

ORDINANCE NO. 5928

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AMENDING ZONING ORDINANCE, MESA CITY CODE TITLE 11, CHAPTERS 5, 6, 7, 8, 11, 12, 30, 31, 42, 63, AND 75. THE AMENDMENTS INCLUDE, BUT ARE NOT LIMITED TO: MODIFYING DEVELOPMENT STANDARD TABLES TO REMOVE REFERENCES TO THE GENERAL PLAN; REMOVING REFERENCES TO THE GENERAL PLAN AND REPLACING THEM WITH REFERENCES TO THE TRANSPORTATION PLAN; UPDATING TERMINOLOGY RELATED TO THE GENERAL PLAN WITH NEW TERMINOLOGY USED IN THE MESA 2050 GENERAL PLAN; MODIFYING THE TIME FRAME FOR MAJOR AMENDMENT PUBLIC HEARINGS; PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF; AND PRESERVING RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS WHICH HAVE ALREADY BEGUN THEREUNDER.

WHEREAS, municipal planning agencies are required by A.R.S. § 9-461.05 to adopt a comprehensive long-range general plan for the development of the municipality, that includes among other things, community goals, development policies, maps and any necessary diagrams, and text setting forth objectives, principles, standards and plan proposals; and

WHEREAS, pursuant to A.R.S. § 9-461.05, City staff prepared a general plan for adoption, titled Moving Forward Together: Tomorrow's Mesa 2050 General Plan ("2050 General Plan"); and

WHEREAS, on May 20, 2024, the City Council adopted the 2050 General Plan and on November 5, 2024, the citizens of Mesa voted to ratify the 2050 General Plan; and

WHEREAS, the Zoning Ordinance, Title 11 of the Mesa City Code, contains several references to the City's general plan that use language and terminology used in the Mesa 2024 General Plan, which is no longer applicable after the ratification of the 2050 General Plan or refers to programs or plans within the Mesa 2040 General Plan that are no longer captured in the 2050 General Plan; and

WHEREAS, it has become apparent that it is in the best interest of the City to update several references related to the general plan so the Zoning Ordinance language is consistent with the current 2050 General Plan; and

WHEREAS, the Planning and Zoning Board at their public meeting on November 25, 2024, recommended that the City Council adopt the proposed amendments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

<p>Text written in BOLD ALL CAPS indicates additional or new language.</p> <p>Text written in strikethrough indicates deletions.</p>

Section 1: That Mesa City Code Title 11, Table 11-5-5: Development Standards – RM Residential Multiple Dwelling Districts is hereby amended by revising the standards for Minimum Yards (ft.) for Front and Street-Facing Side only. All other portions of Table 11-5-5 shall remain unchanged.

Table 11-5-5: Development Standards - RM Residential Multiple Dwelling Districts							
Standard	RM-2 (R-2)	RM-3 (R-3)	RM-4 (R-4)	RM-3U	RM-4U	RM-5	Additional Standards
Front and Street-Facing Side	Varies by General Plan Street Classification VARIES BY STREET CLASSIFICATION IDENTIFIED IN THE MESA TRANSPORTATION PLAN: 6-lane arterial: 30 ft. 4-lane arterial: 20 ft. Collector: 25 ft. Local Street: 20 ft. Freeways: 30 ft.			See NC-U standards in Table 11-6-3(B)			Street-facing setbacks shall be landscaped according to standards in Chapter 33, Landscaping.

Section 2: That Mesa City Code Title 11, Section 11-5-5(B)(6)(b)(iv) is hereby amended by revising the reference to design objectives to now refer to urban design characteristics. All other portions of Section 11-5-5(B) shall remain unchanged.

- iv. The proposed alternative is aesthetically more complementary to the site, better fits into the context of the area, improves the overall architectural appeal of the area and/or meets or exceeds the ~~design objectives~~ **URBAN DESIGN CHARACTERISTICS** as described in the City's General Plan.

Section 3: That Mesa City Code Title 11, Section 11-5-6(B) is hereby amended as follows:

- B. **Location of Parking Areas.** Design Objective: Minimize the distance from the entrance features to the street and provide convenient access for alternative transportation modes.

Parking areas shall only be located to the side or rear of buildings and shall not be located between a building and the adjacent street. On corner lots, the requirements of this subsection apply to the frontage on the street with the highest functional classification. If a site fronts two (2) public streets of equal classification ~~in the Mesa General Plan~~ **IDENTIFIED IN THE MESA TRANSPORTATION PLAN**, the applicant shall meet the requirement on both streets.

Section 4: That Mesa City Code Title 11, Section 11-5-6(C)(1) is hereby amended as follows:

- C. **Maximum Building Setbacks.** Design Objective: To align buildings in a predictable manner that creates a street wall, minimizes the walking distance to the building from the street, and yet provides opportunities for environmentally comfortable public interactive spaces, such as plazas and courtyards, to be designed and placed between the building and the right-of-way in a manner considered to be traditional for urban contexts.

The street-facing facades of buildings must be located no farther from street-facing property lines than the maximum setback distance specified in Table 11-5-5. The following additional provisions apply:

- 1. **Corner Properties.** Where a property fronts on two (2) or more streets, the building shall be placed no farther than the maximum setback on two (2) sides for at least 30 feet on each side. This standard shall be met along the frontage of the streets with the highest functional

classification in the Mesa General Plan **IDENTIFIED IN THE MESA TRANSPORTATION PLAN**. If streets adjacent to the property have the same functional classification, the developer shall choose which frontages for which the standard applies.

Section 5: That Mesa City Code Title 11, Section 11-6-1(B)(1) is hereby amended as follows:

B. Specific Purposes of Each District.

1. **NC Neighborhood Commercial.** To provide areas for locally oriented retail and service uses that serve the surrounding residential trade area within a ½ to two (2) mile radius. Typical uses include, but are not limited to retail stores, grocery-store-anchored shopping centers, drug stores, restaurants and cafes, gas stations, and convenience stores. Other compatible uses include small-scale medical and professional offices, personal services, as well as public and semi-public uses. large commercial development buildings are not appropriate in the Neighborhood Commercial District ~~according to the Mesa General Plan.~~

Section 6: That Mesa City Code Title 11, Table 11-6-3. A: Development Standards – Commercial Districts is hereby amended by revising the standards for Minimum Yards (ft.) for Front and Street-Facing Side only. All other portions of Table 11-6-3. A shall remain unchanged.

Table 11-6-3. A: Development Standards - Commercial Districts					
Standard	NC (C-1)	LC (C-2)	GC (C-3)	OC (O-S)	Additional Standards
Front and Street-Facing Side:	Varies by classification of adjacent street VARIES BY STREET CLASSIFICATION IDENTIFIED IN THE MESA TRANSPORTATION PLAN: 6-lane arterial: 15 ft. 4-lane arterial: 15 ft. Major/Midsection Collector: 15 ft. Industrial/Commercial Collector: 20 ft. Local Street: 20 ft. Freeways: 30 ft. for buildings; 15 ft. for parking structures				Setbacks shall be landscaped according to Ch. 33, Landscaping.

Section 7: That Mesa City Code Title 11, Table 11-6-3. B: Development Standards – Commercial and Mixed-Use Districts – with Character Designators is hereby amended by revising the standards for Minimum Yards (ft.) for Front and Street-Facing Side only. All other portions of Table 11-6-3. B shall remain unchanged.

Table 11-6-3. B: Development Standards - Commercial and Mixed-Use Districts - with Character Designators								
Standard	NC-U	LC-U	OC-U	MX-U	LC-A	GC-A	OC-A	Additional Standards
Front and Street-Facing Side:	0	0	5	5	Varies by classification of adjacent street VARIES BY STREET CLASSIFICATION IDENTIFIED IN THE MESA TRANSPORTATION PLAN: 6-lane arterial: 30 ft. 4-lane arterial: 20 ft. Major or Midsection Collector: 25 ft. Industrial/Commercial Collector: 20 ft. Local Street: 20 ft. Freeways: 30 ft. for buildings; 15 ft. for parking structures			Setbacks shall be landscaped according to Ch. 33, Landscaping.

Section 8: That Mesa City Code Title 11, Section 11-6-3(B)(7)(b)(iv) is hereby amended by revising the reference to design objectives to now refer to urban design characteristics. All other portions of Section 11-6-3(B) shall remain unchanged.

- iv. The proposed alternative is aesthetically more complementary to the site, better fits into the context of the area, improves the overall architectural appeal of the area and/or meets or exceeds the ~~design objectives~~ **URBAN DESIGN CHARACTERISTICS** as described in the City's General Plan.

Section 9: That Mesa City Code Title 11, Section 11-6-4(A) is hereby amended as follows:

- A. **Building Main Entry Orientation.** Design Objective: Focus activity on the urban streets and walkways by providing direct connections from sidewalks to building entrances.

The primary entrance(s) of a building shall face or be oriented to within 45 degrees of parallel to the street frontage. This entrance(s) must allow pedestrians to both enter and exit the building. Where a site is located on two public streets, a primary entrance shall be oriented toward the street with the higher functional classification ~~in the Mesa General Plan~~ **IDENTIFIED IN THE MESA TRANSPORTATION PLAN**. If a site fronts two public streets of equal classification, the applicant may choose which frontage on which to meet the requirement.

Section 10: That Mesa City Code Title 11, Section 11-6-4(C)(3) is hereby amended by revising the reference to the General Plan to now refer to the Mesas Transportation Plan. All other portions of Section 11-6-4(C) shall remain unchanged.

- 3. **Corner Lots.** On corner lots, the requirements of this subsection apply to the street front with the highest functional classification ~~in the General Plan~~ **IDENTIFIED IN THE MESA TRANSPORTATION PLAN**. If a site fronts two (2) public streets of equal classification, the applicant shall meet the requirement on both streets.

Section 11: That Mesa City Code Title 11, Section 11-6-4(D)(1) is hereby amended by revising the reference to the General Plan to now refer to the Mesa Transportation Plan. All other portions of Section 11-6-4(D) shall remain unchanged.

1. **Corner Properties.** Where a property fronts on two (2) or more streets, the building shall be placed at the maximum setback, or closer to the street right-of-way, on two (2) sides for at least 30 feet on each side. This standard shall be met along the frontage of the two (2) streets with the highest functional classification ~~in the Mesa General Plan~~ **IDENTIFIED IN THE MESA TRANSPORTATION PLAN**. If all streets adjacent to the property have the same functional classification, the developer shall choose which frontages with which to meet the standard.

Section 12: That Mesa City Code Title 11, Table 11-7-3: Development Standards – Employment Districts is hereby amended by revising the standards for Minimum Yards (ft.) for Front and Street-Facing Side only. All other portions of Table 11-7-3 shall remain unchanged.

Table 11-7-3: Development Standards - Employment Districts					
Standard	PEP	LI	GI	HI	Additional Standards
Front and Street-Facing Side	Varies by classification of adjacent street, identified in the Mesa Transportation Plan, Figure 4-9 VARIES BY STREET CLASSIFICATION IDENTIFIED IN THE MESA TRANSPORTATION PLAN: Arterial Street: 15 ft. Major or Midsection Collector: 20 ft. Industrial/Commercial Collector: 20 ft. Local Street: 20 ft. Freeways: 30 ft. for buildings; 15 ft. for parking structures.				Street-facing setbacks shall be landscaped in accordance with Section 11-33-3(A)

Section 13: That Mesa City Code Title 11, Section 11-7-3(B)(6)(b)(iv) is hereby amended by revising the reference to design objectives to now refer to urban design characteristics. All other portions of Section 11-7-3(B) shall remain unchanged.

- iv. The proposed alternative is aesthetically more complementary to the site, better fits into the context of the area, improves the overall architectural appeal of the area and/or meets or exceeds the ~~design objectives~~ **URBAN DESIGN CHARACTERISTICS** as described in the City’s General Plan.

Section 14: That Mesa City Code Title 11, Table 11-8-3: Downtown Districts is hereby amended by revising the footnotes related to lots with frontage on an arterial street as follows:

Table 11-8-3: Downtown Districts							
Proposed Use	DR-1	DR-2	DR-3	DB-1	DB-2	DC	Additional Use Regulations
Residential Use Classifications							
Single Residence							
Detached	P	P	P	—	—	—	
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11. Eligible sites limited to lots with frontage on an arterial street as designated in the Mesa General Plan IDENTIFIED IN THE MESA TRANSPORTATION PLAN.							
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Section 15: That Mesa City Code Title 11, Section 11-11-1(F) is hereby amended as follows:

- F. Ensure that ~~areas designated mixed use/community in the Mesa General Plan develop with one or more villages or urban cores that~~ **AREAS DESIGNATED AS NEIGHBORHOOD CENTERS, URBAN CENTERS OR REGIONAL CENTERS IN THE MESA GENERAL PLAN** contain an appropriate variety and mix of employment, office, retail, medical, educational, community service, tourism, entertainment, open space, recreational, and residential uses to provide center(s) with a sense of place within the community;

Section 16: That Mesa City Code Title 11, Section 11-11-2(A) is hereby amended as follows:

- A. **General Plan and Zoning.** PC Districts may be established within areas designated ~~mixed use/community or mixed use/residential~~ **MIXED RESIDENTIAL, URBAN RESIDENTIAL, NEIGHBORHOOD CENTER, URBAN CENTER, OR REGIONAL CENTER** in the Mesa General Plan. The PC District and adopted Community Plan are the zoning for the property. The adopted Community Plan also is the principal reference for implementation and review of future development within the boundary of the overall site. All development that takes place within the boundaries of a PC District shall be governed by and built in accordance with the adopted Community Plan or approved amendments to the Community Plan.

Section 17: That Mesa City Code Title 11, Section 11-11-3(C)(3) is hereby amended by revising the references to mixed use/community and land use. All other portions of Section 11-11-3(C) shall remain unchanged.

3. Provide the following when the PC District is located on a site designated as ~~mixed use/community~~ **A MIXED RESIDENTIAL, URBAN RESIDENTIAL, NEIGHBORHOOD CENTER, URBAN CENTER, OR REGIONAL CENTER** ~~PLACETYPE~~ on the Mesa General Plan ~~land use~~ **PLACETYPE** Map:
 - a. A mix of land uses in a wide variety of building forms which creates a complete community environment; and

- b. An appropriate mix of non-residential uses, including commercial, employment (such as office and industrial), and public/semi-public, in addition to multiple forms of residential uses; and
- c. One or more areas designated as villages or urban cores that will serve and complement surrounding residential development.

Section 18: That Mesa City Code Title 11, Section 11-11-4(A)(1)(f) is hereby amended by revising the reference to other relevant documents to now refer to plans adopted by the City. All other portions of Section 11-11-4(A) shall remain unchanged.

- f. Any major trails and/or bikeways, including their proposed connections to conceptual trail locations identified in the Mesa General Plan ~~and other relevant documents~~ **OR OTHER APPLICABLE PLANS ADOPTED BY THE CITY.**

Section 19: That Mesa City Code Title 11, Section 11-12-5(A)(2)(c) is hereby amended by revising the reference to other relevant documents to now refer to plans adopted by the City. All other portions of Section 11-12-5(A) shall remain unchanged.

- c. Any major trails and/or bikeways, including their proposed connections to conceptual trail locations identified in the Mesa General Plan ~~and other relevant documents~~ **OR OTHER APPLICABLE PLANS ADOPTED BY THE CITY.**

Section 20: That Mesa City Code Title 11, Section 11-30-9(F)(2)(c) is hereby amended by revising the reference to the Mesa General Plan Transportation Element to now refer to the Mesa Transportation Plan. All other portions of Section 11-30-9(F) shall remain unchanged.

- c. Orient the building such that the bay doors are perpendicular to the centerline axis of the abutting street. For corner lots, the bay doors shall be oriented perpendicular to the street with the highest functional classification ~~according to the Mesa General Plan Transportation Element~~ **IDENTIFIED IN THE MESA TRANSPORTATION PLAN.** In the event that the functional street classifications are equivalent, the orientation creating the smallest noise impact on adjacent residential development shall be used.

Section 21: That Mesa City Code Title 11, Section 11-31-16(C)(3) is hereby amended by revising the reference to the Mesa General Plan Transportation Element to now refer to the Mesas Transportation Plan. All other portions of Section 11-31-16(C) shall remain unchanged.

- 3. ***Corner Properties.*** Where a property fronts on 2 or more streets, the building shall be placed at the maximum setback or closer to the street right-of-way on 2 sides for at least 65 percent of the building width on one street side, and for 50 percent of the building width on the second side. For lots fronting more than 2 streets, this requirement shall be met along the frontage of the two streets with the highest functional classification ~~in the Mesa General Plan (Figure 3-1, Functional Classification, in the Transportation Element)~~ **IDENTIFIED IN THE MESA TRANSPORTATION PLAN.** If all streets adjacent to the property have the same functional classification, the developer shall choose which 2 street frontages apply.

Section 22: That Mesa City Code Title 11, Section 11-31-32(B) is hereby amended as follows:

- B. **Responsive Approach to Site and Sub-Area Context.** Architectural and landscape architecture details and features that reflect the character defined in Sub-Area Plans or ~~Character Area Design Guidelines~~ **THE GENERAL PLAN'S PLACETYPE URBAN DESIGN CHARACTERISTICS**, that are harmonious with adjacent development patterns, integrate with the physical conditions of the immediate site, and create a unique sense of place; and

Section 23: That Mesa City Code Title 11, Section 11-42-1(B) is hereby amended as follows:

- B. Provide for the appropriate size and number of portable signs in a manner consistent with the design and aesthetic standards of the City of Mesa ~~design objectives of character areas~~ **URBAN DESIGN CHARACTERISTICS** as specified in the Mesa General Plan; and

Section 24: That Mesa City Code Title 11, Section 11-63-3(K) is hereby amended as follows:

- K. In addition to the requirements of this Section, the SGCP should promote ~~the Environmental Planning and Conservation goals of the Mesa General Plan,~~ **OR OTHER APPLICABLE PLANS ADOPTED BY THE CITY**. This can be measured by the achievement of LEED certification (Leadership in Energy and Environmental Design) by the US Green Building Council, or equivalent, for all residential and mixed-use buildings. Also, LEED-ND certification (Leadership in Energy and Environmental Design for Neighborhood Development) for the SGCP should be pursued.

Section 25: That Mesa City Code Title 11, Section 11-75-2 is hereby amended as follows:

Application for amendment of the Mesa General Plan designation applicable to a piece of property shall be made in the office of the Planning Division on an application form provided by the City. The application shall be accompanied by payment of the applicable fee. Pursuant to A.R.S. § 9-461.06, the City has adopted criteria for determining whether a proposed amendment is a "major amendment", in which case such amendments shall be presented at ~~a single~~ **A public hearing HELD during the calendar year they are proposed to the City HELD WITHIN 12 MONTHS AFTER THE PROPOSAL IS MADE.**

Section 26: RECITALS. The recitals above are fully incorporated in this ordinance by reference, and each recital represents a finding of fact and determination made by the City Council.

Section 27: PRESERVATION OF RIGHTS AND DUTIES. This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

Section 28: EFFECTIVE DATE. The effective date of this Ordinance is thirty (30) days after the adoption of this Ordinance.

Section 29: SEVERABILITY. If any term, provision, section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the material adopted herein by reference is for any reason held to be invalid, unenforceable, or unconstitutional by the decision of a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in effect.

Section 30: PENALTY.

CIVIL PENALTIES:

- A. Any owner, occupant or responsible party who is found responsible for a civil violation of this Ordinance, whether by admission, default, or after a hearing, shall pay a civil sanction of not less than \$150 or more than \$1,500, per citation. A second finding of responsibility within 24 months of the

commission of a prior violation of this Chapter shall result in a civil sanction of not less than \$250 or more than \$2,500. A third finding of responsibility within 36 months of the commission of a prior violation of this Chapter shall result in a civil sanction of not less than \$500 or more than \$2,500. In addition to the civil sanction, the responsible party shall pay the applicable fees and charges set forth in the City's Development and Sustainability Department (Code Compliance) Schedule of Fees and Charges and may be ordered to pay any other applicable fees and charges.

- B. The 36-month provision of subsection (A) of this Section shall be calculated by the dates the violations were committed. The owner, occupant, or responsible party shall receive the enhanced sanction upon a finding of responsibility for any violation of this Chapter that was committed within 36 months of the commission of another violation for which the owner or responsible party was convicted or was otherwise found responsible, irrespective of the order in which the violations occurred or whether the prior violation was civil or criminal.
- C. Each day in which a violation of this Ordinance continues, or the failure to perform any act or duty required by this Ordinance or by the Civil Hearing Officer continues, shall constitute a separate civil offense.

HABITUAL OFFENDER:

- A. A person who commits a violation of this Ordinance after previously having been found responsible for committing 3 or more civil violations of this Ordinance within a 24-month period — whether by admission, by payment of the fine, by default, or by judgment after hearing — shall be guilty of a class 1 criminal misdemeanor. The Mesa City Prosecutor is authorized to file a criminal class 1 complaint in the Mesa City Court against habitual offenders. For purposes of calculating the 24-month period under this paragraph, the dates of the commission of the offenses are the determining factor.
- B. Upon conviction of a violation of this Section, the Court may impose a sentence or incarceration not to exceed 6 months in jail; or a fine not to exceed \$2,500, exclusive of penalty assessments prescribed by law; or both. The Court shall order a person who has been convicted of a violation of this Section to pay a fine of not less than \$500 for each count upon which a conviction has been obtained. A judge shall not grant probation to or suspend any part or all of the imposition or execution of a sentence required by Subsection except on the condition that the person pay the mandatory minimum fines as provided in this Subsection.
- C. Every action or proceeding under this Section shall be commenced and prosecuted in accordance with the laws of the State of Arizona relating to criminal misdemeanors and the Arizona Rules of Criminal Procedure.

commission of a prior violation of this Chapter shall result in a civil sanction of not less than \$250 or more than \$2,500. A third finding of responsibility within 36 months of the commission of a prior violation of this Chapter shall result in a civil sanction of not less than \$500 or more than \$2,500. In addition to the civil sanction, the responsible party shall pay the applicable fees and charges set forth in the City's Development and Sustainability Department (Code Compliance) Schedule of Fees and Charges and may be ordered to pay any other applicable fees and charges.

- B. The 36-month provision of subsection (A) of this Section shall be calculated by the dates the violations were committed. The owner, occupant, or responsible party shall receive the enhanced sanction upon a finding of responsibility for any violation of this Chapter that was committed within 36 months of the commission of another violation for which the owner or responsible party was convicted or was otherwise found responsible, irrespective of the order in which the violations occurred or whether the prior violation was civil or criminal.
- C. Each day in which a violation of this Ordinance continues, or the failure to perform any act or duty required by this Ordinance or by the Civil Hearing Officer continues, shall constitute a separate civil offense.

HABITUAL OFFENDER:

- A. A person who commits a violation of this Ordinance after previously having been found responsible for committing 3 or more civil violations of this Ordinance within a 24-month period — whether by admission, by payment of the fine, by default, or by judgment after hearing — shall be guilty of a class 1 criminal misdemeanor. The Mesa City Prosecutor is authorized to file a criminal class 1 complaint in the Mesa City Court against habitual offenders. For purposes of calculating the 24-month period under this paragraph, the dates of the commission of the offenses are the determining factor.
- B. Upon conviction of a violation of this Section, the Court may impose a sentence or incarceration not to exceed 6 months in jail; or a fine not to exceed \$2,500, exclusive of penalty assessments prescribed by law; or both. The Court shall order a person who has been convicted of a violation of this Section to pay a fine of not less than \$500 for each count upon which a conviction has been obtained. A judge shall not grant probation to or suspend any part or all of the imposition or execution of a sentence required by Subsection except on the condition that the person pay the mandatory minimum fines as provided in this Subsection.
- C. Every action or proceeding under this Section shall be commenced and prosecuted in accordance with the laws of the State of Arizona relating to criminal misdemeanors and the Arizona Rules of Criminal Procedure.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, this 3rd day of February 2025.



APPROVED:

Mark A. Frume
Mayor

ATTEST:

Holly Meseley
City Clerk