PRELIMINARY
REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES February 26, 2004

The regular meeting of the Des Moines City Council was called to order at 7:30 p.m. by Mayor Sheckler in the City Council Chambers, 21630 11th Avenue South, #B.

PLEDGE OF ALLEGIANCE to the Flag was led by Councilmember Petersen.

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Richard Benjamin, Gary Petersen, Dan Sherman, Maggie Steenrod and Susan White. Also in attendance was City Manager Tony Piasecki, Assistant City Manager Corbitt Loch, City Attorney Linda Marousek, Public Works Director Tim Heydon, Assistant City Engineer Maiya Andrews and City Clerk Denis Staab.

COMMENTS FROM THE PUBLIC

Warren Elfstrom, 20801 7th Place South

Mr. Elfstrom referenced the safety and liability issues in regards to re-opening South 212th Street. He suggested that a small area at the bottom of 212th be widened and to reposition the stop sign to increase visibility. He spoke in opposition to closing the street as it will add 2 minutes to any emergency response time which can be critical during an emergency.

Janna Zabrodsky, 21008 7th Place South

Ms. Zabrodsky spoke in support of permanently closing South 212th Street. She noted that the street was a one-way courtesy street that came about in the 1950's, and since that time the population has grown considerably and this street is no longer conducive to be used as a such. She strongly recommended that the street be closed for the safety and well being of the residents in the neighborhood.

Orest Zabrosky, 21008 7th Place South

Mr. Zabrosky addressed Council expressing concern over public safety if 212th Street is kept open. He noted that 7th Place South has become a "speed way" as more people have discovered 212th as a convenient short-cut. He requested that 212th Street be closed to improve the quality of life for neighborhood residents.

Lynda Sharp, 20809 7th Place South

Ms. Sharp requested that 212th Street be re-opened as it is convenient and safe.

Lynn Voss, 20810 7th Place South

Ms. Voss stated that she is very upset that Council is reconsidering their decision to re-open 212th Street. She requested the street be kept open for the following reasons:
- 208th is even a steeper grade, therefore 212th is a safer alternative
- Liability was not a concern when the street was open, therefore there should be no concern now
- There is no need to construct a 100' retaining wall

She questioned the procedure to reconsider, citing Council Rule 28 that notes reconsideration can only occur by motion of a person that voted on the prevailing side to re-open the street. She concluded by stating the street had been existence for over 40 years and should be re-opened.

Pam Joneli, 21024 7th Place South

Ms. Joneli noted that Councilmembers White and Sherman were not in attendance at the meeting where the decision was made to re-open 212th and therefore they did not hear the public testimony in regards to the issues. She informed Council that one of the reasons she built her home 16 years ago was because of the easy access that 212th Street provided. She stated that this is the only street she can use when the streets are icy. She suggested that if there on speeders on 7th Place South, speed bumps could be installed. She concluded by noting she strongly opposes the closure of 212th and also would oppose making it a one-way street.

Councilmember White stated for the record, that she viewed the City Council Public Hearing video tape regarding the potential closure of 212th Street.

Brent Oliver, 20831 7th Place South

Mr. Oliver expressed disappointment that Council is reconsidering its decision to re-open 212th Street. He noted that the Fire Chief had stated that fire department emergency vehicles do use 212th and that the Police had commented that any additional access is good. He stated that in regards to the City's liability, he has never seen any problems. He stated that it is his opinion that sight distance on 208th is worse than 212th. He further noted that he has seen no issue of speeders in the neighborhood as a result of access from 212th.

Dan Doulan, 20830 7th Place South

Mr. Doulan informed Council that he has seen no accidents on 212th. He advised that cars do speed up and down the neighborhood and that the Police should patrol the area and issue appropriate tickets. He concluded by requesting that 212th be re-opened.

Don Kelson, 21027 7th Place South

Mr. Kelson advised that he has lived here for 44 years and that the 212th access is much easier to use in the winter that South 208th.

Betty Cissell, 21017 7th Place South

Ms. Cissell spoke in support of re-opening 212th. She noted that she not only drives on this access but uses it for walking and biking.

Michael Brown, 21000 7th Place South

Mr. Brown spoke in support of closing 212th. He stated the street is unsafe as it is one-lane, unmarked and many drivers are not courteous and cannot backup. He felt the closure of 212th would make 7th Place safer by reducing vandalism, speeders and car theft. He felt that since 212th is a substandard street people could sue the City over accidents and Des Moines citizens would be paying for legal fees which is not fair. He stated he personally has never seen a Medic One or an ambulance use 212th. He encouraged Council to close the street for the safety of residents over the convenience of a few. He concluded by advising Councilmembers to listen to the advice of the City Attorney and the City's engineering staff, and close 212th.

George Petoff, 21035 7th Place South

Mr. Petoff spoke in support of re-opening 212th Street. He noted the following:

- Zero cost to the City as Highline Water District must do the restoration
- Re-opening will incur no liability to the City that did not already exist
- Post signage that states "Use at Own Risk - Substandard Street"

- Re-opening will maintain emergency response needed by the Fire Department
- Felt there was inconsistency in City staff conclusions

In conclusion, he requested Council consider the human side of the issue and restore 212th.

Michael Snyder, 704 South 212th Street

Mr. Snyder spoke in support of re-opening 212th. He noted that Sea Tac Disposal is not picking up his garbage as they claim there is not enough room to turn around since the street has been closed. He informed Council that he has personal knowledge of three different times that ambulances have used 212th in an emergency response.

BOARD & COMMITTEE REPORTS

Mt. Rainier Boys Swim Club

Councilmember Benjamin offered congratulations to the Mt. Rainer Boys Swim team for winning the State Championship last week-end.

Economic Development Committee

Councilmember Steenrod announced that there will be a meeting of the Committee tomorrow.

Councilmember Steenrod noted a press release advising that a Lowes Garden Center will be constructed at the current site of the Midway Swap Meet. She felt that with this proposed development along with a other development at this location is a window of opportunity for promoting the Pacific Ridge area in Des Moines. She suggested that a study session be held to receive citizens comments on what focus to take in the development of the Pacific Highway South area. Some areas she felt should be discussed included how to capitalize on the new business development and to review other zoning issues along Pacific Highway South, in particular, height restrictions.

Councilmember Steenrod questioned a rumor she had heard that there is a moratorium on development along Pacific Highway South. [ED NOTE: This was addressed by the City Manager under Administration Reports.]

Councilmember Sherman commented that he is excited about the proposed development at the Midway Swap Meet site, but noted that Highline Community College has used this site for overflow parking and he is concerned this will create parking problems on the residential streets around the College.

Transportation Issues

Councilmember Sherman noted that the Pacific Highway South project needs a Public Works loan and $5 million is listed in the State Legislative Bill that, hopefully, will be available.

South County Transportation Board

Councilmember Sherman noted there was a meeting on February 17th. One of the items from that meeting noted that the Sound Transit Project has been moved-up and this will create a mess from the bus tunnel project.

He noted upcoming proposal regarding the Regional Transportation Improvement District financing plans will include the viaduct, and SR 509 requiring increased bonding capacity.

Senior Services Advisory Committee

Councilmember White stated that this is a very successful Committee thanks to the volunteer Committee members. She reported that a new patio and landscaping should be installed this spring at the Activity Center.

She announced that Senior Softball will begin April 1st.

Economic Development Committee

Councilmember White announced that at the Committee meeting to be held tomorrow the Committee will be looking at revitalization issues for the downtown area.

Thank You

Councilmember White thanked Council, staff and community members for messages of support over the recent passing of her mother.

Environment Committee

Councilmember Thomasson reported the Committee has been reviewing the history and background regarding the Des Moines Creek Basin. He noted that staff is working on a couple of issues and that the Interlocal regarding the Basin will be back before the full Council shortly.

Councilmember Thomasson requested that Administration give a report on the parking requirements and impacts on Highline College with the proposed development at the Midway site.

Municipal Facilities Committee

Mayor Sheckler announced that the Committee met earlier this evening to discuss the upland area of the Marina regarding costs, open space and landscaping. He noted that the Committee will meet again in the next few weeks and hope to have a report for the May 6th Agenda.

ADMINISTRATION REPORTS

Redondo Boat Launch Project

City Manager Piasecki announced that funding from IAC in the amount of $16,000 has been granted to complete the arbors at Redondo.

Hazardous Waste Recycling Event

City Manager Piasecki noted that the recent event held at the Marina appeared to be very successful and he will provide a full report to Council in his monthly written report.

Des Moines Boosters

City Manager Piasecki reported that the Des Moines Boosters are planning a downtown clean-up event sometime in the first week of May.

Council Future Agenda Items

City Manager Piasecki called Council's attention to the fact that the City Council Future Agenda Items has been expanded through the end of the year. He noted that it is a busy year ahead and requested feedback from Council.

Development Moratorium on Pacific Highway South

City Manager Piasecki reminded Council that a moratorium on development can only be instituted by Council action. He felt this rumor is a result of a misunderstanding by business owners over the work being done by Highline Water District for the Pacific Highway South Improvement Project. The Water District would normally be restricted from cutting into a new street when the project is complete and he thought that the District may be telling customers if they want any additional water service they should have it done now. He advised that the District could be allowed to cut into the new street for an emergency, and only with a higher degree of repair. Again, he assured Council that there is no development moratorium on Pacific Highway South.

Upon questioning by Council, Mr. Piasecki explained that the rule regarding street cuts was an Administrative policy and could be waived if necessary.

Highline Community College Parking

City Manager Piasecki informed Council that parking issues at the College were addressed during the permits for their latest construction. He stated that he will provide Council with more information on parking plans at the College.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the regular minutes of February 5, 2004, and the special and regular minutes of February 12, 2004.

2. Findings: Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing which has been made available to the City Council.

   Motion: As of this date the Des Moines City Council, by unanimous vote, does approve for payment those vouchers and payroll transfers included in the above list and further described as follows:

      Claim checks #93116 through # 93253 & electronic fund transfers in the total amount of $362,426.21

      Payroll fund transfers in the total amount of $336,788.30

3. Motion is to confirm Mayor Sheckler's appointments of Jill Patton and Florence McMullin to two year terms on the Human Services Advisory Board; and Barbara Lloyd McMichael to a three year term on the Library Board. All terms to be effective January 1, 2004."

~~4. Draft Ordinance No. 03-079 ***[ASSIGNED ORDINANCE NO. 1336]*** Title: An Ordinance of the City of Des Moines, Washington, relating to municipal finance, creating impress cash funds, authorizing the Finance Director to establish policies for creation and operation of such funds, creating a new chapter in Title 3 DMMC entitled "Imprest Cash Funds", and repealing chapter 3.60 DMMC.~~

   ~~TWO MOTIONS: First motion is to suspend Council Rule 26(b). Second motion is to approve Draft Ordinance No. 03-079~~. [ED NOTE: Item was removed by Mayor Pro Tem Thomasson.]

~~5. Motion is to create the position of regular part-time Municipal Court Judge.~~ [ED NOTE: Item was removed by Councilmember Steenrod.]

Mayor Sheckler requested that the Minutes of February 12th, page 7, second to last paragraph be amended to read: "Mayor Sheckler declared the public hearing closed and noted that if Council wishes to take action on the draft ordinance, a motion to suspend Council rules is in order."

Councilmember Steenrod requested that Consent Item #5 be removed.

Mayor Pro Tem Thomasson requested that Consent Item #4 be removed.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Sherman, to approve the Consent Calendar Items 1 through 3 as read. Motion passed unanimously.

REMOVED CONSENT CALENDAR ITEMS

Creation of Position of Regular Part Time Municipal Court Judge

Councilmember Steenrod expressed concern over creation a position that would add to the City's employee head count. She noted at a time of a tight budget the City needs to accomplish goals without adding expenses through expanding the number of employees.

City Manager Piasecki advised that making the Municipal Court Judge a regular employee versus a contract employee, will actually reduce costs by about $2,000.00 a year. He informed Council that after careful consideration of the Judge's request he noted that the City does operate a Municipal Court and therefore there is a need for a quality Judge and having the position as an employee makes it a more attractive position for more highly-qualified candidates. He noted that should the Judge's position ever become full-time, it would then become an elected position.

Mayor Pro Tem Thomasson felt that this is a policy question of employee versus a contract.

Upon questioning by Council, City Manager Piasecki noted the position will be up to 20 hours a week and receive vision and dental benefits. Also, sick leave and vacation will be prorated based on the number of hours worked.

City Attorney Marousek advised that a contract will be prepared with a specific salary that can only be changed through negotiation.

City Manager Piasecki advised that the contract will specifically waive health insurance benefits.

Councilmember Sherman pointed out that the contract for the Judge is for a time limit of four years.

MOTION was made by Councilmember White, seconded by Councilmember Sherman, to create the position of regular part-time Municipal Court Judge.

FRIENDLY AMENDMENT: Councilmember Thomasson felt that staff should be directed to prepare an ordinance to make the necessary changes to DMMC 2.28. This was accepted by the maker and seconder of the motion.

Councilmember Steenrod advised that she will be voting against the motion, but she wished to make it clear that it has nothing to do with Judge Hartl's performance, but only the issue she raised earlier regarding increasing the number of employees.

VOTE ON AMENDED MOTION: Motion passed 6 to 1 with Councilmember Steenrod opposed.

Draft Ordinance No. 03-079 ***[ASSIGNED ORDINANCE NO. 1336]*** Imprest Cash Funds

Mayor Pro Tem Thomasson noted that the draft ordinance directs the Finance Director to prepare forms. He would prefer the ordinance state that the rules are prepared by the Finance Director and co-signed by the City Manager. He also would prefer that the adoption of the ordinance did not include attaching a copy of the policy and procedure. He felt that since staff has the authority to prepare, they could also change the policies or procedures as needs dictate, so he would prefer they not be part of the ordinance.

City Manager Piasecki suggested that at the end of Section 2 language be added "with approval of the City Manager".

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Sherman, to suspend Council Rule 26(b) in order to adopt the draft ordinance on first reading. Motion passed unanimously.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember White, to adopt Draft Ordinance No. 03-079 with the proviso that Section 2 be amended as discussed and that Section 4 be deleted.

Mayor Pro Tem Thomasson read the draft ordinance by title into the record.

VOTE ON MOTION: Motion passed unanimously.

OLD BUSINESS

Draft Ordinance No. 04-022 ***[ASSIGNED ORDINANCE NO. 1337]*** - Closure of South 212th Street - 1st Reading

City Manager Piasecki stated that the draft ordinance is on the agenda this evening because two Councilmembers were absent from the February 12th meeting when the draft ordinance was presented, but not acted upon. They requested the Mayor place the item on the agenda to allow the entire Council to vote.

Councilmember Sherman indicated he has reviewed the entire video of the February 12th Council Meeting. [ED NOTE: Councilmember White had advised earlier, under Comments from the Public, that she reviewed the video tape on this topic.]

City Manager Piasecki reminded Council of correspondence dated Feb. 19, 2004 from Lew Leigh, Executive Director of the Washington Cities Insurance Authority (WCIA), which he distributed to Council on Feb. 23rd. He read a portion of the letter which stated the intention of denying coverage and defense for any loss which results from the sub-standard repairs or design of South 212th, specifically 200' between Des Moines Memorial Drive and 7th Place South. The letter further urged that the street be brought up to reasonable City street standards before re-opening or remove the street for public travel purposes. He noted that WCIA provides the City's liability insurance coverage.

Mayor Pro Tem Thomasson noted that under public comments, the question was raised regarding Council's Rules over reconsideration. He questioned the City Attorney on her opinion on this subject.

City Attorney Marousek advised that she reviewed the Council Rules, in particular, reconsideration. She noted that at the February 12th meeting the Council voted on a motion that did not concern the ordinance. She stated that she reviewed the video tape of the meeting and the Mayor did point out to Council that there was an ordinance before them, but the Council took action on a motion. She noted that this just sort of left the ordinance "sitting there". In accordance to Council rules, a piece of business that has not been acted on in accordance with the last section of Rule 20, shall be deferred to the next regular Council meeting as Old Business, unless the Council by majority vote, determines otherwise. She also noted that under Rule 9 the Presiding Officer or three Councilmembers do have the authority to put items on the Agenda.

Upon questioning regarding Sea Tac Disposal garbage pickup, City Engineer Andrews informed Council that upon contacting the Disposal Company, they noted that they do use a small portion of South 212th and it has been difficult recently because of some loss of road material. She advised that it is the City's intent to improve that area for the garbage company, should the Council determine to close 212th permanently.

Upon questioning by Councilmember Sherman, Mr. Snyder (see comments from the public) advised that garbage pickup service has resumed.

Mayor Pro Tem Thomasson stated that should 212th be closed to vehicle traffic he would expect to have pedestrian access made available. He suggested that should the road be closed he would like a motion to ensure that this option is included.

Councilmember Benjamin noted that the motion of February 12th passed 3 to 2 directing Administration to have Highline Water District restore South 212th Street. He questioned why Administration did not bring up the fact that the ordinance needed to be acted upon at that meeting and why it is being brought up tonight.

Mayor Sheckler remarked that he brought it to Council's attention that action did need to be taken on the draft ordinance by asking for a motion to suspend Council Rule 26(b). However, a motion was offered and no action was taken on the ordinance.

Councilmember Benjamin stated that this item was dealt with at the last meeting and feels this is a waste of time. He advised that the feeling he is getting is that the vote did not go the way Administration would have liked it to, therefore it is back before Council tonight. He stated that he needs to know how the system failed and how to correct it.

City Manager Piasecki felt that the only excuse he has is that he was not paying attention to exactly what the Council rules say technically.

Councilmember Steenrod noted that Council Rule 28 is explicitly there for someone who wishes to change their vote due to new information or some other reason to bring an issue back for reconsideration. She stated that those who voted at the last meeting are not going to change their votes. She expressed concern that the citizens do not have time to keep coming to Council meetings because a vote does not go the way Administration wants. She felt that the Council took a vote, with a quorum, in a public session, after a public hearing and she has not heard anyone on the majority side that asked for reconsideration. Therefore, she questioned the ability of anyone to bring this matter back. She expressed concern that this action tonight tells the citizens that we do not care what your opinions are, that we will do what we want. She felt that if the Council rules are not working to benefit the public then they should be changed. She pointed out that the packet item contained alternatives and one of them stated that Council could choose to reconstruct the street and by doing so, the City would accept the increased liability risk. She stated that she will not vote on the ordinance as a matter of principle and her vote stands from the previous meeting.

Councilmember Sherman expressed resentment for staff being blamed for what happened. He noted that all Councilmembers have served at least two years and know that the proper action would have been to act on the draft ordinance and vote it up or down. He felt those Councilmembers who were in attendance choose not to follow the rules.

Mayor Pro Tem Thomasson felt that the Council Rules regarding reconsideration are somewhat unclear. He noted that Council legislatively is always making decisions and constantly amending the Code. He noted that most decisions are not final and can always be revisited. He advised that the reconsideration rule deals mostly with those things that some permanent action comes out of.

Councilmember Benjamin stated that he felt that the action taken on February 12th was final and while he realizes decisions can be revisited, to say that an ordinance was left "dangling" indicates that there was something improperly done. However, he believes the issue was handled properly, with a vote of 3 to 2, and suggested Council move on to the next agenda item.

In response to questioning from Councilmember Sherman, City Attorney Marousek stated that Mayor Sheckler asked to have this item on the Agenda and she believes Council's Rules permit this action.

Mayor Pro Tem Thomasson stated that he had received a telephone call from the City Manager stating that he had three Councilmembers wishing to place this item on the Agenda and did he wish to add his name as the fourth. He informed the City Manager that since there were three already, he did not need to add his name. He noted that he does not feel that this is a dangling ordinance, but an entirely proper agenda item as the rules say that three Councilmembers can place an item on the Agenda for the Council to consider.

MOTION was made by Councilmember Sherman, seconded by Councilmember White, to suspend Council Rule 26(b) to enact the draft ordinance on a first reading. Motion passed with Councilmembers Sherman and White, Mayor Pro Tem Thomasson and Mayor Sheckler voting yes, Councilmembers Benjamin and Petersen voting no, and Councilmember Steenrod abstaining.

MOTION was made by Councilmember Sherman, seconded by Councilmember White, to enact Draft Ordinance No. 04-042.

City Attorney Marousek requested permission to revise the draft ordinance language to change it from an emergency ordinance to a regular ordinance. She noted it would take five votes to make an ordinance effective in five days and since it appears that there are only four votes in favor, she would make the language changes to make the ordinance in effect in 30 days.

Councilmember Sherman stated that he was sorry that 212th washed away. He advised that his initial reaction was to replace the road. He noted that not everyone wants the road opened. He stated that after reviewing the Public Hearing video on the tape, even those who wanted the road left open, acknowledged that it is dangerous and requires special rules to navigate. He noted that a report produced by CH2M Hill stated that the road is dangerous for a variety of reasons, that it is deficient because of slope and sight distance, among other issues. He cited an appeals court case, Olson versus City of Bellevue of November 30, 1998, which clearly states that when an annexed area has roads that are deficient, the City is not responsible until such time as they are able to learn about the deficiencies. He noted it would be very hard to say that Des Moines is not aware of such deficiencies connected with 212th. He also called attention to the letter from the Washington Cities Insurance Association, which insures the City, that the City would be at increased liability if 212th is rebuilt. He further noted that the letter specifically states that if the City rebuilds the road as it was, the City will not be covered by insurance. He felt it is very clear that this is a very dangerous road and the City would be liable should an accident happen. He advised that he holds a responsibility to the citizens of the whole City, not just North Hill. He stated that based on all the information available, he believes the road should not be rebuilt. The only other alternative would be to rebuild it to a non-deficient state which could costs hundreds of thousands of dollars and he is not willing to do that.

Councilmember White noted this is a difficult issue and the City cannot please everybody. She advised that she personally visited the road and feels it is dangerous. She felt in light of information concerning the City's liability she cannot support re-opening the road.

Mayor Pro Tem Thomasson advised that he has listened to all the pros and cons, including testimony regarding hazardous conditions at the Council's Public Safety and Transportation Committee Meeting, but when the City's own insurance carrier has advised that the City will not be covered and the City Attorney has stated she cannot think of any way to defend the City, he is left with no choice but to vote to have the street closed. He acknowledged that the street was convenient, but other options are available.

VOTE ON MOTION: Motion passed with Councilmembers Sherman and White, Mayor Pro Tem Thomasson and Mayor Sheckler voting yes. Councilmembers Benjamin and Petersen voting no, and Councilmember Steenrod abstaining.

At 9:22 p.m. Mayor Sheckler called for a short break to be followed by an Executive Session at 9:30 p.m.

Executive Session

At 9:30 p.m. City Attorney Marousek advised that Council will convene into an Executive Session for approximately 15 minutes to discuss with legal counsel representing the City litigation or potential litigation to which the City is, or is likely, to become a party and about which public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the City.

No formal action was taken.

At 9:47 Council reconvened into open session and Councilmember Benjamin left the Council Chambers.

NEW BUSINESS

Amended Airport Communities Coalition (ACC) Interlocal Agreement

City Manager Piasecki informed Council that the draft revised interlocal agreement has been approved by the ACC Executive Committee and has been forwarded to the legislative bodies of each party for review and approval. He advised that the changes are for the most part structural in nature. He advised that the Executive Committee has been expanded to include, not only the appointed delegate for each party, but also each party's alternate, and each party's city manager/administration, however each party still only has one vote. He also noted the addition of two new activities as follows:
- Coordinate development of an ACC mitigation proposal that would fairly consider the varied impacts of the existing airport operations and third-runway expansion upon the ACC communities.
- Coordinate meetings with the Port of Seattle to seek to minimize the impacts and to mitigate all present and future impacts to ACC communities.

He reviewed the amendments to the Interlocal Agreement as presented in Council's packets noting that most of the changes are to clarify sections that were confusing or poorly written and to organize the interlocal to make it easier to follow.

Council discussion ensued with the following changes proposed and agreed to:
- Page 5, number 8: add the word "past"
- In regards to Attachment A, add language that it shall be adopted each year

MOTION was made by Councilmember Sherman, seconded by Councilmember White to approve the amended Airport Communities Coalition Interlocal Agreement with the following changes: add the word "past" to Page 5 number 8 and language that Attachment A shall be re-adopted at the beginning of each year and further, direct the City's representative to the ACC to present these changes substantially in the form as amended to the Executive Committee for consideration by the Committee and the legislative bodies of the other ACC member agencies.

In regards to Section I.C, Councilmember Steenrod commented that traditionally the membership has been made up only by elected officials. She noted that by adding the City Manager as a member with the potential of voting, makes a big change in regards to delegated authority. She noted it would be possible that the majority of elected official may not be in attendance at a meeting where action is taken, and therefore City Managers could have the majority vote.

Mayor Sheckler commented that Councilmember Steenrod's concerns have been expressed by other members and the right to vote by city managers may be removed.

Mayor Pro Tem Thomasson felt the issue of a majority of City Managers voting could be avoided by using the language that an official quorum to conduct business must contain a majority of elected officials.

It was Council's consensus that the definition of a quorum needs to be more specifically addressed.

VOTE ON MOTION: Motion passed unanimously 6 to 0.

Intergovernmental Relations Policies and Positions

Councilmember Steenrod voiced the opinion that these issues need to be reviewed, especially in light that the City Manager has recently used these positions to address State legislative issues.

Councilmember Sherman stated he would prefer a full Council in attendance before any discussions.

Mayor Pro Tem Thomasson suggested that Councilmembers provide Administration with particular subjects and issues to be discussed.

It was Council's consensus to have Administration and the Mayor schedule this topic for an upcoming study session.

NEXT MEETING DATE

Mayor Sheckler noted the next meeting will be a Study Session on March 4, 2004.

ADJOURNMENT

At 10:25 p.m. **MOTION** was made by Councilmember Petersen, seconded by Mayor Pro Tem Thomasson and passed unanimously, to adjourn.

Respectfully submitted,

Denis Staab
City Clerk

ACTION ITEMS FROM FEBRUARY 26, 2004 MEETING

- Prepare draft ordinance for amendments to DMMC 2.28 regarding position of Municipal Court Judge as employee.