax ("MET"). The MET shall be calculated on the delivered value of the taxable energy to the consumer. The MET shall be in addition to any sales or use tax imposed by White City under Utah Code §59-12-201 et seq., the Local Sales and Use Tax Act.

3.80.040 Exemptions

Pursuant to Utah Code § 10-1-305(2)(b), the MET exempts from its terms the sale and use of:

A. Aviation fuel, motor fuel, or special fuel which is subject to taxation under Utah Code § 59-13;

B. Taxable energy where the primary use is for compounding or producing taxable energy or a fuel which is subject to taxation under Utah Code § 59-13;

C. Taxable energy that White City is prohibited from taxing under federal law or the Constitutions of the United States or Utah;

D. Taxable energy purchased or stored in White City for resale;

E. Taxable energy brought into the state by a nonresident for his or her own personal use while in the state, except taxable energy purchased for use in the state by a nonresident living or working in the state at the time of purchase;

F. Taxable energy for any purpose other than use as a fuel or energy; and

G. Taxable energy for use outside of White City.

H. Pursuant to Utah Code § 10-1-305(4), the sale, storage, use, or other consumption of taxable energy is exempt from the MET if:

- 1. The delivered value of the taxable energy has been subject to a municipal energy sales and use tax levied by another municipality within Utah under an ordinance enacted in accordance with the MET Act; and*
- 2. White City shall be paid the difference between the tax paid to the other municipality and the tax that would otherwise be due under the MET if the tax due under the MET exceeds the tax paid to the other municipality.*

The MET further incorporates all other exemptions required by Utah law.

3.80.050 No Effect Upon Existing Franchises; Credits for Franchise Fees

This MET shall not alter any existing franchise agreements unless otherwise terminated or altered by agreement or applicable law. Any energy supplier who (a) pays a contractual franchise fee to White City pursuant to a contract which was in effect as of July 1, 1997, (b) passes the fee through to taxpayers as a separately itemized charge, and (c) accepts the franchise shall receive a tax credit equal to its contractual franchise fee.

3.80.060 Tax Collection Contract With the Tax Commission

A. On or before the effective date of the ordinance from which this chapter is derived, White City shall contract with the state Tax Commission to perform all functions related to the administration and collection of the MET, save those functions reserved to White City by law and described below. The Mayor and City Recorder are hereby authorized to enter into such agreement or amended agreement as needed with the state Tax Commission that may be necessary to the continued administration and operation of the MET.

B. An energy supplier shall pay the MET collected from its consumers directly to White City monthly if:

- 1. White City is the energy supplier; or*
- 2. The energy supplier estimates that the MET collected annually from its Utah consumers equals one million U.S. dollars (\$1,000,000.00) or more and (c) the energy supplier collects the MET.*

C. An energy supplier paying the MET directly to White City may retain the percent of the tax authorized under Utah Code § 59-12-108(2) for energy supplier's cost of collecting and remitting the tax.

3.80.070 State Statutes Incorporated

A. Except as herein provided, and except insofar as they are inconsistent with the provisions of the MET Act, as well as this Chapter, all of the provisions of Utah Code § 59-12-1, as amended, and in force and effect on the effective date hereof, insofar as they relate to the sales and use taxes levied therein, are hereby adopted and made a part of this chapter as if fully set forth herein.

B. Wherever, and to the extent that in Utah Code § 59-12-1 or the MET Act the State of Utah is named or referred to as the taxing agency, the name of White City shall be substituted, insofar as is necessary for the purposes of those parts. In no event shall the word "state" be substituted when used in junction with the "state tax commission," nor shall the State Tax Commission be substituted with White City in any way or for any matter of liability which is assigned by statute to the State Tax Commission.

C. Any amendments made to Utah Code § 59-12-1 that relate to levying or collecting a municipal energy sales and use tax are hereby adopted by reference.

3.080.080 No Additional License or Reporting Required

No additional license to collect or report the MET tax is required, provided the energy supplier collecting the tax has a license issued under Utah Code § 59-12-106.

2. Enactment of TLT. The following is enacted as Chapter 3.90 of the White City Municipal Code:

3.90.010 Purpose

It is the intent of the Council to adopt a TLT pursuant to, and in conformance with, Utah Code § 10-1-401 et seq., the "Telecommunications License Tax Act."

3.90.020 Definitions. *All words and phrases in this Chapter shall have the same meaning given them in the TLT Act, with the following additions:*

A. "TLT" means a telecommunications license tax authorized under the TLT Act.

B. "TLT Act" means the Telecommunications License Tax Act, Utah Code § 10-1-401 et seq.

3.90.030 TLT Levied

There is hereby levied, subject to the provisions of this Chapter, a tax on the gross receipts of telecommunications services attributable to White City in accordance with Utah Code §§ 59-12 and 10-1-407. The rate of the TLT shall equal 3.5% of each telecommunications provider's gross receipts from telecommunications services that are attributed to White City. The tax shall be effective on and after October 1, 2024. White City may exceed this rate if a higher rate is approved by a majority vote among those persons who vote in a municipal general election or a regular general election.

3.90.040 Agreement With the Tax Commission

On or before the effective date of the ordinance from which this chapter is derived, White City shall enter a uniform interlocal agreement described in Utah Code § 10-1-405 with the Utah Tax Commission.

3.90.050 Procedure for Taxes Erroneously Recovered from Customers

A customer may not bring a cause of action against a telecommunications provider on the basis that the telecommunications provider erroneously recovered from the customer municipal telecommunications license taxes authorized by this ordinance unless the customer meets the same requirements that a purchaser is required to meet to bring a cause of action against a seller for a refund or credit as provided in Utah Code § 59-12-110.1(3).

3. Notice to Utah State Tax Commission. The Mayor is directed and authorized to execute and send the letter attached to this ordinance to the Utah State Tax Commission.

4. Effective Date of MET and TLT. The MET and TLT will become effective on and after October 1, 2024, pursuant to Utah Code § 10-1-304(3)(b).

5. Agreements with Utah State Tax Commission. On or before the effective date of the MET Tax, the Mayor shall execute agreements that are in substantially the same form as Attachment 2 of the attached letter, unless the Commission requires another form or format, in which case the Mayor will present such agreement(s) to the Council for review and approval.

6. Direction to Mayor and Staff. The Council directs the Mayor and White City staff to take all actions necessary to implement this ordinance.

7. Effective Date of Ordinance. This ordinance shall take effect as soon as it is posted pursuant to Utah Code §10-3-711, deposited, and recorded in the office of the City Recorder.

ADOPTED AND APPROVED at a duly called meeting of the White City Council on this 6th day of June 2024.

WHITE CITY:

By: /s/ PAULINA F. FLINT
Mayor

ATTESTED

/s/ LANNIE CHPAMAN
Salt Lake County Clerk

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THEREFORE, BE IT RESOLVED BY THE WHITE CITY COUNCIL as follows:

SECTION 1. The White City Council hereby adopts the FY2025 White City Final Budget, Attachment "A".

SECTION 2. That upon the final adoption, the budget shall be in effect for the budget year and subject to later amendment as provided by law.

SECTION 3. A copy of the final budget shall be posted and made available to the public on the City's website: Whitcity.Utah.gov

SECTION 4. This Resolution shall become effective immediately upon passage thereof.

APPROVED AND ADOPTED this 6th Day of June, 2024 by the White City Council, White City, Utah.

FOR WHITE CITY:

By: /s/ PAULINA F. FLINT
Mayor

ATTESTED

/s/ LANNIE CHPAMAN
Salt Lake County Clerk
Clerk/Recorder

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Action/Discussion Items

Consideration of Minutes

Council Member Shelton seconded by Council Member Price, moved to accept the minutes of the White City Metro Township Council meetings held on March 7, 2024 and April 4, 2024. The motion passed unanimously.

Resolution No. 2024-06-03 Appointing Mayor Paulina Flint to serve as the White City Representative on the Municipal Services District Board

Paul Ashton reviewed the resolution, which would appoint Mayor Paulina Flint to the Municipal Services District Board. This was not a change, but a formalization of what already existed, now that the metro township was a city.

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Council Member Shelton asked if the City was allowed to have a back-up board member.

Council Member Shelton, seconded by Council Member Price, moved to approve Resolution No. 2024-06-03 appointing Mayor Paulina Flint to serve as the White City representative on the Municipal Services District Board. The motion passed unanimously.

RESOLUTION NO. 2024-06-03

Date: June 6, 2024

A RESOLUTION APPOINTING MAYOR PAULINA FLINT AS WHITE CITY'S REPRESENTATIVE TO THE GREATER SALT LAKE MUNICIPAL SERVICES DISTRICT BOARD OF TRUSTEES

WHEREAS, WHITE CITY (hereafter "White City") is a member entity of the Greater Salt Lake Municipal Services District (the "MSD"); and

WHEREAS, during the 2024 legislative session, the Utah Legislature passed H.B. 35, which converted the metro townships of Copperton, Emigration Canyon, Kearns, Magna, and White City into cities and towns, based on their populations, effective May 1, 2024; and

WHEREAS, previously, when White City was a metro township, Section 17B-2a-1106 (2)(b)(ii) of the Utah Code automatically designated the mayor of each metro township to serve as their municipality's designated representative to the MSD Board of Trustees; and

WHEREAS, effective May 1, 2024, H.B. 35 repealed section 17B-2a-1106 (2)(b)(ii) of the Utah Code; and

WHEREAS, now that White City is a city, Section 17B-2a-1106 (2)(b)(i) of the Utah Code requires the White City Council (the "Council") to appoint a representative to the MSD Board of Trustees; and

WHEREAS, the Council desires to reappoint Mayor Paulina Flint to serve as White City's representative to the MSD Board of Trustees.

NOW, THEREFORE, BE IT RESOLVED BY THE WHITE CITY COUNCIL EFFECTIVE IMMEDIATELY, that the Council reappoints Mayor Paulina Flint as White City's representative on the MSD Board of Trustees.

ADOPTED AND APPROVED at a duly called meeting of the White City Council on this 6th day of June, 2024.

By: /s/ PAULINA F. FLINT
Mayor

ATTEST

/s/ LANNIE CHPAMAN
Salt Lake County Clerk

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SECTION 2. All municipal records, documents, signage, and other materials shall be updated to reflect the new name "White City" as soon as practicable.

SECTION 3. All relevant local, state, and federal agencies shall be notified of the name change and all necessary legal documents updated accordingly.

SECTION 4. This Resolution shall become effective immediately upon passage thereof.

APPROVED AND ADOPTED this 6th Day of June, 2024 by the White City Council, White City, Utah.

FOR WHITE CITY:

By: /s/ PAULINA F. FLINT
Mayor

ATTESTED

/s/ LANNIE CHPAMAN
Salt Lake County Clerk
Clerk/Recorder

Discuss Form of Government.

Paul Ashton stated HB35 passed earlier this year, which converted the five metro townships in Salt Lake County to cities with a five-member council. If White City does nothing, it will continue to have this form of government. Next November 2025, there will be two races; one for the mayor and the other for an "at large" Council position. The township may choose to become a six-member Council if it wishes, but must do so by the end of the month.

The Council had a lengthy conversation about what becoming a six-member Council would entail for the Mayor's term. There was some confusion coming to an agreement.

Mayor Flint stated she would be willing to give up her Council seat to run for mayor.

Paul Ashton, Legal Counsel, White City, stated he would bring two resolutions to the next meeting; one for a five-member council and one for a six-member council.

Mayor Flint stated this topic would be on the agenda for the special meeting.

Set Date and Time for a Public Hearing to Receive Public Comments on the Fiscal Year 2025 White City Municipal Funds Received from Property Tax

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Paul Ashton reviewed the items that would need to be discussed at the special meeting.

Council Member Price, seconded by Council Member Shelton moved to set a special meeting of the White City Council for June 17, 2024, at 6:00 PM to discuss the aforementioned topics. The motion passed unanimously.

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Administrator Report

Rori Andreason stated it had been difficult to get a date for the Council training. Council Member Price was scheduled to be absent on July 1, 2024, but that was the best possible date. She suggested recording it.

The Council agreed to hold the training on July 1, 2024, at 6:00 PM.

Rori Andreason asked if the calendar draft she had distributed worked for the Council.

The Council was happy with the draft.

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Council Reports

Greater Salt Lake Municipal Services District (MSD)

Rori Andreason stated the move to the new building in Taylorsville would be somewhere in December, depending on how long construction takes. The building owners are installing a pickleball court, basketball court, and gymnasium. The MSD is going to start looking at transferring engineers to the MSD. It will start showing up on the agendas.

Unified Fire Authority (UFA)/Unified Fire Service Area (UFSA)

Council Member Huish stated things are going well. Unified Fire Authority is discussing its budget. The next meeting is June 19th. The increase with UFA will probably be pushing to UFSA.

South Salt Lake Valley Mosquito Abatement District

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Council Member Price stated the mosquito problem is already bad due to snow runoff. The 2024 season has started, and training has concluded. The majority of seasonal employees are returning from prior years, which is fortunate.

Salt Lake County Animal Services

Council Member Price stated Animal Services is going to need to raise taxes because it has not had a veterinarian on staff until recently. She took a tour of the Pet Assistance on Wheels Service Clinic (P.A.W.S) and it is very nice. Each participating city will have the mobile unit in its city for two days a year. Private spay services typically cost around \$800 per animal and local private clinics are overwhelmed, so this will be helpful.

Animal control officers are being encouraged to build relationships and help pet owners instead of simply issuing citations. They are authorized to issue vouchers valued at \$150 to individuals in need of services such as spay and neuter, vaccination, and chip.

Chewy.com donates many goods to the County and the last truckload was \$18,000 worth. Mark Miller Subaru is also a big donor.

Unified Police Department (UPD) & Salt Lake Valley Law Enforcement Service Area (SLVLESA)

Nothing to report

Wasatch Front Waste and Recycling District (WFRD)

Council Member Shelton stated Squire and Company stated all is well on the financial report. WFWRD is looking to do a \$170,000 repair on the parking lot where the trucks refuel because the absence of an overhead structure is a safety concern. It is doing some work on the “truck barn”.

WFWRD is trying to create fairness in dumpster rental and ensure that if someone wasn't able to get a dumpster a prior year, they will receive first priority the following year.


Reservations for White City will start on June 10, 2024.

WFWRD's Finance Director and CFO has resigned. It is looking to hire a replacement.



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THERE BEING NO FURTHER BUSINESS to come before the Council at this time,
the meeting was adjourned.


MAYOR
WHITE CITY COUNCIL

ATTEST:

By Nicole Smedley
Nicole Smedley, City Recorder